

PENNSYLVANIA BULLETIN

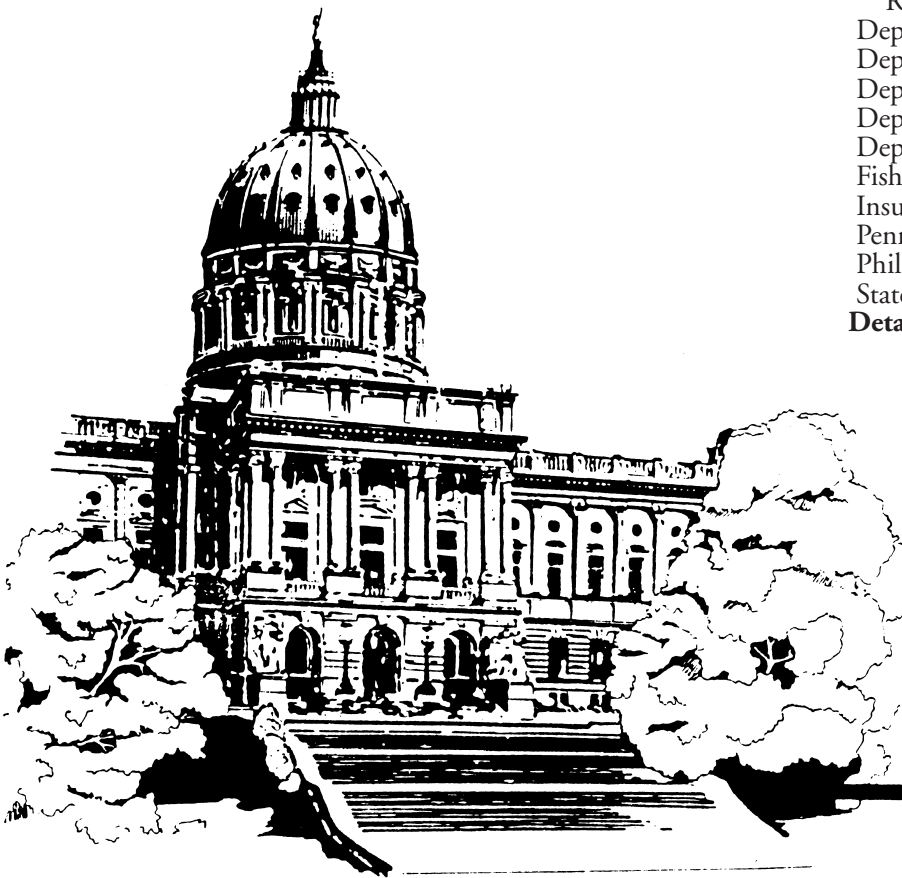
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for the Rules and Regulations

Part I

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State Board of Medicine
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 573, August 2022

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or rescind regulations must first publish in the *Pennsylvania Bulletin* a Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code* § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government.

How to Find Rules and Regulations

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacodeandbulletin.gov.

Source Notes give the history of regulations. To see if there have been recent changes not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

A quarterly List of *Pennsylvania Code* Sections Affected lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

The *Pennsylvania Bulletin* is available at www.pacodeandbulletin.gov.

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Printing Format

Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

Court Rules in Titles 201—246 of the Pennsylvania Code

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the change is advertised.

A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years. In item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2022.

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THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Recent Actions during the 2022 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2022 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2022 General Acts of Regular Session Enacted—Act 031 through 096					
031	Jul 7	H0723	PN3155	60 days	Workforce Development Act—omnibus amendments
032	Jul 7	H1561	PN2317	Immediately	Mental Health Procedures Act—confidentiality of records
033	Jul 7	H1563	PN2318	Immediately	Pennsylvania Drug and Alcohol Abuse Control Act—confidentiality of records
034	Jul 7	H1780	PN3274	Immediately	Storage Tank and Spill Prevention Act—omnibus amendments
035	Jul 7	H1868	PN2652	120 days	Professions and Occupations (State Licensed) (63 Pa.C.S.)—military and veterans' licensure
036	Jul 7	H1935	PN2210	60 days	Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class—omnibus amendments and repeals
037	Jul 7	H1952	PN3164	60 days	The Administrative Code of 1929—infrastructure improvements and projects
038	Jul 7	H2412	PN2973	60 days	Military and Veterans Code (51 Pa.C.S.)—use of Pennsylvania National Guard for special State duty and repeal
039	Jul 7	H2420	PN2831	60 days	Supplementary Act, Pilotage Rates—rates of pilotage and computation, pilotage fees and unit charge and charges for services
040	Jul 7	S0155	PN0227	Immediately	Commerce and Trade (12 Pa.C.S.)—establishment and membership
041	Jul 7	S0477	PN1783	60 days	Municipalities (53 Pa.C.S.)—municipal boundary change, changes in assessed valuation, abstracts of building and demolition permits to be forwarded to the county assessment office and repeals
042	Jul 7	S0563	PN1588	60 days	Fire and Panic Act—standards for Class VI buildings
043	Jul 7	S0635	PN1125	60 days	Commerce and Trade (12 Pa.C.S.)—purpose, establishment of a program, notice to lien holder required for participation, scope of work, lien and collection of assessments
044	Jul 7	S0849	PN1824	60 days	Military and Veterans Code (51 Pa.C.S.)—definitions
045	Jul 7	S0861	PN1072	Immediately	Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act—enactment
046	Jul 7	S0904	PN1140	60 days	Judicial Code (42 Pa.C.S.)—meetings
047	Jul 7	S0905	PN1141	60 days	Pennsylvania Commission on Crime and Delinquency Law—County Adult Probation and Parole Advisory Committee
048	Jul 7	S1047	PN1775	60 days	Military and Veterans Code (51 Pa.C.S.)—omnibus amendments
049	Jul 7	S1159	PN1507	Immediately	Local Option Small Games of Chance Act—distribution of proceeds
050	Jul 7	S1179	PN1580	60 days	Domestic Relations Code (23 Pa.C.S.)—persons eligible to apply, application and certification process

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2022 General Acts of Regular Session Enacted—Act 031 through 096					
051	Jul 7	S1186	PN1544	60 days	Vehicle Code (75 Pa.C.S.)—USA semiquincentennial registration plates and Semiquincentennial Restricted Account
052	Jul 7	S1236	PN1777	Immediately	Agriculture Code (3 Pa.C.S.)—omnibus amendments
053	Jul 8	H1342	PN3370	Immediately*	Tax Reform Code of 1971—omnibus amendments
054	Jul 11	H1421	PN3379	Immediately	The Fiscal Code—omnibus amendments and related repeals
055	Jul 8	H1642	PN3374	Immediately*	Public School Code of 1949—omnibus amendments
056	Jul 11	H0331	PN3324	Immediately*	Commerce and Trade (12 Pa.C.S.)—legitimate cannabis-related business, Incentive-Based Savings Program and imposing a penalty
057	Jul 11	H0430	PN2274	90 days	Local Tax Collection Law—effect of failure to receive tax notice
058	Jul 11	H0581	PN2900	60 days	Affordable Housing Unit Tax Exemption Act—enactment
059	Jul 11	H0773	PN1022	120 days	Vehicle Code (75 Pa.C.S.)—grading and penalties
060	Jul 11	H0940	PN3285	60 days	Crimes Code (18 Pa.C.S.), Health and Safety (35 Pa.C.S.), Judicial Code (42 Pa.C.S.) and Municipalities (53 Pa.C.S.)—omnibus amendments
061	Jul 11	H0975	PN3363	60 days	Crimes Code (18 Pa.C.S.)—institutional sexual assault
062	Jul 11	H1312	PN3334	60 days	Multiple designations in multiple counties—designation and related repeals
063	Jul 11	H1410	PN2613	180 days	Weigh Station Preclearance Program Act—enactment
064	Jul 11	H1594	PN3373	180 days	Unfair Trade Practices and Consumer Protection Law—collection, verification and disclosure of information by online marketplaces to inform consumers
065	Jul 11	H1598	PN2140	60 days	Flood Plain Management Act—replacing references to the Department of Community Affairs with the Pennsylvania Emergency Management Agency, repealing provisions related to appropriations, making a related repeal and editorial changes
066	Jul 11	H1614	PN2938	60 days	Pennsylvania Election Code—number of ballots to be printed and specimen ballots
067	Jul 11	H1615	PN3365	Immediately	Liquor Code—breweries, renewal of licenses and temporary provisions for licensees in armed service and rights of municipalities preserved
068	Jul 11	H1665	PN2733	Immediately*	Indemnification agreements—title of act and indemnification agreements relating to snow removal or ice control services
069	Jul 11	H1867	PN3325	180 days	Public School Code of 1949—Purple Star School Program
070	Jul 11	H2032	PN3148	60 days	Sexual Assault Testing and Evidence Collection Act—sexual assault evidence collection program
071	Jul 11	H2039	PN3323	180 days	Crime Victims Act—rights
072	Jul 11	H2097	PN3248	60 days	Health and Safety (35 Pa.C.S.)—basic life support ambulances
073	Jul 11	H2125	PN2476	60 days	Crimes Code (18 Pa.C.S.)—prostitution and related offenses and obscene and other sexual materials and performances
074	Jul 11	H2157	PN3332	60 days	Agriculture Code (3 Pa.C.S.)—fireworks and a related repeal
075	Jul 11	H2271	PN2634	60 days	Crimes Code (18 Pa.C.S.)—sexual extortion

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2022 General Acts of Regular Session Enacted—Act 031 through 096					
076	Jul 11	H2419	PN2841	Immediately	Outpatient Psychiatric Oversight Act—requirements
077	Jul 11	H2464	PN3326	Immediately*	Crime Victims Act—omnibus amendments
078	Jul 11	H2526	PN3206	Immediately	Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2021-2022—itemizing additional State and local bridge projects
079	Jul 11	H2604	PN3255	Immediately	Health Care Facilities Act—photo identification tag regulations
080	Jul 11	H2679	PN3252	Immediately	Pharmacy Act—authority to administer injectable medications, biologicals and immunizations and abrogating inconsistent regulations
081	Jul 11	H2702	PN3372	Immediately	Highway Capital Budget Project Itemization Act of 2022-2023—enactment
082	Jul 11	H2709	PN3378	60 days	Judicial Code (42 Pa.C.S.)—lessee's right to acquire ownership and advertising and display of property
083	Jul 11	S0251	PN1842	Immediately*	Agriculture Code (3 Pa.C.S.)—omnibus amendments
084	Jul 11	S0382	PN1850	Immediately	Transportation (74 Pa.C.S.)—omnibus amendments and rescinding, in part, a resolution of the Public-Private Transportation Partnership Board
085	Jul 11	S0588	PN0648	Immediately	Crimes Code (18 Pa.C.S.)—when prosecution barred by former prosecution for different offense
086	Jul 11	S0764	PN1780	60 days	The Administrative Code of 1929—powers and duties in general
087	Jul 11	S0818	PN1833	60 days	Health Care Facilities Act—ambulatory surgical facility permitted surgical procedures and abrogating regulations
088	Jul 11	S0982	PN1856	Immediately*	Pennsylvania Election Code—public funding of elections, powers and duties of county boards, establishing the Election Integrity Grant Program and violation of public funding of elections
089	Jul 11	S1093	PN1840	60 days	Outdoor Advertising Control Act of 1971—control of outdoor advertising, removal of prohibited advertising devices, penalties for violation and imposing a duty on the Secretary of Transportation to notify the Federal Highway Administration
090	Jul 11	S1094	PN1806	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments and repeals
091	Jul 11	S1171	PN1848	60 days	Vehicle Code (75 Pa.C.S.)—restrictions on use of highways and bridges, securing loads in vehicles, width of vehicles, permit for movement during course of manufacture and promulgation of rules and regulations by department
092	Jul 11	S1183	PN1841	60 days	Judicial Code (42 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—asset forfeiture and off-road vehicles in urban municipalities
093	Jul 11	S1222	PN1853	Immediately*	The Insurance Company Law of 1921—omnibus amendments
094	Jul 11	S1235	PN1649	Immediately	The Insurance Company Law of 1921—contracts and coverage packages
095	Jul 18	S0814	PN1822	60 days	Crimes Code (18 Pa.C.S.)—offense of evading arrest or detention on foot and offense of harming a police animal while evading arrest or detention
096	Jul 19	H2644	PN3364	Immediately	Oil and Gas (58 Pa.C.S.)—oil and gas well plugging oversight, bonding, well plugging funds and related repeal

2022 Appropriation Acts of Regular Session Enacted—Act 001A through 012A					
001A	Jul 8	S1100	PN1852	Immediately	General Appropriation Act of 2022—enactment
002A	Jul 8	S1105	PN1763	Immediately*	University of Pennsylvania—veterinary activities and Center for Infectious Diseases
003A	Jul 8	S1284	PN1847	Immediately	State-Related University Nonpreferred Appropriation Act of 2022—enactment
004A	Jul 7	H2653	PN3287	Immediately*	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
005A	Jul 7	H2654	PN3211	Immediately*	Department of Labor and Industry and Department of Community and Economic Development—expenses for Workers’ Compensation Act, Pennsylvania Occupational Disease Act and Office of Small Business Advocate
006A	Jul 7	H2655	PN3212	Immediately*	Office of Small Business Advocate—operation
007A	Jul 7	H2656	PN3213	Immediately*	Office of Consumer Advocate—operation
008A	Jul 7	H2657	PN3214	Immediately*	Public School Employees’ Retirement Board—administrative expenses, etc.
009A	Jul 7	H2658	PN3215	Immediately*	State Employees’ Retirement Board—administrative expenses, etc.
010A	Jul 7	H2659	PN3216	Immediately*	Philadelphia Parking Authority—operation
011A	Jul 7	H2661	PN3217	Immediately*	Pennsylvania Public Utility Commission—operation
012A	Jul 7	H2662	PN3218	Immediately*	Gaming Control Appropriation of 2022—enactment
2022 Joint Resolutions of Regular Session Passed—JR 001					
001	Jul 8	S0106	PN1857		Constitution of Pennsylvania—abortion, action on concurrent orders and resolutions, Lieutenant Governor, qualifications of electors and election audits
2022 Vetoes of Regular Session of Bills—Veto 006 through 009					
006	Jul 8	H1420	PN3371		Human Services Code—omnibus amendments and a repeal
007	Jul 8	H0972	PN2886		Fairness in Women’s Sports Act—enactment
008	Jul 8	S0573	PN1712		Pennsylvania Election Code—omnibus amendments
009	Jul 11	S0275	PN1163		Municipalities (53 Pa.C.S.)—restrictions on utility services prohibited

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore’s web site at www.shoppaheritage.com.

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 22-1201. Filed for public inspection August 12, 2022, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 93]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 103

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania amends its Board Rules and Procedures to modify Rule § 93.141 related to the annual attorney registration fee and waiver of the fee on the basis of financial hardship.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Executive Director shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS

ANNUAL REGISTRATION OF ATTORNEYS

§ 93.141. Annual registration.

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [**\$145.00**] **\$195.00** and electronically file the annual fee form pro-

vided for under such rule by July 1; that the fee shall be collected under the supervision of the Attorney Registration Office, which shall make, the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujsportal.pacourts.us>. The fee shall be used to defray the costs of disciplinary administration and enforcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form. **An attorney may apply to the Board for a waiver of the annual fee on the basis of financial hardship by submitting a waiver application and required documentation to the Attorney Registration Office by July 1. Financial hardship shall be determined by reference to the federal poverty guidelines.**

Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Enforcement Rule 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security. **The grant of a waiver under this subdivision (a) shall include waiver of the additional annual fees.**

* * * * *

(Editor's Note: As printed in 204 Pa. Code, § 93.141 reads "an annual fee of \$140.00" rather than "an annual fee of "\$145.00" and "Official Note" rather than "Note.")

[Pa.B. Doc. No. 22-1202. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 3 AND 13]

Proposed Amendment of Pa.R.A.P. 311, 1311, and 1312

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 311, 1311, and 1312 governing orders sustaining venue, personal jurisdiction, or *in rem* jurisdiction for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Karla M. Shultz, Counsel
 Appellate Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9551
 appellaterules@pacourts.us

All communications in reference to the proposal should be received by September 30, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
 Procedural Rules Committee*

HONORABLE J. ANDREW CROMPTON,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

**CHAPTER 3. ORDERS FROM WHICH APPEALS
 MAY BE TAKEN**

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) **General [rule.—] Rule.** An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

* * * * *

(b) **Order [sustaining venue or personal or in rem jurisdiction.—] Sustaining Venue, Personal Jurisdiction, or In Rem Jurisdiction.** An appeal may be taken as of right from an order in a civil action or proceeding sustaining the venue of the matter or jurisdiction over the person or over real or personal property if:

(1) the plaintiff, petitioner, or other party benefiting from the order files of record within ten days after the entry of the order an election that the order shall be deemed final; or

(2) [the court states in the order that a substantial issue of venue or jurisdiction is presented.] the court makes an express determination that the order presents a substantial issue of venue, personal jurisdiction, or in rem jurisdiction. If the court does not make such an express determination in its initial order:

(i) An aggrieved party may file an application for such a determination within 30 days of entry of the order sustaining venue, personal jurisdiction, or in rem jurisdiction.

(ii) Unless the court acts on the application within 30 days after it is filed, the court shall no longer consider the application and it shall be deemed denied.

(iii) A notice of appeal may be filed within 30 days after entry of an order containing such a determination unless a shorter time period is pro-

vided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(c) **Changes of [venue, etc.—] Venue, etc.** An appeal may be taken as of right from an order in a civil action or proceeding changing venue, transferring the matter to another court of coordinate jurisdiction, or declining to proceed in the matter on the basis of *forum non conveniens* or analogous principles.

* * * * *

(g) **Waiver of [objections] Objections.**

(1) Except as provided in [subparagraphs] **subdivisions** (g)(1)(ii), (iii), and (iv), failure to file an appeal of an interlocutory order does not waive any objections to **[the interlocutory] that** order:

(i) [Rescinded].

(ii) **[Failure to file an appeal from an interlocutory order under subparagraph (b)(1) or paragraph (c) of this rule shall constitute a waiver of all objections to jurisdiction over the person or over the property involved or to venue, etc., and the question of jurisdiction or venue shall not be considered on any subsequent appeal.] All objections to venue, personal jurisdiction, and in rem jurisdiction are waived if no appeal is taken from an order deemed final under subdivision (b)(1) or appealable under subdivision (c).**

(iii) Failure to file an appeal from an interlocutory order under [paragraph] **subdivision** (e) of this rule shall constitute a waiver of all objections to such an order.

(iv) Failure to file an appeal from an interlocutory order refusing to compel arbitration, appealable under 42 Pa.C.S. § 7320(a)(1) and [subparagraph] **subdivision** (a)(8) of this rule, shall constitute a waiver of all objections to such an order.

(2) **[Where no election that an interlocutory order shall be deemed final is filed under subparagraph (b)(1) of this rule, the objection may be raised on any subsequent appeal.] If an election permitted by subdivision (b)(1) is not filed, the objections to the order sustaining venue, personal jurisdiction, or in rem jurisdiction may be raised on any subsequent appeal.**

(3) **[If an application is denied under subdivision (b)(2), the objections to the order sustaining venue, personal jurisdiction, or in rem jurisdiction may be raised on any subsequent appeal.**

* * * * *

[Official Note] **Comment:**

* * * * *

Paragraph (b)—[Paragraph (b) is based in part on the Act of March 5, 1925, P.L. 23. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. Cf. *In the Matter of Phillips*, 370 A.2d 307 (Pa. 1977).]

In subparagraph (b)(1), a plaintiff is given a qualified (because it can be overridden by petition for and grant of permission to appeal under Pa.R.A.P. 312) option to gamble that the venue of the matter, [or] personal jurisdiction, or *in rem* jurisdiction will be sustained on

appeal. [**Subparagraph**] **Subdivision** (g)(1)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Pa.R.A.P. 903 ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. See Pa.R.A.P. 903(c) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under [**subparagraph**] **subdivision** (b)(2) of the existence of a substantial question of jurisdiction and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Pa.R.A.P. 312, or (3) another basis for appeal appears, for example, under [**subparagraph**] **subdivision** (a)(1), and an appeal is taken. Presumably, a plaintiff would file such an election where plaintiff desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. [**Paragraph**] **Subdivision** (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Pa.R.A.P. 341.

[**Subparagraph (b)(2)**—**The 1989 amendment to subparagraph**] **Subdivision** (b)(2) permits an interlocutory appeal as of right where the trial court [**certifies**] **determines** that a substantial question of venue, **personal jurisdiction, or in rem jurisdiction** is present. [**This eliminated an inconsistency formerly existing between paragraph (b) and subparagraph (b)(2).**] **The procedures for obtaining a determination are based, in part, on those found at Pa.R.A.P. 341(c)(1)—(3).**

* * * * *

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

(a) **General [rule.—] Rule.** An appeal may be taken by permission from an interlocutory order:

(1) certified under 42 Pa.C.S. § 702(b) or for which certification pursuant to 42 Pa.C.S. § 702(b) was denied; see Pa.R.A.P. 312;

(2) for which certification pursuant to Pa.R.A.P. 341(c) was denied; [**or**]

(3) that determined that a defendant's motion to dismiss on the basis of double jeopardy is frivolous[.] **or;**

(4) **for which an application for an express determination that the order presents a substantial issue filed pursuant to Pa.R.A.P. 311(b)(2) was denied.**

(b) **Petition for [permission to appeal.—] Permission to Appeal.** Permission to appeal from an interlocutory order listed in paragraph (a) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order or the date of deemed denial in the trial court or other government unit with proof of service on all other parties to the matter in the trial court or other government unit and on the government unit or clerk of the trial court, who shall file the petition of record in such trial court. An application for an amendment of an interlocutory order to set forth expressly [**either**] the

statement specified in 42 Pa.C.S. § 702(b), [**or the one in**] **Pa.R.A.P. 311(b)(2), or Pa.R.A.P. 341(c)** shall be filed with the trial court or other government unit within 30 days after the entry of such interlocutory order, and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary. The petitioner must file the original and one copy. Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this paragraph, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give notice of the docket number assignment to the government unit or clerk of the trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

* * * * *

[**Official Note**] **Comment:**

[**Pa.R.A.P. 1311 originally implemented only 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). The accompanying note provided that an order refusing to certify an order as meeting the requirements of 42 Pa.C.S. § 702(b) was reviewed by filing of a petition for review under Chapter 15. The rule was amended in 2020 to expand the use of**] **Pa.R.A.P. 1311 expands the use of** a petition for permission to appeal to requests for review of interlocutory orders that were not certified for immediate review pursuant to 42 Pa.C.S. § 702(b) or Pa.R.A.P. 341(c) and of interlocutory orders that found a criminal defendant's claim that further proceedings would cause the defendant to be placed in double jeopardy to be frivolous.

See the Official Note to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

* * * * *

Rule 1312. Content of the Petition for Permission to Appeal.

(a) **General [rule.—] Rule.** The petition for permission to appeal need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A statement of the basis for the jurisdiction of the appellate court.

(2) The text of the order in question, or the portions thereof sought to be reviewed, the text of any order ruling on any subsequent request for certification, and the date of their entry in the trial court or other government unit. If the order(s) are voluminous, it may, if more convenient, be appended to the petition.

(3) A concise statement of the case containing the facts necessary to an understanding of the basis for the order of the trial court or other government unit.

(4) The proposed questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event permission to appeal is granted.

(5) A concise statement of the reasons for an immediate appeal:

(i) For a petition for permission to appeal an order certified pursuant to 42 Pa.C.S. § 702(b), a statement of the reasons why the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an appeal from the order may materially advance the ultimate termination of the matter;

(ii) For a petition for permission to appeal an order for which certification pursuant to 42 Pa.C.S. § 702(b) was denied or deemed denied, a statement of reasons why the order involves a controlling question of law as to which there is substantial ground for difference of opinion, that an appeal from the order may materially advance the ultimate termination of the matter, and why the refusal of certification was an abuse of the trial court's or other government unit's discretion that is so egregious as to justify prerogative appellate correction;

(iii) For a petition for permission to appeal an order for which certification pursuant to Pa.R.A.P. 341(c) was denied or deemed denied, the petition must contain a statement of reasons why an immediate appeal would facilitate resolution of the entire case and why the refusal of certification was an abuse of the trial court's or other government unit's discretion that is so egregious as to justify prerogative appellate correction;

(iv) For a petition for permission to appeal pursuant to Pa.R.A.P. 1311(a)(3), the petition must set forth why the claim of double jeopardy is colorable[.];

(v) For a petition for permission to appeal an order for which an application for an express determination that the order presents a substantial issue filed pursuant to Pa.R.A.P. 311(b)(2) was denied or deemed denied, the petition must contain a statement of reasons why a substantial issue of venue, personal jurisdiction, or in rem jurisdiction is present.

* * * * *

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

PUBLICATION REPORT

**Proposed Amendment of Pa.R.A.P. 311,
1311, and 1312**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Appellate Procedure 311, 1311, and 1312 governing orders sustaining venue, personal jurisdiction, or *in rem* jurisdiction.

Pa.R.A.P. 311 identifies several interlocutory orders that may be appealed as of right regardless of finality. One of those orders is an order sustaining venue, personal jurisdiction, or *in rem* jurisdiction. See Pa.R.A.P. 311(b). The party benefitting from that order may appeal within 10 days of the order; a party aggrieved from that order may appeal if "the court states in the order that a substantial issue of venue or jurisdiction is presented." Pa.R.A.P. 311(b)(1)-(2). As a matter of practice, if the order sustaining venue or jurisdiction does not state that a substantial issue is present, then the aggrieved party may seek amendment of the order to include such a statement. See, e.g., *United Farm Bureau Mut. Ins. Co. v. U.S. Fid. & Guar. Co.*, 462 A.2d 1300, 1302 (Pa. 1983); *Frick v. Fuhai Li*, 225 A.3d 573, 575 n.1 (Pa. Super. 2019); *Dep't of Transp. v. Yudacufski*, 562 A.2d 424, 426 (Pa. Cmwlth. 1989).

It was in this context that the Committee observed the Rules of Appellate Procedure are silent on when to request this statement, e.g., within 30 days of the interlocutory order, or whether the trial court must rule on the request or whether the request is deemed denied after a specified time. Cf., Pa.R.A.P. 341(c)(1)–(c)(3); Pa.R.A.P. 1311(b).

Accordingly, the Committee proposes expanding Pa.R.A.P. 311(b)(2) to include procedures for a party to follow when the court does not make an express determination as to venue, personal jurisdiction, and *in rem* jurisdiction. The proposed amendment would require:

- the party to file an application to request an express determination within 30 days of the entry of the court's initial order;
- the court to act on the application within 30 days; otherwise the application is deemed denied; and
- the party to file a notice of appeal within 30 days after the entry of the order with an express determination unless a shorter time period is provided in Pa.R.A.P. 903(c) (time for appeal).

In fashioning this proposal, the Committee reviewed the procedures set forth in Pa.R.A.P. 341(c)(1)–(3) for a determination of finality as a basis for the amendment of Pa.R.A.P. 311(b)(2), subject to certain refinements. Additionally, the Committee proposes permitting review of a denied application through a petition for permission to appeal pursuant to Pa.R.A.P. 1311, and subject to the requirements of Pa.R.A.P. 1312. Appellate consideration of the denial would be consistent with Pa.R.A.P. 341.

The proposed amendments to Pa.R.A.P. 311(g) are intended to be stylistic and non-substantive.

The Committee considered whether the qualifier for an interlocutory appeal pursuant to Pa.R.A.P. 311(b)(2), *i.e.*, “substantial issue,” should be retained or altered to more closely hew to that found in 42 Pa.C.S. § 702(b), *i.e.*, “a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter.” *See also* Pa.R.A.P. 1312(a)(5)(ii). The Committee believes that maintaining the existing qualifier is preferable rather than introducing a new qualifier into the analysis.

All comments, concerns, and suggestions regarding this proposal are welcome.

[Pa.B. Doc. No. 22-1203. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Division Local Rules of the Court of Common Pleas; No. AD-2022-251-PJ Rules Docket

Order of Court

And Now, this 3rd day of August, 2022, it is hereby *Ordered* that the following Allegheny County Civil Division Local Rules, adopted by the Board of Judges on June 10, 2022, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Local Rule 212.1 Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-trial Statement

Local Rule 212.7 Mandatory Mediation
Local Rule 1303 Arbitration Hearing. Notice.

It is further *Ordered* that Local Rule 1901 is rescinded in its entirety.

By the Court

KIM BERKELEY CLARK,
President Judge

Additions to the rules are shown in bold and are underlined.

Deletions from the rules are shown in bold and are bracketed.

Local Rule 212.1. Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

(1) Pa.R.C.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury and non-jury, to be tried in the Civil Division; appeals from Compulsory Arbitration shall be exempt unless such cases include a demand for a jury trial, and under such circumstances parties involved in such a case must comply with Local Rules 212.1 through 212.3.

(2) *Definitions*. In these rules, the following words shall have the following meanings:

(a) “*pre-trial conference*”—a conference scheduled by the Court in accordance with Pa.R.C.P. 212.3 in which, in addition to matters set forth in Pa.R.C.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this local rule; and

(ii) attempt an amicable settlement of the case.

(b) “*Conciliating Judge*”—the Judge assigned to conduct the pre-trial conference.

(3) *Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement*. Notices required by Pa.R.C.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecepto to Place the Case at Issue (see FORM 214w).

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then “Case Search” (in upper right corner) and enter the docket number. Additionally, published trial lists are also available on the Civil Division’s website at: www.alleghenycourts.us.

Trial lists are generally published in the *Pittsburgh Legal Journal* 6 months prior to commencement of the trial term. Pre-trial deadlines are generally as follows: 16 weeks prior to commencement of the trial term for the close of discovery; 14 weeks prior to commencement of the trial term for plaintiffs’ pre-trial statements; 12 weeks prior to commencement of the trial term for all other parties’ pre-trial statements; and 45 days prior to the commencement of the trial term for completion of mediation pursuant to Local Rule 212.7. The general schedule set forth in this Note is only advisory and may vary from the controlling dates and deadlines published in the *Pittsburgh Legal Journal*.

Local Rule 212.7. Mandatory Mediation.

(1) All parties shall participate in a formal mediation process no later than 45 days prior to commencement of the assigned trial term, as published in the *Pittsburgh Legal Journal* pursuant to Local Rule 212.1(3). This requirement shall apply unless:

(a) The Calendar Control Judge excuses the case from mediation upon motion and good cause shown; or

Note: At the discretion of the Calendar Control Judge, “good cause” may include, but is not limited to, the expense of mediation relative to a party’s perceived valuation of the case, as well as a party’s inability to afford the expense of mediation.

(b) All parties agree to waive mediation and file a Certification pursuant to Section (3)(a)(iii) of this rule.

Note: The mediation requirement set forth herein may be satisfied at any time prior to 45 days before

commencement of the assigned trial term. This is intended to provide the parties with maximum flexibility in determining when mediation would be most effective.

(2) Except by agreement of all parties, all parties with a financial interest and all non-parties with a financial interest (such as insurers) shall attend mediation with full authority to settle the case. Parties without a financial interest need not attend.

(3) Certification.

(a) Within 7 days of completing mediation or agreeing to waive mediation pursuant to Section (1)(b) of this rule, the plaintiff shall file a Certification indicating that:

(i) The case was mediated and all claims have been or soon will be resolved;

(ii) The case was mediated, but all or some claims remain pending for trial; or

(iii) The parties have agreed in writing to waive mediation.

(b) Upon filing of the Certification required by this rule, the plaintiff shall serve a copy of the Certification upon the Calendar Control section of the Civil Division via electronic mail to CivilCalendarControl@alleghenycourts.us. Should the plaintiff fail to timely serve a Certification, any other party may do so.

(c) If the Calendar Control Judge excuses a case from mediation under Section (1)(a) of this rule, the moving party shall within 7 days serve a copy of the Order of Court upon the Calendar Control section of the Civil Division via electronic mail to CivilCalendarControl@alleghenycourts.us.

(4) The Calendar Control Judge may, upon motion, impose such sanctions as are deemed appropriate against counsel and/or the parties for failure to comply with this rule in good faith.

(5) This rule does not apply to arbitration appeals, asbestos cases, or landlord-tenant cases.

Local Rule 1303. Arbitration Hearing. Notice.

(1) The Department of Court Records shall assign the date, time and place of hearing before a Board of Arbitrators as follows:

(a) for complaints filed by presenting to the Department of Court Records, placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties, and

(b) for Complaints filed through the electronic filing system, the Department of Court Records shall give notice to the filing party of the date, time and place of hearing before a Board of Arbitrators through the electronic filing system.

(c) The filing party shall notify the parties to be served with copies of the Complaint of the date, time and place of hearing before a Board of Arbitrators; which notice shall be served with the copy of the Complaint.

(2) Every Complaint (except for Small Claims—see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

**FORM 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing
IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

ARBITRATION DOCKET

NO. _____

Plaintiff,

vs.

HEARING DATE _____

Defendant,

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the [attached copy of the suit papers] following pages, YOU MUST [complete and detach two of the copies of the attached "Notice of Intention to Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Department of Court Records, First Floor, City—County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: _____] take action within TWENTY (20) days [from the

date these papers were mailed] after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER [OR CANNOT AFFORD ONE], GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

[TO FIND OUT WHERE YOU CAN GET LEGAL HELP.] IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
400 Koppers Building[,]
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555
www.getapittsburghlawyer.com

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City—County Building, 414 Grant Street Pittsburgh, Pennsylvania, on _____, _____ at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

[Pa.B. Doc. No. 22-1204. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Amendment of Local Rule 535(H), Return or Retention of Deposit; Administrative Order No. 109

Order

And now, this 3rd day of August, 2022, Bucks County Local Rule of Criminal Procedure No. 535(H) is amended to read as follows:

(H) *Administrative Costs of Bail.* When the conditions of the bail bond have been performed and the accused has been discharged from all obligations of the bail bond, the Clerk of Courts shall return the amount deposited less the balance to be retained by the Clerk of Courts as administrative costs, which shall be \$25.00 plus three percent (3%) of the first \$1,000.00 of bail posted and two percent (2%) of any amount above \$1,000.00 of bail posted, not to exceed the amount of the bail. The monies retained by the court shall be considered as earned at the time the bail undertaking is executed. The retention fee withheld by the Magisterial District Judge or by the Clerk of Courts shall be for the use of the County and shall be received and accounted for by the Clerk of

Courts. The retention fee withheld by the Magisterial District Judge shall be forwarded immediately to the Clerk of Courts upon receipt.

This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 22-1205. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CRAWFORD COUNTY

In the Matter of the Adoption and Modification of Local Rules; No. AD 2022-378

Order

And Now, August 1, 2022, the Court Orders as follows:

1. Local Rule of Civil Procedure 205.3.1, requiring electronic mail (email) addresses on all filings and corre-

spondence, is hereby adopted in the form following this Order, effective thirty days after publication in the *Pennsylvania Bulletin*; and

2. The District Court Administrator is *Ordered and Directed* to publish and disseminate this Order in conformity with Pa.R.J.A. 103.

By the Court

JOHN F. SPATARO,
President Judge

Rule 205.3.1. Use of Electronic Mail Addresses in Filings and Correspondence.

(a) Electronic mail (email) addresses shall be included in all filings in the Office of the Prothonotary, and in all correspondence to the Office of the Prothonotary, Court Administration, and the Court.

(b) Responses from the Office of the Prothonotary, Court Administration, and the Court may be by email at the responder's discretion, which shall be deemed the same as if the responses were sent by mail.

(c) If the email address changes, the filer or sender shall provide an updated email address to the Office of the Prothonotary, Court Administration, and the judge to whom the case has been individually assigned (if any), within one business day.

(d) This Rule shall not apply to an unrepresented individual who does not have an email address.

(e) This Rule does not authorize filing by email.

[Pa.B. Doc. No. 22-1206. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Charles Kevin Blackmon, (# 55750), having been disbarred in North Carolina, the Supreme Court of Pennsylvania issued an Order July 28, 2022, disbaring Charles Kevin Blackmon, from the Bar of this Commonwealth, effective August 27, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1207. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Alfred DiGirolomo, Jr., (# 94935), having been disbarred in New York, the Supreme Court of Pennsylvania issued an Order June 15, 2022, disbaring Alfred DiGirolomo, from the Bar of this Commonwealth, effective August 27, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1208. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Arthur P. Fisch, (# 22170), having been disbarred in the state of New York, the Supreme Court of Pennsylvania issued an Order July 28, 2022, disbaring Arthur P. Fisch, from the Bar of this Commonwealth, effective August 27, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1209. Filed for public inspection August 12, 2022, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

Licensure by Endorsement

The State Board of Medicine (Board) proposes to add §§ 16.12a, 16.12b and 16.12c (relating to definitions for license by endorsement under 63 Pa.C.S. § 3111; licensure by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license under 63 Pa.C.S. § 3111) and amend § 16.13(a) (relating to licensure, certification, examination and registration fees) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines the conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Section 3111(b) of 63 Pa.C.S. authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 8 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.8), section 207 of the Naturopathic Doctor Registration Act (NDRA) (63 P.S. § 272.207), and section 3 of the Acupuncture Licensure Act (ALA) (63 P.S. § 1803) provides the Board with broad authority to adopt regulations as are reasonably necessary to carry out the purposes of the act, the NDRA and the ALA.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (repealed) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111, the Board must determine whether the jurisdiction's stan-

dards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Description of the Proposed Amendments

The Board proposes to add § 16.12a to include a definition of the term "jurisdiction" consistent with 63 Pa.C.S. § 3111. Proposed § 16.12b requires an applicant to satisfy nine criteria required for licensure by endorsement. The first criterion, as set forth in proposed § 16.12b(a)(1), requires an applicant to have a current license, certificate, registration or permit in good standing to practice as a medical physician and surgeon, nurse-midwife, acupuncturist, practitioner of Oriental medicine, physician assistant, respiratory therapist, athletic trainer, behavior specialist, perfusionist, genetic counselor, prosthetist, orthotist, pedorthist, orthotic fitter or naturopathic doctor in another jurisdiction whose standards for licensure are substantially equivalent to or exceed those under the act, the NDRA (63 P.S. §§ 272.101—272.301) or the ALA (63 P.S. §§ 1801—1806.1).

Section 16.12b(a)(1) also requires the standards for licensure to be substantially equivalent to standards set forth in the Board's regulations, to include § 16.12 (relating to general qualifications for licenses and certificates), which outlines the general qualifications for licensure for all licenses issued under the Board. Section 16.12 includes licensure standards for legal age, good moral character, intemperate use of alcohol or drugs, and felony convictions. In addition to meeting the requirements of § 16.12, an applicant must also meet the applicable regulatory requirements under §§ 17.1 regarding medicine and surgery, 18.2, 18.13, 18.13a, 18.141, 18.307, 18.504 regarding athletic trainers, 18.524, 18.603, 18.703, 18.814, 18.824, 18.833 and 18.843.

Under § 16.12b(a)(2), an applicant from another country or territory must submit a copy of the current applicable law, regulation or other rule governing licensure and scope of practice in the jurisdiction that issued the license. Section 16.12b(a)(2)(i) is applicable to countries that use languages other than English. Where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant's expense, translation of the applicable law, regulation or other rule by a professional translation service. Section 16.12b(a)(2)(ii) would also require that the copy of the applicable law, regulation or other rule include the enactment date. The purpose of this section is to allow the Board to evaluate the licensure requirements of the other country or territory to make a determination as to whether their licensure standards are substantially equivalent to those of this Commonwealth.

Proposed § 16.12b(a)(3) requires demonstration of competency. Under subsection (a)(3)(i), an applicant for a

license to practice as a medical physician and surgeon, nurse-midwife, acupuncturist, practitioner of Oriental medicine, physician assistant, respiratory therapist, athletic trainer, behavior specialist, perfusionist, genetic counselor, prosthetist, orthotist, pedorthist, orthotic fitter or naturopathic doctor must provide proof of competency by demonstrating experience in the practice of the profession. To demonstrate competency by experience, an applicant must demonstrate the licensed practice of the profession for at least 2 of the 5 years immediately preceding the filing of the application in the jurisdiction that issued the license, certificate, registration or permit. This means that the individual must establish to the Board that they practiced for any 2 of the preceding 5 years while holding the license, certificate, registration or permit in the profession for which the applicant is applying.

Additionally, to show competence, applicants must demonstrate English proficiency under subsection (a)(3)(ii). Under section 24 of the act (63 P.S. § 422.24) the Board has authority to require applicants whose principal language is other than English to demonstrate English proficiency by examination. Under the act, English proficiency is necessary because of the crucial nature of the services provided by physicians and other allied health professionals. Physicians and allied health professionals licensed under the Board must be able to communicate with medical staff, patients and family members on a daily basis. To demonstrate English proficiency under subsection (a)(3)(ii), an applicant may take an English proficiency examination, including the Test of English as a Foreign Language (TOEFL), the Occupational English Test or another substantially equivalent English proficiency examination as approved by the Board. In following the spirit of 63 Pa.C.S. § 3111, which encourages elimination of unnecessary barriers to licensure, the Board also offers other options that allow an applicant to demonstrate English proficiency including the following: professional education program was in English; the professional training was in an English-speaking facility; entry examination to practice in the profession was in English; or certification by the Educational Commission for Foreign Medical Graduates.

Proposed subsection (a)(4) and (5) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(6) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111(a)(5) is the application fee in § 16.13 of the Board's current fee schedule for all professionals licensed under the Board.

Proposed subsection (a)(7) requires that applicants meet the malpractice insurance requirements under the act, section 3.2 of the ALA (63 P.S. § 1803.2), this chapter and Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors). Proposed subsection (a)(8) requires applicants to satisfy application requirements, as set forth in the act and Chapters 16 and 17 (relating to State Board of Medicine—general provisions; and State Board of Medicine—medical doctors) and Chapter 18. Finally, proposed subsection (a)(9) requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

In proposed § 16.12b(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown. Consistent with 63 Pa.C.S. § 3111(a)(4) and (5), proposed § 16.12b(c) authorizes the Board, in its discretion, to determine that an act prohibited under section 41 of the act (63 P.S. § 422.41), section 204 of the NDRA (63 P.S. § 272.204) or disciplinary action by a jurisdiction are not impediments to the granting of a license, certification, registration or a permit by endorsement under 63 Pa.C.S. § 3111.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 16.12c(a) (relating to provisional endorsement license under 63 Pa.C.S. § 3111) provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 16.12b. Proposed § 16.12c(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed § 16.12c(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license. Finally, proposed § 16.12c(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 16.12b, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

In proposed § 16.13(a), the Board proposes to amend the names of the application fees for the medical doctor license without restriction. This proposed rulemaking removes the terms “accredited” and “unaccredited.” Instead, the Board distinguishes the applications based upon whether the medical college was within or outside the United States and Canada. The Board has determined that the standards for licensure in the United States and Canada are substantially equivalent to those of this Commonwealth; therefore, those applications are not as time-consuming as applications where the medical college is located outside the United States and Canada. The amendment to this section is consistent with § 16.12b(a)(1) in that the review process for individuals who attended a medical college outside of the United States or Canada will be more in-depth and necessitates a higher fee. For these applications, the Board must review the laws and regulations of other countries or territories to determine whether the licensure requirements are substantially equivalent or exceed those of this Commonwealth as outlined in § 16.12b(a)(1)(i)–(iii). Thus, the review process for individuals who attended a medical college within the United States or Canada will require less Board time and should require a lower fee. In the application for licensure by endorsement, the Board will include a question in its online platform as to whether the applicant is a graduate of a medical college within the United States or Canada to determine the appropriate fee.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications

for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the initial application fees in § 16.13. Applicants will have to pay the initial application fee (medical doctor \$35 graduate of medical college within the United States or Canada and \$85 for graduate of medical college outside of the United States or Canada; \$75 behavioral specialist; \$50 nurse midwives, perfusionist, genetic counselor, prosthetists, orthotist; \$30 physician assistant, acupuncturist, practitioner of Oriental medicine, respiratory therapist, \$25 pedorthist, orthotic fitter; \$20 athletic trainer). The Board has published a proposed rulemaking that would impose a \$100 fee for naturopathic doctors at 51 Pa.B. 7877 (December 18, 2021). Applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training. If an applicant is unable to establish English proficiency by demonstrating that their education, training or examination was in English and they must take the TOEFL examination or another examination, the cost to the applicant is approximately \$200.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 1, 2022, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days from the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Board Counsel, Department of State, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523 or RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-4958 (Licensure by endorsement), when submitting comments.

MARK B. WOODLAND, MPH, MD,
Chairperson

Fiscal Note: 16A-4958. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

(Editor's Note: The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 16.12a. Definitions for license by endorsement under 63 Pa.C.S. § 3111.

The following term, when used in §§ 16.12b and 16.12c (relating to license by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license under 63 Pa.C.S. § 3111), has the following meaning, unless the context clearly indicates otherwise:

Jurisdiction—A state, territory or country.

§ 16.12b. Licensure by endorsement under 63 Pa.C.S. § 3111.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing in another jurisdiction whose standards for licensure are substantially equivalent to or exceed those under the following:

(i) The act, the Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101—272.301) or the Acupuncture Licensure Act (ALA) (63 P.S. §§ 1801—1806.1).

(ii) Section 16.12 (relating to general qualifications for licenses and certificates).

(iii) Sections 17.1 regarding medicine and surgery, 18.2, 18.13, 18.13a, 18.141, 18.307, 18.504 regarding athletic trainers, 18.524, 18.603, 18.703, 18.814, 18.824, 18.833 and 18.843, as applicable.

(2) An applicant who holds a license, certificate, registration or permit in another country or territory must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. The following apply:

(i) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(ii) The copy of the applicable law, regulation or other rule must include the enactment date.

(3) Demonstrates competency by establishing the following:

(i) Experience in the practice of the profession by demonstrating, at a minimum, that the applicant has actively engaged in the licensed practice of the profession under a license, certificate, registration or permit in a

substantially equivalent jurisdiction or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) English language proficiency by demonstrating one of the following:

(A) The applicant’s educational program was in English.

(B) The applicant’s training was at an English-speaking facility.

(C) The applicant’s entry examination was taken in English.

(D) The applicant is certified by the Educational Commission for Foreign Medical Graduates.

(E) The applicant has achieved a score of at least 83, or similar score acceptable to the Board, on the Test of English as a Foreign Language examination.

(F) The applicant has achieved a score of 350 in each of the four subtests of the Occupational English Test.

(G) The applicant has achieved a passing score on a substantially equivalent English proficiency examination as approved by the Board.

(4) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice prohibited by section 41 of the act (63 P.S. § 422.41) or section 204 of the NDRA (63 P.S. § 272.204).

(5) Have not been disciplined by the jurisdiction that issued the license, certification, registration or permit.

(6) Have paid the applicable application fee as required by § 16.13 (relating to licensure, certification, examination and registration fees).

(7) Satisfies the professional liability insurance requirements as required under the act, section 3.2 of the ALA (63 P.S. § 1803.2), this chapter and Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors).

(8) Have applied for a license, certification, registration or permit in accordance with this chapter in the manner and format prescribed by the Board.

(9) Completes 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency, experience or English proficiency. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts.* Notwithstanding subsection (a)(4) and (5), the Board may, in its discretion, determine that an act prohibited under section 41 of the act (63 P.S. § 422.41), section 204 of the NDRA (63 P.S. § 272.204) or a disciplinary action taken by another jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 16.12c. Provisional endorsement license under 63 Pa.C.S. § 3111.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 16.12b (relating to licensure by endorsement under 63 Pa.C.S. § 3111).

(b) *Expiration of a provisional endorsement license*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon written request and showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and denies or grants the license.

(2) When the holder of the provisional endorsement license fails to comply with the terms of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 16.12b after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

§ 16.13. Licensure, certification, examination and registration fees.

(a) *Medical Doctor License:*

License Without Restriction:

Application, graduate of [**accredited**] a medical college **within the United States or Canada** \$35

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 3 AND 65]

Application of 52 Pa. Code § 3.501 to Certificated Water and Wastewater Utility Acquisitions, Mergers and Transfers

Public Meeting held
December 16, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Application of 52 Pa. Code § 3.501 to Certificated Water and Wastewater Utility Acquisitions, Mergers, and Transfers; Doc. No. L-2020-3017232

Notice of Proposed Rulemaking Order

By the Commission:

In accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Pennsylvania Public Utility

Commission (Commission) formally commences this rule-making principally to amend its existing regulations at 52 Pa. Code §§ 3.501 and 3.502, as discussed below.

Pursuant to 66 Pa.C.S. § 1101, a public utility must obtain a certificate of public convenience from the Commission in order to offer, render, furnish, or supply public utility service in Pennsylvania. Section 1103 of the Public Utility Code, 66 Pa.C.S. § 1103, establishes the procedure to obtain a certificate of public convenience. That provision provides, in relevant part, that a “certificate of public convenience shall be granted by order of the commission, only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.”¹ After a public utility obtains the right to commence service under 66 Pa.C.S. § 1101, it may make subsequent applications for certificates of public convenience pursuant to 66 Pa.C.S. § 1102 to, among other things, begin service to new territories, abandon service, and transfer used or useful utility assets. 66 Pa.C.S. §§ 1102(a)(1)—(3). Section 1102(a)(5) serves a similar purpose as Sections 1101, 1102(a)(1), and (a)(3), but is limited to municipal corporations that provide public utility service beyond their corporate limits.

The Commission has promulgated regulations in 52 Pa. Code Chapter 3 governing practice before the Commission, including procedures for applications for certificates of public convenience under 66 Pa.C.S. § 1103. Section 3.501 governs applications for certificates of public convenience as a public water or wastewater collection, treatment, or disposal provider.² Section 3.502 governs protests to applications under Section 3.501.³

The Commission proposes to amend its regulations governing the application for certificates of public convenience as to the acquisition of water and wastewater service providers by existing, certificated Class A utilities. The proposed amendments streamline some requirements for established utilities during the process of acquisition of another water or wastewater service provider. Smaller updates are proposed to other sections to reduce requirements which are no longer needed generally, and we also propose editorial changes for provisions related to these principal amendments. While the Commission streamlines this process in order to decrease the time required to review applications, neither the changes to the Commission’s regulations nor this Order should be read to limit the Commission’s thorough review of applications or its authority to issue data requests in support of that review. The purpose of regulatory requirements for applications is to define information and documents which are routinely needed for Commission review and which are not likely to change. Other information is better collected through separate means such as data requests. The Commission also takes this opportunity to revise Section 3.501 unrelated to acquisitions as well as updating 52 Pa. Code § 65.16 and creating a new section to modernize the obligations of Class A, B, and C water and wastewater utilities.

Background

Section 3.501 was initially promulgated in April 1976.⁴ The information required by the regulation was relatively limited, requiring a full description of the waterworks project’s construction, a map showing the project and its boundaries, information regarding the topography of the

project, the schedule of project construction, the transportation and distribution specifications, estimated customers at years 1, 5, and 10, and the ultimate future development of the project.⁵ Wastewater systems were not within the regulation’s original scope.

The Commission greatly expanded Section 3.501 in October 1983 to require applicants to include information related to Department of Environmental Protection (DEP) approvals, various River Basin Commission approvals, and neighboring utilities, and to provide procedural mechanisms for application protests.⁶ The Commission amended Section 3.501 again in January 1997 to specifically include wastewater service and to explain that, “[a]lthough more detail is required, most of the requirements can be met by submitting the same documents to the Commission as must be submitted to DEP.”⁷ The 1997 amendments include the requirement of demonstrating compliance with Section 5 of the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.5, also known as an Act 537 Official Sewage Facilities Plan (Act 537 Plan).

The Commission revisited Section 3.501 most recently in April 2006, expanding its requirements further at the behest of the Independent Regulatory Review Commission and DEP. The Commission explained:

The final regulation in § 3.501(a)(2)(vi) requires an applicant to provide a Map of Service Area including the County Comprehensive Plan, Municipal Comprehensive Plan, and Zoning Designations if requested. An applicant letter is required to address compliance with the applicable requirements of these plans pursuant to § 3.501(a)(7) regardless of whether the Commission requests a copy of these voluminous documents. [Current] Section 3.501(b) provides additional considerations that the Commission will consider and may rely on. This includes Comprehensive Plans, Multimunicipal Plans, Zoning Ordinances and Joint Zoning Ordinances reflecting the Municipalities Planning Code. This reflects our agreement with IRRC and DEP about important considerations that should be considered when evaluating an application.⁸

As Section 3.501 currently stands, it treats all acquisitions under a single scheme, requiring largely the same information from both new and existing utilities.

Section 3.501 requires significant information related to compliance with DEP regulations and seeks information related to the types of financial and managerial fitness that certificated utilities presumably possess. The Commission’s Orders amending Section 3.501 in 1983, 1997, and 2006 create necessary requirements to ensure small systems prove their viability prior to operation. This fits Commission policy that “[m]any small water systems in this Commonwealth are not viable and need to be restructured. Most new water systems being created in this Commonwealth are small and are likely candidates for becoming nonviable.”⁹ The “objective of the Commission [is] . . . to substantially restrict the number of nonviable drinking water systems by discouraging the creation of new nonviable small systems.”¹⁰ The Commission has stated “[t]he regionalization of water and wastewater systems through mergers and acquisitions will allow the water industry to institute better management practices

⁵ Id.

⁶ 13 Pa.B. 3221.

⁷ 27 Pa.B. 414, 419.

⁸ 36 Pa.B. 2097, 2098-99.

⁹ 52 Pa. Code § 69.701(a)(1) (Commission’s general policy statement on the viability of small water systems).

¹⁰ 52 Pa. Code § 69.701(a)(3).

¹ 66 Pa.C.S. § 1103(a).

² 52 Pa. Code § 3.501.

³ 52 Pa. Code § 3.502.

⁴ 6 Pa.B. 911.

and achieve greater economies of scale.”¹¹ In seeking to prevent the creation of nonviable systems, the documentation required under Section 3.501 for certificated applicants in good standing may have become unnecessarily burdensome, with the unintended consequence of making water and wastewater system regionalization more difficult.

The Commission has long held its procedural regulations are a work in progress; Section 3.501 is no exception to this view. As the field of utility regulation evolves, so must the Commission’s rules of practice. The certificate of public convenience is one of the principal tools the Commission uses to authorize qualified entities to provide utility service in the Commonwealth.

The application process for certificates of public convenience is a collaborative one, where the interests of consumers, small businesses, and the applicant utility must be taken into account. Where an acquisition is involved, the Commission must also become familiar with the additions to an established utility’s water or wastewater system.

At the February 6, 2020 public meeting, the Commission directed the Law Bureau and the Bureau of Technical Utility Services to prepare an advanced notice of proposed rulemaking regarding 52 Pa. Code § 3.501.¹² Thus, at the April 30, 2020 public meeting, the Commission issued an Advance Notice of Proposed Rulemaking asking numerous questions of stakeholders to receive comprehensive input from those interested in improving the application process.

While the Commission’s questions were wide-ranging and covered many aspects of the application process under Sections 3.501 and 3.502, and more, the core of the Commission’s inquiry was an investigation of whether and how the Commission may improve the process of applications for certificates of public convenience when a well-established water or wastewater service provider seeks to acquire another utility service provider.

Commenters provided helpful feedback which will ensure the Commission’s regulations are well-targeted to serve the interests of all stakeholders. Composing this feedback, commentators’ remarks broadly supported modernizing the Commission’s regulations in this area. Positive feedback was provided by commenters representing consumer interests¹³ as well as industry.¹⁴

Commenters include the Pennsylvania Chapter of the National Association of Water Companies (NAWC), the Office of Consumer Advocate (OCA) the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA), Aqua Pennsylvania, Inc. (Aqua), Pennsylvania-American Water Company (PAWC), The Manwalamink Water Company and Manwalamink Sewer Company (collectively, Manwalamink), and the Pennsylvania Association of Township Supervisors (PATS). Suez Water Pennsylvania Inc. (Suez) filed a letter in support of NAWC.

¹¹ 52 Pa. Code § 69.721(a) (Commission’s general policy statement on water and wastewater system acquisitions).

¹² Motion of Commissioner Ralph V. Yanora.

¹³ Comments of the Office of the Consumer Advocate, p. 2 (“The OCA submits that there may be modifications that will make the process more efficient for all stakeholders.”)

¹⁴ Comments of Aqua Pennsylvania, Inc., p. 3 (“Aqua commends the Commission for their continued initiatives to make improvements to water and wastewater application requirements.”)

Comments¹⁵

A. Should the Commission create different application processes for “well-established” utilities when they acquire other water or wastewater service providers? If so, how should the Commission define a “well-established” utility subject to streamlined application process?

The OCA comments that different application processes for well-established utilities may be possible, but that “well-established” should mean more than simply “certificated” and that the amount of time in which a utility holds a certificate of public convenience should not be the definition of “well-established”.¹⁶ OCA proposes the existing definition of financial, managerial and technical viability may be used to analyze whether a utility is “well-established” and that depending on how often the utility files, whether a utility is “well-established” may be reanalyzed from time to time.¹⁷

NAWC advocates in favor of a three-tiered application process. The three tiers draw a distinction between well-established utilities, small but pre-existing utilities, and applicants which are not existing water or wastewater utilities. For well-established utilities, NAWC suggests adapting the definition of capable public utility found in Section 529(m) of the Public Utility Code. Under NAWC’s system, a well-established utility would be “a public utility which regularly provides water and/or wastewater service to 4,000 or more customer connections which is not an affiliated interest of the water or wastewater system being acquired and which provides adequate, efficient, safe and reasonable service.”¹⁸

PAWC comments that revisions to Sections 3.501 and 3.502 are critically important. It recounts the history of the regulation and the evolution of the problems the regulation works to address. PAWC further points out that when previous revisions were made, electronic access to the various records required in Section 3.501 were not available. Thus, PAWC contends the collection of the extensive documentation required by the Section are no longer justified now that internet access to these documents is viable.¹⁹

Aqua submitted comments in support of a differential treatment of “previously certificated Class A water and wastewater utilities that are operating in the Commonwealth and are in good standing with the PUC and DEP”.²⁰ Aqua proposes two methods for achieving this differential treatment, either through extensive modifications of Section 3.501 while retaining the regulation in its current structure, or by adding a new subsection applicable solely to Class A utilities providing service in the Commonwealth.²¹

Disposition

Taking into account the views and suggestions of commenters, the Commission finds that while there should be a distinction between well-established utilities and other utilities, the Commission should not adopt a system whereby the classification process adds too much complexity even if the ultimate application requirements on well-established utilities are reduced. As a result, the Commission would at this stage propose a classification

¹⁵ For organization, some of the inquiries of the Commission and the responses thereto have been consolidated. Although the responses to some inquiries provided useful information, the Commission finds the matters involved may be more appropriately resolved outside the context of this proceeding, and thus are not included in this NOPR.

¹⁶ OCA Comments at 2.

¹⁷ OCA Comments at 2-3.

¹⁸ NAWC Comments at 8-9.

¹⁹ PAWC Comments at 2-3.

²⁰ Aqua Comments at 4.

²¹ Aqua Comments at 4.

system distinguishing between Class A utilities and all other utilities, except where necessary forms of proof require further specification. This distinction would be limited to applications for acquisitions, and not applications generally.

Regarding the organization of the regulation, the current Section 3.501 makes some distinctions between established utilities and proposed utilities. See, e.g., 52 Pa. Code 3.501(a)(5)(i), (ii) (differential forms of proof for revenue and operating expenses for existing and proposed utilities). The Commission proposes to retain these distinctions and create a new subsection which applies specifically to well-established utilities.²² Well-established utilities will be carved out of the presently existing 3.501 requirements except to the extent reestablished in the new subsection.

B. Should the Commission allow existing utilities to complete an original cost study, under Section 3.501(a)(1)(ii)(A), after an acquisition has closed rather than requiring the study at the time of application submission?

The OCA comments that when an acquired utility is certificated there is no need to wait for an original cost study to be submitted because the information would already be available on file with the Commission. For service providers to be acquired which are not presently regulated by the Commission, the OCA is supportive of the option of submitting an original cost study after closing of the transaction.²³

PAWC comments in support of allowing original cost studies to be submitted after a transaction has closed. According to PAWC, it is common for sellers to have projects under construction in a way that makes an accurate original cost study impossible at the time of the filing of an application. PAWC asserts that for municipal sellers, asset lists and depreciation schedules are often incomplete, and as such it is necessary to wait until after closing to produce an accurate study. PAWC further comments in support of using original cost studies for acquisition adjustments under 52 Pa. Code § 69.711 and § 69.721.²⁴

Aqua comments that for existing utilities acquiring non-certificated entities, the applicant should not be required to provide original cost studies as part of the application, but should be able to submit them in the next base rate case. Aqua notes that many acquired systems do not have adequate records to develop original cost prior to the acquisition. Aqua argues that no party is prejudiced if an original cost study is submitted in the acquiring utility's next base rate case, as then all parties will be able to review and challenge the original cost study. Aqua also asserts that for fair market value applications, original cost studies are a necessary part of the engineering assessment which is submitted separately. Finally, for main extension applications, Aqua argues original cost studies should not be required as in many cases the facilities have not yet been installed at the time of the application.²⁵

Disposition

The Commission agrees that it should modify Section 3.501(a)(1)(ii)(A) to allow for an original cost study to be filed after approval of a relevant application for well-established utilities. The Commission has prior experi-

ence allowing certain applicants to submit original cost studies after an acquisition rather than at the time of application submission.²⁶ Allowing applicants to submit this information later does not appear to harm the public interest, and allowing utilities to acquire assets and submit an original cost study to be considered in the context of the acquiring utility's next base rate case, in accordance with Sections 69.721(e) and (f) of the Commission's regulations, 52 Pa. Code § 69.721(e) and (f), helps to ensure that the acquiring utility will be able to provide more accurate information to the Commission.²⁷ While the OCA is correct that this information should be readily available to acquiring utilities, oftentimes the selling utility has not fulfilled its statutory duties or is not well-managed, hence the need for the acquisition. For these reasons, the Commission proposes to allow for the filing of original cost studies to be considered in the context of the acquiring utility's next base rate case.²⁸ The filing and service of original cost studies through this method should follow the Commission's policy statement at 52 Pa. Code § 69.711, which already provides for the submission and service of original cost studies when an acquiring utility seeks an acquisition adjustment.

C. As alternative compliance to providing municipal and county comprehensive plans as well as zoning designations under section 3.501(a)(2)(vi), what other documentation can be provided? And what are the costs and benefits of those alternatives?

The OCA points out that the present form of Section 3.501(a)(2)(vi) only requires county and municipal comprehensive plans if the Commission requests the information. The OCA suggests that an applicant may be able to reduce costs by submitting this information in an electronic form or by submitting a link to the information, as the information may be available from county or municipal websites.²⁹

PAWC agrees with the OCA that the current iteration of the subsection only requires this information upon request. Still, PAWC recommends the elimination of the requirement or for the Commission to clarify when a request is necessary and appropriate. PAWC finally asserts that this requirement should not be necessary for the acquisition of an existing system, as the applicable zoning designations would have already been performed.³⁰

Aqua comments that this requirement is unnecessary for acquisitions and main extensions. Aqua notes that when a utility is not expanding beyond an existing plant footprint, then providing a statement to that effect should be sufficient. In the case of main extensions, Aqua says zoning and local planning commission review will have already been completed at the time of the application, and as such providing comprehensive plans are unnecessary. Aqua lastly suggests that when a utility intends to provide service beyond the existing service territory of the acquired entity or beyond the area to be served by a main extension, the utility should provide a letter to the

²⁶ Application of Aqua Pennsylvania Wastewater, Inc. (APW) for approval of: (1) the acquisition by APW of certain wastewater system assets of Tobyhanna Township situated within Tobyhanna Township, Monroe County, Pennsylvania; and (2) the right of APW to begin to offer, render, furnish and supply wastewater service to the public in a portion of Tobyhanna Township, Monroe County, Pennsylvania, Docket No. A-2016-2575001 (Order entered March 16, 2017).

²⁷ Original cost studies should contain the materials specified in, and should be filed in accordance with, Commission regulations. See 52 Pa. Code § 69.721(d)—(f).

²⁸ See Annex, new Section 3.501(b)(1).

²⁹ OCA Comments at 4.

³⁰ PAWC Comments at 14.

²² See Annex, new Section 3.501(b).

²³ OCA Comments at 3.

²⁴ PAWC Comments at 13-14.

²⁵ Aqua Comments at 7.

Commission from the County or Township that the new area of service is in compliance with comprehensive plans.³¹

PSATS is strongly supportive of the Section 3.501 requirement that an applicant provides applicable county and municipal comprehensive plans, as well as zoning designations, if the Commission requests copies.³²

Disposition

The Commission finds the requirement that utilities provide municipal and county comprehensive plans and zoning ordinances is unnecessarily burdensome both on Class A utilities in the process of an acquisition, as well as established utilities which do not qualify as Class A utilities. The Commission is primarily interested in verification of compliance with these documents, not obtaining copies of these documents for some other use. Therefore, the Commission proposes to require applicants to obtain certification letters, signed by an authorized representative of each affected county and municipality, that any addition to the service territory of an applicant complies with applicable county and municipal comprehensive plans and zoning ordinances, as further discussed below. Under the proposed regulations, if any county or municipality does not provide a certification regarding compliance with comprehensive plans or zoning ordinances, as further discussed below, the applicant must still provide such comprehensive plans and zoning ordinances and verify compliance through an alternative method. Also, if in a particular case the Commission needs a copy of any of these documents in full, it may still request this information from the utility.³³ The Commission proposes to eliminate Section 3.501(a)(2)(vi) and modify Section 3.501(a)(7) to provide relief to utilities generally and add new Section 3.501(b)(4) as a less extensive requirement for well-established utilities.

D. As alternative compliance to identifying the future number of connections anticipated for the next 10 years under Section 3.501(a)(3)(ii), what other information can be provided? And what are the costs and benefits of those alternatives?

The OCA comments that an acquiring utility should be able to develop the information requested in Section 3.501(a)(3)(ii): the future number of connections for 10 years. The OCA submits that this information is important for demonstrating the financial, technical, and managerial viability of an acquiring utility, and for other entities seeking certificates of public convenience.³⁴

PAWC comments in support of eliminating the requirement for well-established utilities to project the future number of anticipated connections for the next 10 years following the application. PAWC comments that for existing-system acquisitions or line extensions, this information is unnecessary. PAWC comments that alternative documentation may be provided in the form of Chapter 94 reports. See 25 Pa. Code §§ 94.1 et seq. Ultimately, PAWC argues, the need for a 10-year projection, or any projection, is highly dependent on the purpose of the information in the application, especially whether the purpose is projected adequate capacity, which should be presumed for well-established systems, or future viability of the system based on an adequate customer base. PAWC

contends that the usefulness of this information is undercut by the lack of any definitive documentation to confirm compliance.³⁵

Aqua comments that the requirement for identifying future connections should be limited to 5 years. For wastewater systems, Chapter 94 reports submitted to DEP require a 5-year projection. Aqua's comments support keeping the water application projection consistent with similar DEP requirements. Aqua argues that main extensions are generally brought to serve a specific customer or group of customers or group of customers, and a projection is unnecessary because the number of new connections is stated in the application.³⁶

Disposition

The Commission proposes a 5-year requirement for adoption. Modifying the current requirement of Section 3.501(a)(3)(ii) would serve to align the Commission's regulatory requirements with that of DEP. Aligning requirements between agencies generally serves to preserve oversight while drastically reducing compliance costs. As such, unless there is a special need for higher requirements in a particular context, it is good policy to align similar requirements between agencies. The Commission does not conclude there is any special need presently, and therefore we propose to amend Section 3.501(a)(3)(ii) and adopt the same requirement for anticipated connections for well-established utilities applying to acquire a water or wastewater service provider.³⁷

E. As alternative compliance to providing a DEP 5-year compliance history of affiliated utilities, what other information can be provided? And what are the costs and benefits of those alternatives?

The OCA comments, regarding the DEP 5-year compliance history of an applicant, affiliate, or parent thereof, that "[t]he information can provide a wider view of the compliance history of the organization or acquiring entity."³⁸ The OCA submits that electronic submission of the DEP 5-year compliance history of utilities or affiliates of the applicant or the applicant's parent company may reduce administrative costs while still providing a full and complete picture of the compliance history beyond the applicant's direct compliance history.³⁹

PAWC comments that the 5-year compliance history requirement should not be applied to well-established utilities with a demonstrated history of DEP compliance. PAWC states in support that, "DEP compliance can be presumed and any violations promptly addressed."⁴⁰ PAWC does not see significant benefits or burdens from alternative documentation, but rather believes that the DEP compliance history requirement should be eliminated entirely. PAWC argues that DEP may file a protest to an application if needed.⁴¹

Aqua comments on the burdensome impact of this requirement on already certificated Class A water and wastewater utilities. According to Aqua, the requirement that the 5-year compliance history reaches all affiliates and parent corporations could reach well over 100 systems. Aqua states that in more recent applications, it has provided compliance histories only for those systems of similar type or location to the acquired system, or provided a statement in the application that Aqua's

³¹ Aqua Comments at 8.

³² PSATS Comments at 2.

³³ See Annex,

³⁴ OCA Comments at 4.

³⁵ PAWC Comments at 15.

³⁶ Aqua Comments at 8-9.

³⁷ For well-established utilities, see Annex, new Section 3.501(b)(5).

³⁸ OCA Comments at 4.

³⁹ OCA Comments at 4-5.

⁴⁰ PAWC Comments at 15.

⁴¹ PAWC Comments at 16.

systems are in general compliance with DEP regulations. Aqua submits that this practice should be embedded officially in the regulation.⁴² As for the costs and benefits of potential alternative documentation, Aqua comments that reducing the requirements applicable to existing utilities will save in time and documentation. These savings, according to Aqua, will translate to reduced transaction costs which will ultimately benefit ratepayers.⁴³

Disposition

An applicant's DEP compliance history is a necessary part of any application, whether it be for a well-established utility acquiring another water or wastewater service provider or an applicant seeking to expand their service territory. That being said, as the Commission is not seeking a full review of DEP compliance each time a well-established utility acquires another utility, we propose to adopt Aqua's suggestion and issue a data request to seek the compliance history of the applicant for a comparable DEP region when such information is needed.

F. What are the potential costs and benefits to the addition of a requirement to Section 3.501(a)(6) requiring the applicant to provide a copy of any DEP-approved Sewage Facilities Planning Modules and/or the current Act 537 Official Sewage Facilities Plan, if applicable? What alternative documentation could be provided to show that an application complies with Act 537 and what are the costs and benefits of these alternatives?

The OCA comments that it does not oppose an applicant providing a copy of a DEP-approved Sewage Facilities Planning Modules or their current Act 537 Plan. The OCA posits that this information benefits stakeholders by providing them the opportunity to see the proposed acquisition in the context of these documents. The OCA proposes providing the documents in electronic formats to reduce costs if the information is voluminous.⁴⁴

PAWC opposes the addition of a requirement for an applicant to provide a copy of a DEP-approved Sewage Facilities Planning Module or an Act 537 Plan. PAWC argues that the Commission's review of Act 537 Plans, while originally to verify that the applied-for service area matches the Act 537 Plan, has ventured into areas that are not within the Commission's jurisdiction. PAWC asserts Commission review related to this area has become overly burdensome and extensive. PAWC instead suggests that the Commission should not conduct an independent evaluation of the Act 537 Plan, but should condition its application-approval on the acquiring utility obtaining all necessary DEP approvals prior to closing. PAWC finally asserts that DEP may file a protest with the Commission relating to an application.⁴⁵

NAWC comments that there is no need for the Commission to determine whether a capable water or wastewater utility is in compliance with laws enforced by DEP and other agencies. Instead, NAWC suggests that applicants should merely notify the Commission that it has obtained all necessary DEP and other approvals. NAWC adds that DEP requires the completion of an Act 537 Plan special study concurrent with an acquisition, which can be difficult for some municipalities to complete before closing.⁴⁶

Aqua notes that during acquisitions of municipal wastewater systems, the Act 537 Plan documentation provided

by the selling utility is often incomplete, and will need to be updated concurrently with the acquisition. As such, while Aqua does not object to providing Act 537 Plan documents, it asserts that incompleteness of this documentation should not delay the approval of an acquisition. For private sales, Aqua states that the acquiring utility can send a certified letter to the municipality of the pending sale and can request an update to the Act 537 Plan. For main extensions, developers typically are required to obtain sewage facilities planning module approval prior to the time an application is made to the Commission.⁴⁷

Aqua and PAWC repeat these arguments with respect to documentation that assures compliance with Section 5 of the Pennsylvania Sewage Facilities Act.⁴⁸

Disposition

The Commission agrees with commenters that the current requirement of Section 3.501(a)(6) is resource intensive for existing wastewater utilities when they are acquiring other utilities. However, the information contained in Act 537 Plans is necessary for the Commission to perform its duties in regulating the service of these same utilities. As such, the Commission proposes to require the submission of this information, to the extent applicable, so long as the Commission does not have ready access to this information through other means.⁴⁹

J. Section 3.501(a)(7) requires an applicant to submit copies of certifications issued by certain government agencies that the applicant is in compliance with their mandates. What alternative documentation could be provided to satisfy this requirement's purpose?

The OCA comments that while it is not certain what alternatives are viable for the certification requirements in Section 3.501(a)(7), for Class A utilities that file a large number of applications each year, an affidavit from the applicant that they are in compliance and in good standing with each applicable governmental entity may be sufficient.⁵⁰

PAWC comments that the requirements of Section 3.501(a)(7) are unduly burdensome for well-established utilities. PAWC suggests that instead of the current requirements, applicants should be allowed to identify which government entities' mandates are applicable to the entity to be acquired, as well as identifying if the entity to be acquired has any existing violations. PAWC further comments that if the acquired utility has existing violations, the applicant should address how they will be remediated. PAWC again asserts that the relevant governmental entities interests are protected by their ability to file a protest.⁵¹

PSATS supports the requirement that an applicant submit a letter to address compliance with the applicable requirements of municipal plans regardless of whether the Commission requests a copy of the plans themselves. PSATS supports the currently written language of Section 3.501(a)(7)(iv) as they state the burden should be on the applicant to demonstrate compliance with these plans.⁵²

Aqua proposes that the requirements of Section 3.501(a)(7) should not apply to Class A water and wastewater utilities already providing service. Aqua states that in applications over the past several years, it has neither received letters from the entities listed under Section

⁴² Aqua Comments at 9.

⁴³ Aqua Comments at 9-10.

⁴⁴ OCA Comments at 5.

⁴⁵ PAWC Comments at 17.

⁴⁶ NAWC Comments at 11-12.

⁴⁷ Aqua Comments at 10-12.

⁴⁸ 35 P.S. § 750.5.

⁴⁹ See Annex, new Section 3.501(b)(7)(v).

⁵⁰ OCA Comments at 6-7.

⁵¹ PAWC Comments at 18-19.

⁵² PSATS Comments at 2.

3.501(a)(7), nor is it aware whether the entities provide letters to that effect. For these reasons, Aqua does not believe it is necessary for Class A utilities to provide this information. Aqua contends this requirement is targeted at utilities proposing to start services or construct new facilities.⁵³

Disposition

We agree with PAWC's suggestion that applicants be allowed to identify which government entities' mandates are applicable to the entity to be acquired, as well as to identify if the entity to be acquired has any existing violations. However, we also agree with PSATS and the OCA that evidence of compliance with municipal and county comprehensive plans and zoning ordinances is important as part of the Commission's consideration. The requirement to provide evidence of compliance with municipal and county comprehensive plans and zoning ordinances and the identification of applicable requirements or mandates of the government entities should be considered independently. Whereas applicants must always verify compliance with the requirements of any officially adopted county comprehensive plans, municipal comprehensive plans, and applicable zoning designations, applicants should only be required to verify compliance with the requirements or mandates of the governmental entities identified in Section 3.501(a)(7) if requirements are applicable to the entity or additional service territory being acquired. That is, we do not propose to require the applicant to blanket each identified entity with a request for verification of compliance. The applicant is, however, expected to complete the required due diligence to determine the existence of any requirements or mandates applicable, and then verify compliance with the identified governmental entity. The current language of Section 3.501(a)(7) only requires certifications relating to applicable requirements.

In the Commission's experience, and to the contrary of Aqua's comments, utilities have been able to submit signed statements from affected governmental entities through a form letter requesting certification of the applicant's compliance from the relevant agency. Verification of this compliance is especially necessary if the applicant is a proposed utility or is seeking an expansion of service territory.

We propose that an Applicant must provide evidence with their application to the Commission that the applicant requested certifications from governmental entities. Upon filing of an application, applicants are expected to address the status of pending certification requests and are further expected to supplement the record with responses if they are received prior to the issuance of a certificate of public convenience. If timely responses are not received, we proposed that general applicants must certify that the application complies with applicable requirements or mandates and must still provide copies of the needed documents. For well-established utilities in acquisition proceedings, a narrower certification requirement is proposed.⁵⁴

Applicants are expected to, in good faith, determine whether prudent and reasonable accommodations may be made to address local land use and planning requirements. For example, as discussed in Section O below, governmental entities could determine that including an area along the route of a main extension conflicts with land use and planning goals due to the existence of a mandatory connection ordinance. Alternatively, affected

officials could determine that not including an area along the route of a main extension conflicts with local land use and planning goals. In either instance, if appropriate and reasonable, the applicant should revise their requested service territory to eliminate or mitigate identified conflicts in advance of seeking Commission authorization.

K. Should Section 3.501(d) be revised to use a less than 60-day protest period for an application either in limited circumstances or in all circumstances?

The OCA comments that the protest period should not be shortened. The OCA asserts that the issues presented in an application can have a large impact of individuals and businesses. The OCA argues that the current 60-day period for filing a protest is a reasonable period for all involved and gives an interested party sufficient time to understand the impacts of the application. The OCA additionally contends that in situations when people are required to connect, shortening the protest period would be unreasonable.⁵⁵

Aqua's position on the protest period is that the current period of 60 days is too long, and that it should be shortened to 15 days. Aqua supports its position by noting that in its experience with applications generally, the protest period after publication in the *Pennsylvania Bulletin* for acquisitions or main extensions runs 15 days. Aqua proposes that the Secretary of the Commission should be able to extend a 15-day default protest period if necessary.⁵⁶

PSATs comments "Section 3.501(d) should be revised to use a protest period of less than 60 days. All parties, including affected municipalities, need an appropriate amount of time to file protests to these applications."⁵⁷ PSATS does not indicate what length an appropriate time to file protests should be, if not the current protest period.

PAWC comments that a 15-day protest period should be used, unless otherwise provided.⁵⁸

Disposition

The Commission agrees that protest periods under Sections 3.501 and 3.502 may be shortened. A review of recent applications proceedings since the prior modification of these rules indicates that most utility protests do not take the full sixty days to file. While the utility commenters seek to shorten the protest period to 15 days, this period would not seemingly allow sufficient time for impacted parties to participate in an application's proceedings, in particular members of the public. The Commission's review indicates that protests are often filed after a 15-day period would be expired, and it is not the Commission's intent to shift burdens between stakeholders, rather the Commission's goal in shortening the protest period is to balance the need for timely and efficient consideration by the Commission for utilities while ensuring a proper opportunity for due process and access by interested parties to application proceedings through filing a protest. The Commission concludes that shortening the default protest period to 15 days would impose significant burdens on the ability of the public to file a protest, given the current times in which protests are filed. Moreover, the utility commenters in favor of a 15-day protest period present no evidence to show that a fourfold reduction in the protest period would not be harmful to interested parties' ability to protest. Specifically, one reason for a longer protest period is that

⁵⁵ OCA Comments at 7.

⁵⁶ Aqua Comments at 13-14.

⁵⁷ PSATS Comments at 2.

⁵⁸ PAWC Comments at 19.

⁵³ Aqua Comments at 13.

⁵⁴ See Annex, new Section 3.501(b)(7)(iv).

municipal meetings often occur only monthly, which may be a significant way in which the public becomes aware of an application. The Commission has concerns that overly shortening the protest period coupled with reducing notice requirements, as discussed below, will result in reduced awareness of applications among the public.

The Commission instead proposes that shortening the protest period to 30 days in the proposed Section 3.501(d) would improve the speed of the application process, without imposing too restrictive of a time burden on potential protesters. A Commission review of a sample of applications indicates that while this period is slightly shorter than the average time to protest since the last major revision of Section 3.501, given that delayed protests have commonly been filed by sophisticated protesters, the Commission concludes that a 30-day period will not substantially impact these filers. If there is a problem that causes a delay in a protest filing, the Commission proposes to retain the option of allowing a protest to be late-filed, but only upon due cause shown. The Commission proposes to explicitly state that municipal meeting schedules should be factored in when determining good cause has been shown for a late filing.

L. Should Section 3.501(d) be revised to require publication of the notice of an application once a week for two consecutive weeks in a newspaper of general circulation located in the territory covered by the application, rather than the requirement in Section 3.501(d) to publish daily for two consecutive weeks?

PAWC comments in support of modifying the publication requirements of Section 3.501(d). PAWC suggests that the subsection should at least be modified to provide for notice in a territorial newspaper of general circulation once a week for two consecutive weeks, but PAWC also suggests that the Commission should consider taking further action. PAWC argues that electronic media is quickly replacing newspapers and is causing publication challenges and increased expenses for legal notices.⁵⁹

The OCA comments that providing less notice is not consistent with due process and that if the frequency of newspaper publication is lowered and the protest period is shortened as discussed above then it would adversely impact the due process provided to those potentially impacted by an application. The OCA adds that notice could be provided by additional methods such as a bill insert and that the notices used in Section 1329 and 1102 applications could be used as an example of how to structure a notice, as opposed to a Section 1308 application.⁶⁰

PSATS comments that if the Commission reduces newspaper publication requirements, then it should add other means of reaching out to impacted persons to provide notice such as websites and social media. PSATS further comments that with decreased newspaper publication schedules, the current daily publication requiring for application notices may not be possible to achieve.⁶¹

Aqua comments that through Commission recent Secretarial Letter practices, a once-per-week newspaper publication requirement is already occurring and providing adequate notice to customers. Aqua contends that if additional notice requirements are warranted for a particular application, then the Commission has the authority to order such additional notice.⁶²

Disposition

Commenters arguments regarding the changing nature of media and the difficulty and expense of providing notice to non-customer interested parties are well-taken. The Commission proposes to alter the current requirement from newspaper notice once a day for two consecutive weeks, to require newspaper notice once a week for two consecutive weeks as the default process.

M. Should applicants be required to provide evidence that anticipated subdivisions and land developments to be served by the utility in the requested service territory have been granted preliminary and final plan municipal approval?

PAWC does not support a requirement that an applicant provide evidence that potential land developments have been granted municipal approvals. PAWC states that developers do not generally inform utilities until such approvals have been granted. PAWC contends that municipalities have the option to protest an application, and that this area is within the jurisdiction of planning commissions and municipalities.⁶³

PSATS supports a rule that applicants must provide evidence that anticipated subdivisions and land developments to be served by the applicant utility have been granted preliminary and final plan approval. PSATS argues that a rule requiring disclosure of preliminary and final approval would be an improvement on the existing regulation because the mere plan of a developer does not mean the proposed development will meet with existing zoning requirements.⁶⁴

Aqua comments in opposition to a requirement that final plan approval for subdivisions should be included in an application. Aqua argues that, almost always, final approval is conditioned on proof that the developer can obtain public water or wastewater service. Instead, Aqua proposes that it would be beneficial to include parcels that have preliminary approval in the service territory of an acquisition application to smooth the eventual addition of those developments into the applicant's service base. Aqua contends this would benefit developers who would not have to wait for an initial application to conclude before any new extension application could be filed, and it would benefit the Commission as utilities would not have to file applications to add just a few new parcels. Aqua also proposes allowing utilities to include nearby areas with failing septic systems in the service area request so that a new application would not need to be filed later.⁶⁵

Disposition

The Commission proposes, based on comments and prior experience, that where an application is primarily intended to extend service territory to a planned development, the applicant should provide evidence of preliminary plan approval for anticipated subdivisions and final plan approval whenever such approval is granted. Without providing evidence of even conditional plan approval, service territory requests may become too speculative, which will not serve to simplify the process and may unduly burden the applicant's existing ratepayers. Rather, it would appear to increase the need for future applications to clean up speculative and, ultimately, faulty service territory requests. Furthermore, conditional plan approval provides a comparator for the Commission in order to confirm the utility has properly advised municipal regulatory bodies of the extent of the planned

⁵⁹ PAWC Comments at 19.

⁶⁰ 66 Pa.C.S. §§ 1102, 1308, 1329. OCA Comments at 7-8.

⁶¹ PSATS Comments at 2.

⁶² Aqua Comments at 14.

⁶³ PAWC Comments at 20.

⁶⁴ PSATS Comments at 3.

⁶⁵ Aqua Comments at 14-15

service territory contemporaneous with the Commission review. The Commission has experienced such a case, as in the recent *Application of the York Water Co.—Wastewater for Approval of the Right to: (1) Acquire Certain Wastewater Facilities from CCD Rock Creek LLC; & (2) Begin to Offer, Render, Furnish or Supply Wastewater Serv. to the Pub. in a Portion of Straban Twp., Adams Cty., Pennsylvania*, Docket No. A-2019-3014022 (Order entered Sept. 17, 2020), where the utility's application to the Commission did not align with the information the utility and developer provided municipal regulatory bodies. Similarly, in the Initial Decision of former ALJ Chestnut in a contested utility application proceeding involving Newtown Artesian Water Company, ALJ Chestnut recommended denial of Newtown Artesian's application given the fact that the affected municipality had not granted preliminary plan approval regarding an anticipated land development included in the requested territory.⁶⁶

The Commission recognizes that many applications may involve developments in some ancillary manner, and that applicants may not be aware of the status or boundaries of developments located within a requested territory. Consequently, to strike an appropriate balance, the Commission proposes that applicants be required to provide municipally-approved preliminary plans, final plans, or associated meeting minutes evidencing such approvals only if an application involves extending service to a development outside of the applicant's service territory.⁶⁷

N. Parties should discuss the extent to which Section 3.501 should apply to applications filed pursuant to Section 1329 of the Public Utility Code, 66 Pa.C.S. § 1329, and the Commission's Section 1329 Application Filing Checklist, and what changes to Section 3.501 might be made in order to better comport with 66 Pa.C.S. § 1329.

PAWC comments that Section 3.501 should not be applied to Section 1329. PAWC contends that the Section 1329 application checklist is already unduly burdensome and "bears no resemblance to the limited filing requirements in the statute." PAWC states the checklist operates as a hindrance to fair market value acquisitions and should not be used as a model for revisions to 3.501. PAWC argues that the Commission's reevaluation of 3.501 should cause it to reconsider the Section 1329 process.⁶⁸

NAWC comments that Chapter 11 acquisition proceedings and Section 1329 proceedings should not be governed by the same procedures. In particular, NAWC objects to the extensive documentation required in a 1329 proceeding, and also the individual customer notice. NAWC argues the additional issue in 1329 proceedings—fair market value rate base—indicates the application procedures should be different. NAWC contends "there is no need for the extensive documentation required for a Section 1329 acquisition application."⁶⁹

The OCA comments that the contents of the Section 1329 Application Filing Checklist should not be modified as part of these amendments to Section 3.501. The OCA notes that the Section 1329 filing requirements were developed in two implementation orders over the course of multiple years.⁷⁰

Aqua's comments comport with the general view that these application types should not be treated the same. Aqua contends Section 1329 applications require extensive up-front documentation because of the six-month consideration period contained in the Section. Alternatively, Aqua says, the Section 3.501 application requirements may be more flexible because there is no statutory time by which standard applications must be approved. In addition, Aqua argues that changes to the Section 1329 Application Filing Checklist should only be made after notice and opportunity to be heard under the Implementation Order docket.⁷¹

Disposition

The Commission accepts the comments of the interested parties that Section 1329 application requirements and the Section 3.501 application requirements serve separate purposes and should not be made uniform. Accordingly, while we modify Section 3.501 as part of this proceeding, at this time, the Commission will consider the Section 1329 application process as independent.

O. Parties should discuss whether applicants should follow additional processes and procedures regarding property owners that would be required to connect to an applicant's system upon application approval but which have not requested service from the utility, including, but not limited to, property owners located in municipalities which have adopted a mandatory connection ordinance.

The OCA comments in support of requiring applicants to notify property owners that would be required to connect to an applicant's system upon application approval. The OCA suggests that this notice should be provided over and above any notice required by a municipality when the mandatory connection ordinance was adopted. The OCA further suggests that the notice should include information on the mandatory connection ordinance, rates, and how property owners may protest the application.⁷²

PAWC comments in opposition to providing additional notice procedures for customers who would be forced by a mandatory connection ordinance to connect to the applicant's system. PAWC contends these customers would have the opportunity to participate in the political process leading up to the approval of the ordinance, and there should not be additional processes beyond the required notice in the application filing.⁷³

Aqua comments that the procedures for connecting adjacent customers to its system already fall under its existing tariff requirements. In support, Aqua states that generally, a municipality with a mandatory connection ordinance will require customers who are within a certain distance of a public system to disconnect from any private water source or disposal facility and connect to the public system. Aqua comments that it already includes adjacent parcels in its applications so that if there is a failure of a private well or septic system, the parcel may be connected to Aqua's system without an additional application.⁷⁴

Disposition

Mandatory connection ordinances may present certain issues for both property owners and governmental entities. Regarding property owners, the Commission does not intend to create situations where property owners are required to become utility customers without either a

⁶⁶ Application of *Newtown Artesian Water Company*, Docket No. A-212070F0004, Initial Decision at 18 (Initial Decision issued June 1, 2004).

⁶⁷ See Annex, Section 3.501(a)(10).

⁶⁸ PAWC Comments at 20-21.

⁶⁹ NAWC Comments at 5.

⁷⁰ OCA Comments at 8.

⁷¹ Aqua Comments at 15. The docket for the Section 1329 Implementation Orders is Docket No. M-2016-2543193.

⁷² OCA Comments at 9.

⁷³ PAWC Comments at 21.

⁷⁴ Aqua Comments at 16.

request for service or reasonable notice of the utility's rates, rules, and regulations. While PAWC is correct that customers would have had the opportunity to participate in the political process leading up to the approval of the ordinance, many customers may have chosen not to participate in that process at the time because there was no infrastructure in place that would subject them to the requirement at that time. If a jurisdictional utility is granted an additional service territory, the utility could extend facilities within that service territory, which may subject property owners to mandatory connection ordinance requirements. The mere possibility of a private well or septic system failure is not adequate evidence of the need for an additional service territory. Indeed, depending on the language of the mandatory connection ordinance, the distance within which properties must connect, and local site conditions, all property owners within a requested territory, including those with functioning wells or septic systems, may be required to fund and install customer-owned service lines or laterals, and may even be required to fund utility infrastructure.⁷⁵ However, we also do not intend to promote fragmented service territories or increase the number of applications utilities would be required to file. The use of additional notice regarding rates, rules, and regulations, to include information on the mandatory connection ordinance and how property owners may protest the application, may be appropriate. Therefore, the Commission proposes to require that if the application includes a request to provide service in an area covered by a mandatory connection ordinance, the notice provided to customers and to the general public must include conspicuous notice that such an ordinance applies. As part of this proceeding, we seek input from commenters as to what form such notice should take.

Regarding governmental entities, we note that by requiring applicants to include a copy of their proposed service territory when seeking land use/planning certifications from governmental entities, such governmental entities should be better informed as to whether an applicant's requested service territory includes areas along the length of a proposed main extension. Should a governmental entity determine that an applicant's requested service territory does not conform with land use, planning, or other legal requirements due to the existence of a mandatory connection ordinance, the Commission will consider any protest or comments filed by such governmental entities when reviewing an applicant's request, consistent with Section 3.501.

P. Should an acquiring utility identify the existence of lead service lines (LSLs) or damaged wastewater service laterals (DWSLs) and the projected costs to remove LSLs or replace DWSLs within the territory to be acquired.

The OCA comments in support of identifying lead service lines and damaged wastewater service laterals as well as the projected costs to remove or replace the subject lines within the territory to be acquired.⁷⁶ The OCA argues disclosure of this information will assist the Commission and parties in accurately determining the potential benefits of an acquisition.

Aqua and PAWC do not believe acquiring utilities should be required to identify the existence of LSLs and DWSLs, as well as their projected costs.⁷⁷ Both utilities

base their position on the argument that it would be exceedingly difficult to collect this information when the lines are not yet owned by the applicant, and the records of these lines are limited or non-existent.⁷⁸ PAWC notes that once the acquisition is complete, the new customers will be eligible for PAWC's lead service line replacement program.⁷⁹

Disposition

The Commission agrees with the OCA that discovering and replacing LSLs and DWSLs and understanding the costs of replacement is critical to understanding the public benefits of an acquisition. Plus, identifying these public health risks is the first step in their mitigation. That being said, the Commission recognizes the difficulty in identifying the full extent of LSLs and DWSLs by acquiring utilities prior to operating the facilities. Yet, an experienced utility has sufficient expertise to complete, based upon the age of the system and utilizing available seller system information, an inventory or estimate of potential LSLs and DWSLs as part of its acquisition due diligence and, therefore, we propose that utilities will be required to complete such an assessment and disclosure as part of application filings.⁸⁰ Moreover, in order to achieve the benefits of improved LSL and DWSL replacement, the Commission does not propose to require acquiring utilities to identify the lines before an application, but proposes a requirement that an applicant state with particularity a plan for the inclusion of new lines into the LSLR Program or DWSL Program as set forth in the proposed regulations at 52 Pa. Code §§ 65.55 and 66.35. While these program requirements have not yet been implemented, it is critical that the applications for acquisitions are synergistic with the Commission's rules for the implementation of Act 120 of 2018.⁸¹

Q. Are there changes that should be made to Section 3.502 (relating to protests to 3.501 applications)?

PAWC and Aqua comment that Section 3.502 should be made to conform with the proposed protest period changes to Section 3.501.⁸² The OCA proposes that the Commission should provide an indication in Section 3.502 that a protest form is provided on the Commission's website, but the form is not required to be used in order to be a valid protest.⁸³

Disposition

We agree with commenters that the changes proposed herein to the protest period stated in 3.501(d) should be reflected in Section 3.502. Accordingly, we adopt the same stated period for both sections. The OCA also offers that the regulation should be revised to direct protesters to the Commission website for a standard protest form.⁸⁴ Because the Commission is revising its protest period to provide a shorter time for protest, the OCA's suggestion is a valuable addition to make filing a protest easier to understand. The Commission seeks not only to reduce unnecessary complexity for well-established utilities but also among stakeholders and other interested parties.

R. Revisions to Water and Wastewater Utility Classes

In 1996, the Commission adopted the most recent changes to the enumeration of the obligations of Class A, Class B, and Class C utilities in 52 Pa. Code § 65.16

⁷⁵ Aqua Comments at 16-17; PAWC Comments at 22.

⁷⁶ PAWC Comments at 22.

⁷⁷ See Annex, Section 3.501(a)(1)(iii), new Section 3.501(b)(1)(i).

⁷⁸ See Rulemaking to Implement Act 120 of 2018, Docket No. L-2020-3019521 (Order entered September 17, 2020).

⁷⁹ Aqua Comments at 17; PAWC Comments at 22.

⁸⁰ OCA Comments at 9.

⁸¹ OCA Comments at 9-10.

⁷⁵ All water utilities and certain wastewater utilities provide a minimum amount of funding for additional facilities needed to serve bona fide service applicants. However, this may not fund the entire cost to install additional required utility facilities and does not cover the cost of customer-owned facilities.

⁷⁶ OCA Comments at 9.

⁷⁷ Aqua Comments at 16-17; PAWC Comments at 22.

based on revenue levels. As a routine adjustment to account for economic changes, the Commission proposes to adjust these levels to accord with the current Uniform System of Accounts standards relied on by water utilities in Pennsylvania and throughout the country. The Commission is creating Section 3.503 to provide a placeholder enumeration of wastewater utility class obligations. Should the implementation of regulations for Act 120 of 2018 become final before these proposed rules, Section 3.503 will be deleted and we propose to move the enumeration of wastewater utility class obligations to Chapter 66.

All interested parties are invited to submit comments on the proposal set forth in Annex A. Parties commenting on this rulemaking should identify any financial, economic, or social impacts that the proposed changes will have on that party. Commenting parties should endeavor to support any stated positive or negative impacts with data.

Summary of Proposed Regulations

The proposed amendments eliminate certain information that well-established utilities must currently provide to the Commission before a certificate of public convenience may issue, thus allowing for the more efficient acquisition of another water or wastewater service system. The proposed amendments would not affect the information to be provided to the Commission by a well-established utility if they are not a Class A utility, which is a utility that must follow the NARUC system of accounts for Class A utilities under 52 Pa. Code § 65.16(a). This requires an annual operating revenue of \$750,000 or more, as calculated by an average of the previous three consecutive years. The application disclosures currently required by Section 3.501 are duplicative of the oversight in which the Commission elsewhere engages through its general authority to maintain safe, reliable service with just and reasonable rates.⁸⁵ Further, as the Commission retains its authority to issue data requests to supplement application requirements, the overall supervision of utilities is not expected to change.

Below is a proposed summary of the changes.

Section 3.501(a): Currently, Section 3.501 requires entities to file a copy of the original business plan filed with DEP. The remainder of Section 3.501(a) requires information only to the extent that it is not already included in the business plan. The proposed changes would eliminate the business plan filing requirement for acquisition proceedings and instead only require the more specific information requested in the remainder of the regulation. As these proposed changes relate only to acquisitions, filing the original plan is duplicative.

For acquisition proceedings we propose to eliminate Section 3.501(a)(1)(ii)(B): “A breakdown of the sources of funds used to finance the construction of the facilities.”

For acquisition proceedings we propose to eliminate Section 3.501(a)(2)(ii): “The location or route of the proposed waterworks or wastewater collection, treatment or disposal facilities.” (Subject to the limitation that the proposed amendments continue to require a courses and distances or metes and bounds description.)

For acquisition proceedings we propose to eliminate Section 3.501(a)(2)(iii): “The approximate time schedule for installation of the various component facilities.”

For acquisition proceedings we propose to eliminate Section 3.501(a)(2)(vi): “A copy of the county comprehensive plan, municipal comprehensive plan and applicable zoning designations, if requested.”

For acquisition proceedings we propose to eliminate part of Section 3.501(a)(3)(ii): “. . . future number of connections anticipated for the next 10 years.” This requirement is reduced to five years.

For acquisition proceedings we propose to eliminate Section 3.501(a)(3)(iii): “Each utility shall demonstrate its ability to provide adequate water supply, treatment, storage and distribution or adequate wastewater collection, treatment or disposal capacity to meet present and future customer demands.”

For acquisition proceedings we propose to eliminate Section 3.501(a)(5)(ii): “Utilities that have been providing service shall file the two most recent Federal Income Tax Returns (corporation) or related Schedule C forms (partnership or individual). If tax returns reflect an operating loss, utilities shall describe in detail how the operating losses are subsidized, supported by an analysis of the future viability of the utility.”

For acquisition proceedings we propose to eliminate Section 3.501(a)(6)(iii): “A 5-year compliance history with DEP with an explanation of each violation for utilities that have been providing service.” The amendments require this information only for the selling utility.

As to Section 3.501(a)(7): The proposed amendments eliminate these disclosures relating to information provided to other governmental entities. The proposed change to Section (a)(7) indicates that applicants are required only to identify requirements of these entities and certify that they are in compliance with those requirements. The proposed regulations also correct technical and drafting deficiencies in the current Section 3.501(a) as it applies to the more modern applicants and modifies Section 3.501(a)(7) for all utilities to slightly reduce the difficulty for applicants to retrieve information from municipalities and other governmental entities. The changes to the regulation provide alternative forms of compliance.

For acquisition proceedings we propose to eliminate Section 3.501(a)(8) and parts of (a)(9): The proposed amendments eliminate the parts of these sections relating to contacting neighboring service areas. As the modifications added in new Section 3.501(b) relate to acquisitions, little to no impact should be expected on neighboring service areas.

New Section 3.501(a)(10) requires municipal and final plan approval submissions where a utility files an application to extend its service territory due to a planned development.

Additionally, the proposed amendments to Sections 3.501 and 3.502 create a streamlined standard for notice and protest of the acquisition.⁸⁶ The notice and publication requirement reduces publication in newspapers of general circulation from daily publication to weekly publication. An applicant remains responsible for notifying customers of the acquisition. The protest period is reduced in Section 3.502 from 60 days to 30 days. Most protesters are presently able to file within 30 days. The Commission will allow late protests to be filed with good cause shown.

⁸⁵ 66 Pa.C.S. §§ 1301, 1501.

⁸⁶ See Annex, new Section 3.501(f), Section 3.502(d).

The proposed amendments to Sections 3.501 and 3.502 benefit the public by reducing costs involved in the process of regionalization of water and wastewater utility services. The Commission may also decrease the time in which small nonviable water and wastewater systems serve the public. Any regulatory benefit of the information disclosures currently required is outweighed by the benefit of transitioning the customers of nonviable systems into viable systems. The proposed amendments do not in any way affect the disclosures required to be provided to DEP.

Section 3.503 is created to mirror the proposed new section at 52 Pa. Code § 65.16, and provide the same requirements for wastewater utilities. As discussed above, this section is simply a placeholder reference until such time as the proposed revisions to Chapter 66 of the Commission’s regulations are final.

Section 65.16 is updated to use revised revenue figures for the respective classes. Editorial changes are proposed to make each subsection uniform. Modifications are proposed to comply with the nondelegation principles set forth by *Protz v. Workers’ Comp. Appeal Bd. (Derry Area Sch. Dist.)*, 161 A.3d 827 (Pa. 2017).

Conclusion

Accordingly, under Sections 501, 504—506, 523, 1301, 1501 and 1504 of the Public Utility Code (66 Pa.C.S. §§ 501, 504—506, 523, 1301, 1501 and 1504); Section 201 of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law (45 P.S. § 1201), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.5; Section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)); Section 5 of the Regulatory Review Act (71 P.S. § 745.5); and Section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, the Commission considers adopting the proposed regulations set forth in Annex A; *Therefore,*

It Is Ordered:

1. That the Law Bureau shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.
2. That the Law Bureau shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and the Legislative Standing Committees.
3. That the Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
4. That interested parties may file written comments and written reply comments to this proposed regulation at Docket No. L-2020-3017232. The comment filing period begins when this Notice of Proposed Rulemaking Order and Annex are published in the *Pennsylvania Bulletin* and ends 60 days later. The reply comment period begins at the end of the comment period and ends 30 days thereafter. Comments and reply comments must be filed by either:

U.S. MAIL OR OVERNIGHT DELIVERY TO:

Pennsylvania Public Utility Commission
 Attn: Secretary
 Commonwealth Keystone Building
 400 North Street, 2nd Floor
 Harrisburg, PA 17120.

OR

Electronically through the Commission’s eFiling System.

5. That the Secretary shall serve a copy of this Order and Annex A upon certificated water and wastewater utilities, the Pittsburgh Water and Sewer Authority, the Commission’s Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate. The Order and Annex A shall be posted and made available electronically on the Commission’s website.

6. The contact person for this matter is Christian McDewell, Assistant Counsel, Law Bureau, (717) 787-7466, cmcdewell@pa.gov, Fixed Utility Valuation Engineer Clinton McKinley, (717) 783-6161, cmckinley@pa.gov, and Fixed Utility Valuation Analyst Paul Zander, (717) 783-6161, pzander@pa.gov, in the Bureau of Technical Utility Services.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: December 16, 2021

ORDER ENTERED: December 16, 2021

Fiscal Note: 57-337. No fiscal impact; (8) recommends adoption.

This form is designed to assist the Water/Wastewater Utility with
 Application for Certificate of Public Convenience

Providing public utility service within the Commonwealth of Pennsylvania requires you to request approval from the Commission prior to commencing business. The attached form may be used to create your application for a certificate of public convenience held for water or wastewater. This form should only be used for applications filed pursuant to 52 Pa. Code § 3.501(a). Any exhibits should be placed at the end of the application. Applications are subject to a \$350 fee, payable to the “Commonwealth of Pennsylvania”. If filing by hard copy, only one original of each document is required. The Commission may reject an application which fails to include the required information and documents (52 Pa. Code § 3.501(d)).

Mail the filing and application fee to:

Secretary
 Pa Public Utility Commission
 P.O. Box 3265
 Harrisburg PA 17105

To eFile, click on the Filing & Resources link on the Commission’s website at www.puc.pa.gov for instructions.

Questions concerning the application process may be directed to the Bureau of Technical Utility Services at 717-787-5550; please ask to be directed to the Water/Wastewater unit.

Checklist:

- Application and attachments, including your cover letter.
- A check for \$350 made payable to "Commonwealth of Pennsylvania".
- Original signed and notarized Verification Statement.
- Certificate of Service evidencing Application was served upon appropriate parties.

The application will be docketed by the Secretary of the Commission and thereafter forwarded for publication in the *Pennsylvania Bulletin* with a 30-day protest period. The applicant shall also publish notice of application as supplied by the Secretary, once a week for 2 consecutive weeks in one newspaper of general circulation located in the territory covered by the application and shall submit proof of publication to the Commission. If the applicant has been providing service prior to this application, the applicant shall individually notify existing customers of the filing of the application.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of _____
(name of applicant) for approval to offer,
render, furnish or supply _____
(water or wastewater) service to the public
in the Commonwealth of Pennsylvania

Docket No: A-_____
(will be filled-in by the Commission)

1. Public utility code: _____ (will be filled-in by the Commission)
2. Name of Company: _____
3. Company Address: Street name & number: _____ Post office box: _____ City: _____ State: _____ Zip Code: _____ Main Telephone: _____ Number: _____ Email Address: _____ Website Address: _____ Fax number: _____
4. Point of Contact for this Application: Name: _____ Title: _____ <i>Complete the following if different than above:</i> Street name & number: _____ Post office box: _____ City: _____ State: _____ Zip code: _____ Telephone Number: _____ Email address: _____ Fax number: _____
5. Attorney (if retained): Name: _____ Street name & number: _____ Post office box: _____ City: _____ State: _____

Zip code: _____ Telephone Number: _____ Email address: _____
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6. Attach a copy of the business plan required by the Department of Environmental Protection (DEP) in 25 Pa. Code § 109.503(a)(3) (relating to public water system construction permits). Label this document as Attachment A. The following additional information/documents, if not included in the business plan, shall also be included and labeled as Attachment A-1, A-2, etc.:

(1) *Plant in service.*

(i) Proposed utilities shall provide:

(A) A full description of the proposed waterworks or wastewater collection, treatment and disposal facilities and the manner, including the timing, in which the proposed service area and utility will be constructed.

(B) A breakdown of the cost of construction, by major plant category, including the sources of funds used to construct the facilities.

(ii) Utilities that have been providing service shall provide the following:

(A) The original cost, by year and major plant category, of used and useful plant in service and related accrued depreciation calculations.

(B) A breakdown of the sources of funds used to finance the construction of the facilities.

(iii) Applicants acquiring existing water or wastewater systems shall provide:

(A) An inventory or estimate of lead service lines and damaged wastewater service laterals existing within the system, as applicable. The applicant shall state with particularity how potential lead service lines and wastewater service laterals will be included in utility programs for the replacement of these lines as required by § 65.55 and 66.35.

(B) An original cost plant-in-service valuation of the acquired system shall be prepared and filed for the applicant's next base rate case in accordance with 52 Pa. Code § 69.711(e) (Time to submit original cost valuation).

(2) *Map of service area and general system information.* A map or plan of suitable scale and detail highlighting the boundaries of the proposed service area, including:

(i) A bearing angles and distances description.

(ii) The location or route of the proposed waterworks or wastewater collection, treatment or disposal facilities.

(iii) The approximate time schedule for installation of the various component facilities.

(iv) The elevations of major facilities and service areas.

(v) The DEP-permitted productive or treatment capacity of sources, treatment facility and the pipe sizes and material used for construction for all transmission and distribution or collection facilities.

(3) *Customers.*

(i) Proposed utilities shall provide an estimate of the number of customer connections by class in the first, fifth and tenth years, and completed development anticipated, as well as estimated water usage or gallons of wastewater treated in each of those years.

(ii) Utilities that have been providing service shall submit the actual number of customers by class and related consumption or gallons treated, or conveyed where a utility does not provide treatment, in the current calendar year and future number of connections anticipated for the next 5 years.

(iii) Each utility shall demonstrate its ability to provide adequate water supply, treatment, storage and distribution or adequate wastewater collection, treatment or disposal capacity to meet present and future customer demands.

(4) *Rates.*

(i) Proposed utilities shall provide a proposed initial tariff which includes rates, proposed rules, and conditions of service in the format specified by the Commission (classified rate schedule).

(ii) Utilities which have been providing service shall provide a proposed initial tariff which includes rates, proposed rules, and conditions of service. The utility shall notify the customers of the utility of the filing of the application and the rates filed.

(5) *Cost of service.*

(i) Proposed utilities shall provide a 1, 5 and 10-year estimate of operating revenues, operation and maintenance expenses, annual depreciation and taxes. If operating income reflects a loss, proposed utilities shall provide a detailed explanation of the source of funds to be used to subsidize the estimated losses in support of future viability.

(ii) Utilities that have been providing service shall file its most recent balance sheet and income statement and, where applicable, the acquired public utility's most recent financial statements. The applicant shall also state the projected first-year revenue and operating expenses of the system. If the projected first-year revenue and operating expenses of the system project a net operating loss, the applicant shall describe in detail how the operating loss is to be subsidized, supported by an analysis of the future viability of the public utility.

(6) *Proof of compliance.* Proof of compliance with applicable design, construction and operation standards of DEP or of the county health department, or both, including:

(i) Copies of public water supply/water quality management or National Pollution Discharge Elimination System (NPDES) permits if applicable.

(ii) Valid certified operators' certificates appropriate to the facilities being operated.

(iii) A 5-year compliance history with DEP with an explanation of each violation for utilities that have been providing service.

(iv) A DEP 5-year compliance history of other utilities owned or operated, or both, by the applicant, including affiliates, and their officers and parent corporations with regard to the provision of utility service.

7. *Additional documentation.*

(i) An applicant shall submit a letter issued by the following governmental entities confirming that the applicant does or does not meet all the applicable requirements or mandates of the following:

(A) DEP, including but not limited to 25 Pa. Code § 109.709 (regarding cross-connection control programs) and 25 Pa. Code § 109.702 (regarding operation and maintenance plan).

(B) The Delaware River Basin Commission, the Susquehanna River Basin Commission, the Ohio River Basin Commission and the Great Lakes Commission.

(C) The requirements of any Statewide water plan, including any local watershed areas.

(D) The requirements of any officially adopted county comprehensive plans, municipal comprehensive plans, and applicable zoning designations, including any necessary amendments.

(ii) An applicant which is unable to obtain the letters described in subsection (i) shall include with its application the requirements of the governmental entities that are applicable and shall certify that it is in compliance with these requirements. The applicant shall submit copies of applicable county comprehensive plans, municipal comprehensive plans, and applicable zoning designations, including any necessary amendments.

8. *Affected persons.* The identity of public utilities, municipalities, municipal authorities, cooperatives and associations which provide public water supply service or wastewater collection, treatment or disposal service within each municipality, or a municipality directly adja-

cent to the municipalities, in which the applicant seeks to provide service that abuts or is situated within 1 mile of the applicant's proposed facilities.

9. *Other requirements.* Demonstrate compliance with DEP regulations in 25 Pa. Code § 109.503(a)(3) or section 5 of the Pennsylvania Sewage Facilities Act requirements (35 P.S. § 750.5), whichever is applicable; or whether the applicant has contacted each public water supplier or wastewater collection, treatment or disposal supplier in paragraph (8), and one of the following applies:

(i) Whether a supplier is willing and able to serve the area in which the applicant seeks to serve either directly or through the bulk sale of water to the applicant, or treatment of wastewater to the applicant.

(ii) If one or more supplier is willing to serve the area (either directly or through the bulk sale of water to applicant), the applicant should demonstrate that, when considering both the cost of service and the quality of service, the ultimate consumer would be better served by the applicant than by the other water suppliers.

10. *Service area extensions for planned developments.* If an application is filed to extend a service territory to a planned development, the applicant shall provide evidence of preliminary plan approval for anticipated subdivisions and final plan approval whenever such approval is granted.

11. *Metering Verification.* An application to provide water service must include a verification that the water sources and customers are metered in accordance with 52 Pa. Code § 65.7 (relating to metered service). If unmetered water service is currently provided, the applicant shall provide a metering plan to the Commission.

Verification

I, _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date

Signature

Certificate of Service

Instructions: At the time of filing, the applicant must file a complete copy of the application with exhibits to be served by registered or certified mail, return receipt requested, upon:

(i) Each city, borough, town, township, county and related planning office which is included, in whole or in part, in the proposed service area.

(ii) The statutory advocates and DEP's central and regional offices.

(iii) A water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment or disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the application.

I hereby certify that I have on this date _____ (month/day/year), served a true copy of the foregoing document(s) upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Office of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
Harrisburg, PA 17101-1923

Bureau of Investigation and Enforcement
Pa PUC
PO Box 3265
Harrisburg, PA 17105

Dept of Environmental Protection
CENTRAL OFFICE
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Office of Small Business Advocate
Commerce Building, Suite 202
300 North Second Street
Harrisburg, PA 17101

Dept of Environmental Protection
REGIONAL OFFICE

Signature _____

Name (printed) _____

Title (printed) _____

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 3. SPECIAL PROVISIONS

Subchapter G. WATER OR WASTEWATER UTILITY PROCEEDINGS

§ 3.501. Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.

(a) [Applicant. An applicant for a] *New applicant, Class B, Class C, and non-acquisition Class A water and wastewater applications. A new applicant, an applicant that uses the system of accounts for Class A utilities under § 65.16 (relating to system of accounts) whose application does not qualify under subsection (b), or an applicant that uses the system of accounts for Class B or C water utilities under § 65.16 or Class B or C wastewater utilities under § 3.503 (relating to system of accounts for wastewater utilities), which seeks a certificate of public convenience as a public water distribution or wastewater collection, treatment or disposal provider, including noncertificated utilities, shall provide a copy of the business plan required by the Department of Environmental Protection (DEP) in 25 Pa. Code § 109.503(a)(3) (relating to public water system construction permits). [The Commission may reject an application which fails to include the required information and documents.]* The following additional information, or documents, if not included in the business plan, shall also be included in the application, using the current forms and schedules specified by the Commission.

(1) *Plant in service.*

(i) Proposed utilities shall provide:

(A) A full description of the proposed waterworks or wastewater collection, treatment and disposal facilities and the manner, including the timing, in which the proposed service area and utility will be constructed.

(B) A breakdown of the cost of construction, by major plant category, including the sources of funds used to construct the facilities.

(ii) Utilities that have been providing service shall provide **the following**:

(A) The original cost, by year and major plant category, of used and useful plant in service and related accrued depreciation calculations.

(B) A breakdown of the sources of funds used to finance the construction of the facilities.

(iii) Applicants acquiring existing water or wastewater systems shall provide the following:

(A) An inventory or estimate of lead service lines and damaged wastewater service laterals existing within the system, as applicable. The applicant shall state with particularity how potential lead service lines and wastewater service laterals will be included in utility programs for the replacement of these lines as required under §§ 65.55 and 66.35 (relating to LSLR program requirements; and DWSL program requirements).

(B) An original cost plant-in-service valuation of the acquired system shall be prepared and filed for the applicant's next base rate case in accordance with § 69.711(e) (relating to acquisition incentives) regarding time to submit original cost valuation.

(2) Map of service area and general system information. A map or plan of suitable scale **and detail** highlighting the boundaries of the proposed service area, including:

(i) A **[courses and distances or metes and bounds] bearing angles and distances** description.

(ii) The location or route of the proposed waterworks or wastewater collection, treatment or disposal facilities.

(iii) The approximate time schedule for installation of the various component facilities.

(iv) The elevations of major facilities and service areas.

(v) The **[DEP permitted] DEP-permitted** productive or treatment capacity of sources, treatment facility and the pipe sizes and material used for construction for all transmission and distribution or collection facilities.

(vi) **[A copy of the county comprehensive plan, municipal comprehensive plan and applicable zoning designations.] [Reserved].**

(3) *Customers.*

(i) Proposed utilities shall provide an estimate of the number of customer connections by class in the first, fifth and tenth years, and completed development anticipated, as well as estimated water usage or gallons of wastewater treated in each of those years.

(ii) Utilities that have been providing service shall submit the actual number of customers by class and related consumption or gallons treated, **or conveyed**

where a utility does not provide treatment, in the current calendar year and future number of connections anticipated for the next [10] 5 years.

(iii) Each utility shall demonstrate its ability to provide adequate water supply, treatment, storage and distribution or adequate wastewater collection, treatment or disposal capacity to meet present and future customer demands.

(4) *Rates.*

(i) Proposed utilities shall provide a proposed initial tariff which includes rates, proposed rules, and conditions of service in the format specified by the Commission (classified rate schedule).

(ii) Utilities which have been providing service shall provide a proposed initial tariff which includes rates, proposed rules, and conditions of service. The utility shall notify the customers of the utility of the filing of the application and the rates filed.

(5) *Cost of service.*

(i) Proposed utilities shall provide a 1, 5 and 10-year estimate of operating revenues, operation and maintenance expenses, annual depreciation and taxes. If operating income reflects a loss, proposed utilities shall provide a detailed explanation of the source of funds to be used to subsidize the estimated losses in support of future viability.

(ii) Utilities that have been providing service shall file **[the two most recent Federal Income Tax Returns (corporation) or related Schedule C forms (partnership or individual). If tax returns reflect an operating loss, utilities shall describe in detail how the operating losses are subsidized, supported by an analysis of the future viability of the utility] their most recent balance sheet and income statement and, where applicable, the acquired public utility's most recent financial statements. The applicant shall also state the projected first-year revenue and operating expenses of the system. If the projected first-year revenue and operating expenses of the system project a net operating loss, the applicant shall describe in detail how the operating loss is to be subsidized, supported by an analysis of the future viability of the public utility.**

(6) *Proof of compliance.* Proof of compliance with applicable design, construction and operation standards of DEP or of the county health department, or both, including:

(i) Copies of public water supply/water quality management or National Pollution Discharge Elimination System (NPDES) permits if applicable.

(ii) Valid certified operators' certificates appropriate to the facilities being operated.

(iii) A 5-year compliance history with DEP with an explanation of each violation for utilities that have been providing service.

(iv) A DEP 5-year compliance history of other utilities owned or operated, or both, by the applicant, including affiliates, and their officers and parent corporations with regard to the provision of utility service.

(7) *Additional documentation.* **[In addition to a copy of the documents submitted under paragraphs (1)—(6), the applicant]**

(i) An applicant shall submit a letter [addressing all the applicable requirements or mandates of the following governmental entities. The letter must also append copies of certification] issued by the following governmental entities confirming that the applicant does or does not meet all the applicable requirements or mandates of the following:

[i] (A) DEP, including but not limited to 25 Pa. Code §§ 109.702 and 109.709 (relating to operation and maintenance plan; and cross-connection control program).

[ii] (B) The Delaware River Basin Commission, the Susquehanna River Basin Commission, the Ohio River Basin Commission and the Great Lakes Commission.

[iii] (C) The requirements of any Statewide water plan, including any local watershed areas.

[iv] (D) The requirements of any officially adopted county comprehensive plans, municipal comprehensive plans, and applicable zoning designations, including any necessary amendments.

(ii) An applicant which is unable to obtain the letters described in subsection (i) shall include with its application the requirements of the governmental entities that are applicable and shall certify that it is in compliance with these requirements. The applicant shall submit copies of applicable county comprehensive plans, municipal comprehensive plans and applicable zoning designations, including any necessary amendments.

(8) *Affected persons.* The identity of public utilities, municipalities, municipal authorities, cooperatives and associations which provide public water supply service or wastewater collection, treatment or disposal service within each municipality, or a municipality directly adjacent to the municipalities, in which the applicant seeks to provide service that abuts or is situated within 1 mile of the applicant's proposed facilities.

(9) *Other requirements.* Demonstrate compliance with DEP regulations in 25 Pa. Code § 109.503(a)(3) or section 5 of the Pennsylvania Sewage Facilities Act requirements (35 P.S. § 750.5), whichever is applicable; or whether the applicant has contacted each public water supplier or wastewater collection, treatment or disposal supplier in paragraph (8), and one of the following applies:

(i) Whether a supplier is willing and able to serve the area which the applicant seeks to serve either directly or through the bulk sale of water to the applicant, or treatment of wastewater to the applicant.

(ii) If one or more supplier is willing to serve the area (either directly or through the bulk sale of water to applicant), the applicant should demonstrate that, when considering both the cost of service and the quality of service, the ultimate consumer would be better served by the applicant than by the other water suppliers.

(10) [Verification. A verification that the water sources and customers are metered in accordance with § 65.7 (relating to metered service). If unmetered water service is currently provided, the applicant shall provide a metering plan to the Commission.] Service area extensions for planned developments. If an application is filed to extend service territory to a planned development, the applicant shall provide evidence of preliminary

plan approval for anticipated subdivisions and final plan approval whenever such approval is granted.

(b) Class A water and wastewater acquisition applications. An applicant that currently provides service in this Commonwealth utilizing the system of accounts for Class A water utilities under § 65.16(a) or Class A wastewater utilities under § 3.503 which seeks a certificate of public convenience to acquire a public water distribution or wastewater collection, treatment or disposal system shall provide the following information with the application, using forms and schedules of the Commission if specified:

(1) Plant in service. A full description of the waterworks or wastewater collection, treatment and disposal facilities. If any of this information is unavailable from the acquired public water distribution or wastewater collection, treatment or disposal system operator the applicant shall so state and explain why. The description must include:

(i) An inventory or estimate of lead service lines and damaged wastewater service laterals existing within the system, as applicable. The applicant shall state with particularity how potential lead service lines and wastewater service laterals will be included in utility programs for the replacement of these lines as required under §§ 65.55 and 66.35.

(ii) An original cost plant-in-service valuation of the acquired system shall be prepared and filed for the applicant's next base rate case in accordance with § 69.711(e).

(2) Map of service area. A map or plan of suitable scale and detail, highlighting the boundaries of the proposed service area including all of the following:

(i) A bearing angles and distances description.

(ii) The location or route of the waterworks or wastewater collection, treatment or disposal facilities.

(iii) The elevations of major facilities and service areas.

(3) Capacity. The DEP-permitted productive or treatment capacity of sources, treatment facilities, major distribution or collection facilities and, to the extent known at the time of filing, the pipe sizes and material used for construction for transmission and distribution or collection facilities.

(4) Zoning and additional compliance certifications for un-served service area. A certification that the unserved requested service area complies with the county comprehensive plan, municipal comprehensive plan and applicable zoning designations.

(5) Customers. The actual number of customers of the selling entity by class, related consumption or gallons treated in the previous calendar year, and the future number of estimated connections for the next 5 years. If the selling entity will continue to provide service to customers after closing on a proposed transaction, values for the number of customers of the selling entity by class and related consumption or gallons treated before and after closing shall be provided.

(6) Rates. A proposed initial tariff which includes rates, proposed rules and conditions of service. The

applicant shall notify the customers of the selling entity of the filing of the application and any proposed rate changes.

(7) Selling entity's proof of compliance. Proof of compliance with applicable design, construction and operation standards of DEP or of the county health department, or both, including:

(i) Copies of public water supply/water quality management, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management) Dams and Reservoirs or National Pollution Discharge Elimination System (NPDES) permits if applicable.

(ii) Valid certified operators' certificates appropriate to the facilities being operated.

(iii) The selling entity's 5-year compliance history with DEP with a brief explanation of each violation, if any.

(iv) Identification of applicable requirements of the governmental entities listed in subsection (a)(7)(i), and certification that the applicant complies with the applicable requirements of those entities.

(v) Copies of the applicable Act 537 Plan documents for all affected municipalities relating to the acquired service area, as required under section 5 of the Pennsylvania Sewage Facilities Act.

(c) Metering verification. An application to provide water service must include a verification that the water sources and customers are metered in accordance with § 65.7 (relating to metered service). If unmetered water service is currently provided, the applicant shall provide a metering plan to the Commission.

[(b)] (d) Additional considerations. The Commission will consider and may rely upon the comprehensive plans, multimunicipal plans, zoning ordinances and joint municipal zoning ordinances, consistent with the authority in sections 619.2 and 1105 of the Municipalities Planning Code (53 P.S. §§ 10619.2 and 11105), when reviewing applications for a certificate of public convenience as a public water supplier or wastewater collection, treatment or disposal provider.

[(c)] (e) Filing. Applications under this section must conform to §§ 1.31 and 1.32 (relating to requirements for documentary filings; and filing specifications), and include a mode of payment as prescribed by § 1.42 (relating to mode of payment of fees) and in the amount delineated in § 1.43 (relating to schedule of fees payable to the Commission). The applicant shall file with the Commission the original of the application. An application which fails to include the information and documents outlined in subsections (a) [and], (b) and (c), as specified by the Commission for water and wastewater collection, treatment or disposal companies, is subject to rejection by the Commission. The original must contain exhibits. An affidavit of service showing the identity of those served under subsection [(f)] (g) shall accompany the original application filed with the Commission.

[(d)] (f) Notice.

The application will be docketed by the Secretary of the Commission and thereafter forwarded for publication in the *Pennsylvania Bulletin* with a [60-day] 30-day protest period. [The applicant shall also publish notice of application as supplied by the Secretary,

daily for 2 consecutive weeks in one newspaper of general circulation located in the territory covered by the application and shall submit proof of publication to the Commission. In addition, the utility or applicant shall individually notify existing customers of the filing of the application.] The application will be docketed by the Secretary of the Commission and thereafter forwarded for publication in the Pennsylvania Bulletin with a 30-day protest period. At the time of filing with Commission, the applicant shall notify acquired customers of the filing of the application. An applicant which has been providing service to customers without a certificate of public convenience to serve those customers shall individually notify existing customers of the filing of the application. The applicant shall also publish notice of application as supplied by the Secretary, once a week for 2 consecutive weeks in one newspaper of general circulation located in the territory covered by the application and shall submit proof of publication to the Commission. If the application includes a request to provide service in an area covered by a mandatory connection ordinance, the notice provided under this section shall include conspicuous notice that such an ordinance applies.

[(e)] (g) *Application form.* The Commission may provide [a] standard application [form] forms for use by an applicant for this section and will, to the extent practicable, provide the application [form] forms on the Commission's web site.

(1) Any standard application form developed for purposes of this section that involves a matter of an inter-agency nature will be developed or revised only after notice is published in the *Pennsylvania Bulletin*, posted on the Commission's website to the extent practicable, and after consultation with interested persons or agencies is conducted.

(2) Any standard application form developed for purposes of this section that involves matters other than those governed by paragraph (1) will be developed or revised only after notice is published in the *Pennsylvania Bulletin*, posted on the Commission's website to the extent practicable, and after consultation with any interested persons or agencies is conducted.

(3) Any standard application form developed for purposes of this section will be developed by the Commission staff and may be subject to formal approval by the Commission. Any standard application form developed for purposes of this section not formally approved by the Commission shall be subject to § 5.44 (relating to petitions for [appeal] reconsideration from actions of the staff).

[(f)] (h) *Copies.*

(1) At the time of filing, the applicant shall cause a complete copy of the application with exhibits to be served by registered or certified mail, return receipt requested, upon:

[(1)] (i) Each city, borough, town, township, county and related planning office which is included, in whole or in part, in the proposed service area.

(ii) The statutory advocates and DEP's central and regional offices.

(2) A water or wastewater utility, municipal corporation or authority which provides water or wastewater

collection, treatment or disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the application.

(3) [The statutory advocates and DEP's central and regional offices.] [Reserved].

[(g)] (i) *References.* [Subsection (a) supplements Subsections (a) and (b) supplement § 5.11 (relating to applications generally).

§ 3.502. Protests to applications for certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.

* * * * *

(d) *Protests: time of filing.* A protest shall be filed within the time specified in the notice appearing in the *Pennsylvania Bulletin*, which shall be at least [60] 30 days from the date of publication thereof except [when the need for the proposed service or other exigent circumstances supports a request for a shorter protest period] upon good cause shown. Failure to file the protest in accordance with this subsection shall be a bar to subsequent participation in the proceeding, except if permitted by the Commission for good cause shown or as provided in § 5.71 (relating to initiation of intervention). In determining whether good cause has been shown for a protest beyond the period set forth in this section, the Commission will take into account whether the scheduling of a municipal meeting has caused hardship for a timely protest.

(*Editor's Note:* The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 3.503. System of accounts for wastewater utilities.

(a) A public utility having annual jurisdictional operating revenue of \$1 million or more (average of the last 3 consecutive years) for wastewater service shall keep its accounts in conformity with the most recent *Uniform System of Accounts for Class A Wastewater Utilities* prescribed by the National Association of Regulatory Utility Commissioners (N.A.R.U.C.) published prior to the effective date of this section.

(b) A public utility having annual jurisdictional operating revenues of \$200,000 or more but less than \$1 million (average of the last 3 consecutive years) for wastewater service shall keep its accounts in conformity with the most recent *Uniform System of Accounts for Class B Wastewater Utilities* prescribed by N.A.R.U.C. published prior to the effective date of this section.

(c) A public utility having annual jurisdictional operating revenues of less than \$200,000 (average of the last 3 consecutive years) for wastewater service shall keep its accounts in conformity with the most recent *Uniform System of Accounts for Class C Wastewater Utilities* prescribed by N.A.R.U.C. published prior to the effective date of this section.

(d) Public utilities subject to this section shall have until 1 year from the effective date of this section to convert to the most recent *Uniform System of Accounts for Class A, Class B or Class C Wastewater Utilities* prescribed by N.A.R.U.C.

Subpart C. FIXED SERVICE UTILITIES**CHAPTER 65. WATER SERVICE****Subchapter A. SERVICE GENERALLY**§ 65.16. System of accounts for water utilities.

(a) A public utility having annual jurisdictional operating revenue of [**\$750,000**] \$1 million or more (average of the last 3 consecutive years) for water service shall keep its accounts in conformity with the most recent *Uniform System of Accounts for Class A Water Utilities* prescribed by the National Association of Regulatory Utility Commissioners (N.A.R.U.C.) published prior to the effective date of this section.

(b) A public utility having annual jurisdictional operating revenues of [**\$150,000**] \$200,000 or more but less than [**\$750,000**] \$1 million (average of the last 3 consecutive years) for water service shall keep its accounts in conformity with the most recent *Uniform*

System of Accounts for Class B Water Utilities prescribed by N.A.R.U.C. published prior to the effective date of this section.

(c) A public utility having annual jurisdictional operating revenues of less than [**\$150,000**] \$200,000 (average of the last 3 consecutive years) for water service shall keep its accounts in conformity with the most recent *Uniform System of Accounts for Class C Water [Companies] Utilities* prescribed by N.A.R.U.C. published prior to the effective date of this section.

(d) Public utilities subject to this section shall have until [**January 1, 2000,**] 1 year from the effective date of this section to convert to the most recent *Uniform System of Accounts for Class A, Class B or Class C Water Utilities* prescribed by N.A.R.U.C.

[Pa.B. Doc. No. 22-1211. Filed for public inspection August 12, 2022, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Action of Controlled Plant and Noxious Weed Committee; Addition of Noxious Weeds to Controlled Plants and Noxious Weed List

A meeting of the Controlled Plant and Noxious Weed Committee (Committee) was held virtually on July 21, 2022.

A Sunshine Notice regarding the meeting was published at 52 Pa.B. 3839 (July 9, 2022).

The purpose of the meeting was to consider the addition of three plants to the noxious weed list as authorized under 3 Pa.C.S. 1511(b)(3)(ii) (relating to designation of noxious weeds and controlled plants).

A quorum of the Committee was present at the meeting. After a presentation by the Department of Conservation and Natural Resources and the Department of Agriculture (Department), the acknowledgement of written public comments received and a discussion of the

Committee, the Committee voted to approve the following weeds for addition to the noxious weed list.

- Wild Chervil (*Anthriscus sylvestris*) as a Class A noxious weed
- Chocolate Vine (*Akebia quinata*) as a Class A noxious weed
- Lesser Celandine (*Ficaria verna*) as a Class B noxious weed

Under the authority and requirements of 3 Pa.C.S. § 1511(b)(3)(iv), the Department hereby publishes the addition of Wild Chervil, Chocolate Vine and Lesser Celandine to the noxious weed list.

The addition of the previously listed plants to the controlled plants and noxious weeds list will become effective 60 days from publication of this notice.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-1212. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending August 2, 2022.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
07-27-2022	Brentwood Bank Bethel Park Allegheny County	1001 Village Run Road Wexford Allegheny County	Filed
08-02-2022	Kish Bank Belleville Mifflin County	55 Parkside Court Mifflintown Juniata County	Filed

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
07-27-2022	Clearview Federal Credit Union Moon Township Allegheny County	Approved

Application for approval to merge PA Healthcare Credit Union, Sewickley, with and into Clearview Federal Credit Union, Moon Township.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1213. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2022

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September 2022, is 5 1/2%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 3.11 to which was added 2.50 percentage points for a total of 5.61 that by law is rounded off to the nearest quarter at 5 1/2%.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1214. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Prohibitions on Hunting with Firearms at Nockamixon State Park, Bucks County; Marsh Creek State Park, Chester County; Evansburg State Park, Montgomery County; White Clay Creek Preserve, Chester County

A. *Summary and Background*

Section 11.215(2)(ii) of 17 Pa. Code (relating to weapons and hunting) provides that the activities of hunting,

pursuing or intentionally disturbing wildlife are prohibited without the written permission of the Department of Conservation and Natural Resources (Department) unless the activity takes place in an area designated by the Department for hunting. The Department previously designated portions of Nockamixon State Park, Marsh Creek State Park and Evansburg State Park (State Parks) and White Clay Creek Preserve (Preserve) for hunting.

In those areas where hunting is permitted, the Department will place the following restrictions on hunting to enhance visitor safety and minimize recreational user conflict. Specifically, the Department will prohibit the use of all center fire and rim fire rifles and handguns for the purposes of hunting in the State Parks. The use of shotguns, muzzleloaders, and bows and arrows are still permitted during established hunting seasons at the State Parks.

The Department also will prohibit the use of all center fire and rim fire rifles and handguns for the purposes of hunting in the Preserve. The use of muzzleloaders and bows and arrows are still permitted during established deer hunting seasons only in the portion of the Preserve located in London Britain Township. The use of shotguns, muzzleloaders, and bows and arrows are still permitted during established deer hunting seasons only in the portion of the Preserve located in Elk and Franklin Townships.

The Department is responsible for protecting natural resources, maintaining public safety and preventing recreational user conflicts. By restricting the use of center fire and rim fire rifles and handguns for hunting purposes at the State Parks and the Preserve, the Department will be able to provide necessary visitor safety and minimize recreational user conflict.

B. *Contact Person*

Questions may be directed to the Bureau of State Parks, Park Operations and Maintenance Division, P.O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640, RA-Park-Operations@pa.gov. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users).

C. *Effective Date*

These changes will go into effect immediately upon publication of this notice in the *Pennsylvania Bulletin* and when posted at the State Parks and Preserve.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 22-1215. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
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|-----|--|
| I | Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received |
| II | Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs |
| III | Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity |

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of DEP for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs and to submit comments for those applications, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 717-826-5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0915807	Joint DEP/PFBC Pesticides Permit	Renewal	Molenari James 624 Swamp Road Doylestown, PA 18901	Doylestown Township Bucks County	SERO
0916829	Joint DEP/PFBC Pesticides Permit	Amendment	Taylor Patricia K 1733 Holicong Road Buckingham, PA 18912	Buckingham Township Bucks County	SERO
1522815	Joint DEP/PFBC Pesticides Permit	New	Hollyview HOA c/o Trident Properties Management P.O. Box 645 Downingtown, PA 19335-0645	West Whiteland Township Chester County	SERO
5422401	Major Sewage Treatment Facility Individual WQM Permit	New	Shenandoah Municipal Sewer Authority Schuylkill County 15 W Washington Street Borough Hall Shenandoah, PA 17976-1708	Shenandoah Borough Schuylkill County	NERO
PA0057673	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Green Lane Borough & Marlborough Township Joint Authority Montgomery County P.O. Box 45 Green Lane, PA 18054	Marlborough Township Montgomery County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6103201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Barkeyville Municipal Authority Venango County 1610 Barkeyville Road Grove City, PA 16127-7904	Barkeyville Borough Venango County	NWRO
6479402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Raceway Holdings LLC 1492 Oliver Road New Milford, PA 18834	Sterling Township Wayne County	NERO
NOEX04502	No Exposure Certification	Renewal	CCL Tube 1 Lasley Avenue Hanover Township, PA 18706-1427	Wilkes-Barre City Luzerne County	NERO
NOEXNW012	No Exposure Certification	Renewal	Great Lakes Manufacturing Inc. 1521 Enterprise Road Corry, PA 16407-8575	Corry City Erie County	NWRO
NOEXSC384	No Exposure Certification	New	Hain Celestial Group Inc. 3775 Hempland Road Mountville, PA 17554-1541	Springettsbury Township York County	SCRO
NOEXSE337	No Exposure Certification	New	Harleysville Materials Holding Co. LLC 427 South White Horse Pike P.O. Box 619 Berlin, NJ 08009	Falls Township Bucks County	SERO
PAG036290	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	5 D Field Svcs LLC 3866 Millers Run Road McDonald, PA 15057-2814	Cecil Township Washington County	SWRO
PAR126111	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Darling Ingredients Inc. 275 Alisa Street Somerset, PA 15501-7763	Somerset Township Somerset County	SWRO
PAR803715	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Stuck Enterprises 1115 E High Street Waynesburg, PA 15370-1785	Snake Spring Township Bedford County	SCRO
PAG040133	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Berila Alexander & Natallia 36 Mega Way Rushland, PA 18956-0451	Wrightstown Township Bucks County	SERO
PAG048879	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Gruver Douglas 198 N Goodhope Road Jamestown, PA 16134-9511	Greene Township Mercer County	NWRO
PAG049330	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Noonan Julie 6586 Station Road Erie, PA 16510-4737	Harborcreek Township Erie County	NWRO
PAG132324	PAG-13 NPDES General Permit for MS4s	New	Nuangola Borough Luzerne County 5150 Nuangola Road Mountaintop, PA 18707	Nuangola Borough Luzerne County	NERO
PAG133508	PAG-13 NPDES General Permit for MS4s	Renewal	Saint Lawrence Borough Berks County 3540 Saint Lawrence Avenue Reading, PA 19606-2372	Saint Lawrence Borough Berks County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG133513	PAG-13 NPDES General Permit for MS4s	Renewal	Mount Penn Borough Berks County 200 N 25th Street Reading, PA 19606-2075	Mount Penn Borough Berks County	SCRO
PAG133514	PAG-13 NPDES General Permit for MS4s	Renewal	Marion Township Berks County 420 Water Street Stouchsburg, PA 19567-1636	Marion Township Berks County	SCRO
PAG133606	PAG-13 NPDES General Permit for MS4s	Renewal	Milton S Hershey Medical Center 90 Hope Drive # A330 Hershey, PA 17033-2036	Derry Township Dauphin County	SCRO
PAG133650	PAG-13 NPDES General Permit for MS4s	Renewal	York County 28 E Market Street York, PA 17401-1501	York City York County	SCRO
PAG133718	PAG-13 NPDES General Permit for MS4s	Renewal	Union Township Adams County 255 Pine Grove Road Hanover, PA 17331	Union Township Adams County	SCRO
PAG133719	PAG-13 NPDES General Permit for MS4s	Renewal	Straban Township Adams County 1745 Granite Station Road Gettysburg, PA 17325-8232	Straban Township Adams County	SCRO
PAG133730	PAG-13 NPDES General Permit for MS4s	Renewal	Oxford Township Adams County P.O. Box 86 New Oxford, PA 17350-0086	Oxford Township Adams County	SCRO
4022402	Pump Stations Individual WQM Permit	New	Ecumenical Enterprises Inc. 3135 Memorial Highway Dallas, PA 18612-8312	Dallas Township Luzerne County	NERO
4022401	Sewer Extensions Individual WQM Permit	New	Ecumenical Enterprises Inc. 3135 Memorial Highway Dallas, PA 18612-8312	Dallas Township Luzerne County	NERO
PA0289469	Single Residence STP Individual NPDES Permit	Transfer	Salka Kyle 432 Route 422 E Butler, PA 16002-1086	Summit Township Butler County	NWRO
PA0289582	Single Residence STP Individual NPDES Permit	Transfer	Klobusnik Andrew 9610 Crane Road Cranesville, PA 16410-1514	Elk Creek Township Erie County	NWRO
1021408	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Salka Kyle 432 Route 422 E Butler, PA 16002-1086	Summit Township Butler County	NWRO
1022411	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Snyder Monica 7209 Country Club Road Butler, PA 16001-8576	Franklin Township Butler County	NWRO
2022409	Single Residence Sewage Treatment Plant Individual WQM Permit	New	McClincy Everett 20703 Fisher Road Meadville, PA 16335-5367	Woodcock Township Crawford County	NWRO
2022410	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Mark & Sally Haeck 16542 Rogers Ferry Road Meadville, PA 16335-9500	Vernon Township Crawford County	NWRO
2521416	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Klobusnik Andrew 9610 Crane Road Cranesville, PA 16410-1514	Elk Creek Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3722404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Frank Jerrold 2027 N Camp Run Road Fombell, PA 16123-3127	Perry Township Lawrence County	NWRO
4303402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Gruver Douglas 198 N Goodhope Road Jamestown, PA 16134-9511	Greene Township Mercer County	NWRO
4322406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Santell David 1603 Shadow Court Scott Air Force Base, IL 62225-6302	Greene Township Mercer County	NWRO
6122403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Deliman Donald 1984 Buxton Road Titusville, PA 16354-7402	Cherrytree Township Venango County	NWRO
6122404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Fannie Mae 3900 Wisconsin Avenue NW Washington, DC 20016-2806	Cranberry Township Venango County	NWRO
6217403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	McKinney Gregory 88 Grass Flats Boulevard Warren, PA 16365-7915	Conewango Township Warren County	NWRO
6522405	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hydro SC LLC 1500 Bay Road Apt 514 Miami Beach, FL 33139-3252	Murrysville Borough Westmoreland County	SWRO
PA0097489	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Martin Diesel LLC 7425 Route 422 Highway W Indiana, PA 15701-4343	Armstrong Township Indiana County	NWRO
PA0101117	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Freedom First Rentals LLC P.O. Box 5205 Conneaut Lake, PA 16316-5205	Cussewago Township Crawford County	NWRO
PA0222488	Small Flow Treatment Facility Individual NPDES Permit	Transfer	G&L Wolfe Inc. 120 Winfield Road Sarver, PA 16055-8507	Jefferson Township Butler County	NWRO
1098402	Small Flow Treatment Facility Individual WQM Permit	Transfer	G&L Wolfe Inc. 120 Winfield Road Sarver, PA 16055-8507	Jefferson Township Butler County	NWRO
2073407	Small Flow Treatment Facility Individual WQM Permit	Transfer	Freedom First Rentals LLC P.O. Box 5205 Conneaut Lake, PA 16316-5205	Cussewago Township Crawford County	NWRO
3289401	Small Flow Treatment Facility Individual WQM Permit	Transfer	Martin Diesel LLC 7425 Route 422 Highway W Indiana, PA 15701-4343	Armstrong Township Indiana County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4600407	Small Flow Treatment Facility Individual WQM Permit	Transfer	Green Lane Borough & Marlborough Township Joint Authority Montgomery County P.O. Box 45 Green Lane, PA 18054	Marlborough Township Montgomery County	SERO
WQG018533	WQG-01 WQM General Permit	Transfer	Noonan Julie 6586 Station Road Erie, PA 16510-4737	Harborcreek Township Erie County	NWRO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northcentral Regional Office

PA0033910, Sewage, SIC Code 8211, **Northeast Bradford School District**, 516 Panther Lane, Rome, PA 18837-7892. Facility Name: School District Treatment Plant. This existing facility is located in Orwell Township, **Bradford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Johnson Creek (CWF), is located in State Water Plan watershed 4-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	18.0	XXX	36
Nov 1 - May 31						
Jun 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Northcentral Regional Office

PA0233200, Storm Water, SIC Code 2493, **PA Pellets LLC (A Delaware Corp)**, 958 State Route 49 W, Ulysses, PA 16948-9364. Facility Name: PA Pellets LLC Ulysses Borough Plant. This proposed facility is located in Ulysses Borough, **Potter County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of industrial stormwater.

The receiving stream(s), Unnamed Tributary to Genesee River and Unnamed Tributary of Genesee River, is located in State Water Plan watershed 14-A and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 and 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Northwest Regional Office

PA0222747, Sewage, SIC Code 8800, **John Philip Lantzy**, 140 Seagull Lane, North East, PA 16428-3492. Facility Name: Seagull Cove SFTF. This existing facility is located in North East Township, **Erie County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SFTF sewage.

The receiving stream, an Unnamed Tributary to Lake Erie, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Daily Max 0.5 Avg Mo	XXX	1.6

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0263800, Sewage, SIC Code 8811, **Billy L. Morgan**, 392 Palmer Road, Butler, PA 16001-8439. Facility Name: Billy L. Morgan SRSTP. This existing facility is located in Center Township, **Butler County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP sewage.

The receiving stream(s), Unnamed Tributary to Connoquenessing Creek, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0290874, Sewage, SIC Code 8800, **Diane Shearer**, 8451 Route 89, North East, PA 16428-5235. Facility Name: Diane Shearer SRSTP. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Sixteenmile Creek, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0290947, Sewage, SIC Code 4952, 8800, **Jerrold Frank**, 2027 N Camp Run Road, Fombell, PA 16123-3127. Facility Name: Jerrold Frank SRSTP. This proposed facility is located in Perry Township, **Lawrence County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an unnamed tributary to Camp Run, located in State Water Plan watershed 20-C and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0290963, Sewage, SIC Code 4952, 8800, **Fannie Mae**, 3900 Wisconsin Avenue NW, Washington, DC 20016-2806. Facility Name: Fannie Mae SRSTP. This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an Unnamed Tributary to Wolf Branch, located in State Water Plan watershed 16-E and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0253588, Industrial, SIC Code 1389, **Diversified Production, LLC**, 101 McQuiston Drive, Jackson Center, PA 16133-1633. Facility Name: Crooked Creek Treatment Facility. This existing facility is located in South Bend Township, **Armstrong County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Crooked Creek, is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	0.15	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO ₃)	XXX	XXX	0.0	XXX	XXX	XXX
Effluent Net						
Barium, Total	Report	Report	XXX	10.0	20.0	25
Iron, Total	Report	Report	XXX	3.5	7.0	9

In addition, the permit contains the following major special conditions:

- Chemical Additives
- Sedimentation Basin Cleaning
- Total Dissolved Solids—Chapter 95.10 Discharge Loadings

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is not in effect.

Southeast Regional Office

PA0058599, Sewage, SIC Code 8811, **Piper Real Property, LLC**, 13195 Rettew Drive, Manassas, VA 20112-7813. Facility Name: Piper Real Property SFSTP. This existing facility is located in Bedminster Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SFTF sewage.

The receiving stream(s), Unnamed Tributary to Cabin Run (CWF, MF), is located in State Water Plan watershed 2-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	10.0	XXX	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			
			Inst Min			

In addition, the permit contains the following major special conditions:

- Submission of Annual Maintenance Form (AMR)
- Septic Tank must be pumped once every three years
- No stormwater into sanitary sewers
- Permittee is required to provide proper cleaning to Ultra-Violet (UV) contact surface every month
- Collected screenings, slurries, sludges and other solids shall be disposed of properly

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Southwest Regional Office

PA0284921, Sewage, SIC Code 8800, **Brandon Riggle**, 1349 Smith Township State Road, Burgettstown, PA 15021-2830. Facility Name: Riggle Properties SRSTP. This proposed facility is located in Smith Township, **Washington County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Burgetts Fork (WWF), is located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southwest Regional Office

PA0205656, Industrial, SIC Code 5171, **Watco Transloading, LLC**, 702 Washington Avenue, Dravosburg, PA 15034-1348. Facility Name: WTPS Dravosburg Terminal. This existing facility is located in Dravosburg Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Monongahela River (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	15.0	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX

The proposed effluent limits for IMP 101:

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Total Flow (Total Volume) (gal)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Benzene (ug/L)	XXX	XXX	XXX	XXX	XXX	2.5
BTEX, Total	XXX	XXX	XXX	XXX	XXX	0.25
PCBs, Total (ug/L)	XXX	XXX	XXX	Report	XXX	Report

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point (IMP) 101 are based on a design flow of 0.014 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD) IMP	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.) IMP	XXX	XXX	Report	XXX	XXX	Report
Iron, Total IMP	XXX	XXX	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

Application Number	Application Type	Applicant Name & Address	Municipality, County	Office
PAD320008	New	Indiana University of Pennsylvania 1011 South Drive Indiana, PA 15705	Indiana Borough Indiana County	NWRO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD500018	New	Paradise Streams Enterprises, LLC 693 Paradise Stream Road Loysville, PA 17047	Southwest Madison Township Perry County	SCRO
PAD440018	New	Milroy (322) DPP, LLC 7420 Old US Highway 322 Reedsville, PA 17084	Brown Township Mifflin County	SCRO
PAD150262	New	Trieste Development, LLC Filmore Street and Township Line Road Phoenixville, PA 19460	Phoenixville Borough Chester County	SERO
PAD450109 A-1	Major Amendment	Black Buffalo 3D Corporation 124 Airstrip Road East Stroudsburg, PA 18301	Smithfield Township Monroe County	NERO
PAD400051 A-1	Major Amendment	Hazleton Logistics, LLC 4301 Indian Creek Parkway Overland Park, KS 66207	Hazle Township Luzerne County	NERO
PAD350029	New	Jefferson Township 487 Cortez Road Jefferson Twp, PA 18436-3705	Jefferson Township Lackawanna County	NERO
PAD480179	New	UGI Utilities Inc. 1 UGI Drive Denver, PA 17517	City of Bethlehem Lower Saucon Township Northampton County	NERO
PAD020035	Major Amendment	DRI/CA Pittsburgh, LLC 3500 Forbes Avenue Pittsburgh, PA 15213	City of Pittsburgh Allegheny County	SWRO
PAD460007 A-1	Major Amendment	JPO Land, L.P./Mancill Mill Road Co. 850 Mancill Mill Road King of Prussia, PA 19406-1101	Upper Merion Township Montgomery County	SERO
PAD390032	Renewal	PPL Electric Utilities Corporation 1639 Church Rd. Allentown, PA 18104	Upper Macungie Township Lehigh County	NERO

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

**ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Jerry Martin Hillcrest Swine Farm 121 Paradise Lane Lewisburg, PA 17837	Union County	49.5	993.92	Swine	NA	Renewal
Amos Newswanger Garreau Farm 158 Miller Road Lewisburg, PA 17837	Union County	2	543.47	Swine Poultry	HQ	Renewal
BP Shirey Turkey Farm Inc. 6359 Boyertown Pike Douglassville, PA 19518	Berks County	75.68	323.66	Poultry	NA	Renewal
Noah Light 568 Shirksville Road Jonestown, PA 17046	Lebanon County	3.6	292.18	Pullets	NA	Renewal
Dan Bollinger Lexington Acres 306 East Lexington Road Lititz, PA 17543	Lancaster County	74.5	404.09	Hog/Pullet/ Beef	NA	Renewal
Dwight and Kathi Zimmerman 80 South Northkill Road Bernville, PA 19506	Berks County	18.2	239.23	Poultry	NA	Renewal
Y Run Farms, LLC 3252 Leona Road Troy, PA 16947	Bradford County	1,628.9	1,944.38	Dairy Cattle	NA	New

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30-days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (DEP) the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

SAFE DRINKING WATER

Application(s) Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.

Application No. 3922510, Construction/Operation, Public Water Supply.

Applicant Address	South Whitehall Township 4444 Walbert Avenue Allentown, PA 18104
Municipality County	South Whitehall Township Lehigh County
Application Received Description	June 21, 2022 South Whitehall Township proposes the addition of a new booster pump station along with associated piping in order to serve a new multiuse subdivision known as Ridge Farms. This development will consist of 870 housing units, 67,200 SF of commercial area, and a 5,000 SF club house. The booster pump station will serve 388 of the housing units and the 5,000 SF clubhouse.

Application No. 4822506, Construction/Operation, Public Water Supply.

Applicant **Lower Saucon Authority**
 Address 3706 Old Philadelphia Pike
 Bethlehem, PA 18015
 Municipality Lower Saucon Township
 County **Northampton County**
 Application Received June 28, 2022
 Description Application proposes the construction of a finished water booster pumping station.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epswsdw@pa.gov.

Application No. 3022508, Construction, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 Address P.O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 Municipality Cumberland Township
 County **Greene County**
 Responsible Official Timothy C. Faddis, Manager
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Application Received July 1, 2022
 Description Installation of a SeaQuest chemical feed system to serve as a method of corrosion control treatment.

Application No. 3022510, Construction, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 Address P.O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 Municipality Cumberland Township
 County **Greene County**
 Responsible Official Timothy C. Faddis, Manager
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Application Received July 15, 2022
 Description Replacement of a vertical turbine raw water pump at the existing intake facility.

Application No. WA04-1019, Water Allocation, Public Water Supply.

Applicant **New Sewickley Township Municipal Authority**
 Address 233 Miller Road
 Rochester, PA 15074
 Municipality New Sewickley Township
 County **Beaver County**
 Responsible Official Todd Bonzo, Authority Chairman
 Consulting Engineer Lennon Smith
 Souleret Engineering, Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108
 Application Received July 8, 2022
 Description Right to purchase up to 250,000 gallons per day from West View Water Authority.

WATER ALLOCATIONS

Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh C. Rivers, Clerical Assistant, 484-250-5887.

WA-46-1009, Water Allocations. **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, Pottstown Borough, PA 19010, Pottstown Borough, **Montgomery County**. Subsidiary Water Allocation permit for the right to purchase up to a maximum of 300,000 gpd of water on a 30-day average from Pottstown Water Authority. Application received: July 27, 2022.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 1**

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a

list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following Notice(s) of Intent to Remediate.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

5115 Park Court Pump Station, Primary Facility ID # 858120, 5115 Park Court, Mount Pocono, PA 18344, Coolbaugh Township, **Monroe County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106 on behalf of Pocono Mountains Industrial Park Authority, 701 Main Street, Suite 407, Stroudsburg, PA 18360, submitted a Notice of Intent to Remediate. Soil was contaminated with petroleum from an underground storage tank. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Pocono Record* on July 12, 2022. Application received: July 28, 2022.

Horn Property, Primary Facility ID # 847927, 980 Minsi Lake Road, Bangor, PA 18013, Upper Mount Bethel Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Kerry Horn, 980 Minsi Lake Road, Bangor, PA 18013, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an aboveground storage

tank. The Notice of Intent to Remediate was published in *The Morning Call* on June 29, 2022. Application received: August 1, 2022.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Harrison Senior Living Facility, Primary Facility ID # 702399, 300 Strode Avenue, Coatesville, PA 19320, East Fallowfield Township, **Chester County**. Christopher J. Horan, PG, Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468 on behalf of Harrison Saunders, 300 Strode Avenue, Coatesville, PA 19320, submitted a Notice of Intent to Remediate. The site was found to be contaminated with No. 2 fuel oil. The proposed future use of the property will continue to be a senior living facility. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Local News* on June 23, 2022. Application received: July 12, 2022.

2200 Somerset Street, Primary Facility ID # 859502, 220 Somerset Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jennifer Poole, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Lawrence McKnight, Somerset Street Station, LLC, 3020 Richmond Street, Philadelphia, PA 19134, submitted a Notice of Intent to Remediate. Results of initial investigations at the site indicate the presence of some metals, VOCs, SVOCs and PCBs in soil and metals in groundwater. The site will be developed for a future commercial mixed-use building. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Philadelphia Star* on March 16, 2022. Application received: July 7, 2022.

63 East Main Street, Primary Facility ID # 852979, 63 East Main Street, Norristown, PA 19401, Norristown Borough, **Montgomery County**. Heather Shoemaker, GZA, 1515 Market Street, Suite 945, Philadelphia, PA 19102 on behalf of David Hahn, Montgomery County, 425 Swede Street, Suite 800, Norristown, PA 19404, submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with VOCs and SVOCs. The property is proposed to be redeveloped as mixed use residential and commercial development. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Times Herald* on June 21, 2022. Application received: June 28, 2022.

MaxPower, Inc, Primary Facility ID # 859499, 141 Christopher Lane, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**. Edward Layton, BAI Group, LLC, 341 Tenth Avenue, Suite 103, Royersford, PA 19468 on behalf of Mr. & Mrs. Chua, MaxPower, LLC, 141 Christopher Lane, Harleysville, PA 19438, submitted a Notice of Intent to Remediate. The site soil has been impacted by vanadium. The proposed future use of the property will be nonresidential for commercial use. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Reporter* on June 24, 2022. Application received: July 1, 2022.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa Houser, P.E., Environmental Engineer Manager, 570-327-3752.

WMGM042NC001. Schrack Farms Partnership, LP, 860 West Valley Road, Loganton, PA 17747, Greene Township, **Clinton County**. Renewal of existing permit to accept residual or municipal waste to be blended with manure for purpose of energy production within an anaerobic digester. Application received: July 26, 2022.

Comments or questions concerning the application should be directed to Lisa Houser, P.E., Environmental Engineer Manager, 570-372-3752, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Roger Bellas, Environmental Program Manager, 570-826-2201.

101247-A222. Keystone Sanitary Landfill, Inc., 249 Dunham Drive, Dunmore, PA 18512, Dunmore Borough and Throop Borough, **Lackawanna County**. An application for major modification for improvements to the leachate treatment plant to produce a high-quality effluent for stream discharge of treated effluent to Little Roaring Brook. Application received: February 18, 2022. Supplemental information: July 21, 2022. Deemed administratively complete: July 27, 2022.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

101371. Waste Management of Pennsylvania, Inc., 4816 Timberline Road, Walnutport, PA 18088, Lehigh Township, **Northampton County**. An application for

permit renewal for the continued operation of a municipal waste transfer station. Application received: July 12, 2022. Deemed administratively complete: July 27, 2022.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

101308. Waste Management of Pennsylvania, Inc., 2710 Golden Key Road, Kutztown, PA 19530, Weisenberg Township, **Lehigh County**. An application for permit renewal for the continued operation of a municipal waste transfer station. Application received: July 12, 2022. Deemed administratively complete: July 28, 2022.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may

be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PLAN APPROVALS

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Chief, (814) 332-6940.

16-00149F: Clarion Laminates, Inc., 301 Fiberboard Road, Shippensburg, PA 16254, Paint Township, **Clarion County.** Application received: March 15, 2022.

For the proposed installation of leak detection systems and removal of testing requirements (due to low emissions) for Sources 106 & 109. This is a State Only facility that is aggregated with Clarion Boards. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only Operating Permit at a later date.

Plan approval No 16-149F is for the proposed installation of leak detection systems and removal of testing requirements (due to low emissions) for Sources 106 & 109. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 106 (Bonding Line # 3) & Source 109 (Profiling Line # 3):

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31, & 123.41 for fugitive, odor, and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of filterable particulate matter in the effluent gas exceeds 0.0040 grain per dry standard cubic foot.

- Emissions shall not exceed the following:

- PM: 6.01 tpy, calculated as a 12-month rolling total

- PM₁₀: 6.01 tpy, calculated as a 12-month rolling total [Compliance with this limit will be demonstrated by compliance with the PM limit]

- PM_{2.5}: 6.01 tpy, calculated as a 12-month rolling total [Compliance with this limit will be demonstrated by compliance with the PM limit]

- Delete the following condition from Plan Approval 16-149D: In addition to the stack testing required by this condition, the facility shall conduct subsequent performance testing in accordance with the provisions of Chapter 139 (relating to sampling and testing) within six (6) to twelve (12) months prior to operating permit renewal. The stack test shall be performed while the aforementioned source is operating at the maximum but not less than the normal rated capacity as stated in the application. Testing shall be conducted for filterable particulate matter using EPA Method 5 or other methods approved by the Department.

- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.

- The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure differential—daily defined as once per calendar day

- Visible emission check—daily defined as once per calendar day

- Verification of bag leak detection system is operating

- The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse, verify the bag leak detection system is operating, and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds. If any visible emissions are observed, the facility shall perform one of the following:

- A Method 9 observation using a certified observer (60 minutes in duration) shall be conducted to determine compliance with the opacity limitations. A record of these readings shall be kept on-site for review; or

- If the facility is not capable of conducting a Method 9 observation, or determines that a problem exists in either the process or the control device, the permittee shall immediately commence the shutdown of the source and

control device. The source will be shut down immediately after the observation, or in such a fashion that a safe shutdown can occur. This process shall take no more than 1 hour after the observation. A record of the shutdown shall be kept on-site for review.

- The permittee shall install and operate a bag leak detection system.
- The permittee shall perform a monthly preventive maintenance inspection of the control device.
- A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no less than ten percent (10%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full-scale reading.
- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
 - Pressure drop: 1.0 to 7.0 inches water gage or as established during compliant testing
 - Opacity less than or equal to 10%
- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.
- The permittee shall operate the control device at all times that the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- All conditions from Plan Approval 16-149D, for this source remain in effect unless modified in this plan approval.
- All conditions from the facility operating permit with an Issue Date of November 18, 2020, for this source remain in effect unless modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the

Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-00149F] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335, Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State Only Operating Permits or §§ 127.521 to 127.524 for Title V operating permits.

16-132Q: Clarion Boards, Inc., 143 Fiberboard Road, Shippensburg, PA 16254, Paint Township, **Clarion County**. Application received: February 1, 2022.

For the proposed installation of leak detection systems and removal of testing requirements for Sources 104, 105, 110, 111, 112, 113, & 506. It is also for removal of testing requirements for Source 107 (leak detection system installed), 109 (based on low emissions) & 123 (based on limited operation and low emissions). This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 16-132Q is for the proposed installation of leak detection systems and removal of PM testing requirements for Sources 104, 105, 110, 111, 112, 113, and 506. It is also for removal of PM testing requirements for Source 107 (leak detection system installed) & VOC testing requirement for Source 123 (based on limited operation and low VOC emissions). It is also for the removal of VOC testing requirement for Source 109 (based on low VOC emissions); however, this requirement will remain until after completion of testing being conducted in 2022 which was required at operating permit renewal. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the

requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Sources 104, 105, 110, 111, 112, 113, & 119:
 - Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31, & 123.41 for fugitive, odor, and visible emissions respectively.
 - No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.004 grain per dry standard cubic foot.
- Sources 104, 105, 107, 110, 111, 112, 113, 119, & 506:
 - All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
- Sources 109 & 123:
 - Recordkeeping shall commence at the time of the start-up of each source and/or air cleaning device and shall be maintained for at least 5 years.
- Sources 104, 105, 110, 111, 112, 113, 119, & 506:
 - The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
- Sources 104, 105, 110, 111, 112, 113, 119, & 506:
 - The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
 - Pressure differential—daily defined as once per calendar day
 - Visible emission check—daily defined as once per calendar day (weekly defined as once per calendar week or monthly defined as once per calendar month)
 - Verification of bag leak detection system is operating
- Sources 104, 105, 107, 110, 111, 112, 113, 119, & 506:
 - The permittee shall install and operate a bag leak detection system.
 - The permittee shall perform a monthly preventive maintenance inspection of the control device.
- Sources 104, 111, & 112:
 - Delete the following condition from Plan Approval 16-132M: In addition to the stack testing required by this condition, the facility shall conduct subsequent performance testing in accordance with the provisions of Chapter 139 (relating to sampling and testing) within 6 to 12 months prior to operating permit renewal. The stack test shall be performed while the aforementioned source is operating at the maximum but not less than the normal rated capacity as stated in the application. Failure to test at the maximum but not less than the normal rated capacity may result in production limitations. Testing shall be conducted for total particulate matter (both filterable and condensable) using EPA Methods 5d and 202 or other methods approved by the Department.

- All conditions from Plan Approval 16-132M, for this source remain in effect unless modified in this plan approval.

- Sources 105, 110, & 113:

- Delete the following condition from Plan Approval 16-132P: In addition to the stack testing required by this condition, the facility shall conduct subsequent performance testing in accordance with the provisions of Chapter 139 (relating to sampling and testing) within 6 to 12 months prior to operating permit renewal. The stack test shall be performed while the aforementioned source is operating at the maximum but not less than the normal rated capacity as stated in the application. Failure to test at the maximum but not less than the normal rated capacity may result in production limitations. Testing shall be conducted for total particulate matter (both filterable and condensable) using EPA Methods 5d and 202 or other methods approved by the Department.

- All conditions from Plan Approval 16-132P, for this source remain in effect unless modified in this plan approval.

- Sources 104, 107, 109, 110, 111, & 112:

- Records shall be maintained of the VOC emissions monthly.

- Records shall be maintained of the number of board feet produced monthly.

- Sources 104, 105, 110, 111, 112, 113, 119, & 506:

- A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.

- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop: 1.0 to 7.0 inches water gage or as established during compliant testing

- Opacity less than or equal to 10%

- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.

- The permittee shall operate the control device at all times that the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Sources 104, 107, 110, 111, & 112:
 - For each fabric collector, twenty percent of the total number of bags in the baghouse is required to be on hand for replacement as necessary.
 - Sources 104, 107, 109, 110, 111, 112, 119, 123, & 506:
 - All conditions from the facility operating permit with a Revision Date of October 9, 2019, for this source remain in effect unless modified in this plan approval.
 - Sources 104, 105, 107, 110, 111, 112, 113, & 506:
 - The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse, verify the bag leak detection system is operating, and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds. If any visible emissions are observed, the facility shall perform one of the following:
 - A Method 9 observation using a certified observer (60 minutes in duration) shall be conducted to determine compliance with the opacity limitations—or
 - The facility shall immediately commence shutdown of the source/control device in accordance with the Department approved shutdown procedure.
- Source 104 [Mat Forming System]:
 - Emissions shall not exceed the following:
 - PM: 1.32 lbs./hr. (both filterable and condensable);
 - PM: 5.78 tpy (both filterable and condensable) based on a 12-month rolling total;
 - PM₁₀: 1.32 lbs./hr.;
 - PM₁₀: 5.78 tpy based on a 12-month rolling total;
 - PM_{2.5}: 1.32 lbs./hr.;
 - PM_{2.5}: 5.78 tpy based on a 12-month rolling total;
 - The total volatile organic compound (VOC) emissions shall not exceed the following:
 - System 4 (Mat Forming): 0.80 #/hr or 3.31 tpy based on a consecutive 12-month period
 - The Projected Actual Emissions are the following:
 - VOC: 0.882 tpy based on a 12-month consecutive period
- Source 105 [Mat Cleanup Fans (System 5—Forming Area & Dust Extraction)]:
 - Emissions shall not exceed the following:
 - PM: 1.32 #/hr (both filterable and condensable)
 - PM: 5.78 tpy (both filterable and condensable) based on a 12-month rolling total
 - PM₁₀: 1.32 #/hr
 - PM₁₀: 5.78 tpy based on a 12-month rolling total
 - PM_{2.5}: 1.32 #/hr
 - PM_{2.5}: 5.78 tpy based on a 12-month rolling total
 - The Projected Actual Emissions are the following:
 - VOC: 0.910 tpy based on a 12-month consecutive period
 - Source 107 [System 7, Mat Reject]:
 - The filterable particulate matter emissions in the exhaust of the control device shall not exceed 0.004 grains per dry standard cubic foot of effluent gas.
 - There shall be no visible air contaminant emissions from the exhaust of the control device.
 - The total volatile organic compound (VOC) emissions shall not exceed the following:
 - System 7 (Mat Reject): 0.83 #/hr or 3.44 tpy based on a consecutive 12-month period
 - Delete the following condition from Plan Approval 16-132O: Within 12 to 18 months prior to the expiration of the facility operating permit, a stack test shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection and Conditions (a)—(g) from Plan Approval 16-132O.
 - The permittee shall adhere to the control device's approved indicator range so that operation within the range shall provide reasonable assurance of compliance. The indicator ranges must be approved by the Department. The following indicator ranges shall be determined during the initial performance test or any subsequent Department approved performance tests unless otherwise stated:
 - The permittee shall develop an indicator range for airflow, measured as fan amperage or frequency, during their most recent department approved stack testing program.
 - The permittee shall develop a maximum and minimum pressure drop indicator range, as measured across the baghouse filtration media
 - Triboelectric leak detection status/value
 - The permittee may develop a new pressure drop range with a supported request which is reviewed and approved by the Department.
 - The Department, at its discretion, may approve or deny a request to adjust the required indicator ranges.
 - The permittee shall utilize approved QA/QC practices that are adequate to ensure continuing validity of data and proper performance of the control device.
 - The permittee shall maintain detectors or sensors at Department approved locations for obtaining data that is representative of the monitored indicator.
 - The permittee shall maintain verification procedures to confirm that the operational status of the monitoring devices is within the expected range. (Operational status pertains to the accuracy of the measured values.)
 - For QA/QC purposes, the permittee shall calibrate and check the accuracy of the monitoring equipment, according to the manufacturer's recommended procedures.
 - The permittee shall maintain all monitoring equipment and stock spare parts as necessary for routine onsite repairs.
 - The permittee shall ensure that at least 90% of the approved monitoring data has been properly and accurately collected.
 - The permittee shall record the following operational data from the control device (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure drop across the baghouse—daily defined as once per calendar day
- Visible emission check—daily defined as once per calendar day (weekly defined as once per calendar week or monthly defined as once per calendar month)
- Triboelectric leak detection system status—daily defined as once per calendar day
- The baghouse airflow or fan amperage/frequency—daily defined as once per calendar day
 - Manual log entries shall include the following:
 - Time and date of observation
 - Name, title, and signature of the person making the observation
 - Any corrective action taken as result of the observation
 - The permittee shall maintain a quarterly inventory of the number of spare filter cartridges onsite.
 - The permittee shall record all excursions from the specified operational parameters for the control devices, the corrective actions taken in response to an excursion, and the time elapsed until the corrective actions have been taken.
 - The permittee shall maintain records of all monitoring downtime incidents (other than downtime associated with monitoring system checks). The permittee shall also record the dates, times and durations, probable causes and corrective actions taken for the incidents.
 - The permittee shall maintain records of all preventative maintenance, repairs, and inspections performed on the sources, monitoring equipment, and control devices. These records shall contain the following at a minimum:
 - Time and date of the task
 - Name, title, and initials of the person performing the task
 - A detailed description any maintenance/inspection/repair performed
 - Any problems or defects found
 - Any corrective action taken as result of the task
 - The permittee shall report all excursions and corrective actions taken to the Department, including the dates, times, durations and probable causes, every six (6) months.
 - The permittee shall report all monitoring downtime incidents, their dates, times and durations, probable causes and corrective actions taken, every six (6) months.
 - A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.
 - The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
 - Pressure drop: 1.0 to 7.0 inches water gage or as established during compliant testing
 - Opacity less than or equal to 10%
 - Airflow or fan amperage/frequency: will be finalized by issuance
 - The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.
 - The permittee shall operate the control device at all times that the source is in operation.
 - The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
 - The permittee shall develop and implement a Quality Improvement Plan (QIP) as expeditiously as practicable within 60 days if any of the following occurs:
 - For properly and accurately collected data, accumulated excursions exceeding two percent (2%) of the data.
 - Six (6) excursions occur in a six (6) month reporting period.
 - The Department determines after review of all reported information that the permittee has not responded acceptably to an excursion.
 - The permittee shall provide a copy of the QIP to the Department once it is developed. The permittee shall notify the Department if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.
 - The permittee shall record actions taken to implement a QIP during a reporting period and all related actions including, but not limited to inspections, repairs, and maintenance performed on the monitoring equipment.
 - In accordance with 40 CFR 64.8, the QIP shall include procedures for evaluating control performance problems. Based on the results of the evaluation procedures, the permittee shall modify the QIP and provide the Department with a copy, to include procedures for conducting more frequent, or improved, monitoring in conjunction with one or more of the following:
 - Improved preventive maintenance practices
 - Process operation changes
 - Appropriate improvements to the control methods
 - Other steps appropriate to correct performance.

- Following implementation of a QIP, the Department will require reasonable revisions to the QIP if the plan has failed to either:
 - Address the cause of the control device performance problem.
 - Provide adequate procedures for correcting control device performance problems in as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
 - Implementation of a QIP, shall not excuse the permittee from compliance with any existing emission limitation or standard or any existing monitoring, testing, reporting or recordkeeping requirements that may apply under any Federal, State, or local laws or any other applicable requirements under the Clean Air Act.
- All conditions from Plan Approval 16-1320, for this source remain in effect unless modified in this plan approval.
- Source 109 [Cooling & Storage Areas with Building Vents]:
 - The total volatile organic compound (VOC) emissions shall not exceed the following:
 - MDF Press Building Vent (Source 28): 1.14 lb/hr or 4.72 tpy based on a consecutive 12-month period [This condition replaces the previous limit of 0.63 lb/hr VOC or 2.6 tpy VOC]
 - MDF Press Building Vent (Source 9): 0.85 lb/hr or 3.52 tpy based on a consecutive 12-month period [This condition replaces the previous limit of 0.97 lb/hr VOC or 4.0 tpy VOC]
 - MDF Press Building Vent (Source 8): 0.54 lb/hr or 2.24 tpy based on a consecutive 12-month period [This condition replaces the previous limit of 0.83 lb/hr VOC or 3.4 tpy VOC]
 - The particulate emission rate from each of the vents shall not exceed the following:
 - MDF Press Building Vent (Source 28): 0.26 lb/hr or 1.1 tpy based on a consecutive 12-month period
 - MDF Press Building Vent (Source 9): 0.41 lb/hr or 1.7 tpy based on a consecutive 12-month period
 - MDF Press Building Vent (Source 8): 0.41 lb/hr or 1.7 tpy based on a consecutive 12-month period
 - The Projected Actual Emissions are the following:
 - NO_x: 4.690 tpy based on a 12-month consecutive period
 - VOC: 2.767 tpy based on a 12-month consecutive period
 - Within 12 to 18 months prior to the expiration of the facility operating permit, a stack test for VOC (NMOC) shall be performed in accordance with the provisions in subparts (a)(1)—(a)(10) from Plan Approval 16-132H. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application for plan approval. The stack test shall be conducted at the following locations:
 - Press In-Feed Vent (S108);
 - Press Out-Feed Vent (S109); and
 - Board Storage & Building Vent (S128)
- The source shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- The facility may elect to submit a plan approval application for the removal of the ongoing testing requirement after completion of testing in 2022 and Department approval of results.
 - Source 110 [System 10—Diagonal/Splitter/Cut-off Saws]
 - Emissions from C110B shall not exceed the following:
 - PM: 1.05 lb/hr (both filterable and condensable)
 - PM: 4.60 tpy (both filterable and condensable) based on a 12-month rolling total
 - PM₁₀: 1.05 lb/hr
 - PM₁₀: 4.60 tpy based on a 12-month rolling total
 - PM_{2.5}: 1.05 lb/hr
 - PM_{2.5}: 4.60 tpy based on a 12-month rolling total
 - The Projected Actual Emissions are the following:
 - VOC: 2.078 tpy based on a 12-month consecutive period
 - The total volatile organic compound (VOC) emissions shall not exceed the following:
 - System 10 (Hogger/Cut Saws): 1.75 #/hr or 7.25 tpy based on a consecutive 12-month period
 - Source 111 [Primary Sander System]:
 - Emissions from Source 111 & Source 112 shall not exceed the following:
 - PM: 3.23 lb/hr (both filterable and condensable)
 - PM: 7.07 tpy (both filterable and condensable) based on a 12-month rolling total
 - PM₁₀: 3.23 lb/hr
 - PM₁₀: 7.07 tpy based on a 12-month rolling total
 - PM_{2.5}: 3.23 lb/hr
 - PM_{2.5}: 7.07 tpy based on a 12-month rolling total
 - The Projected Actual Emissions from Source 111 & Source 112 are the following:
 - VOC: 1.229 tpy based on a 12-month consecutive period
 - The total volatile organic compound (VOC) emissions shall not exceed the following:
 - System 11 (Primary Sander): 0.59 #/hr or 2.44 tpy based on a consecutive 12-month period
 - Source 112 [Secondary Sander System]:
 - Emissions from Source 112 & Source 111 shall not exceed the following:
 - PM: 3.23 lb/hr (both filterable and condensable)
 - PM: 7.07 tpy (both filterable and condensable) based on a 12-month rolling total
 - PM₁₀: 3.23 lb/hr
 - PM₁₀: 7.07 tpy based on a 12-month rolling total
 - PM_{2.5}: 3.23 lb/hr
 - PM_{2.5}: 7.07 tpy based on a 12-month rolling total
 - The Projected Actual Emissions from Source 112 & Source 111 are the following:

- VOC: 1.229 tpy based on a 12-month consecutive period

- The total volatile organic compound (VOC) emissions shall not exceed the following:

- System 12 (Secondary Sander): 0.53 #/hr or 2.19 tpy based on a consecutive 12-month period

- Source 113 [System 13—Finishing & Bolster Saws]:

- Emissions from C113 shall not exceed the following:

- PM: 0.71 #/hr (both filterable and condensable)

- PM: 3.11 tpy (both filterable and condensable) based on a 12-month rolling total

- PM₁₀: 0.71 #/hr

- PM₁₀: 3.11 tpy based on a 12-month rolling total

- PM_{2.5}: 0.71 #/hr

- PM_{2.5}: 3.11 tpy based on a 12-month rolling total

- The Projected Actual Emissions are the following:

- VOC: 2.078 tpy based on a 12-month consecutive period.

- Source 119 [Dry Dust Handling & Fuel Feed System]:

- Emissions shall not exceed the following:

- PM: 3.34 tpy based on a 12-month rolling total;

- PM₁₀: 3.34 tpy based on a 12-month rolling total; and

- PM_{2.5}: 3.34 tpy based on a 12-month rolling total.

- The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse, verify the bag leak detection system is operating, and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds and if any visible emissions are observed, a Method 9 observation (30 minutes in duration) shall be conducted to determine compliance with the opacity limitations.

- All conditions from Plan Approval 16-132K, for this source remain in effect unless modified in this plan approval.

- Source 123 [Refiner Startup Dump (ID # 23)]:

- The total volatile organic compound (VOC) emissions shall not exceed the following:

- Refiner Start-Up Dump: 5.80 lbs/hr or 0.29 tpy based on consecutive 12-month period. [This condition based on the #/hr limit of 16-132H and the RFD approved on 1/6/12 for 100 hrs per year]

- The particulate emissions from the refiner startup dump cyclone shall not 10.17 lbs/hr and 0.5085 tpy respectively [This condition based on #/hr limit of 16-132H and the RFD approved on 1/6/12 for 100 hrs per year]

- The Projected Actual Emissions are the following:

- VOC: 0.029 tpy based on a 12-month consecutive period

- The refiner startup dump cyclone shall be operated for startup purposes only and shall be limited to 100 hours per year.

- Delete the following condition from Plan Approval 16-132H: Within 12 to 18 months prior to the expiration of the facility operating permit, a stack test for VOC (NMOC) shall be performed. The stack test shall be

performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application for plan approval. The stack test shall be conducted at the following location:

- Refiner Startup Dump Cyclone (C123)

- Records shall be maintained of the VOC emissions monthly.

- Records shall be maintained of the hours of operation monthly.

- Records shall be maintained of the amount of fiber dumped monthly.

- The source shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- All conditions from Plan Approval 16-132L, for this source remain in effect unless modified in this plan approval.

- Source 506 [Surplus Wood Dust Collection System]

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.005 grain per dry standard cubic foot.

- Emissions shall not exceed the following:

- PM: 1.77 tpy based on a 12-month rolling total;

- PM₁₀: 1.77 tpy based on a 12-month rolling total;

- PM_{2.5}: 1.77 tpy based on a 12-month rolling total.

- Delete the following condition from Plan Approval 16-132L: In addition to the initial stack testing, the facility shall conduct subsequent performance testing in accordance with the provisions of Chapter 139 (relating to sampling and testing) within 6 to 12 months prior to operating permit renewal. The stack test shall be performed while the aforementioned source is operating at the maximum but not less than the normal rated capacity as stated in the application. Testing shall be conducted for total particulate matter (both filterable and condensable) using EPA Methods 5d and 202 or other methods approved by the Department.

- All conditions from the Plan Approval 16-132L, for this source remain in effect unless modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan ap-

proval [16-132Q] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335, Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State Only Operating Permits or §§ 127.521 to 127.524 for Title V operating permits.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

34-03011A: Champion Home Builders Inc., Liverpool Plant 41, 755 West Big Beaver Road, Suite 1000, Troy, MI 48084, Liverpool Township, **Juniata County**. For the permitting of an existing modular home manufacturing facility, including adhesives and coating operations. This facility-wide PTE is calculated to be: 49.91 tpy VOC, 58.55 tpy PM_{10/2.5}, 2.24 tpy HAPs, 2.79 tpy NO_x, 2.34 tpy CO and less than 1 tpy of SO₂. The Department of Environmental Protection's (DEP's) review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants, and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, DEP proposes to issue a plan approval for the proposed installation. The facility is a State-Only facility. If DEP determines that the sources are constructed and operated in compliance with the plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. Application received: March 22, 2022.

OPERATING PERMITS

Notice of Intent to Issue Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: 570-826-2409.

48-00084, L&M Fabrication & Machine Inc./East Allen, 6814 Chrisphal Dr., Bath, PA 18014-8503, East Allen Township, **Northampton County**. The Department intends to issue a State-Only (Synthetic) Minor

Permit for the operation of a fabricated structural metal facility in East Allen Township, Northampton County. The sources at this facility consist of paint spraying operations and a steel shot blast booth. The control devices consist of filter panel exhaust plenums. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: February 7, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

23-00101, Esschem, Inc, 4000 Columbia Ave, Linwood, PA 19061, Lower Chichester Township, **Delaware County**. Esschem, Inc. is a custom methacrylate-based polymer manufacturing and monomer blending facility. The primary pollutant of concern from this facility is volatile organic compounds (VOC) due to the materials that are used in the chemical processes and blending operations. All VOC emissions are controlled by a packed tower scrubber. Esschem, Inc. is categorized as a natural minor facility based on its potential emissions. The permit includes monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements. Application received: February 3, 2021.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.5—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for

comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 56160101. NPDES No. PA0279510. Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963, Paint Township, **Somerset County**. Permit renewal of a bituminous surface and auger mine, affecting 159.2 acres. Receiving stream: Weaver Run to Seese Run to Seese Run to Paint Creek/Stonycreek Watershed, classified for the following use: CWF. Application received: July 20, 2022.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 10150101. NPDES No. PA0259675. Ben Hal Mining, Inc., 389 Irishtown Road, Grove City, PA 16127, Marion Township, **Butler County**. Renewal of an existing bituminous surface mine and associated NPDES permit for reclamation only, affecting 48.0 acres. Receiving stream: Blacks Creek, classified for the following use: CWF. Application received: July 27, 2022.

Mining Permit No. 16190103. Ben Hal Mining, Inc., 389 Irishtown Road, Grove City, PA 16127, Piney Township, **Clarion County**. Revision to an existing bituminous surface mine to add 8.1 acres to the permit boundary, affecting 85.9 acres. Receiving stream: Two unnamed tributaries to Licking Creek, classified for the following use: CWF. Application received: June 7, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 40850201. Atlantic Carbon Group, Inc., 100 Hazlebrook Road, Hazleton, PA 18201, Hazle and Kline Townships, **Luzerne County** and **Schuylkill County**. Correction to anthracite coal refuse reprocessing and coal preparation plant operation to add 8.5 acres and delete 2.3 acres for a total of 186.87 acres. Receiving stream: unnamed tributary to Catawissa Creek and Catawissa Creek, classified for the following use: CWF, MF. Application received: July 27, 2022.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity must always exceed acidity.			
pH must always be greater than 6.0; less than 9.0.			

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 44170801. NPDES No. PA0279463. William Shafranich & Son Excavating, LLC, 8782 Back Mountain Road, Milroy, PA 17063, Armagh Township, **Mifflin County**. NPDES renewal of a small noncoal (industrial minerals) operation, affecting 5.0 acres. Receiving stream: unnamed tributary to Laurel Creek and Honey Creek, classified for the following use: HQ-CWF. Application received: July 20, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

Mining Permit No. 08090305. NPDES No. PA0257214. Johnson Quarries, Inc., P.O. Box 136, LeRaysville, PA 18829, Wilmot Township, **Bradford County**. Modification to expand the NPDES permit area to include the employee access driveway from the permit to Rocky Forest Road, affecting 58 acres. Receiving stream: Rocky Forest Creek & UNT to Susquehanna River, classified for the following use: CWF, MF/CWF, MF. Application received: July 25, 2022. Accepted: July 26, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

Coal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

NPDES No. PA0238244. Mining Permit No. 17990103. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847, Bigler Township, **Clearfield County**, affecting 228.8 acres. Receiving stream: UNT to/and Upper Morgan Run and Alexander Run, classified for the following use: CWF, North Branch Upper Morgan Run Watershed TMDL and the Clearfield Creek Watershed TMDL Application received: February 10, 2022. Accepted: February 14, 2022.

Renewal of an NPDES permit for the discharge of water from a bituminous coal surface mine operation.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to Upper Morgan Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Pond 1	Pumped
006	Existing	Sediment Pond SPA	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 & 005 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	1.7	3.4	4.3
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
Osmotic Pressure (milliosmoles/kg) * 001 only		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following outfalls discharge to tributaries to Upper Morgan Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	Treatment Pond 2	Pumped
004	Existing	Treatment Pond 4	Pumped
007	Existing	Sediment Pond SPB	Precipitation Induced
008	Existing	Sediment Pond SPC	Precipitation Induced
009	Existing	Sediment Pond SPD	Precipitation Induced
011	New	Treatment Pond 6	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 002 & 007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	1.7	3.4	4.3
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
Osmotic Pressure (milliosmoles/kg) *002 only		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 004, 008, 009, & 011 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	2.4	4.8	6.0
Manganese (mg/L)	1.2	2.4	3.0
Aluminum (mg/L)	1.3	2.6	3.3
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
Osmotic Pressure (milliosmoles/kg) *004 & 011 only		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following outfalls discharge to Alexander Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
005	Existing	Treatment Pond 5	Pumped
010	Existing	Sediment Pond SPE	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 005 & 010 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)	Report		
Flow (gpm)	Report		
Temperature (°C)	Report		
Specific Conductivity (µmhos/cm)	Report		
Osmotic Pressure (milliosmoles/kg) * 005 only	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

This site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87, Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNNOGPRG@pa.gov.

E0829222-030. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Tuscarora Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 18, 2022.

This project seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. As previously referenced, Water Obstruction and Encroachment (WOEP) Application E0829222-030 Chesapeake Appalachia, LLC (Chesapeake) has applied for an Individual—Joint Permit to construct, operate and maintain 0.012 acre of permanent and 0.078 acre of temporary impacts to on-site wetlands. All impacts are associated with the Bennett Bra Pad construction in 2010.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 522 SF (0.012 acre) of permanent and 3,397 SF (0.078 acre) of temporary wetland impacts.

Wetland Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
W-MRK-001-T	Tuscarora Laceyville	Temporary Workspace	PEM	None	193	958			41.714659° 76.129356°
W-MRK-010 -T	Tuscarora Laceyville	Fill	PEM	None			255	2,439	41.715050° 76.129602°
W-DJY-007-P	Tuscarora Laceyville	Fill	PEM	None			12	131	41.714096° 76.130300°

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
W-MRK-010-P	Tuscarora Laceyville	Fill	PEM	None			49	392	41.715527° 76.129968°
W-MRK-001-REST1	Tuscarora Laceyville	Restoration	PEM	None	334	1,873			41.714975° 76.129528°
W-MRK-001-REST2	Tuscarora Laceyville	Temporary Workspace	PEM	None	384	1,917			41.714816° 76.129400°
TOTAL IMPACTS					911	4,748	316	2,962	

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945/814-332-6984.

Contact: Karl Gross, Permits Chief, 814-332-6138.

E6106222-005. Andrew C Virostek Irrevocable Trust, 3481 Treeline Drive, Murrysburg, PA 15668, Scrubgrass Township and Rockland Township, **Venango County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 19, 2022.

The applicant proposes to construct a 0.20-acre pond within the floodway of the Allegheny River. The project will have temporary impacts below the OHM of the river. Latitude: 41.270250°, Longitude: -79.826603°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Sage Saum, Clerical Assistant 2, 717-705-4992.

E2103222-003. Silver Spring Township, 8 Flowers Drive, Mechanicsburg, PA 17055, Silver Spring Township, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 12, 2022.

1.) To construct a rain garden temporarily impacting 0.35 acre of the floodplain of Conodoguinet Creek (WWF, MF) and permanently impacting 0.54 acre of the floodplain of Conodoguinet Creek (WWF, MF), all for the purpose of providing stormwater management for the surrounding area. The project site is located along Willow Mill Park Road in Silver Spring Township, Cumberland County. There are no wetland, stream, or floodway impacts associated with this project. Latitude: 40.257404, Longitude: -77.041042.

E2203222-005. Hershey Square 2014 LP c/o Heidenberg Properties Group, 234 Closter Dock Road, Closter, NJ 07624, Derry Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 13, 2022.

To 1.) install and maintain a 45.0-foot long 18-foot 7.0-inch wide by 5-foot 4.25-inch high open bottom aluminum arch culvert in an unnamed tributary to Swatara Creek (WWF, MF); and 2.) to regrade and maintain 265 feet of the left bank of an unnamed tributary to Swatara Creek (WWF, MF); all for the purpose of accommodating a proposed commercial development. The project is located immediately south of the intersection of Mae Street and Hersheypark Drive in Derry Township, Dauphin County. No wetlands will be impacted by this project. Latitude: 40.268314° N; Longitude: 76.688175° W.

E3603222-002. Denver Borough, 501 Main Street, Denver, PA 17517, Denver Borough, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 3, 2022.

To 1.) regrade and maintain 850 feet of the left bank of Cocalico Creek (WWF, MF) for the purpose of streambank stabilization and flood protection; 2.) install and maintain a 31 foot long 8 foot wide wooden footbridge temporarily impacting 682 sq. feet of wetlands and permanently impacting 248 sq. ft. of wetlands; 3.) install and maintain a wooden footbridge over a UNT to Cocalico Creek (WWF, MF). The project site is located at the intersection of Main Street and North 8th Street in Denver Borough, Lancaster County. Wetland impacts are de minimis thus mitigation is not required.

E2103222-001. Middlesex Township, 350 North Middlesex Road, Carlisle, PA 17013, Middlesex Township, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 10, 2022.

The applicant proposes to enhance 1,072 linear feet of an Unnamed Tributary to Wertz Run (WWF, MF) by use of channel realignment both vertically and horizontally, bank grading, floodplain grading, 3 log-step structures, and 33 rock-step structures. The project is located along Wolfs Bridge Road and West Middlesex Drive in Middlesex Township, Cumberland County. Latitude: 40.2525; Longitude: -77.1675.

E6703222-005. Dunn-Parr Holdings, LLC, 12359 Susquehanna Trail South, Glen Rock, PA 17327, Shrewsbury Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 12, 2022.

The applicant proposes to 1) place and maintain fill in Exceptional Value wetlands, temporarily impacting 0.01 acre of emergent wetland and permanently impacting 0.02 acre of emergent wetlands, and 2) construct and maintain an 18.0-inch stormwater outfall pipe to Deer Creek (CWF, MF) covered under General Permit # 4, all for the purpose of a widening of East Forrest Ave (SR 851) to accommodate a redevelopment associated with the Shoppes at Shrewsbury in Shrewsbury Township, York County. The applicant proposes to pay into the Department's in Lieu Fee program for compensatory mitigation for stream and wetland impacts. Latitude: 39.7694; Longitude: -76.6621.)

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Donald Knorr, Aquatic Biologist 3, 484.250.5147.

EA4601222-001/WL4601222-012. Abington Township, 1176 Old York Road, Abington, PA 19001, Abington Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: July 1, 2022.

For the Abington Township Environmental Infrastructure Improvement Project, implemented under the authority of Section 566 of the Water Resources Development Act, Abington Township and the Philadelphia District of the U.S. Army Corps of Engineers have submitted an Environmental Assessment and a restoration plan in support of a request for issuance of a Chapter 105.12(a)(16) waiver to conduct stream restoration and enhancement of Sandy Run (TSF/MF) in Abington Township, Montgomery County at two locations, Roychester Park (Latitude 40. 13279 N, Longitude -75.10977 W) and Grove Park (Latitude: 40.12849 N, Longitude: -75.12893 W).

This project is a stream and habitat improvement project adjacent to and along Sandy Run. Specific activities at Roychester Park include:

- Bank stabilization by regrading, stabilizing, and planting of stream banks with native vegetation
- Replacement of two culvert with foot bridges
- Replacement of exposed sanitary sewer lines
- Establishing vegetated riparian buffers along the creek
- Native seed plantings in uplands

Specific activities in Grove Park Include:

- Removal of Gabion baskets and naturalization of the stream and meanders
- Bio-engineered banks where possible
- Removal of concrete stream beds
- Enhancement of riparian buffer
- Restoration of tributary channel

This Project is eligible for a Nationwide Permit 27 (Aquatic Habitat Restoration) and therefore qualifies for the associated 401 Water Quality Certification.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager, 412-442-4000.

E2605221-001. Ron Whipkey, 102 Lower Sandy Road, Greensboro, PA 15338, Saltlick Township, **Fayette County**. U.S. Army Corps of Engineers Philadelphia District. Application received: December 8, 2021.

The applicant proposes to construct and maintain a gazebo (14-ft long x 12-ft wide) with grading around the gazebo (34-ft long x 32-ft wide) and a circular koi pond (50-ft in diameter) in the floodway to Indian Creek (HQ-CWF). A water intake will also be constructed and maintained in Indian Creek for the purpose of maintaining water in the koi pond. The project purpose is to create recreational facilities at a residence. The project will permanently affect 0.065 acre of the floodway to Indian Creek. The water intake will permanently impact 1 LF of Indian Creek. The project is located at 707 Nebo Road Ext, Champion, PA 15622 (Seven Springs, PA USGS topographic quadrangle; Latitude: 40° 03' 35"; Longitude: -79° 22' 05"; Subbasin 19E), in Salt Lick Township, Fayette County.

E0205221-032. Pittsburgh Water and Sewer Authority, 1200 Penn Ave, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: December 15, 2021.

The applicant proposes to:

1. Construct and maintain boulder cascades along 70 linear feet of a UNT to Woods Run (aka Stream 106, WWF); and
2. Remove an existing 12" diameter culvert, and construct and maintain a 15" diameter, 40 linear foot long replacement culvert, within Stream 106; and
3. Construct and maintain an 18" diameter outfall to the headwater of Stream 106; and
4. Construct and maintain boulder cascades along 106 linear feet of a UNT to Woods Run (aka Stream 103, WWF); and
5. Remove an existing trail culvert, and construct and maintain a replacement 18' by 4' pedestrian walking bridge, within Stream 103; and
6. Construct and maintain boulder cascades and boulder weirs along 313 linear feet of Watsons Run (aka Stream 107, WWF); and
7. Construct and maintain fencing at four locations across Watsons Run, for the purpose of excluding deer; and
8. Construct and maintain 6 cross vanes and 4 rock rifles along 90 linear feet of Woods Run (aka Stream 100, WWF); and
9. Construct and maintain an 11' by 8' ford crossing of Woods Run; and
10. Construct and maintain a 48" diameter, 6 linear foot length RCP stormwater overflow bypass structure within Woods Run; and
11. Place and maintain fill in 0.004 acre of PEM wetland (Wetland 2A); and
12. Temporarily impact 1,002 linear feet of the previously mentioned watercourses for dewatering; and
13. Temporarily install two stream crossings across Woods Run (Stream 100) and UNT to Woods Run (Stream 103).

For the purpose of reducing flooding onto Mairdale Avenue and adjacent properties. Permanent impacts will be to 660 linear feet of various watercourses, and temporary impacts will be to 1,002 linear feet of various watercourses. Permanent floodway impacts will be to 0.01 acre along the above watercourses, while temporary floodway impacts will total 0.21 acre. This project will permanently impact a de minimus amount of PEM wetland (0.004 acre).

The project site is located on the edges and within Riverview Park, off of Mairdale Ave and Riverview Ave (Pittsburgh West, PA USGS topographic quadrangle; N: 40°, 29', 10.43"; W: -80°, 01', 17.30"; Sub-basin 20G), in the City of Pittsburgh, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 17177831754.

Contact: 717-783-1754.

EA5115222-001. Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 2, 2022.

The applicant proposes to restore an unnamed tributary to Pennypack Creek, also known as Benton Brook

(TSF), by removing legacy sediment and other historic fills from the floodplain. Portions of the excavated sediment will be redistributed within the floodplain of Benton Brook. The length of channel being temporarily impacted during construction is approximately 1,300 linear feet and the total area being temporarily impacted within the limits of disturbance during construction is approximately 123 acres. The project proposes to restore approximately 34 acres of integrated wetland, stream and floodplain areas. Additional restoration activities proposed include: to realign watercourses during the construction; to place stream and valley grade control structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances, temporary stream crossings, and other erosion controls during restoration activities. Block walls also are proposed for slope stability purposes within and adjacent to the floodplain of Benton Brook. The applicant also is requesting acknowledgement of registration to use General Permit 5 & 11 for utility line relocation and modification of existing outfall structures that will be completed concurrent with the restoration project. The restoration project is located between the intersection of Tustin Street and Castor Avenue, PA USGS Quadrangle: Philadelphia, Latitude 40.068331; Longitude -75.046253.

EA5115222-002. Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County.** U.S. Army Corps of Engineers Philadelphia District. Application received: August 2, 2022.

The applicant proposes to restore Sandy Run (TSF), by removing legacy sediment and other historic fills from the floodplain. Portions of the excavated sediment will be redistributed within the floodplain of Sandy Run. The length of channel being temporarily impacted during construction is approximately 1,300 linear feet and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 7.8 acres. The project proposes to restore approximately 5.2 acres of integrated wetland, stream and floodplain areas. Additional restoration activities proposed include: to realign watercourses during the construction; to place rock stream and valley grade control structures; to place rock slope protection: to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances, temporary stream crossings, and other erosion controls during restoration activities. Additional features of the overall restoration plan include a paved parking lot and a pedestrian path located within the floodplain of Sandy Run. The applicant also is requesting acknowledgement of registration to use General Permit 5 for utility line construction, and General Permit 11 for modification of existing outfall structures and a pedestrian bridge replacement that will be completed concurrent with the restoration project. The restoration project is located along Sandy Run between the Ryan Avenue bridge and the stream confluence with Pennypack Creek, PA USGS Quadrangle: Philadelphia, Latitude 40.048351°; Longitude -75.041972°. The appli-

cant proposes to restore Sandy Run (TSF), by removing legacy sediment and other historic fills from the floodplain. Portions of the excavated sediment will be redistributed within the floodplain of Sandy Run. The length of channel being temporarily impacted during construction is approximately 1,300 linear feet and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 7.8 acres. The project proposes to restore approximately 5.2 acres of integrated wetland, stream and floodplain areas. Additional restoration activities proposed include: to realign watercourses during the construction; to place rock stream and valley grade control structures; to place rock slope protection: to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances.

EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP Regional Office listed above the application within 30-days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address, and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality

Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPUBLICNOTICE.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep’t. of Env’tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep’t of Env’tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD020018	Chapter 102 Individual NPDES Permit	Issued	Hammock Beach Partners LLC 4276 Green Glade Court Allison Park, PA 15101	Fox Chapel Borough Allegheny County	SWRO
PAD040111	Chapter 102 Individual NPDES Permit	Issued	PA DCNR 3000 PA 18 Hookstown, PA 15050	Hanover Township Beaver County	SWRO
PAD040111	Chapter 102 Individual NPDES Permit	Issued	PA DCNR 3000 PA 18 Hookstown, PA 15050	Hanover Township Beaver County	SWRO
PAD060058	Chapter 102 Individual NPDES Permit	Issued	Lauver Kevin 234 Gunhart Road Mohnton, PA 19540-8204	Robeson Township Berks County	SCRO
PAD090084	Chapter 102 Individual NPDES Permit	Issued	Hiossen Inc. 270 Sylvan Avenue Suite 1130 Englewood Cliffs, NJ 07632-2523	Falls Township Bucks County	SERO
PAD300013	Chapter 102 Individual NPDES Permit	Issued	CNX Gas Co. LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	Richhill Township Greene County	SWRO
PAD390241	Chapter 102 Individual NPDES Permit	Issued	RB Grange Rd Assoc LP 810 Seventh Avenue 10th Floor New York, NY 10019-5818	Lower Macungie Township Lehigh County	NERO
PAD390242	Chapter 102 Individual NPDES Permit	Issued	American Craft Brewery LLC 7880 Penn Drive Breinigsville, PA 18031-1508	Upper Macungie Township Lehigh County	NERO
PAD450052	Chapter 102 Individual NPDES Permit	Issued	Kalahari Resorts LLC P.O. Box 590 1305 Kalahari Drive Wisconsin Dells, WI 53965-0590	Tobyhanna and Pocono Township Monroe County	NERO
PAD450159	Chapter 102 Individual NPDES Permit	Issued	Clark Roy 123 Golf Drive Cresco, PA 18326	Barrett Township Monroe County	NERO
PAD460072	Chapter 102 Individual NPDES Permit	Issued	PECO Energy Co. 2301 Market Street N3-3 Philadelphia, PA 19103-1338	Plymouth Township Montgomery County	SERO
PAD640030	Chapter 102 Individual NPDES Permit	Issued	Central Wayne Region Authority Wayne County 574 Bucks Cove Road Honesdale, PA 18431-1143	Honesdale Borough Wayne County	NERO
PAD650030	Chapter 102 Individual NPDES Permit	Issued	Pulmonary Institution at Redstone LLC 12921 Redstone Drive North Huntingdon, PA 15642	North Huntingdon Township Westmoreland County	SWRO
PA0275824	Industrial Stormwater Individual NPDES Permit	Issued	Pennsy Supply Inc. P.O. Box 3331 Harrisburg, PA 17105-3331	Dorrance Township Luzerne County	NERO
PA0275832	Industrial Stormwater Individual NPDES Permit	Issued	First Student Inc. 110 Perimeter Park Road Suite E Knoxville, TN 37922-2200	Allentown City Lehigh County	NERO
PA0276511	Industrial Stormwater Individual NPDES Permit	Issued	The Espoma Company 6 Espoma Road Millville, NJ 08332-1456	Frailey Township Schuylkill County	NERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0276570	Industrial Stormwater Individual NPDES Permit	Issued	Cold Ridge Stone 575 Old Kitchen Road Kingsley, PA 18826-6711	Brooklyn Township Susquehanna County	NERO
0922811	Joint DEP/PFBC Pesticides Permit	Issued	Roth Brandon 2455 Bedminster Road Perkasie, PA 18944-4004	Bedminster Township Bucks County	SERO
1522810	Joint DEP/PFBC Pesticides Permit	Issued	Kolar Erik 1272 Street Matthews Road Chester Springs, PA 19425	West Vincent Township Chester County	SERO
4622810	Joint DEP/PFBC Pesticides Permit	Issued	Sacks Sandy 1400 N Gravel Pike Perkiomen, PA 18074	Lower Frederick Township Montgomery County	SERO
0619407	Land Application and Reuse of Sewage Individual WQM Permit	Issued	HRES Hereford LLC 5601 Mariner Street Suite 100 Tampa, FL 33609	Hereford Township Berks County	SCRO
0981420	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Quakerwoods Safari Campgrounds 2225 Rosedale Road Quakertown, PA 18951-4052	Milford Township Bucks County	SERO
PA0010031	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Shawville Power LLC 250 Power Plant Road Box F Shawville, PA 16873	Bradford Township Clearfield County	NCRO
PA0110591	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	North American Hoganas High Alloys LLC 101 Bridge Street Johnstown, PA 15902-2904	Johnstown City Cambria County	SWRO
PA0026794	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Conshohocken Borough Authority Montgomery County 601 E Elm Street Conshohocken, PA 19428-1914	Conshohocken Borough Montgomery County	SERO
PA0042234	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Kittanning Borough Municipal Authority Armstrong County P.O. Box 993 300 S McKean Street Kittanning, PA 16201-0993	Kittanning Borough Armstrong County	NWRO
PA0222763	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	WL Plastics Manufacturing LLC 3575 Lone Star Circle Fort Worth, TX 76177-8904	Titusville City Crawford County	NWRO
PA0010677	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Veeder Root Co. 2709 Route 764 Duncansville, PA 16635-8047	Allegheny Township Blair County	SCRO
PA0220817	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Ta Operations LLC 24601 Center Ridge Road Westlake, OH 44145-5639	Barkeyville Borough Venango County	NWRO
PA0080080	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Conewago Valley MHP Inc. 800 York Road Dover, PA 17315-1605	Newberry Township York County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0253324	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	North American Medical Center LLC 680 Lions Health Camp Road Indiana, PA 15701-8781	Armstrong Township Indiana County	NWRO
PA0260967	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Silver Spring Country Estates 9450 SW Gemini Drive # 65221 Beaverton, OR 97008-7105	Silver Spring Township Cumberland County	SCRO
PA0028347	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Martinsburg Borough Municipal Authority Blair County 110 South Walnut Street Martinsburg, PA 16662-1142	Martinsburg Borough Blair County	SCRO
0586401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Hopewell Borough Bedford County P.O. Box 160 Hopewell, PA 16650-0160	Hopewell Borough Bedford County	SCRO
2110401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Silver Spring Country Estates 9450 SW Gemini Drive # 65221 Beaverton, OR 97008-7105	Silver Spring Township Cumberland County	SCRO
3206401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	North American Medical Center LLC 680 Lions Health Camp Road Indiana, PA 15701-8781	Armstrong Township Indiana County	NWRO
NOEXSC297	No Exposure Certification	Issued	Schneider Electric 201 Fulling Mill Road Middletown, PA 17057-2921	Lower Swatara Township Dauphin County	SCRO
NOEXSC298	No Exposure Certification	Issued	Schneider Electric 201 Cumberland Parkway Mechanicsburg, PA 17055-5664	Upper Allen Township Cumberland County	SCRO
NOEXSW220	No Exposure Certification	Issued	Siemens Large Drives LLC 500 Hunt Valley Road New Kensington, PA 15068-7060	Upper Burrell Township Westmoreland County	SWRO
PAG030067	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Shipley Energy Co. 415 Norway Street York, PA 17403	East Pikeland Township Chester County	SERO
PAG032246	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ball Metal Beverage Container Corporation 140 Industrial Drive Pittston, PA 18640-6145	Jenkins Township Luzerne County	NERO
PAG046210	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Yaniszkeski Marisa 238 Simpson Road Greensburg, PA 15601-6778	Hempfield Township Westmoreland County	SWRO
PAG103549	PAG-10 NPDES General Permit for Hydrostatic Test Water	Issued	Sunoco Pipeline LP 100 Green Street Marcus Hook, PA 19061-4800	Spring Township Berks County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG109609	PAG-10 NPDES General Permit for Hydrostatic Test Water	Issued	Equitrans LP 2200 Energy Drive Canonsburg, PA 15317	Statewide	CO
PAG123803	PAG-12 NPDES General Permit for CAFOs	Issued	Horst Larry 1450 Hunsicker Road Lancaster, PA 17601-5312	Lykens Township Dauphin County	SCRO
PAG123816	PAG-12 NPDES General Permit for CAFOs	Issued	Horst Larry 1450 Hunsicker Road Lancaster, PA 17601-5312	Lykens Township Dauphin County	SCRO
PAG130125	PAG-13 NPDES General Permit for MS4s	Issued	Brookhaven Borough 2 Cambridge Road Suite 100 Brookhaven, PA 19015-1712	Brookhaven Borough Delaware County	SERO
PAG136113	PAG-13 NPDES General Permit for MS4s	Waived	Pennsbury Village Borough Allegheny County 1043 Pennsbury Boulevard Pittsburgh, PA 15205-1643	Pennsbury Village Borough Allegheny County	SWRO
6722402	Pump Stations Individual WQM Permit	Issued	Dover Township Sewer Authority York County 2480 W Canal Road Dover, PA 17315	Dover Township York County	SCRO
5672403	Sewage Treatment Facilities Individual WQM Permit	Issued	Jenner Area Joint Sewer Authority P.O. Box 202 Jennerstown, PA 15547-0202	Boswell Borough Somerset County	SWRO
6522404	Sewer Extensions Individual WQM Permit	Issued	Franklin Township Municipal Sanitary Authority Westmoreland County 3001 Meadowbrook Road Murrysville, PA 15668-1627	Murrysville Borough Westmoreland County	SWRO
PA0054151	Single Residence STP Individual NPDES Permit	Issued	Osullivan Tami 7 Collegeview Drive Malvern, PA 19355-1968	East Whiteland Township Chester County	SERO
PA0062766	Single Residence STP Individual NPDES Permit	Issued	Schmidt Travers 6335 Saddle Road New Tripoli, PA 18066-2125	Heidelberg Township Lehigh County	NERO
PA0247979	Single Residence STP Individual NPDES Permit	Issued	Cryder Judith L 101 Fleisher Road Marysville, PA 17053-9531	Rye Township Perry County	SCRO
PA0266434	Single Residence STP Individual NPDES Permit	Issued	Prime Home Investments LLC 1525 Oregon Pike Suite 2001 Lancaster, PA 17601	Amity Township Berks County	SCRO
PA0272299	Single Residence STP Individual NPDES Permit	Issued	David and Kylie Beck 5895 Crane Road Edinboro, PA 16412-3925	Franklin Township Erie County	NWRO
PA0284882	Single Residence STP Individual NPDES Permit	Issued	Hendrickson Lori 128 Sunset Drive Beaver Falls, PA 15010-6842	New Sewickley Township Beaver County	SWRO
PA0284891	Single Residence STP Individual NPDES Permit	Issued	Stefanik John 26 Janette Circle Irwin, PA 15642-8922	Penn Township Westmoreland County	SWRO
PA0290246	Single Residence STP Individual NPDES Permit	Issued	Decaprio Anthony 3028 Frampton Road Hermitage, PA 16148-6204	Hermitage City Mercer County	NWRO
PA0290556	Single Residence STP Individual NPDES Permit	Issued	Jessie and Joshua Curtis 7474 New Road Edinboro, PA 16412-3612	Franklin Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0290777	Single Residence STP Individual NPDES Permit	Issued	Erin and Jason Van Gorder 1311 W Sunbury Road West Sunbury, PA 16061-2927	Clay Township Butler County	NWRO
PA0290785	Single Residence STP Individual NPDES Permit	Issued	Knapp Daphne 265 Main Street Duke Center, PA 16729-9715	Otto Township McKean County	NWRO
PA0290807	Single Residence STP Individual NPDES Permit	Issued	Kaitlynn Gross and Zachariah Long 8625 Shreve Road Union City, PA 16438-7709	Union Township Erie County	NWRO
0422400	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Hendrickson Lori 128 Sunset Drive Beaver Falls, PA 15010-6842	New Sewickley Township Beaver County	SWRO
1022409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Erin and Jason Van Gorder 1311 W Sunbury Road West Sunbury, PA 16061-2927	Clay Township Butler County	NWRO
2519414	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	David and Kylie Beck 5895 Crane Road Edinboro, PA 16412-3925	Franklin Township Erie County	NWRO
2522407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Jessie and Joshua Curtis 7474 New Road Edinboro, PA 16412-3612	Franklin Township Erie County	NWRO
2522416	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Kaitlynn Gross and Zachariah Long 8625 Shreve Road Union City, PA 16438-7709	Union Township Erie County	NWRO
4222404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Knapp Daphne 265 Main Street Duke Center, PA 16729-9715	Otto Township McKean County	NWRO
4321414	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Decaprio Anthony 3028 Frampton Road Hermitage, PA 16148-6204	Hermitage City Mercer County	NWRO
5005401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Cryder Judith L 101 Fleisher Road Marysville, PA 17053-9531	Rye Township Perry County	SCRO
6522401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Stefanik John 26 Janette Circle Irwin, PA 15642-8922	Penn Township Westmoreland County	SWRO
6589418	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Yaniszkeski Marisa 238 Simpson Road Greensburg, PA 15601-6778	Hempfield Township Westmoreland County	SWRO
PA0085405	Small Flow Treatment Facility Individual NPDES Permit	Issued	Baladerry Inn LP 40 Hospital Road Gettysburg, PA 17325-7798	Cumberland Township Adams County	SCRO
PA0209392	Small Flow Treatment Facility Individual NPDES Permit	Issued	Richmond Township Municipal Authority Tioga County 563 Valley Road Mansfield, PA 16933-9300	Richmond Township Tioga County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0222020	Small Flow Treatment Facility Individual NPDES Permit	Issued	Deanna Larson d/b/a Kuhl Rd Properties Association 5775 Kuhl Road Erie, PA 16510-4710	Harborcreek Township Erie County	NWRO
0508404	Small Flow Treatment Facility Individual WQM Permit	Issued	Bedford Tech Products LLC 7676 Allegheny Road Manns Choice, PA 15550-8967	Napier Township Bedford County	SCRO
WQG02042101	WQG-02 WQM General Permit	Issued	Economy Borough Municipal Authority Beaver County 2860 Conway Wallrose Road Baden, PA 15005-2306	Economy Borough Beaver County	SWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC040116	PAG-02 General Permit	Issued	Independence Excavating, Inc. 5720 E. Schaaf Road Independence, OH 44131	New Sewickley Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC110093	PAG-02 General Permit	Issued	Ebensburg Municipal Authority 300 West High Street Ebensburg, PA 15931	Ebensburg Borough Cambria Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
PAC480137	PAG-02 General Permit	Issued	Faust Family Limited Partnership No. 6 c/o Troy Faust 4570 Steuben Rd. Bethlehem, PA 18020	Lower Nazareth Township Northampton County	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC230226	PAG-02 General Permit	Issued	Jon Prichard 646 Michigan Avenue Swarthmore, PA 19081	Ridley Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484
PAC230229	PAG-02 General Permit	Issued	Archdiocese of Philadelphia 222 N. 17th Street Philadelphia, PA 19103	Upper Darby Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484
PA400002C	PAG-02 General Permit	Issued	JLM Real Estate LLC P.O. Box 472 950 E Main St Schuylkill Haven, PA 17972-0472	Plains Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090562	PAG-02 General Permit	Issued	Lower Makefield Township 1100 Edgewood Road Yardley, PA 19067-1689	Lower Makefield Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215.345.7577 x110
PAC100273	PAG-02 General Permit	Issued	Charter Homes at Crescent Inc. 322 N Arch Street First Floor Lancaster, PA 17603	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250040A1	PAG-02 General Permit	Issued	Millcreek Marketplace LLC 2540 Village Commons Drive Erie, PA 16506	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100253	PAG-02 General Permit	Issued	Rossman Hensley Inc. 1426 Pittsburgh Road Valencia, PA 16059	Jackson Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100266	PAG-02 General Permit	Issued	PADOT District 10 2550 Oakland Avenue Indiana, PA 15701	Adams Township Middlesex Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAD630064	PAG-02 General Permit	Issued	Rorich Automotive 2020 West Liberty Avenue Pittsburgh, PA 15226	North Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC050057	PAG-02 General Permit	Issued	M&G Realty, Inc./The Rutter's Companies 2295 Susquehanna Trail Suite C York, PA 17404	Bedford Township Bedford County	Bedford County Conservation district 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC010131A-1	PAG-02 General Permit	Issued	Lexington Land Developers Corp. 336 West King Street Lancaster, PA 17603	Reading Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC670438	PAG-02 General Permit	Issued	West Shore School District 507 Fishing Creek Road P.O. Box 8003 New Cumberland, PA 17070	Fairview Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670542	PAG-02 General Permit	Issued	Burkentine Real Estate Group 1454 Baltimore Street Suite A Hanover, PA 17331	Fairview Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670531	PAG-02 General Permit	Issued	East Market Street Developers LLC 430 North Front Street Wormleysburg, PA 17043	Springettsbury Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670548	PAG-02 General Permit	Issued	North York Borough 350 East Sixth Avenue York, PA 17404	North York Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670561	PAG-02 General Permit	Issued	US Self Storage LLC 141 North Cameron Street Harrisburg, PA 17101	Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670571	PAG-02 General Permit	Issued	Grimmel Farms Inc. 3855 Federal Road Jarrettsville, MD 21084	Peach Bottom Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at 717-787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Keith Jones, Molly Pitcher Milk, LLC 1317 Ritner Highway Shippensburg, PA 17257	Cumberland County	144.6	1,458.5	Dairy Cattle	NA	Approved
Jairus L. Musser 95 Ferebees Road Pine Grove, PA 17963	Schuylkill County	23.9	393.86	Poultry	NA	Approved
Milton Rotz Dairy 1235 Oak Hill Road Biglerville, PA 17307	Adams County	22.2	406.00	Dairy Cattle	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

SAFE DRINKING WATER

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nicole Mechtly, Clerical Supervisor II, (570-327-3490).

Construction Permit No. 0822501, Major Amendment, Public Water Supply.

Applicant	Kelley Rentals LLC
Address	P.O. Box 35 Rome, PA 18837
Municipality	Rome Borough
County	Bradford County
Consulting Engineer	Michael Kelley P.O. Box 35 Rome, PA 18837
Application Received	May 13, 2022
Permit Issued	July 26, 2022
Description	This permit authorizes replacement of the existing 80 LF of 8-inch diameter underground detention piping with 80 LF of 8-inch diameter above ground detention piping, provision of two 2,500-gallon Norwesco finished water storage tanks, and installation of a booster pump station to repressurize and transport finished water from the storage tanks to the distribution system.

Construction Permit No. 1921502, Major Amendment, Public Water Supply.

Applicant	Millville Municipal Authority
Address	P.O. Box 30 Millville, PA 17846

Municipality Millville Borough
 County **Columbia County**
 Consulting Engineer Joseph J. Hunt, P.E.
 466 South Main Street
 Montrose, PA 18801

Application Received December 8, 2021
 Permit Issued August 1, 2022
 Description This permit authorizes the authority to add additional modules to the Membrane Filtration Unit, remove and replace the existing particle counter with process laser turbidimeters and the modification of existing treatment processes and appurtenances.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.

Construction/Operation Permit No. 4522502MA, Minor Amendment, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
 Address 410 Mill Creek Road
 East Stroudsburg, PA 18301
 Municipality Stroud Township
 County **Monroe County**
 Application Received March 2, 2022
 Permit Issued July 25, 2022
 Description Rehabilitation of the Northgate Water Storage Tank, which includes interior and exterior painting.

Construction/Operation Permit No. 3391001, Public Water Supply.

Applicant **Lehigh County Authority**
 Address 1053 Spruce Road
 Allentown, PA 18106
 Municipality Weisenberg Township
 County **Northampton County**
 Application Received January 3, 2022
 Permit Issued July 25, 2022
 Description Approves operation of the newly constructed Arcadia West Storage Tank.

Construction/Operation Permit No. 2409010, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Drive
 Mechanicsburg, PA 17055
 Municipality Pittston Township
 County **Luzerne County**

Application Received June 21, 2022
 Permit Issued June 30, 2022
 Description Operations permit for KMNO4 facilities at the PAWC Nesbitt WTP.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Construction Permit No. 2122503, Major Amendment, Public Water Supply.

Applicant **Veolia Water Pennsylvania, Inc.**
 Address 6310 Allentown Boulevard
 Suite 104
 Harrisburg, PA 17112
 Municipality Upper Allen Township
 County **Cumberland County**
 Consulting Engineer Peng Chen, P.E.
 6310 Allentown Boulevard
 Suite 104
 Harrisburg, PA 17112

Application Received March 18, 2022
 Permit Issued July 29, 2022
 Description Construction permit for a new Upper Allen Pressure District, which includes a booster station, elevated storage tank, pressure reducing valves, and abandonment of the existing Lindenwood Booster Station.

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nicole Mechtly, Clerical Supervisor II, 570-327-3490.

Operation Permit 5520503. Middleburg Municipal Authority, 13 North Main Street, Middleburg, PA 17842, Middleburg Borough, Franklin Township, **Snyder County**, PWSID No. **1397059**. Application received: May 10, 2022. Permit Issued: July 27, 2022. This permit authorizes the Authority to operate a 290,000-gallon concrete contact tank, a new meter building, a 163,000-gallon standpipe tank, Wallace and Tiernan Depolox 400M on-line chlorine analyzer, replace approximately 10,000 feet of water mains, replace 8 water meters with new electromagnetic flow meters, replace 13 turbidimeters, install automatic shutoff for 1-log Giardia, replace the filter media, re-coat the 3 filter units and replace the underlying porous plate underneath the filter media.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epswsdw@pa.gov.

Construction Permit 1122502MA. Saint Francis University of Pennsylvania, 117 Lakeview Drive, Loretto, PA 15940, Loretto Borough, **Cambria County**, PWSID No. **4110800**. Application received: July 13, 2022. Permit Issued: July 29, 2022. Issued a construction permit for the replacement of media in four manganese greensand filters with GreensandPlus™.

Construction Permit 221546. Pittsburgh Water and Sewer Authority, Penn Liberty, Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**, PWSID No. **5020038**. Application received: November 4, 2021. Permit Issued: July 11, 2022. Demolition of an existing pump station, construction of a new water pump station (Highland Reservoir Pump Station), sodium hypochlorite booster systems, and installation of the Supply Main, Rising Main, and Garfield Rising Main.

Operation Permit 0422512. Municipal Water Authority of Aliquippa, 160 Hopewell Avenue, Aliquippa, PA 15001, City of Aliquippa, **Beaver County**, PWSID No. **5040006**. Application received: July 22, 2022. Permit Issued: July 29, 2022. Operation of pressure reducing valves located in vaults along 21st Street, Division Street, Grant Street, Grand Avenue, Christine Drive, and Huron Street.

Operation Permit 0222527MA. Wilkinsburg-Penn Joint Water Authority, 2200 Robinson Blvd, Pittsburgh, PA 15221, Penn Hills Township, **Allegheny County**, PWSID No. **5020056**. Application received: July 20, 2022. Permit Issued: July 29, 2022. Operation of the recently rebuilt Filter No. 7 at the water treatment plant.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge this action, the appeal must reach the board within 30-days. A lawyer is not needed to file an appeal.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

Northcentral Region: Clean Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Becky Renner, Biosolids Coordinator, (570-321-6516).

Site Suitability Notice for Land Application Under Approved PAG094844 for Kremser Associates, 1300 Jordon Ave., Montoursville, PA 17754, Muncy Creek Township, **Lycoming County. Kremser's Farm**, 437 Griffith Rd., Muncy, PA 17754. Application received: June 6, 2022. Accepted: July 25, 2022.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of Proposed Consent Order and Agreement Under HSCA/CERCLA Gettysburg Foundry Specialties Company Site, Cumberland Township, Adams County.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Ruth Bishop, 717-705-4833.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. §§ 6020.101 et seq., has entered into a proposed Consent Order and Agreement (CO&A) with the Adams County Industrial Development Authority (ACIDA) with regard to the Gettysburg Foundry Site (Site) located in Cumberland Township, Adams County, PA.

In 1997, the Department undertook a Prompt Interim Response to secure the Site. This included repairing the fence around the facility and moving piles of dross waste stored in the open into a large room in the Foundry Building. In 1998, a second Prompt Interim Response was conducted to remove and dispose of the aboveground wastes at the Site, including drums of draw bench sludge and piles of dross waste stored in the buildings. In April 1998, a site investigation was initiated to determine the extent of contamination at the Site. Under a Remedial Response, the Department excavated two on-site waste pits and disposed of the waste off-site at permitted facilities. An estimated sixty thousand five hundred (60,500) tons of residual waste were excavated and disposed, and forty-four (44) tons of hazardous waste was disposed. Additional remediation is required to achieve a complete and permanent cleanup of the Site.

The ACIDA intends to purchase real property located at 2664 Emmitsburg Road, Cumberland Township, Adams County, Pennsylvania (hereinafter "the Property") that is part of the Site. The Adams County Tax Claim Bureau has listed the Property for repository sale to recoup outstanding property taxes. The ACIDA intends to purchase the Property through the repository sale and redevelop it to return it to productive use. The ACIDA

represents that it has no involvement with the Property other than as a prospective purchaser performing due diligence at the Property. The Department has no information that the ACIDA was involved at the Site or has ever been or is presently affiliated with the current owner.

Under the terms and conditions of the CO&A, the ACIDA shall pay the Department Ten Thousand Dollars (\$10,000) towards the Department's past response costs at the Site. The ACIDA has also agreed to attain and demonstrate compliance with Land Recycling and Environmental Standards Act, 35 P.S. §§ 6026.101—6026.908, cleanup standards with respect to the existing groundwater and soil contamination on the Property no later than (10) years from the CO&A's effective date. The Department and the ACIDA covenant not to sue one another for response costs arising from the release or threatened release of hazardous substances at the Site. It is in the public interest for the Department to resolve its potential claims against the ACIDA.

This notice is provided pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the CO&A is inappropriate or not in the public interest. A person adversely affected by the settlement may file an appeal with the Pennsylvania Environmental Hearing Board. A public comment period on the CO&A will extend for a period of 60 days from the date of this notice. Persons may submit written comments regarding the agreement by mail to Ruth Bishop, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110 or by email to rbishop@pa.gov. Further information or a copy of the CO&A can be obtained by contacting Ms. Ruth Bishop at rbishop@pa.gov or 717-705-4833 or Mr. Dennis Yuen at dyuen@pa.gov or 717-783-0367.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the

remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Roller Roost Sports Arena, Primary Facility ID # **845042**, 94 Westwood Road, Pottsville, PA 17901, Norwegian Township and Pottsville City, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of JAM Roller Roost LLC, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Final Report concerning remediation of soil and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide health standards.

5115 Park Court Pump Station, Primary Facility ID # **858120**, 5115 Park Court, Mount Pocono, PA 18344, Coolbaugh Township, **Monroe County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106 on behalf of Pocono Mountains Industrial Park Authority, 701 Main Street, Suite 407, Stroudsburg, PA 18360, submitted a Final Report concerning remediation of soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide health standards.

Yarasavage Well Pad, Primary Facility ID # **762556**, 139 Keiserville Road, Tunkhannock, PA 18657, Washington Township, **Wyoming County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801 on behalf of Callon (Marcellus) LLC, 200 West Sam Houston Parkway South, Suite 2000, Houston, TX 77077, submitted a Final Report concerning remediation of soil and groundwater contaminated with frac flowback fluid (brine). The report is intended to document remediation of the site to meet the Statewide health and background standards.

Former Pittston Manufactured Gas Plant, Primary Facility ID # **621258**, US Route 11 and Kennedy Boulevard, Pittston, PA 18640, City of Pittston, **Luzerne County**. GEI Consultants, 18000 Horizon Way, Suite 200, Mount Laurel, NJ 08054 on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds, and

metals from historic use as a manufactured gas plant. The report is intended to document remediation of the site to meet the site-specific standards.

Horn Property, Primary Facility ID # **847927**, 980 Minsi Lake Road, Bangor, PA 18013, Upper Mount Bethel Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Kerry Horn, 980 Minsi Lake Road, Bangor, PA 18013, submitted a Final Report concerning remediation of soil contaminated with kerosene. The report is intended to document remediation of the site to meet the Statewide health standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Gray Brothers Farm, Primary Facility ID # **777087**, 1025 Worthington Road, Exton, PA 19341, Uwchlan Township, **Chester County**. Richard Lake, Geo-Technology Associates, Inc., 2405 Johns Fries Highway, Quakertown, PA 18951 on behalf of Thomas G. Kessler, Thomas G. Kessler, Worthington Partners II Inc., 1273 Butler Pike, Blue Bell, PA 19422, submitted a Final Report concerning remediation of groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standards.

6800 Essington Avenue, Primary Facility ID # **853185**, 6800 Essington Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Julie Baniewicz, Apex Companies, LLC, 100 Arrandale Boulevard, Suite 203, Exton, PA 19153 on behalf of Liam Sullivan, 6800 Essington Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, methylene chloride, MTBE, 1,2,4-TMB, tetrachloroethene, benzo(a)pyrene, arsenic, lead, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, and benzo(a)pyrene. The report is intended to document remediation of the site to meet the site-specific standards.

510 North Broad Street, Primary Facility ID # **704718**, 1419-1437 Spring Garden Street, 510 North Broad Street, and 559-563 North 15th Street, Philadelphia, PA 19130, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19130 on behalf of Mark Cartella, 510 Broad Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146, submitted a Final Report concerning remediation of soil contaminated with PAHs, mercury and vanadium. The report is intended to document remediation of the site to meet the site-specific standards.

Northeast Building Products Corporation, Primary Facility ID # **813135**, 327 Chew Avenue, Philadelphia, PA 19120, City of Philadelphia, **Philadelphia County**. Justin Lauterbach, RT Environmental Services, Inc, 215 West Church Road, King of Prussia, PA 19604 on behalf of FASAL, Inc., c/o Philip L. Hinerman, Fox Rothschild, LLP, 200 Market Street, 20th Floor, Philadelphia, PA 19103, submitted a Final Report concerning remediation of groundwater contaminated with TCE. The report is intended to document remediation of the site to meet the background standards.

Existing Keystone Auto & Tire Center/Jeffrey's Auto World, LLC, Primary Facility ID # **841666**, 1538 & 1546 Easton Road, Abington, PA 19001, Abington Township, **Montgomery County**. Jeffrey T. Bauer, PG,

Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Michael F. Russo, Jr., JSF Management, LLC, 86 Summit Avenue, Suite 201, Summit, NJ 07901, submitted a Final Report concerning remediation of soil contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the special industrial area provision of act 2.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Roberts Property, Primary Facility ID # **840310**, 1427 Main Street, Bethlehem, PA 18018, City of Bethlehem, **Northampton County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Norman Roberts, 1427 Main Street, Bethlehem, PA 18018, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil contaminated with heating oil. The Report demonstrated attainment of the site-specific standards. Approved: July 27, 2022.

Sunoco Fullerton Terminal #0358-1501, Primary Facility ID # **621157**, 2580 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Sunoco Partners Marketing & Terminals, LP, 3807 West Chester Pike, Newtown Square, PA 19073, submitted a Final Report concerning remediation of soil contaminated with petroleum. The Report demonstrated attainment of the State-wide health and site-specific standards. Approved: July 26, 2022.

Roller Roost Sports Arena, Primary Facility ID # **845042**, 94 Westwood Road, Pottsville, PA 17901, Norwegian Township and Pottsville City, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of JAM Roller Roost LLC, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Final Report concerning remediation of groundwater contaminated with heating oil. The Report demonstrated attainment of the Statewide health standards. Approved: August 2, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Foundry Lofts, Primary Facility ID # **855949**, 145 N. Hartley Street & 475 W. Philadelphia Street, York, PA 17401, City of York, **York County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406 on behalf of Magellan Investments, Inc., 1041 Silver Maple Circle, Seven Valleys, PA 17360, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with Arsenic & Chromium. The Report demonstrated attainment of the site-specific standards. Approved: July 20, 2022.

MTS Bethel Properties/Berman Truck Group, Primary Facility ID # **848790**, 175 Legion Drive, Bethel, PA 19507, Bethel Township, **Berks County**. Compliance Pls Services, Inc., 240 Gibraltar Road, Suite 100, Horsham, PA 19044 on behalf of Berman Truck Group, 83 Ashley Way, Leesport, PA 19533, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Report did not demonstrate attainment of the Statewide health standards. Disapproved: July 28, 2022.

SAC, Inc., Primary Facility ID # **818584**, 4588 Business Route 220, Bedford, PA 15522, Bedford Township, **Bedford County**. DMS Environmental Services, LLC,

103 South Spring Street, Bellefonte, PA 16803 on behalf of SAC, Inc., 4588 Business Route 220, Bedford, PA 15522, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Report demonstrated attainment of the State-wide health standards. Approved: July 29, 2022.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Raymond Kempa, New Source Review Chief, 570-826-2531.

GP11-13-001: Befesa Zinc US Inc., 900 Delaware Ave, Palmerton, PA 18071-2008, Palmerton Borough, **Carbon County**, for the operation of one (1) 220 BHP diesel-fired Volvo D6 nonroad engine at their facility located in Palmerton Borough, Carbon County. Application received: June 23, 2022. Issued: July 27, 2022.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

GP2-61-185A: Heath Oil Company, 5609 State Route 8, Harrisville, PA 16038, Barkeyville Borough, **Venango County**, for the post construction approval of 4 above ground storage tanks for volatile organic liquids (gasoline and Transmix) located at their facility. Application received: June 21, 2022. Issued: July 19, 2022.

GP4-37-320C: Veolia ES Alaron, LLC, d/b/a Alaron Nuclear Services, 2138 State Route 18, Wampum, PA 16157, New Beaver Borough, **Lawrence County**, for the continued operation of an existing natural gas fired burnoff oven. Application received: June 8, 2022. Re-noved: July 15, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP9-46-0117: East Coast Crushing, LLC, 1001 Sterigere Street, Norristown, PA 19401, West Norriton Township, **Montgomery County**, for a Diesel or No. 2 Fuel-fired Internal Combustion Engine (Caterpillar C9.3 engine—350BHP). Application received: July 1, 2022. Issued: July 28, 2022.

GP3-46-0172: East Coast Crushing, LLC, 1001 Sterigere Street, Norristown, PA 19401, West Norriton Township, **Montgomery County**, for a portable nonmetallic mineral processing plant (1 crushers with 1 attached conveyor). Application received: July 1, 2022. Issued: July 28, 2022.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

GP1-63-01045B: 5-D Field Services LLC, 141 Monks Road, Saxonburg, PA 16056, Cecil Township, **Washington County**. For the authorization to install and operate one

(1) Cleaver Brooks, Model No. CBI-200-300-150, 12.75 MMBtu/hr; pursuant to the General Plan Approval and/or General Operating Permit for Small Gas and No. 2 Oil-Fired Combustion Units (BAQGPA/GP-1) at the Pittsburgh Service Center. Application received: June 17, 2022. GP coverage issued: July 28, 2022.

GP5-63-01064/AG5-63-00022A: MarkWest Liberty Midstream and Resources LLC, 1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202, Buffalo Township, **Washington County**. Issued authorization for a 5-yr. term for the construction and operation of following sources: Three (3) 4,000 bhp Caterpillar G3612A4, with air/fuel ratio controllers, and controlled by oxidation catalysts; three (3) 5,000 hp electric driven compressors; one (1) 2.75 MMBtu/hr reboiler; seven storage vessels i.e. two (2) 400-bbl produced water tanks, four (4) 400-bbl condensate tanks, and one (1) 500-bbl Gunbarrel tank controlled by two (2) vapor recovery units (VRUs); one (1) Methanol Tank; 1,000-gallon capacity; one (1) Superior Fabrication Dehydration Unit, rated at 185 MMscfd, with associated reboiler rated at 2.75 MMBtu/hr controlled by an enclosed flare "Flare Industries or equivalent" rated at 7.0 MMBtu/hr; condensate and produced water truck loading are controlled by an Air Defender, (C501) Carbon bed type; two (2) enclosed combustors at the facility; and Fugitive Emissions Components; and pigging operations at their Timberlake Comp. Station. Application received: June 27, 2022. GP coverage issued: July 30, 2022.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

46-0005BB: Merck, Sharp & Dohme, Corp., 770 Sunnyside Pike, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. (1) Construction a new dual fuel-fired boiler, to be designated Boiler 11, rated at 190.0 MMBtu/hr for natural gas and 182.77 MMBtu/hr for No. 2 fuel oil; (2) Decommissioning of Boiler 3 (Source ID 033); (3) Construction of a 175-kW natural gas-fired emergency generator; and, (4) Construction of a new 2-MW natural gas-fired peak shaving generator. Application received: October 19, 2021. Issued: July 28, 2022.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

24-00083W: MERSEN USA Saint Marys—PA Corporation, 1032 Trout Run Road, Saint Marys, PA 15857, City of Saint Marys, **Elk County**, has issued a plan approval extension to allow for a stack testing retest, due to initial test failure. This is a Title V facility. This will expire on January 31, 2023. Application received: June 8, 2022. Issued: July 25, 2022.

24-00083AA: MERSEN USA Saint Marys—PA Corporation, 1032 Trout Run Road, Saint Marys, PA 15857, City of Saint Marys, **Elk County**, has issued a plan approval extension to allow for stack test report review. This is a Title V facility. This will expire on January 31, 2023. Application received: June 8, 2022. Issued: July 25, 2022.

03-00179A: Leading Technologies Incorporated, 1153 Industrial Park Road, Leechburg, PA 15353, Parks Township, **Armstrong County**, has issued a plan approval extension to allow for stack test report review for construction of two replacement scrubber control devices. This is a State Only facility. This will expire on January 31, 2023. Application received: June 15, 2022. Issued: July 27, 2022.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-05107B: Crown Cork & Seal USA, Inc., 1650 Broadway, Hanover, PA 17331, Penn Township, **York County**. For the installation of a new two-piece food can line and RTO control device at the food can manufacturing plant. The food can line includes a wash line/dryer and two-piece LSM/bake oven and is controlled by a regenerative thermal oxidizer and baghouse. The plan approval was extended. Application received: July 12, 2022. Issued: July 26, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

46-0026K: Global Pkg Inc., 209 Brower Avenue, Oaks, PA 19456, Upper Providence Township, **Montgomery County**. To install and operate a solvent based 8-station flexographic printing press (manufactured by W&H, model Novoflex IIL8) and having natural gas dryers. The air emissions will be captured by a permanent total enclosure around the press and will be routed to two existing RTOs (CO3 and CO4) for destruction. Application received: July 1, 2022. Issued: July 26, 2022.

09-0248: Shelly Funeral Home, 1460 Easton Road, Warrington, PA 18976, Warrington Township, **Bucks County**. For installation of a Matthews International Cremation Unit, rated at 150 lb/hr, at an existing funeral home. Application received: June 30, 2022. Issued: July 26, 2022.

Title V Operating Permit(s) Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

56-00181: Southern Alleghenies Landfill, Inc., 843 Miller Picking Road, Davidsville, PA 15928, Conemaugh Township, **Somerset County**. Significant Modification to Title V Operating Permit (TVOP-56-000181) renewal to Southern Alleghenies Landfill, Inc. for the operation of a municipal solid waste landfill Application received: April 25, 2022. Permit modification issued: July 27, 2022.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

14-00043: University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801, College Township and Benner Township, **Centre County**. On August 1, 2022 was issued a State Only Operating Permit for their Spring Creek Pollution Control Facility located in Benner and College Townships, Centre County. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: May 5, 2022. Issued: August 1, 2022.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

43-00390: Sherman Funeral Home and Crematory, Incorporated, 2201 Highland Road, Hermitage, PA 16148-2822, Sharpsville Borough, **Mercer County**. The Department issued the new State Only Natural Minor Operating Permit for operation of the human crematory. The facility's primary emission source consists of a human crematory. The potential emissions of the primary pollutants from the facility are as follows: 1.169 TPY (tons per year) NO_x, 0.969 TPY CO, 0.098 TPY VOC, 0.799 TPY filterable PM, and 0.713 TPY SO_x; thus, the facility is a natural minor. The crematory is subject to Plan Approval 43-390A which includes opacity and emission restrictions. The new permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: September 8, 2021. Renewal issued: July 26, 2022.

10-00370: MarkWest Liberty Bluestone, Trillith Compressor Station, 4600 J Barry Court, Suite 500, Canonsburg, PA 15317, Lancaster Township, **Butler County**. The Department issued the new State Only Natural Minor Operating Permit for the compressor station and dehydration facility. The facility's primary emission sources include three (3) 2,370-bhp lean-burn natural gas-fired compressor engines, one (1) 3,550-bhp lean-burn natural gas compressor engine, and one (1) 2,675-bhp lean-burn natural gas compressor engine, each equipped with an oxidation catalyst, a 120 mmscf/day glycol dehydration unit (controlled by a 7.0 mmBtu/hr enclosed flare) and its associated 2.00 mmBtu/hr reboiler, condensate and produced water tanks controlled by two (2) vapor recovery units, pigging operations, pneumatic devices, venting/blowdowns, and fugitive VOC emissions. The potential emissions of the primary pollutants from the facility are as follows: 55.68 TPY (tons per year) NO_x, 32.33 TPY CO, 48.10 TPY VOC, 11.25 TPY total HAPs, 6.48 TPY formaldehyde, 4.46 TPY PM₁₀ and PM_{2.5}, and 0.26 TPY SO_x; thus, the facility is a natural minor. The facility was originally permitted under General Permit GP5-10-00367F, which includes emission restrictions on the engines for NO_x, NMNEHC, CO, and formaldehyde. All five compressor engines are subject to 40 CFR 63 Subpart JJJJ, Standards of Performance for Stationary

Spark Ignition Internal Combustion Engines. The dehydrator is subject to 40 CFR 63 Subpart HH, NESHAP From Oil and Natural Gas Production Facilities. Four of the compressors (including the rod packing) are subject to 40 CFR 60 Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015. One compressor and the collection of fugitive emission components are subject to 40 CFR 60 Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015. The new permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: July 15, 2021. Renewal issued: July 21, 2022.

61-00185: Heath Oil Company, P.O. Box 1128, Oil City, PA 16301-0628, Barkeyville Borough, **Venango County**. The Department issued the renewal State Only Natural Minor Operating Permit for the bulk gasoline terminal. The facility's primary emission sources include the internal floating roof tanks, small fixed roof tanks, facility fugitives, two distillation columns, a petroleum recovery system, a CNG public access fueling system, and a tank wagon loading rack. The potential emissions of the primary pollutants from the facility are as follows: 4.38 TPY (tons per year) NO_x, 3.68 TPY CO, 49.90 TPY VOC, 0.33 TPY PM₁₀ and PM_{2.5}, and 0.03 TPY SO_x; thus, the facility is a natural minor. The facility is subject to 40 CFR 63 Subpart BBBB, NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The storage vessels are subject to 40 CFR 60 Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: April 1, 2021. Renewed: August 1, 2022.

25-01000: Advanced Mold Technologies, Inc., 2011 East 30th Street, Erie, PA 16510-2547, City of Erie, **Erie County**. The Department issued the renewal State Only Natural Minor Operating Permit for the electroplating, plating, and polishing facility. The facility's primary emission sources include the chrome electroplating tank, nickel electroplating tanks, the copper electroplating tank, the copper cyanide electroplating tank, a natural gas-fired boiler, media blasting and machine grinding surface preparation, and final surface preparation. The potential emissions of the primary pollutants from the facility are as follows: 3.64 TPY total HAP, 0.0083 TPY Chromium, 3.548 TPY Nickel, 0.062 TPY Copper, 0.070 TPY copper cyanide, and 7.88 TPY PM₁₀; thus, the facility is a natural minor. The chrome electroplating tank is subject to 40 CFR 63 Subpart N, NESHAP for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks. The nickel electroplating tanks are subject to 40 CFR 63 Subpart WWWWWW, NESHAP for Plating and Polishing Operations Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: September 20, 2021. Renewed: August 2, 2022.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

28-03011: Landis Solutions, LLC, 360 S. Church Street, Waynesboro, PA 17268-2610, Waynesboro Borough, **Franklin County**. For the machine tool manufacturing facility. The State-Only permit was renewed. Application received: March 22, 2022. Issued: July 26, 2022.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

38-05038: Grosfillex, Inc., 230 Old West Penn Ave., Robeson, PA 19551-8904, North Lebanon Township, **Lebanon County**. For the plastic products manufacturing facility. The State-Only permit was renewed. Application received: November 23, 2021. Issued: July 22, 2022.

38-03062: Sunoco Pipeline LP, 525 Fritztown Road, Sinking Spring, PA 19608, West Cornwall Township, **Lebanon County**. For the natural gas liquid (ethane, propane, butane or a mixture of these) pumping station. The State-Only permit was renewed. Application received: January 11, 2022. Issued: July 26, 2022.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

11-00434: New Enterprise Stone & Lime Company, Inc., 1317 Chickaree Hill Road, Johnstown, PA 15909, Jackson Township, **Cambria County**. Issuance of an initial natural minor State Only Operating Permit for the operation of a sandstone plant. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements. Application received: April 21, 2022. Permit issued: July 29, 2022.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

26-00413: Texas Eastern Transmission LP, 5400 Westheimer Court, Houston, TX 77056, North Union Township, **Fayette County**. Issuance of an administrative amendment of the State Only Operating Permit for the Uniontown Compressor Station. The amendment incorporates the change of responsible official. Application received: December 31, 2021. Issued: August 2, 2022.

30-00094: Texas Eastern Transmission LP, 5400 Westheimer Court, Houston, TX 77056, Franklin Township, **Greene County**. Issuance of an administrative amendment of the State Only Operating Permit for the Waynesburg Compressor Station. The amendment incorporates the change of responsible official. Application received: December 10, 2021. Issued: August 2, 2022.

65-00207: OMNOVA Solutions, LLC, 1001 Chambers Avenue, Jeannette, PA 15644, City of Jeannette, **Westmoreland County**. Administrative Amendment issued to update the Responsible Official and Permit Contact in the Title V Operating Permit. Application received: July 18, 2022. Issued: July 28, 2022.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

GP5A-63-01036B/AG5A-63-00019B: EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, East Finley Township, **Washington County**. Received approval on June 28, 2022 for a de minimis emissions increase pursuant to GP-5A Section A Condition 15(a)(i—iii) and 25 Pa. Code § 127.449 of 0.1 ton of CO and 0.1 ton of NO_x, per year, resulting from the installation and operation of one (1) Qnergy 5650 PowerGen 5.65kW natural gas-fired thermal electric generator unit with maximum heat input of approximately 0.2 MMBtu/hr at its Ealy Well Pad. Prior de minimis increases at the facility during the term of its current GP-5A authorization include: 0.64 tons of VOC (including negligible tons of Clean Air Act Section 112 HAPs), per year, resulting from the installation and operation of 69 intermittent bleed natural gas-actuated pneumatic controllers; and 0.49 ton of NO_x, 0.59 ton of CO, 0.58 ton of VOC (including approximately 0.19 ton of Clean Air Act Section 112 HAPs), and 0.16 ton of PM₁₀, per year, resulting from the installation and operation of one (1) 203-bhp Caterpillar G3306 rich-burn natural gas-fired spark ignition compressor engine equipped with an automatic air-fuel ratio controller and three-way catalyst.

GP5A-63-01042A/AG5A-63-00025A: EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, East Finley Township, **Washington County**. Received approval on June 28, 2022 for a de minimis emissions increase of 0.2 ton of CO and 0.2 ton of NO_x, per year, pursuant to GP-5A Section A Condition 15(a)(i—iii) and 25 Pa. Code § 127.449 resulting from the installation and operation of one (1) Qnergy 5650 PowerGen 5.65kW natural gas-fired thermal electric generator unit, with maximum heat input of approximately 0.2 MMBtu/hr, and one (1) additional 400-bbl condensate tank at its Kuhn Well Pad. One (1) prior de minimis emissions increase of 0.38 ton of VOC (including negligible Clean Air Act Section 112 HAPs), per year, was approved at the facility during the term of its current GP-5A authorization resulting from the installation and operation 34 intermittent-bleed natural gas-actuated pneumatic controllers.

GP5A-63-01038A/AG5A-63-00021A: EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, East Finley Township, **Washington County**. Received approval on June 28, 2022 for a de minimis emissions increase of 0.2 ton of CO and 0.2 ton of NO_x, per year, pursuant to GP-5A Section A Condition 15(a)(i—iii) and 25 Pa. Code § 127.449 resulting from the installation and operation of two (2) Qnergy 5650 PowerGen 5.65kW natural gas-fired thermal electric generator units

each with maximum heat input of approximately 0.2 MMBtu/hr at its JT Farm Well Pad. One (1) prior de minimis increase of 0.40 ton of VOC (including negligible Clean Air Act Section 112 HAPs), per year, was approved at the facility during the term of its current GP-5A authorization resulting from the installation and operation of one (1) additional 400-bbl condensate storage tank, one (1) additional 400-bbl produced water storage tank, and 38 intermittent-bleed natural gas-actuated pneumatic controllers.

GP5A-63-01044A/AG5A-63-00027A: EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, East Finley Township, **Washington County**. Received approval on June 28, 2022 for a de minimis emissions increase of 0.1 ton of CO and 0.1 ton of NO_x, per year, pursuant to GP-5A Section A Condition 15(a)(i—iii) and 25 Pa. Code § 127.449 resulting from the installation and operation of one (1) Qnergy 5650 PowerGen 5.65kW natural gas-fired thermal electric generator unit with maximum heat input of approximately 0.2 MMBtu/hr at its Stout Well Pad. Prior de minimis increases of 0.42 ton of NO_x, 0.35 ton of CO, 0.6 ton of VOC (including negligible Clean Air Act Section 112 HAPs), <0.01 ton of SO_x, and <0.1 ton of PM₁₀, per year, were approved at the facility during the term of its current GP-5A authorization resulting from the installation and operation of 54 intermittent bleed natural gas-actuated pneumatic controllers and one (1) 1.00 MMBtu/hr natural gas-fired low-pressure separator line heater.

GP5A-63-01055A/AG5A-63-00028A: Range Resources Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317, Jefferson Township, **Washington County**. Received approval on June 28, 2022 for a de minimis emissions increase pursuant to GP-5A Section A Condition 15(a)(i—iii) and 25 Pa. Code § 127.449 of 0.16 ton of VOC (including approximately 0.09 ton of Clean Air Act Section 112 HAPs), per year, resulting from the installation and operation one (1) 10 MMscfd vapor separator, two (2) continuous bleed natural gas-driven pneumatic devices, two (2) intermittent bleed natural gas-driven pneumatic devices, and associated fugitive emissions components at its MCC Partners West 11891 well pad. No prior de minimis emissions increases have occurred at the facility during the term of its GP-5A authorization.

GP5A-63-01055A/AG5A-63-00028A: Range Resources Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317, Jefferson Township, **Washington County**. Received approval on June 28, 2022 for a de minimis emissions increase pursuant to GP-5A Section A Condition 15(a)(i—iii) and 25 Pa. Code § 127.449 of 0.04 ton of VOC (including negligible Clean Air Act Section 112 HAPs), per year, resulting from the installation and operation two (2) plunger lift units and associated intermittent bleed natural gas-driven pneumatic devices and fugitive emissions components at its MCC Partners West 11891 well pad. One (1) prior de minimis emissions increase of 0.16 ton of VOC (including approximately 0.09 ton of Clean Air Act Section 112 HAPs), per year, was approved at the facility during the term of its current GP-5A authorization resulting from the installation and operation of one (1) 10 MMscfd vapor separator and associated intermittent bleed natural gas-driven pneumatic devices and fugitive emissions components.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3, 724.769.1100.

Mining Permit No. 17031301. NPDES No. PA0235571. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Burnside Township, Montgomery Township, and Cherry Tree Borough, **Clearfield County**. To reactivate the existing underground Coal Mining Activity Permit and related NPDES Permit, affecting 49.0 surface acres and 5,382.0 underground acres. Receiving stream: West Branch Susquehanna River, classified for the following use: WWF. Application received: March 9, 2021. Issued: May 5, 2022.

Mining Permit No. 56140702. NPDES No. PA0236306. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Shade Township, **Somerset County**. To transfer the permit and related NPDES Permit from LCT Energy, LP. Application received: April 27, 2021. Issued: May 17, 2022.

Mining Permit No. 63723707. NPDES No. PA0215520. Maple Creek Mining, Inc., 46226 National Road, St. Clairsville, OH 43950, Nottingham Township and Carroll Township, **Washington County**. To renew the permit and related NPDES Permit. Application received: March 4, 2016. Issued: June 6, 2022.

Mining Permit No. 63723707. NPDES No. PA0215520. Washington County Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, Nottingham Township and Carroll Township, **Washington County**. To transfer the permit and related NPDES Permit from Maple Creek Mining, Inc. Application received: November 30, 2020. Issued: June 6, 2022.

Mining Permit No. 56773708. Miller Springs Remediation Management, Inc., 5 Greenway Plaza, Suite 110, Houston, TX 77046, Conemaugh Township, **Somerset County**. To renew the permit for reclamation only. Application received: June 7, 2021. Issued: June 10, 2022.

Mining Permit No. 56743705. NPDES No. PA0235695. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Paint Township and Adams Township, **Somerset County and Cambria County.** To renew the permit and related NPDES Permit. Application received: June 29, 2020. Issued: June 14, 2022.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township and Aleppo Township, **Greene County.** To revise the permit and related NPDES permit for the installation of degas boreholes, affecting 16.3 surface acres. Application received: December 7, 2021. Issued: June 17, 2022.

Mining Permit No. 30121301. NPDES No. PA0236195. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County.** To renew the permit and related NPDES permit. Application received: June 20, 2019. Issued: June 17, 2022.

Mining Permit No. 56140701. NPDES No. PA0119954. Coal Innovations, LLC, 1134 Stoystown Road, Friedens, PA 15541, Quemahoning Township and Stonycreek Township, **Somerset County.** To revise the permit and related NPDES permit to add Module 27 to the approved Coal Mining Activity Permit to allow biosolids to be utilized during reclamation. Application received: March 16, 2022. Issued: June 22, 2022.

Mining Permit No. 17051601. NPDES No. PA0235733. Junior Coal Contracting, Inc., 2330 Six Mile Road, Phillipsburg, PA 16866, Decatur Township, **Clearfield County.** To revise the permit and related NPDES permit to include erosion and sedimentation control structures and water sources to add authorization to wash coal, affecting 10.1 surface acres. Application received: July 31, 2019. Issued: June 23, 2022.

Mining Permit No. 32140701. NPDES No. PA0001767. Pennzoil Quaker State Company, d/b/a SOPUS Products, P.O. Box 4548, Houston, TX 77210, Center Township and Blacklick Township, **Indiana County.** To revise the permit and related NPDES permit to redirect clean perennial stream flow and surface stormwater runoff. Application received: January 7, 2021. Issued: June 27, 2022.

Mining Permit No. 56021301. NPDES No. PA0235547. Elk Lick Energy, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Lincoln Township, **Somerset County.** To renew the permit and related NPDES permit. Application received: September 28, 2018. Issued: June 27, 2022.

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township and Morris Township, **Greene County.** To revise the permit and related NPDES permit for installation of an overhead electric powerline, affecting 24.0 surface acres. Application received: December 15, 2020. Issued: July 1, 2022.

Mining Permit No. 30121301. NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township and Morris Township, and Center Township, **Greene County.** To revise the permit and related NPDES permit for development mining, affecting 3,297.0 underground acres and 3,297.0 subsidence control plan acres. Application received: November 8, 2019. Issued: July 1, 2022.

Mining Permit No. 30031301. NPDES No. PA0235610. Dana Mining Company of Pennsylvania, LLC, 966 Crafts Run Road, Madsville, WV 26541, Dunkard Township and Perry Township, and Whiteley Township, **Greene County.** To revise the permit and related NPDES permit for a post-mining land use change from existing forestland and unmanaged natural habitat to industrial/commercial. Application received: March 12, 2021. Issued: July 12, 2022.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 56860104. NPDES No. PA0597601. Heritage Coal & Natural Resources LLC, 550 Beagle Road, Rockwood, PA 15557, Summit Township and Brothersvalley Township, **Somerset County.** Renewal to the NPDES permit of a bituminous surface mine, affecting 507.0. Receiving stream: unnamed tributaries to/and Blue Lick Creek, classified for the following use: CWF. Application received: November 2, 2021. Permit Issued: July 27, 2022.

Mining Permit No. 56130107. NPDES No. PA0269484. Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, Jenner Township, **Somerset County.** Permit revision for both the erosion and sediment control plan and the NPDES permit of a bituminous surface & auger mine, affecting 312.1. Receiving stream: unnamed tributaries to/and Two Mile Run, classified for the following use: CWF. Application received: November 23, 2021. Permit Issued: July 28, 2022.

Mining Permit No. 56010104. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Stoystown, PA 15541, Jenner and Lincoln Townships, **Somerset County.** Renewal for reclamation only of a bituminous surface mine, affecting 124.0. Receiving stream: unnamed tributaries to/and Quemahoning Creek, classified for the following use: CWF. Application received: May 23, 2022. Permit Issued: July 28, 2022.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 24090102. Tamburlin Brothers Coal Company, Inc., P.O. Box 1419, Clearfield, PA 16830, Fox Township, **Elk County.** Renewal of an existing bituminous surface mine for reclamation only, affecting 145.0 acres. Receiving stream: Unnamed tributary to Little Toby Creek and Limestone Run, classified for the following use: CWF. Application received: February 24, 2022. Permit issued: July 28, 2022.

Mining Permit No. 33850118. NPDES No. PA0106682. P. and N. Coal Co., Inc., 680 Old Route 119 Highway North, Indiana, PA 15701, Winslow Township, **Jefferson County.** Renewal of an existing bituminous surface mine for reclamation only, affecting 190.1 acres. Receiving stream: Unnamed tributary to Soldier Run, classified for the following use: CWF. Application received: April 15, 2022. Permit issued: August 1, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54861601. Schuylkill Coal Processing, Inc., P.O. Box 134, Ashland, PA 17921, Butler Township, **Schuylkill County.** Renewal of an anthracite

coal preparation plant operation, affecting 18.3 acres. Receiving stream: Mahanoy Creek. Application received: March 18, 2022. Renewal issued: July 27, 2022.

Noncoal Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 64212502. PA0226157. Rock Lake, Inc., 3230 Creamton Drive, Lake Como, PA 18437, Manchester Township, **Wayne County**. NPDES Permit on a quarry operation, affecting 10.0 acres. Receiving stream: Equinunk Creek. Application received: February 23, 2021. Permit issued: July 26, 2022.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 45224105. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Pocono Township, **Monroe County**. Construction blasting for Desaki Restaurant Application received: July 15, 2022. Permit issued: July 25, 2022. Expiration date: July 14, 2023.

Permit No. 52224103. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Lackawaxen Township, **Pike County**. Construction blasting for Mast Hope Rapids Application received: July 18, 2022. Permit issued: July 25, 2022. Expiration date: July 18, 2023.

Permit No. 36224130. Douglas Explosives, Inc., 2052 Philipsburg Bigler Highway, Philipsburg, PA 16866, Strasburg Township, **Lancaster County**. Construction blasting for Meadows at Strasburg Phase 2 and 3 Application received: July 19, 2022. Permit issued: July 26, 2022. Expiration date: December 30, 2022.

Permit No. 36224131. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, East Lampeter Township, **Lancaster County**. Construction blasting for Walnut Street Extension Application received: July 22, 2022. Permit issued: July 26, 2022. Expiration date: July 20, 2023.

Permit No. 39224106. American Rock Mechanics, LLC, 7531 Chestnut Street, Zionsville, PA 18092, Catasauqua Borough, **Lehigh County**. Construction blasting for Catasauqua Townhomes Application received: July 27, 2022. Renewal issued: July 28, 2022. Expiration date: July 25, 2023.

Permit No. 38224109. M3 Explo, LLC, P.O. Box 615, Bowmansville, PA 17507, South Annville Township, **Lebanon County**. Construction blasting for Wynfield Development Application received: July 20, 2022. Permit issued: July 29, 2022. Expiration date: July 23, 2023.

Permit No. 64224106. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435,

Texas Township, **Wayne County**. Construction blasting at 32 Ledgefield Road Application received: July 27, 2022. Permit issued: August 1, 2022. Expiration date: July 27, 2023.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOPRG@pa.gov.

E5829222-002. Williams Field Services Company, LLC, 30351 Route 6, Wysox, PA 18854, Bridgewater

Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 18, 2022. Issued: July 28, 2022.

To construct, operate, and maintain:

1. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 4,410 square feet (0.10 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 50' 17", Long. -75° 48' 48");
2. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 3,151 square feet (0.07 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 50' 11", Long. -75° 48' 47");
3. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 766 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 50' 05", Long. -75° 48' 48");
4. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 1,060 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 50' 01", Long. -75° 48' 47");
5. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 2,426 square feet (0.06 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 58", Long. -75° 48' 46");
6. a temporary timber mat pad impacting 649 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 57", Long. -75° 48' 46");
7. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 2,175 square feet (0.05 acre) of palustrine emergent wetland (PEM) and 156 square feet (0.01 acre) of palustrine forested wetland (PFO) (Montrose East, PA Quadrangle; Lat. 41° 49' 56", Long. -75° 48' 47");
8. a temporary timber mat pad impacting 2,071 square feet (0.05 acre) of floodway only impacts to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 52", Long. -75° 48' 48");
9. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 112 lineal feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 51", Long. -75° 48' 57");
10. a temporary timber mat pad impacting 17 lineal feet of stream impacts and 1,794 square feet (0.04 acre) of floodway only impacts to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 51", Long. -75° 49' 00");
11. a temporary timber mat pad impacting 123 square feet (0.01 acre) of floodway only impacts to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 51", Long. -75° 48' 56");
12. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 22,837 square feet (0.52 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 51", Long. -75° 48' 59");
13. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 3,380 square feet (0.09 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 49", Long. -75° 49' 10");
14. a temporary timber mat pad impacting 271 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 50", Long. -75° 49' 25");
15. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 6,424 square feet (0.15 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 50", Long. -75° 49' 23");
16. a temporary timber mat pad impacting 1,901 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 50", Long. -75° 49' 22");
17. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 54,062 square feet (1.24 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 44", Long. -75° 49' 37");
18. a temporary timber mat pad impacting 3,467 square feet (0.08 acre) of floodway only impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 42", Long. -75° 49' 39");
19. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 156 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 41", Long. -75° 49' 39");
20. a 16-inch diameter natural gas gathering pipeline and temporary timber mat pad impacting 109 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 36", Long. -75° 49' 39");
21. a temporary timber mat pad impacting 16,341 square feet (0.38 acre) of floodway only impacts to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 33", Long. -75° 49' 39");
22. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 107 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 33", Long. -75° 49' 39");
23. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 107 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 31", Long. -75° 49' 40");
24. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 105 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 33", Long. -75° 49' 39");
25. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 50,706 square feet (1.16 acre) of palustrine emergent wetland (PEM) and 2,140 square feet (0.05 acre) of palustrine forested wetland (PFO) (Montrose East, PA Quadrangle; Lat. 41° 49' 33", Long. -75° 49' 40");
26. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 41,045

square feet (0.94 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 49' 28", Long. -75° 49' 42");

27. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 2 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 24", Long. -75° 49' 44");

28. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 101 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 23", Long. -75° 49' 44");

29. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 36,175 square feet (0.83 acre) of palustrine emergent wetland (PEM) and 2,663 square feet (0.06 acre) of palustrine forested wetland (PFO) (Montrose East, PA Quadrangle; Lat. 41° 49' 16", Long. -75° 49' 46");

30. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 104 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 49' 00", Long. -75° 49' 40");

31. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 114 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 48' 58", Long. -75° 49' 40");

32. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 22,913 square feet (0.53 acre) of palustrine emergent wetland (PEM) and 79 square feet (0.01 acre) of palustrine forested wetland (PFO) (Montrose East, PA Quadrangle; Lat. 41° 48' 56", Long. -75° 49' 40");

33. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 75 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 48' 56", Long. -75° 49' 40");

34. a 16-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 115 lineal feet of impacts to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 48' 46", Long. -75° 49' 39");

35. a temporary timber mat pad impacting 16,875 square feet (0.39 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 48' 42", Long. -75° 49' 38");

36. a temporary timber mat pad impacting 4,715 square feet (0.11 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 48' 42", Long. -75° 49' 38");

37. a temporary timber mat pad impacting 5,656 square feet (0.13 acre) of floodway only impacts to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 48' 40", Long. -75° 49' 37").

The approximate 14,595 lineal feet Tiffany Loop Pipeline natural gas gathering line project will convey natural gas from the Horseshoe Pipeline to the Diamond Loop Pipeline located in Bridgewater Township, Susquehanna County. The project will result in 1,207 lineal feet of stream impacts, 2.37 acres (103,452 square feet) of floodway impacts, 6.35 acres (276,441 square feet) of PEM wetland impacts, and 0.12 acre (5,038 square feet) of PFO

wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line for conveyance to market.

E0829222-014. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Litchfield Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 22, 2022. Issued: August 2, 2022.

To construct, operate, and maintain:

1. a temporary construction workspace activities that impacted 1,307 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 24", Long. -76° 23' 44");

2. a temporary construction workspace activities that impacted 1,307 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 22", Long. -76° 23' 39");

3. a temporary construction workspace activities that impacted 436 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 24", Long. -76° 23' 37");

4. a permanent fill that impacted 5,663 square feet (0.13 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 25", Long. -76° 23' 43");

5. a permanent fill that impacted 14,810 square feet (0.34 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 24", Long. -76° 23' 38");

6. a temporary on-site restoration activity impacting 1,220 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 24", Long. -76° 23' 44");

7. a temporary workspace activity impacting 1,699 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 24", Long. -76° 23' 43");

8. a temporary on-site restoration activity impacting 1,263 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 22", Long. -76° 23' 39");

9. a temporary workspace activity impacting 1,220 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 22", Long. -76° 23' 39");

10. a temporary on-site restoration activity impacting 610 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 37", Long. -76° 23' 37");

11. a temporary workspace activity impacting 1,525 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Litchfield, PA Quadrangle; Lat. 41° 56' 23", Long. -76° 23' 38").

The Feusner Bra Pad, located in Litchfield Township, Bradford County, seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. Prior unauthorized impacts resulted in 3,050 square feet (0.07 acre) of temporary PEM wetland impacts and 20,473 square feet (0.47 acre) of permanent PEM wetland impacts. Wetland restoration activities will result in 7,537 square feet (0.17

acre) of temporary PEM wetland impacts to restore and mitigate for prior activities adjacent to the Freshwater Impoundment and supporting infrastructure.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945/814-332-6984.

Contact: Karl Gross, Permits Chief, 814-332-6138.

E2506222-002. Pennsylvania Department of General Services, 1800 Herr Street, Harrisburg, PA 17103, Summit Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: March 1, 2022. Issued: July 26, 2022.

Permanently impact 1.24 acres of Palustrine Emergent wetland for the construction of a new State Police barracks and associated facilities located on Oliver Road approximately 1 mile west of SR 19, Erie South, PA in Summit Township, Erie County. Project includes payment to the DEP PIECES In-Lieu Fee Fund as compensation for project impacts. Latitude: 42.036012°, Longitude: -80.088953°.

E2406222-001. Mersen USA GS Corp, 1032 Trout Run Road, St. Marys, PA 15857, City of Saint Marys, **Elk County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: February 28, 2022. Issued: July 26, 2022.

Permanently impact to 0.11 acre of PEM and PSS wetlands located at the southeast corner of the site for construction of a 12,800 square foot building expansion at an existing production facility located along Trout Run Road, St. Marys, PA in City of Saint Marys, Elk County. Compensation for permanent wetland impact is through credit purchase from First Pennsylvania Resource, LLC (DEP File No. MB9915-0001) from an approved compensation site(s) Robinson Fork Mitigation Bank (DEP File No. MB990563-003) in Service Area 17. Latitude: 41.424372°, Longitude: -78.529229°.

E2006222-003. Conneaut Township Supervisors, 6007 Carpenter Road, Conneautville, PA 16406, Conneaut Township, **Crawford County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 4, 2022. Issued: August 1, 2022.

Replace an existing bridge with a single span steel beam bridge with a laminated timber deck with a clear span of 63 feet and an average underclearance of 9.5 feet on West Road crossing Linesville Creek (WWF) in Conneaut Township, Crawford County (Conneaut Township, PA). Latitude: 41.676425°, Longitude: -80.425705°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Sage Saum, Clerical Assistant, 717-705-4992.

E5003219-001. Alvin R. Peachy & Rosa L. Peachy, 396 Ash Drive, Millerstown, PA 17062, Saville Township, **Perry County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 7, 2019. Approved: July 28, 2022.

Project Description: to construct and maintain a 14-foot wide single span bridge having a normal span of 14-feet and an underclearance of 1.97-feet permanently impacting 653 square feet of Racoon Creek (CWF-MF) and its floodway and 0.03 acre or 1,394 square feet of Exceptional Value wetlands, (2) maintain a 158-foot long, 24-inch culvert depressed 6 inches below the natural stream bed permanently impacting 1,825 square feet of UNT to Racoon Creek (CWF-MF), (3) maintain fill within 0.01

acre or 267.65 square feet of Exceptional Value wetlands, (4) maintain fill within 0.01 acre or 454.1 square feet of Exceptional Value wetlands, (5) maintain fill and a 15-inch culvert impacting 1,700 square feet of Exceptional Value Wetlands, and (6) construct and maintain a 36-inch, 49-foot long culvert depressed 6-inches below the natural stream bed of a UNT to Racoon Creek (CWF-MF). All for the purpose of constructing a residential subdivision. The project is located along Racoon Valley Road south of the intersection with Ash Drive, Ickesburg, PA in Saville Township, Perry County. The permittee is required to provide 0.25 acre or 10,890 square feet of wetland compensation on site.

E0503221-006. Kevin Perrin, 618 Church Road, Everett, PA 15537, Snake Spring Township, **Bedford County**. U.S. Army Corps of Engineers Baltimore District. Application received: November 4, 2021. Approved: August 1, 2022.

Project Description: Construct and maintain a single-span, steel beam bridge with steel grate, resting on Redi-Rock concrete wingwall abutment, permanently impacting 20 linear feet (540 square feet) and temporarily impacting 65 linear feet (1,755 square feet) of Snake Spring Valley Run (WWF, MF), for the purpose of providing property owner access to agricultural fields and a single family residential dwelling. The project is located along lower Snake Spring Road, in Snake Spring Township, Bedford County. No wetlands will be impacted by this project. Latitude: 40.085762°, Longitude: -78.381562°.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E4601221-016. Pottstown Sustainable Energy Park, 120 Howard Street, Charleroi, PA 15022, Pottstown Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 12, 2021. Issued: July 26, 2022.

To construct and maintain the following listed water obstruction and encroachment activates associated with the Pottstown Sustainable Energy Plant, a cellulose-based solid waste gasification plant in and along the 100-year floodway of the Schuylkill River (WWF-MF). The proposed work will include the construction of a large feedstock preparation and fuel conversion building, an office building, parking lot, storage silos, truck loading stations, stormwater BMPs, and other associated facilities. The project proposes approximately 4,400 SF of permanent floodway impact. The site is located near the intersection of College Drive and Keystone Boulevard in Pottstown, PA. Latitude: 40.246817°, Longitude: -75.670800°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager, 412-442-4000.

E02052-1823. Meli Properties, LLC, 3150 Leechburg Road, Pittsburgh, PA 15239, Plum Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to:

1. Remove an existing 24-inch diameter by 87-foot long pipe in an unnamed tributary (UNT) to Plum Creek (WWF);

2. Construct, operate, and maintain a replacement 42-inch diameter by 87-foot long corrugated plastic pipe with riprap outlet protection in the aforementioned UNT;

3. Operate and maintain a 105-foot long, relocated segment of the aforementioned UNT;

4. Operate and maintain a streambank stabilization consisting of 6 stacked concrete blocks along 6 feet of the same UNT;

For the purpose of reducing the flooding to a nearby residential structure. The project site is located at 896 Center Road, Pittsburgh, PA 15239 (Braddock, PA USGS topographic quadrangle; N: 40°, 28', 33.96"; W: -79°, 45', 33.91"; Sub-basin 18A), in the Borough of Plum, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 1-717-787-3411.

Contact: 1-717-787-3411.

D64-239EA. Janet Helms, 232 Ridge Lake Drive, Honesdale, PA 18431, South Canaan Township, **Wayne County**. U.S. Army Corps of Engineers Philadelphia District. The plan was approved on July 25, 2022. Application received: July 25, 2022. Approved: July 25, 2022.

The Department of Environmental Protection, Division of Dam Safety (Department) has reviewed and approved the restoration plan to remove the Ridge Lake Dam to eliminate a threat to public safety and to restore approximately 3,700 feet of stream channel to a free-flowing condition and to restore inundated wetlands. The project is located across Pond Brook (HQ-CWF, MF), Honesdale, PA. Latitude: 41.5326°, Longitude: 75.3362°.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Karl Gross, Permits Chief, 814-332-6138.

EA2506222-002. Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, North East Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 5, 2022. Issued: July 27, 2022.

Conduct 450 linear feet of stream restoration activities on Twelve Mile Creek. The project will consist of stream bank stabilization, installation of rock weirs, J-Hooks, muddills, and rock toe. There will be approximately 0.25 acre of temporary impacts to the stream for construction activities. The project is located on Sidehill road approximately 540 feet west of Brickyard Road. Latitude: 42.170399°, Longitude: -79.885952°.

EA2006222-001. Dixie Richmond, 8979 Dicksonburg Road, Linesville, PA 16424, Summerhill Township, **Crawford County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 16, 2022. Issued: July 27, 2022.

Conduct stream restoration on a Unnamed Tributary to Conneaut Creek to reduce accelerated erosion, channel instability and restore floodplain connectivity. The project will include installing rock cross vanes, muddills, bank protection, and abandonment of a side erosional channel. The project will impact approximately 804 linear feet of

The UNT to Conneaut Creek. The stream has an approximate drainage area of 36 acres. Latitude: 41.704612°, Longitude: -80.356830°.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNNOGPRG@pa.gov.

ESCGP # 3 ESG294122004-00
Applicant Name EQT ARO LLC
Contact Person Todd Klaner
Address 2462 Lycoming Creek Road
City, State, Zip Williamsport, PA 17701
Township(s) Cogan House Township
County Lycoming County
Receiving Stream(s) and Classification(s) UNT1 Steam Valley Run (HQ), UNT2 Steam Valley Run (HQ), UNT Larrys Creek (HQ), Larrys Creek (HQ)
Application received: June 8, 2022
Issued: July 27, 2022

ESCGP # 3 ESG290822021-00
Applicant Name Repsol Oil & Gas USA LLC
Contact Person Jonathan Fronk
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845-1008
Township(s) Columbia Township
County Bradford County
Receiving Stream(s) and Classification(s) UNT to North Branch Sugar Creek (TSF)
Application received: June 16, 2022
Issued: July 28, 2022

ESCGP # 3 ESG295822008-00
 Applicant Name Coterra Energy Inc.
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275-1121
 Township(s) Springville Township
 County Susquehanna County
 Receiving Stream(s) and Classification(s) Thomas Creek
 (CWF)
 Application received: April 20, 2022
 Issued: July 28, 2022

ESCGP # 3 ESG295822009-00
 Applicant Name Coterra Energy Inc.
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275-1121
 Township(s) Springville Township
 County Susquehanna County
 Receiving Stream(s) and Classification(s) Monroe Creek
 (CWF)
 Application received: May 2, 2022
 Issued: August 2, 2022

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter, 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Bull Run Sunoco, Storage Tank Facility ID # **40-01951**, 437 East Main Street, Plymouth, PA 18651, Plymouth Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Ghanshyam Real Estate LLC, 437 East Main Street, Plymouth, PA 18651 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting site-specific standards.

Mirabito 127 (Former Hilltop Xtra Mart), Storage Tank Facility ID # **52-01476**, Route 6 and Interstate 84, Milford, PA 18337, Milford Township, **Pike County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Mirabito Holdings, 49 Court Street, P.O. Box 5306, The MetroCenter, Binghamton, NY 13902 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

Market Convenience, Storage Tank Facility ID # **40-23187**, 581 Market Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of ANS Real Estate, Inc., 581 Market Street, Kingston, PA 18704 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Marcus Hook Term, Storage Tank Facility ID # **23-14224**, 100 Green St., Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. Stantec Consulting Services Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Aldan Sunoco, Storage Tank Facility ID # **23-30691**, 424 E. Providence Rd., Aldan, PA 19018, Aldan Borough, **Delaware County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Evergreen Resources Management Operations Attention, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Save N Go, Storage Tank Facility ID # **02-81607**, 5610 William Flynn Highway, Gibsonia, PA 15044, Richland Township, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101 on behalf of Jasbir Bhangal, 5610 William Flynn Highway, Gibsonia, PA 15044 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and background standards.

Billy Oil Co, Storage Tank Facility ID # **11-80071**, 2226 Bedford Street, Johnstown, PA 15904, City of Johnstown, **Cambria County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Billy Oil Company, 716 Clearfield Road, Fenelton, PA 16034 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential and nonresidential site-specific standards.

Squeeze N Go Gas, Storage Tank Facility ID # **26-86253**, 495 Gun Club Road, Uniontown, PA 15401, North Union Township, **Fayette County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626 on behalf of MO Common Properties LLC—Squeeze N Go, 495 Gun Club Road, Uniontown, PA 15401 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and background standards.

Happy Mart, Storage Tank Facility ID # **02-06684**, 1100 Penn Avenue, Wilkesburg, PA 15221, City of Pittsburgh, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101 on behalf of S&D Oil, Inc., 1100 Penn Avenue, Wilkesburg, PA 15221 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and background standards.

GetGo # 3051, Storage Tank Facility ID # **65-80084**, 4285 State Route 51, Belle Vernon, PA 15012, Rostraver Township, **Westmoreland County**. BJAAM Environmental, Inc., P.O. Box 523, Canal Fulton, OH 44614, on behalf of Giant Eagle, Inc., 101 Kappa Drive, Pittsburgh, PA 15238 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline and diesel fuel. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

421 Rodi, Storage Tank Facility ID # **02-29678**, 421 Rodi Road, Pittsburgh, PA 15235, Penn Hills Township, **Allegheny County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Energy Realty OP II LP, 645 West Hamilton Street, Suite 400, Allentown, PA 18101 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter, 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Former Tolino's Speedbreak # 35, Storage Tank Facility ID # **48-35164**, 1035 Blue Valley Drive, Pen Argyl, PA 18072, Plainfield Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Tolino Fuel Service, 225 Flicksville Road, Flicksville, PA 18050 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The plan was acceptable to meet the site-specific standards and was approved by DEP on July 28, 2022.

Plociniak Oil, Storage Tank Facility ID # **35-08045**, 115 North Main Street, Moscow, PA 18444, Moscow Borough, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512 on behalf of Moscow Real Estate LLC, 921 Drinker Turnpike, Moscow, PA 18444 submitted a Remedial Action Completion Report concerning remediation of soil and groundwa-

ter contaminated with petroleum. The report demonstrated attainment of the site-specific standards and was approved by DEP on July 28, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Cynthia Stine, Licensed Professional Geologist (717-705-4705).

Suburban Temple, Storage Tank Facility ID # **06-26252**, 5365 Allentown Pike, Temple, PA 19560, Muhlenberg Township, **Berks County**. Groundwater Sciences Corporation, 2601 Market Street, Suite 310, Harrisburg, PA 17110 on behalf of Suburban Propane, 240 Route 10 West, Whippany, NY 07981 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report nonresidential was acceptable to meet the site-specific standards and was approved by DEP on August 1, 2022.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

GetGo # 3105, Storage Tank Facility ID # **02-33961**, 998 Hayden Boulevard, Elizabeth, PA 15037, Forward Township, **Allegheny County**. PVE, LLC, 2000 Georgetown Drive, Suite 101, Sewickley, PA 15143 on behalf of Giant Eagle, Inc., 101 Kappa Drive, Pittsburgh, PA 15238 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on July 27, 2022.

SPECIAL NOTICES

ACTIVE AND ABANDONED MINE OPERATIONS

Notice of Public Meeting

California District Mining Office: California District Mining Office, 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant III, 724.769.1100.

Notice is hereby given the Pennsylvania Department of Environmental Protection (DEP) District Mining Operations, has received a major modification application from **Consol Pennsylvania Coal Company, LLC** for Harvey Mine, permit **No. 30121301** to amend the existing permit. The application is to expand the existing Coal Mining Activities Permit (CMAP) underground mining acreage and the subsidence control plan area by 3,744.0 acres for development only mining. The proposed mine expansion is located within Franklin, Morris, and Center Townships in **Greene County**. The existing mine is located within Richhill Township, in Greene County.

California District Mining office has received a request for an informal public conference (IPC) concerning this major modification application. While the majority of COVID-19 restrictions have been lifted, many still feel unsafe gathering in person and in large groups indoors. In an effort to make this proceeding available to as many interested stakeholders as possible, this IPC is being held virtually on Thursday, September 8, that will commence at 6:00 p.m. and end at 8:00 p.m.

Individuals who wish to participate and ask questions during the IPC must contact community relations coordinator Lauren Fraley at lfraley@pa.gov (412.442.4203) a minimum of 24 hours in advance of the event to reserve a time to present testimony. Individuals who register for the event will receive an email containing the link and instructions on how to join the virtual IPC. Video demonstrations and screen sharing will not be permitted. DEP staff will be available to answer general questions on the permit application.

The California District Mining Office will accept additional written comments from participants of the IPC two (2) weeks after the date of the proceeding until September 22, 2022.

If you are a person with a disability wishing to attend this IPC and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Bonnie Herbert at bherbert@pa.gov to discuss how we may accommodate your needs. If necessary, you may use the Pennsylvania Hamilton Relay Service by calling 1.800.654.5984 (TDD Users) or 1.800.654.5988 (Voice users) and request that your call be relayed to Bonnie Herbert at 724.769.1100.

Copies of the application are on file for public review at the Department of Environmental Protection, District Mining Operations, California District Office, 25 Technology Drive, California Technology Park, Coal Center, PA 15423. Please call or email Bonnie Herbert to inquire about electronic application review options.

Notice of Public Meeting

California District Mining Office: California District Mining Office, 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant III, 724.769.1100.

Notice is hereby given the Pennsylvania Department of Environmental Protection (DEP) District Mining Operations, has received a major modification application from **Consol Pennsylvania Coal Company LLC**, for Enlow Fork Mine, permit **No. 30841317** to amend the existing permit. The application is to expand the existing Coal Mining Activities Permit (CMAP) underground mining acreage and the subsidence control plan area by 3,088.0 acres for development only mining. The proposed mine expansion is located within Morris, and Washington Townships in **Greene County**. The existing mine is located within Richhill Township, in Greene County.

California District Mining office has received a request for an informal public conference (IPC) concerning this major modification application. While the majority of COVID-19 restrictions have been lifted, many still feel unsafe gathering in person and in large groups indoors. In an effort to make this proceeding available to as many interested stakeholders as possible, this IPC is being held virtually on Wednesday, September 7, and will commence at 6:00 p.m. and end at 8:00 p.m.

Individuals who wish to participate and ask questions during the IPC must contact Community Relations Coordinator Lauren Fraley at lfraley@pa.gov (412.442.4203) a minimum of 24 hours in advance of the event to reserve a time to present testimony. Individuals who register for the event will receive an email containing the link and instructions on how to join the virtual IPC. Video demon-

strations and screen sharing will not be permitted. DEP staff will be available to answer general questions on the permit application.

The California District Mining Office will accept additional written comments from participants of the IPC two (2) weeks after the date of the proceeding until September 21, 2022.

If you are a person with a disability wishing to attend this IPC and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Bonnie Herbert at bherbert@pa.gov to discuss how we may accommodate your needs. If necessary, you may use the Pennsylvania Hamilton Relay Service by calling 1.800.654.5984 (TDD Users) or 1.800.654.5988 (Voice users) and request that your call be relayed to Bonnie Herbert at 724.769.1100.

Copies of the application are on file for public review at the Department of Environmental Protection, District Mining Operations, California District Office, 25 Technology Drive, California Technology Park, Coal Center, PA 15423. Please call or email Bonnie Herbert to inquire about electronic application review options.

WASTE, AIR, RADIATION AND REMEDIATION

Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

Central Office: Radiation Protection Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Michelle Foster 717-787-2480.

In the month of July 2022, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001–2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Erik Funkhouser	145 Dehaven Rd Beaver Falls, PA 15010	Testing Individual
Alexander Micco	121 Cottonwood Dr Aliquippa, PA 15001	Test Individual
Daniel Keogh	590 Sandra Ln Phoenixville, PA 19460	Testing Individual
Kimberly Baker	1564 Dry Hollow Rd Warriors Mark, PA 16877	Testing Individual
David Grammer	27 Ironia Rd Unit 2 Flanders, NJ 07836	Mitigation Individual
RAdata, LLC	27 Ironia Rd Unit 2 AA2 Flanders, NJ 07836	Mitigation Firm
Daniel Kohlhepp	133 E Washington Ave Dubois, PA 15801	Testing Individual
RJH Radon Mitigation Inc	P.O. Box 91 Akron, PA 17501	Mitigation Firm
Waqas Anwar	1619 Charles St Allentown PA 18104	Mitigation Individual
Matthew Muehling	106 Canvasback Lane Elizabethtown, PA 17022	Testing Individual
Daniel Lauria	130 W Caracas Ave Hershey, PA 17033	Testing Individual Suspended
Robert Hewlett	P.O. Box 1942 Cranberry Township, PA 16066	Mitigation Individual
David Murdick	127 S Woodlawn Rd Butler, PA 16001	Testing Individual
Michael Stoehr	333 Rouser Rd Ste 301 Moon Township, PA 15108	Testing Individual
Ronald Laporta Jr	623 N Pottstown Pike Exton, PA 19341	Testing Individual
Adam Ulery	615 Aspen Ln Duncansville, PA 16635	Testing Individual
Joseph Pisarcik II	893 Bedford Rd Masury, OH 44438	Testing Individual
Paul Fletcher	2501 Mayes Rd Ste 100 Carrollton, TX 75006	Laboratory Individual

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Alpha Energy Laboratories, Inc	2501 Mayes Rd Ste 100 Carrollton, TX 75006	Laboratory Firm
John Fleenor	312 Gist St Pittsburgh, PA 15219	Testing Individual
Dennis Skladanowski	5140 Amherst Rd Erie, PA 16506	Testing Individual
Don Cessna	407 W Sample St Ebensburg, PA 15931	Testing Individual
A-1 Realty Services, Inc	P.O. Box 179 Kutztown, PA 19530	Testing Firm
Travis Hoverter	452 Allen Dr Chambersburg, PA 17202	Testing Individual
Ryan Reichert	23 Hallton Hill Rd Pine Grove, PA 17963	Testing Individual
Tony McDonald	7681 Tim Avenue NW North Canton, OH 44720	Testing Individual
Tony McDonald	7681 Tim Avenue NW North Canton, OH 44720	Mitigation Individual
BPG Inspection, LLC	4300 Alexander Dr Ste 200 Alphratra, GA 30022	Testing Firm
Daniel Lauria	130 W Caracas Ave Hershey, PA 17033	Testing Individual Suspended
Joseph Liotta	1589 Chalk Ave Blue Bell, PA 19422	Mitigation Individual Suspended
Chris Fisher	426 Federal St Philadelphia, PA 19147	Mitigation Individual Suspended
Joseph Ganguzza	4 Schamp Cir Lebanon, NJ 08833	Mitigation Individual Reinstated

[Pa.B. Doc. No. 22-1216. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Nutrient Credit Trading Program; Release of the Chesapeake Bay Nutrient Tracking Tool and Mass Certification of Significant Sewage Point Sources

The Department of Environmental Protection (Department) provides notice under the Nutrient Credit Trading Program (Trading Program) that the Chesapeake Bay Nutrient Tracking Tool (CBNTT) is supported by the United States Environmental Protection Agency, has been approved for use by the Department and is available for use for calculation of nonpoint source nutrient credits. This notice also fulfills the Department's obligation to provide notice of certification under 25 Pa. Code § 96.8(e) (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). The CBNTT utilizes the Chesapeake Bay Model Phase 6 delivery ratios; these ratios will also be used to certify credits generated by all credit generators.

Nonpoint source credit generators will now use CBNTT to create a certification request. Before CBNTT can be used, nonpoint source credit generators must enter certain information into CBNTT. The instructions for completing this step are found on the "Credit Trading Process" page of the Department's Trading Program webpage at www.dep.pa.gov/nutrient_trading.

The Department is also providing notice of its intention under the Trading Program to approve a mass certification of pollutant reduction activities to generate credits by significant sewage point source discharges located in the Commonwealth portion of the Chesapeake Bay watershed that have annual mass load effluent limitations (cap loads) in their National Pollutant Discharge Elimination System (NPDES) permits.

A list of these significant sewage point sources can be found in Table 5 of the Phase 3 Watershed Implementation Plan (WIP) Wastewater Supplement, available at www.dep.pa.gov/npdes-bay or www.dep.pa.gov/nutrient_trading (scroll down to "Delivery Ratio: Credits vs Pounds" then "Point Source Credit Generators Table"). See 25 Pa. Code § 96.8.

Credit Certification—Significant Sewage Point Sources

Effective October 1, 2021, to be eligible to generate credits for sale, significant sewage point source discharges with an assigned cap load (see Table 5 of the Phase 3 WIP Wastewater Supplement) must demonstrate compliance with cap loads and achieve net effluent concentrations below 6.0 mg/L total nitrogen and 0.8 mg/L total phosphorus (baseline concentrations) during the compliance year using the procedures described in the Phase 3 WIP Nutrient Trading Supplement Draft, which is available at www.dep.pa.gov/nutrient_trading (scroll down to the "Trading Program Overview" section). In addition:

- to generate credits, facilities must demonstrate they are in compliance with their NPDES permit;

- the total amount of credits the facility is certified to generate cannot exceed its permitted cap load;
- the calculation of credits will be made using formulas described in the Phase 3 WIP Nutrient Trading Supplement Draft; and
- this point source certification will expire September 30, 2027.

To ensure that verification is complete in time for credit availability to be posted on the Department’s web site, facilities are encouraged to provide the Department with their verification requests by October 28th of each year. Verification requests must include a complete Annual Chesapeake Bay Spreadsheet for the compliance year in which the credits were generated (that is, October 1 through September 30). The Annual Chesapeake Bay Spreadsheet is available at www.dep.pa.gov/nutrient_trading (scroll down to the “Have credits to sell?” section). Verification forms and instructions are found on the “Credit Trading Process” page at www.dep.pa.gov/nutrient_trading.

Credit Certification—Nonpoint Sources

Effective October 1, 2021, to be eligible to generate credits for sale, all nonpoint source discharges must meet regulatory baseline requirements, which include the Chesapeake Bay Total Maximum Daily Load (TMDL), once baseline requirements have been met, any reduction below baseline may be eligible to generate credits. The procedures to certify and verify credits for nonpoint source generators is described in the Phase 3 WIP Nutrient Trading Supplement Draft, which is available at www.dep.pa.gov/nutrient_trading (scroll down to the “Trading Program Overview” section). In addition:

- to generate credits through CBNTT, compliance requirements must be established in CBNTT before the tool will allow users to enter other data;
- baseline requirements, including TMDLs, must be met before credits can be generated through the tool;
- the total amount of verified credits generated cannot exceed the certified generated credits;
- the calculation of credits will be made through CBNTT as described in the Phase 3 WIP Nutrient Trading Supplement Draft; and

- nonpoint source certifications can be approved for up to 5 years.

To ensure that verification is complete in time for credit availability to be posted on the Department web site, nonpoint source credit generators are encouraged to provide the Department with their verification requests by October 28th each year. Verification requests must include a downloaded copy of the PDF generated from the calculations in CBNTT and a completed copy of the Nutrient Credit Nonpoint Source Verification Request form (3830-FM-BCW0506a) for the compliance year in which the credits were generated (that is, October 1 through September 30). The Nutrient Credit Nonpoint Source Verification Request form is linked in the “Credit Verification” section of the “Credit Trading Process” page at www.dep.pa.gov/nutrient_trading.

Written Comments

The Department will accept written comments on the mass credit certification portion of this notice through Monday, September 12, 2022. Comments, including comments submitted by e-mail, must include the commentator’s name and address. Commentators are encouraged to submit comments using the Department’s online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use “Nutrient Credit Trading Program—Mass Certification” as the subject line in written communication.

For further information about this action or the Trading Program, contact the Division of Data Management, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, RA-EPPANutrientTrad@pa.gov, (717) 787-6744, or visit the Department’s Trading Program webpage at www.dep.pa.gov/nutrient_trading.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1217. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code, Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
King of Prussia Surgery Center, LLC	28 Pa. Code § 555.32(a)—(c) (relating to administration of anesthesia)
Pittsburgh North Surgical Center	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Planned Parenthood Southeastern Pennsylvania	28 Pa. Code § 29.33(6) (relating to requirements for abortion)
PPSP Far Northeast Health Center	28 Pa. Code § 29.33(6)
PPSP Surgical Locust Street Health Center	28 Pa. Code § 29.33(6)
PPSP West Chester Health Center	28 Pa. Code § 29.33(6)
Regional Hospital Surgery Center	28 Pa. Code § 555.32(a)

<i>Facility Name</i>	<i>Regulation and relating to</i>
Zitelli & Brodland, PC (ASF Central)	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
Zitelli & Brodland, PC (ASF South)	28 Pa. Code § 553.31(a) and (b)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr¹</i>
Susquehanna Surgery Center, Inc.	A2.1-3.2.3.2 space requirements	18-O

¹ 2018 Year FGI Regulations were split into 2 books; *Hospitals, and Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1218. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Change to the Cystic Fibrosis Screening Algorithm

The Division of Newborn Screening and Genetics (DNSG), with support of the Newborn Screening and Follow-up Technical Advisory Board and its cystic fibrosis (CF) subcommittee, is modifying the current CF screening algorithm and incorporating Next Generation Sequencing (NGS) effective October 1, 2022. This algorithm change will reduce the number of client referrals for follow-up sweat testing and evaluation through the DNSG's contracted CF treatment centers.

Under the new algorithm, the addition of NGS will allow the DNSG and the contracted newborn screening laboratory, PerkinElmer Genetics, to confidently report cases with elevated Immunoreactive Trypsinogen, but zero or one mutation discovered on NGS, as no longer requiring a referral to a CF treatment center for sweat testing and follow-up with a specialist. The parents or legal guardians of babies determined to have a single CF mutation by means of NGS will be contacted by their local CF treatment center by letter and receive educa-

tional materials on what it means to be diagnosed as a CF carrier. Families will also be provided contact numbers for their local CF treatment centers should they wish to pursue genetic counseling or familial screening.

CF is currently a condition listed on the supplemental conditions panel mandated for screening by submitters in this Commonwealth. The addition of NGS to the CF algorithm will increase the cost of the supplemental mandated panel from \$39.80 to \$41.72 per newborn and will be invoiced to submitters by PerkinElmer Genetics.

For additional information, contact Jordan Shover, Public Health Program Manager, Division of Newborn Screening and Genetics, at (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1219. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 1, 2022, through July 31, 2022. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Asplundh Surgical Center	§ 569.35(7) (relating to general safety precautions)	07/13/2022	Granted w/Conditions
Crozer-Keystone Surgery Center at Brinton Lake (A Department)	§ 567.53(1) and (2) (relating to sterilization control)	07/13/2022	Granted Temporary
The Eye Surgery Center	§ 571.1 (relating to minimum standards) 2.7-8.2 heating, ventilation, and air-conditioning (HVAC) systems	07/13/2022	Granted w/Conditions
Wellspan Chambersburg Endoscopy Center, LLC	§ 555.31(a) (relating to principle)	07/17/2022	Granted Probationary w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
The Bryn Mawr Hospital	§ 153.1(a) (relating to minimum standards) 2.6-3.1.2.1(1) area	07/18/2022	Granted
	§ 153.1(a) 2.6-3.1.2.2(1)(b) clearances	07/18/2022	Granted
	§ 153.1(a) 2.6-3.8.9.1 nourishment area	07/18/2022	Granted
	§ 153.1(a) 2.6-3.8.9.2 nourishment area	07/18/2022	Granted
	§ 153.1(a) 2.6-3.8.11 clean workroom or clean supply room	07/18/2022	Granted
	§ 153.1(a) 2.6-3.8.12 soiled workroom or soiled holding room	07/18/2022	Granted
	§ 153.1(a) 2.6-5.3 environmental services room	07/18/2022	Granted
The Chambersburg Hospital	§ 113.5(a) (relating to pharmacy and therapeutics committee)	07/17/2022	Granted w/Conditions
	§ 133.21 (relating to facilities)	07/20/2022	Granted w/Conditions
	§ 133.31(a) (relating to policies and procedures)	07/20/2022	Granted w/Conditions
Crozer-Chester Medical Center	§ 103.31 (relating to the chief executive officer)	07/13/2022	Granted w/Conditions
Delaware County Memorial Hospital	§ 103.31	07/13/2022	Granted w/Conditions
Geisinger Jersey Shore Hospital	§ 107.5(b)(1)—(5) (relating to membership appointment and reappointment)	07/13/2022	Granted w/Conditions
	§ 107.26(a) and (b)(1)—(8) (relating to additional committees)	07/13/2022	Granted w/Conditions
Geisinger Medical Center Muncy	§ 107.5(b)(1)—(5)	07/13/2022	Granted w/Conditions
	§ 107.26(a) and (b)(1)—(8)	07/13/2022	Granted w/Conditions
Geisinger Wyoming Valley Medical Center	§ 107.5(b)(1)—(5)	07/13/2022	Granted w/Conditions
	§ 107.26(a) and (b)(1)—(8)	07/13/2022	Granted w/Conditions
Geisinger—Lewistown Hospital	§ 107.5(b)(1)—(5)	07/13/2022	Granted w/Conditions
	§ 107.26(a) and (b)(1)—(8)	07/13/2022	Granted w/Conditions
Paoli Hospital	§ 153.1(a) 2.2-3.1.3.6(6)(a)—(c) treatment room or area	07/13/2022	Granted
Penn Highlands Connellsville	§ 153.1(a) 2.1-3.8.8.2(1)(a)(i)—(v) work areas for preparing, dispensing, and administering medications	07/13/2022	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 153.1(a) 2.1-6.2.4.1 public toilet room	07/13/2022	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-4.2.3.2(2) IV preparation area	07/13/2022	Granted
Penn State Health Lancaster Medical Center	§ 107.2 (relating to medical staff membership)	07/17/2022	Granted w/Conditions
	§ 107.61 (relating to written orders)	07/17/2022	Granted w/Conditions
	§ 107.62(a) and (b) (relating to oral orders)	07/17/2022	Granted w/Conditions
	§ 123.25(2) (relating to regulations for control of anesthetic explosion hazards)	07/17/2022	Granted w/Conditions
	§ 127.32 (relating to written orders)	07/17/2022	Granted w/Conditions
	§ 138.15 (relating to high-risk cardiac catheterizations)	07/17/2022	Granted Probationary w/Conditions
UPMC Children's Hospital of Pittsburgh	§ 153.1(a) 2.1-7.2.2.1(1) corridor width	07/17/2022	Granted w/Conditions
	§ 153.1(a) 2.14-3.2.2.1 area	07/17/2022	Granted w/Conditions
	§ 153.1(a) 2.14-3.2.2.2(1) and (2) clearances	07/17/2022	Granted w/Conditions
UPMC Mckeesport	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	07/17/2022	Granted
Waynesboro Hospital	§ 113.5(a)	07/17/2022	Granted w/Conditions
Wellspan Ephrata Community Hospital	§ 113.5(a)	07/17/2022	Granted w/Conditions
Wellspan Gettysburg Hospital	§ 113.5(a)	07/17/2022	Granted w/Conditions
	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	07/17/2022	Granted
Wellspan Good Samaritan Hospital	§ 113.5(a)	07/17/2022	Granted w/Conditions
Wellspan York Hospital	§ 113.5(a)	07/17/2022	Granted w/Conditions

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Brookmont Healthcare Center, LLC	§ 201.22(e) and (j) (relating to prevention, control and surveillance of tuberculosis (TB))	07/25/2022	Granted
Crestview Center	§ 201.22(e) and (j)	08/01/2022	Granted
Grandview Nursing and Rehabilitation	§ 201.22(e) and (j)	08/01/2022	Granted
Hillcrest Center	§ 201.22(e) and (j)	08/01/2022	Granted
Hopkins Center	§ 201.22(e) and (j)	08/01/2022	Granted
Laurel Center	§ 201.22(e) and (j)	08/01/2022	Granted
Mifflin Center	§ 201.22(e) and (j)	08/01/2022	Granted
Moravian Hall Square	§ 201.22(e) and (j)	08/01/2022	Granted
Norriton Square Nursing and Rehabilitation Center	§ 201.22(e) and (j)	08/01/2022	Granted
Rehabilitation Center at Brethren Village	§ 205.25(a) (relating to kitchen)	05/16/2022	Granted
Sanatoga Center	§ 201.22(e) and (j)	08/01/2022	Granted
Scottdale Healthcare and Rehabilitation Center	§ 201.22(j)	07/18/2022	Granted
Stoneridge Towne Center	§ 201.22(d) and (e)	05/16/2022	Granted
Valley View Haven, Inc.	§ 201.22(e)	06/13/2022	Granted
Wayne Center	§ 201.22(e) and (j)	08/01/2022	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1220. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Delaware County Memorial Hospital	28 Pa. Code § 109.2(b) (relating to director of nursing services)
Geisinger—Bloomsburg Hospital	28 Pa. Code § 107.5(b)(1)—(5) (relating to membership appointment and reappointment)
	28 Pa. Code § 107.26(a) and (b)(1)—(8) (relating to additional committees)
Penn State Health Saint Joseph	28 Pa. Code § 107.64 (relating to administration of drugs)
Troy Community Hospital, Inc.	28 Pa. Code § 127.32 (relating to written orders)
UPMC Williamsport	28 Pa. Code § 103.31 (relating to the chief executive officer)
Wellspring Gettysburg Hospital	28 Pa. Code § 137.21(b)(9) (relating to policies and procedures)
Wellspring Surgery and Rehabilitation Hospital	28 Pa. Code § 113.5(b)(2) (relating to pharmacy and therapeutics committee)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Excelsa Health Latrobe Hospital	2.1-2.7.1.1(3)(b) clearances	18-O
	2.1-3.10.2.1 patient toilet room(s)	18-O
	2.2-3.10.2.1 patient toilet room	18-O
Geisinger Medical Center	153.1(a) minimum standards clear floor—single family room, multi-patient room (pages 72—75)	P
Jefferson Health—Northeast	2.2-3.4.2.2(2)(a) space requirements	18
Lower Bucks Hospital	2.2-3.3.7.13(2) clean equipment and supply storage	18
	2.2-3.4.2.5(1)(a) system component room	18
The Milton S. Hershey Medical Center	2.1-2.2.6.1 general	18
	2.1-2.4.2.2(4) and (5) all room requirements	18
	2.2-2.2.2.6 patient toilet room	18
	2.2-2.2.2.7(1)(a) and (b) patient bathing facilities	18
	2.2-2.5.2.6 patient toilet room	18
	2.2-2.5.2.7 patient bathing facilities	18

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Penn Highlands Connellsville	2.1-3.8.11.3 clean supply room	18-O
	2.1-8.3.6 electrical receptacles	18-O
	2.1-8.4.3.2(2) hand-washing station sinks	18-O
Penn Highlands Dubois	2.1-2.3.10.2(2) door openings	18
	2.1-4.2.2.1(1) dispensing facilities	18
	2.2-3.1.3.6(4)(e) treatment room or area	18
	2.2-3.1.3.6(8)(a)(ii) treatment room or area	18
Penn Highlands Elk	2.1-8.4.3.2(5) hand-washing station sinks	18-O
UPMC Hamot	2.1-3.4.1.2 location	18
	2.2-3.3.3.5(2) other design requirements	18
	2.2-3.3.4.1 application	18
	2.2-3.3.6.1 general	18
	2.2-3.3.6.2(1)—(3) nurse or control station(s)	18
	2.2-3.3.6.14(2) environmental services room	18
	2.2-3.4.2.1(3) general	18
Wellspring York Hospital	2.1-2.4.3.9(1)(b) special design elements	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.” 2018 Year Perinatal Guidelines 8th Edition are indicated by “P.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1221. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

WillowBrooke Court Skilled Care Center at
Fort Washington Estates
735 Susquehanna Road
Fort Washington, PA 19034
FAC ID # 150102

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1222. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule Revisions; 2022 Healthcare Common Procedure Coding System Updates; Prior Authorization Requirements

The Department of Human Services (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after August 29, 2022.

The Department is adding and end-dating procedure codes as a result of implementing the 2022 updates published by the Centers for Medicare & Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding other procedure codes and making changes to procedure codes currently on the MA Program Fee Schedule, to include setting limitations. As follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Procedure Codes Being Added or End-dated

The Department is adding the following procedure codes, and procedure code and modifier combinations to the MA Program Fee Schedule as a result of the 2022 HCPCS updates. These procedure codes may include the modifiers 80 (assistant surgeon), SG (ASC/SPU facility support component), RT (right), LT (left), 50 (bilateral) or 26 (professional component).

<i>Procedure Codes and Modifiers</i>				
01937	01938	01939	01940	01941
01942	63052	63052 (80)	63053	63053 (80)
66989 (SG)	66989 (RT)	66989 (LT)	66989 (50)	66991 (SG)
66991 (RT)	66991 (LT)	66991 (50)	68841 (SG)	68841 (RT)
68841 (LT)	68841 (50)	69716	69716 (SG)	69719
69719 (SG)	69726	69726 (SG)	69727	69727 (SG)
82653	83521	86015	86036	86037
86051	86052	86053	86231	86362
86363	86596	90626	90627	90671
90677	90759	93319	93593 (SG)	93593 (26)
93594 (SG)	93594 (26)	93595 (SG)	93595 (26)	93596 (SG)
93596 (26)	93597 (SG)	93597 (26)	93598 (26)	99424
99426	D3921	D3921 (SG)	D9947	D9948
D9949	G1028			

The Department is adding the following procedure codes, and procedure code and modifier combinations to the MA Program Fee Schedule based upon clinical review or provider request. These procedure codes may include modifiers SG, 26, TC (technical component) or NU (purchase).

<i>Procedure Codes and Modifiers</i>				
52441	52441 (SG)	52442	81415	81417
90587	93325	93325 (TC)	93325 (26)	95800
95800 (TC)	95800 (26)	0014M	B4105	D4346
D4346 (SG)	L8619 (NU)	L8692 (NU)	L8694	Q4186

The Department is end-dating the following procedure codes from the MA Program Fee Schedule as a result of the 2022 HCPCS updates:

<i>Procedure Codes</i>				
01935	01936	21310	33470	33722
43850	43855	59135	63194	63195
63196	63198	63199	69715	69718
76101	76102	92561	92564	93530
93531	93532	93533	93561	93562
G2064	G2065			

Prior Authorization Requirements

The following procedure codes being added to the MA Program Fee Schedule require prior authorization, under section 443.6(b)(7) of the Human Services Code (code) (62 P.S. § 443.6(b)(7)) regarding reimbursement for certain medical assistance items and services:

<i>Procedure Codes</i>			
81415	81417	B4105	Q4186

The following dental procedure codes being added to the MA Program Fee Schedule require prior authorization, under section 443.6(b)(5) of the code:

<i>Procedure Codes</i>	
D3921	D9947

The following prosthetic procedure code and modifier combinations being added to the MA Program Fee schedule require prior authorization, under section 443.6(b)(1) of the code:

<i>Procedure Codes and Modifiers</i>		
L8619 (NU)	L8692 (NU)	L8694

Additional Procedure Code for Take-Home Supplies of Naloxone

The Department is adding G1028 as an additional add-on procedure code to the MA Program Fee Schedule to track the dispensing of take-home supplies of Naloxone by a provider.

The Department is opening Provider Type (PT)/Specialty (Spec)/Place of Service (POS) combination 08 (Clinic)/110 (Psychiatric Outpatient Clinic)/49 (Independent Clinic) for procedure code G1028.

The Department is opening PT/Spec/POS combination 08 (Clinic)/184 (Outpatient Drug and Alcohol)/57 (Non-Residential Substance Abuse Treatment Facility) for procedure code G1028.

The Department is also updating the procedure code description for procedure code G2215 as the National code description was changed with the annual update to include dosage units.

<i>Procedure Code</i>	<i>Old Procedure Code Description</i>	<i>New Procedure Code Description</i>
G2215	Take home supply of nasal naloxone (provision of the services by a Medicare enrolled opioid treatment program); list separately in addition to code for primary procedure	Take home supply of nasal naloxone; 2-pack of 4 mg per 0.1 ml nasal spray (provision of the services by a Medicare-enrolled Opioid Treatment Program); list separately in addition to code for primary procedure

Updates to Procedure Codes Currently on the MA Program Fee Schedule

Physicians' Services

The Department is adding the RT, LT or 50 modifiers, or both, with or without the 80 modifier, for PT/Spec/POS combination 31 (Physician)/All/21 (Inpatient Hospital) for the following procedure codes as the procedures may be performed unilaterally or bilaterally, with or without an assistant surgeon:

<i>Procedure Codes and Modifiers</i>				
27078 (RT)	27078 (LT)	27078 (50)	27078 (80) (RT)	27078 (80) (LT)
27078 (80) (50)	27140 (RT)	27140 (LT)	27140 (50)	27140 (80) (RT)
27140 (80) (LT)	27140 (80) (50)	27147 (RT)	27147 (LT)	27147 (50)
27147 (80) (RT)	27147 (80) (LT)	27147 (80) (50)	27151 (RT)	27151 (LT)
27151 (50)	27151 (80) (RT)	27151 (80) (LT)	27151 (80) (50)	27226 (RT)
27226 (LT)	27226 (50)	27226 (80) (RT)	27226 (80) (LT)	27226 (80) (50)
27227 (RT)	27227 (LT)	27227 (50)	27227 (80) (RT)	27227 (80) (LT)
27227 (80) (50)	27228 (RT)	27228 (LT)	27228 (50)	27228 (80) (RT)
27228 (80) (LT)	27228 (80) (50)	27245 (RT)	27245 (LT)	27245 (50)
27245 (80) (RT)	27245 (80) (LT)	27245 (80) (50)	27405 (RT)	27405 (LT)
27405 (50)	27405 (80) (RT)	27405 (80) (LT)	27405 (80) (50)	27407 (RT)
27407 (LT)	27407 (50)	27407 (80) (RT)	27407 (80) (LT)	27407 (80) (50)
27507 (RT)	27507 (LT)	27507 (50)	27507 (80) (RT)	27507 (80) (LT)
27507 (80) (50)	27514 (RT)	27514 (LT)	27514 (50)	27514 (80) (RT)
27514 (80) (LT)	27514 (80) (50)	29826 (RT)	29826 (LT)	29826 (80) (RT)
29826 (80) (LT)	49491 (RT)	49491 (LT)	49491 (50)	49491 (80) (RT)
49491 (80) (LT)	49491 (80) (50)	49492 (RT)	49492 (LT)	49492 (50)

<i>Procedure Codes and Modifiers</i>				
49492 (80) (RT)	49492 (80) (LT)	49492 (80) (50)	69535 (RT)	69535 (LT)
69535 (50)				

The Department is removing the 50 modifier for PT/Spec/POS combination 31/All/21 for surgical procedure code 32442 as clinical review has determined this procedure may not be performed bilaterally.

The Department is updating units or service limitations, or both, to the following surgical procedure codes as a result of clinical review:

<i>Procedure Codes</i>	<i>Present Unit Limit</i>	<i>New Unit Limit</i>	<i>Present Limit</i>	<i>New Limit</i>
29826	1:2	1:1	Twice per day	Once per day
49491	1:1	1:2	Once per day	Once per right side and once per left side, per day
49492	1:1	1:2	Once per day	Once per right side and once per left side, per day

The Department is making limit changes to the following surgical procedure codes as a result of clinical review:

<i>Procedure Code</i>	<i>Present Limit</i>	<i>New Limit</i>
30160	None	Once per lifetime
32442	2 per lifetime	Once per lifetime
44157	None	Once per lifetime
44158	None	Once per lifetime
45121	None	Once per lifetime
49250	None	Once per lifetime
51925	None	Once per lifetime
52649	None	Once per lifetime
55801	None	Once per lifetime
55821	2 per lifetime	Once per lifetime
69535	None	Once per right side and once per left side, per lifetime

The Department is adding POS 12 (Home) for PT/Spec 09 (Certified Registered Nurse Practitioner)/All and 31/All for procedure code 99188. Additionally, the Department is changing the maximum age for this procedure code from 4 years of age to 20 years of age.

The Department is end-dating PT/Spec/POS combinations 01 (Inpatient Facility)/All/23 (Emergency Room) and 01/183 (Hospital Based Medical Clinic)/22 (Outpatient Hospital) for the following procedure codes as a result of clinical review and the Department's determination that this setting is not appropriate for the performance of these services:

Procedure Codes		
27405	27407	27514
29826	30160	49492

The Department is end-dating POS 11 (Office), 23 (Emergency Room) or 99 (Special Treatment Room), or both, for PT/Spec 31/All for the following procedure codes as a result of clinical review and the Department's determination that this setting is not appropriate for the performance of these services:

Procedure Codes	End-Dated POS
27405	23, 99
27407	23, 99
27514	23, 99
29826	23, 99
30160	11, 23, 99

The Department is end-dating PT/Spec 27 (Dentist)/All for POS 11, 21, 22, 24 (Ambulatory Surgical Center (ASC)) and 49 for surgical procedure code 30160 and opening PT/Spec 27/272 (oral/maxillofacial surgeon) in POS 21 and 24 with and without modifier 80 as a result of clinical review.

The Department is removing modifier 80 for procedure code 69535 as a result of clinical review and the Department's determination that this procedure is not appropriate for an assistant surgeon.

Ambulatory Surgical Center/Short Procedure Unit (SPU) Services

The Department is opening PT/Spec combination 01/021 (SPU) in POS 24 for the procedure codes identified as follows with the SG modifier as clinical review determined these procedure codes can be performed safely in a SPU depending on the procedure and will be paid the facility support component fee of \$776:

Procedure Codes and Modifiers				
27078 (SG)	27140 (SG)	27147 (SG)	27151 (SG)	27226 (SG)
27227 (SG)	27228 (SG)	27245 (SG)	27507 (SG)	49492 (SG)

The Department is adding POS 24 for PT/Spec 31/All for the following procedure codes as a result of clinical review.

Procedure Codes				
27078	27140	27147	27151	27226
27227	27228	27245	27507	

The Department is adding the RT, LT or 50 modifiers, or both, with or without the 80 modifier, for PT/Spec/POS combination 31/All/24 for these procedure codes as these procedures may be performed unilaterally or bilaterally with or without an assistant surgeon.

Procedure Codes and Modifiers				
27078 (RT)	27078 (LT)	27078 (50)	27078 (80) (RT)	27078 (80) (LT)
27078 (80) (50)	27140 (RT)	27140 (LT)	27140 (50)	27140 (80) (RT)
27140 (80) (LT)	27140 (80) (50)	27147 (RT)	27147 (LT)	27147 (50)
27147 (80) (RT)	27147 (80) (LT)	27147 (80) (50)	27151 (RT)	27151 (LT)

Procedure Codes and Modifiers				
27151 (50)	27151 (80) (RT)	27151 (80) (LT)	27151 (80) (50)	27226 (RT)
27226 (LT)	27226 (50)	27226 (80) (RT)	27226 (80) (LT)	27226 (80) (50)
27227 (RT)	27227 (LT)	27227 (50)	27227 (80) (RT)	27227 (80) (LT)
27227 (80) (50)	27228 (RT)	27228 (LT)	27228 (50)	27228 (80) (RT)
27228 (80) (LT)	27228 (80) (50)	27245 (RT)	27245 (LT)	27245 (50)
27245 (80) (RT)	27245 (80) (LT)	27245 (80) (50)	27405 (RT)	27405 (LT)
27405 (50)	27405 (80) (RT)	27405 (80) (LT)	27405 (80) (50)	27407 (RT)
27407 (LT)	27407 (50)	27407 (80) (RT)	27407 (80) (LT)	27407 (80) (50)
27507 (RT)	27507 (LT)	27507 (50)	27507 (80) (RT)	27507 (80) (LT)
27507 (80) (50)	27514 (RT)	27514 (LT)	27514 (50)	27514 (80) (RT)
27514 (80) (LT)	27514 (80) (50)	29826 (RT)	29826 (LT)	29826 (80) (RT)
29826 (80) (LT)	49491 (RT)	49491 (LT)	49491 (50)	49491 (80) (RT)
49491 (80) (LT)	49491 (80) (50)	49492 (RT)	49492 (LT)	49492 (50)
49492 (80) (RT)	49492 (80) (LT)	49492 (80) (50)		

The Department is end-dating PT/Spec/POS combinations 01/021/24 or 02 (ASC)/020(ASC)/24, or both, for procedure code 29826 with the SG modifier as these settings were determined to be clinically inappropriate for this service.

Clinic Services

The Department is end-dating PT/Spec/POS combination 08/All/49 for the following procedure codes as a result of clinical review and the Department's determination that this setting is not appropriate for the performance of these services.

Procedure Codes		
27405	27407	27514
29286	30160	49492

Laboratory Services

The Department is adding the QW (Clinical Laboratory Improvement Amendments (CLIA) waived test) informational modifier to laboratory procedure code 87801, which CMS identifies as a CLIA waived test.

Procedure Code	PT/Spec/POS	Modifier
87801	01/16 (Emergency Room Arrangement 1)/23	QW
	01/17 (Emergency Room Arrangement 2)/23	QW
	01/183/22	QW

<i>Procedure Code</i>	<i>PT/Spec/POS</i>	<i>Modifier</i>
	28 (Laboratory)/280 (Independent Laboratory)/81 (Independent Laboratory)	QW

The Department is adding the following PT/Spec/POS combinations and modifiers, as indicated as follows, to laboratory procedure code 87801 on the MA Program Fee Schedule as a result of the latest tests listed by CMS as CLIA waived tests:

<i>Procedure Code</i>	<i>PT/Spec/POS</i>	<i>Modifiers</i>
87801	08/082 (Independent Medical/Surgical Clinic)/49	No modifier and QW
	09/All/11	No modifier and QW
	10/100/11	No modifier and QW
	31/All/11	No modifier and QW
	33 (Certified Nurse Midwife)/335(Certified Nurse Midwife)/11	No modifier and QW

Fiscal Impact

The estimated cost for Fiscal Year 2022-2023 is \$6.137 million in total funds. The estimated annualized cost is \$9.205 million in total funds.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1523. (1) General Fund; (2) Implementing Year 2022-23 is \$2,946,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$4,324,000; (4) 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-1223. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 10X® the Money Instant Lottery Game 1601

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 10X® the Money (hereafter “10X® the Money”). The game number is PA-1601.

2. *Price:* The price of a 10X® the Money instant lottery game ticket is \$2.

3. *Play symbols:* Each 10X® the Money instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Money (MONEY) symbol and a 10X (10TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$1,000 and \$20,000. 10X® the Money contains a feature that can multiply certain prizes. For a complete list of prizes that can be won in this game, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to ten times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the 10X® the Money instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which a Money (MONEY) symbol appears in the play area and a prize symbol of

\$2⁰⁰ (TWO DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$2 w/ MONEY	\$2	15	560,000
\$2	\$2	37.5	224,000
\$2 × 2	\$4	83.33	100,800
(\$2 w/ MONEY) + \$2	\$4	75	112,000
\$4 w/ MONEY	\$4	75	112,000
\$4	\$4	88.24	95,200
\$5 w/ MONEY	\$5	44.12	190,400
\$5	\$5	44.12	190,400
\$5 × 2	\$10	375	22,400
(\$5 w/ MONEY) + \$5	\$10	150	56,000
\$10 w/ MONEY	\$10	150	56,000
\$10	\$10	375	22,400
\$2 × 10	\$20	1,500	5,600
(((\$2 w/ MONEY) × 5) + (\$5 × 2))	\$20	750	11,200
\$2 w/ 10X	\$20	100	84,000
\$20 w/ MONEY	\$20	1,500	5,600
\$20	\$20	1,500	5,600
\$4 × 10	\$40	12,000	700
(\$2 w/ 10X) + (((\$2 w/ MONEY) × 5) + (\$5 × 2))	\$40	3,000	2,800
(\$2 w/ 10X) × 2	\$40	2,000	4,200
\$4 w/ 10X	\$40	1,200	7,000
\$40 w/ MONEY	\$40	6,000	1,400
\$40	\$40	12,000	700
\$10 × 5	\$50	12,000	700
(\$4 w/ 10X) + (((\$2 w/ MONEY) × 5))	\$50	1,714	4,900
\$5 w/ 10X	\$50	1,714	4,900
\$50 w/ MONEY	\$50	12,000	700
\$50	\$50	12,000	700
\$10 × 10	\$100	60,000	140
(\$5 w/ 10X) + (\$2 w/ 10X) + (((\$4 w/ MONEY) × 5) + (\$4 × 2) + \$2)	\$100	8,000	1,050
(\$2 w/ 10X) × 5	\$100	8,000	1,050
(\$5 w/ 10X) × 2	\$100	6,000	1,400
\$10 w/ 10X	\$100	8,000	1,050
\$100 w/ MONEY	\$100	60,000	140
\$100	\$100	60,000	140
\$20 × 10	\$200	60,000	140

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$20 w/ 10X	\$200	24,000	350
\$200 w/ MONEY	\$200	60,000	140
\$200	\$200	60,000	140
\$100 w/ 10X	\$1,000	1,680,000	5
\$1,000 w/ MONEY	\$1,000	1,680,000	5
\$1,000	\$1,000	1,680,000	5
\$20,000	\$20,000	840,000	10

Reveal a "Money" (MONEY) symbol, win prize shown under that symbol automatically.

Reveal a "10X" (10TIMES) symbol, win 10 TIMES the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 10X® the Money instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of 10X® the Money, prize money from winning 10X® the Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the 10X® the Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote 10X® the Money or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1224. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$250,000 Bingo Night Instant Lottery Game 1587

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$250,000 Bingo Night (hereafter "\$250,000 Bingo Night"). The game number is PA-1587.

2. *Price:* The price of a \$250,000 Bingo Night instant lottery game ticket is \$5.

3. *Play symbols:*

(a) Each \$250,000 Bingo Night instant lottery game ticket will contain eight BINGO CARD play areas designated as "CARD 1," "CARD 2," "CARD 3," "CARD 4," "CARD 5," "CARD 6," "CARD 7" and "CARD 8." A player may win more than one time on a ticket, however a player may only win one prize on each "CARD." Each "CARD" will consist of 25 spaces on a 5 x 5 grid. The 78 play symbols that may be located in the eight BINGO CARD play areas, are: the numbers 1 through 75, a Green Dauber Dot symbol, an Orange Dauber Dot symbol and a "FREE" symbol. The Green Dauber Dot symbol, the Orange Dauber Dot symbol and the "FREE" symbol are each free spaces. When the Green Dauber Dot symbol appears in any winning pattern, the player wins 5 times the prize shown for that winning pattern. When the Orange Dauber Dot symbol appears in any winning pattern, the player wins 10 times the prize shown for that winning pattern.

(b) Each ticket will contain a “CALLER’S CARD” area. The “CALLER’S CARD” area will consist of 30 spaces on a 3 x 10 grid. The play symbols that may be located in each space on the grid, are: the letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60 and the letter O with a number 61 through 75.

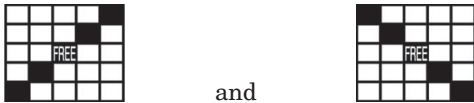
(c) Each \$250,000 Bingo Night ticket will also contain a separate “BONUS NUMBERS” area containing five play symbols. The play symbols and their captions, located in the “BONUS NUMBERS” area, are: the letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60 and the letter O with a number 61 through 75 and a “NIGHT” (WIN50) symbol.

4. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000, \$2,500, \$5,000, \$10,000 and \$250,000. \$250,000 Bingo Night contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to eight times on a ticket.

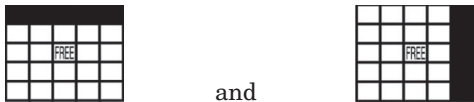
5. *Approximate number of tickets printed for the game:* Approximately 16,800,000 tickets will be printed for the \$250,000 Bingo Night instant lottery game.

6. *Winning Patterns:* The patterns described below, when matched on any “CARD,” shall determine whether a player wins a prize as further detailed in section 7.

(i) *LINE:* Match the “CALLER’S CARD” numbers in a four-space diagonal line through the “FREE” space, or a five-space horizontal or vertical line. Diagonal LINE matches are exactly as follows:



Examples of horizontal and vertical LINE matches include, but are not limited to:



(ii) *4 CORNERS:* Match the “CALLER’S CARD” numbers in each of the four corners of any “CARD,” exactly as follows:



(iii) *DIAMOND:* Match four of the “CALLER’S CARD” numbers to form a diamond which includes the space appearing in the top horizontal row from the “N” column; the spaces appearing in the third horizontal row from the

top in the “B” and “O” columns; and the space appearing in the fifth horizontal row from the top in the “N” column on any “CARD,” exactly as follows:



(iv) *X:* Match eight of the “CALLER’S CARD” numbers to form an X pattern extending through the “FREE” space and through to each of the four corner spaces, on any “CARD,” exactly as follows:



7. *Determination of prize winners:*

(a) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in an X pattern on “CARD 8,” on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a DIAMOND pattern on “CARD 8,” on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in an X pattern on “CARD 7,” on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a DIAMOND pattern on “CARD 7,” on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in an X pattern on “CARD 6,” on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a LINE pattern on “CARD 8,” on which the winning pattern contains an Orange Dauber Dot, on a single ticket, shall be entitled to a prize of \$5,000.

(g) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a LINE pattern on “CARD 8,” on which the winning pattern contains a Green Dauber Dot, on a single ticket, shall be entitled to a prize of \$2,500.

(h) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a 4 CORNERS pattern on “CARD 8,” on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a LINE pattern on “CARD 8,” on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a 4 CORNERS pattern on “CARD 7,” on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a DIAMOND pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in an X pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 7," on which the winning pattern contains an Orange Dauber Dot, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a 4 CORNERS pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a DIAMOND pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in an X pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 7," on which the winning pattern contains a Green Dauber Dot, on a single ticket, shall be entitled to a prize of \$250.

(r) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a 4 CORNERS pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a DIAMOND pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in an X pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 5" or "CARD 6," on which the winning pattern contains an Orange Dauber Dot, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 7," on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a 4 CORNERS pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a DIAMOND pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in an X pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets upon which a NIGHT (WIN50) symbol appears in the "BINGO NUMBERS" area, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 5" or "CARD 6," on which the winning pattern contains a Green Dauber Dot, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 1," "CARD 2," "CARD 3" or "CARD 4," on which the winning pattern contains an Orange Dauber Dot, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a 4 CORNERS pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$25.

(dd) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a DIAMOND pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$25.

(ee) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in an X pattern on "CARD 1," on a single ticket, shall be entitled to a prize of \$25.

(ff) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 1," "CARD 2," "CARD 3" or "CARD 4," on which the winning pattern contains a Green Dauber Dot, on a single ticket, shall be entitled to a prize of \$25.

(gg) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a 4 CORNERS pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$15.

(hh) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a DIAMOND pattern on "CARD 1," on a single ticket, shall be entitled to a prize of \$15.

(ii) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$10.

(jj) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$10.

(kk) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a 4 CORNERS pattern on "CARD 1," on a single ticket, shall be entitled to a prize of \$10.

(ll) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$5.

(mm) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$5.

(nn) Holders of tickets matching either the "CALLER'S CARD" or the "BONUS NUMBERS" play symbols in a LINE pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$5.

(oo) Holders of tickets matching either the “CALLER’S CARD” or the “BONUS NUMBERS” play symbols in a LINE pattern on “CARD 1,” on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Scratch The CALLER’S CARD And The BONUS NUMBERS Area. Then Scratch Only The Numbers On BINGO CARDS 1—8 That Match Those Revealed In The CALLER’S CARD And The BONUS NUMBERS Area. The Center Spot On Each BINGO CARD Is A FREE Space. When Each Matched Number On A BINGO CARD Is Scratched, The Square Will Turn White. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, 4 Corners, Diamond Or An X Pattern On Any Individual BINGO CARD, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That BINGO CARD. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 16,800,000 Tickets:</i>
LINE CARD 1	\$5	60	280,000
LINE CARD 2	\$5	30	560,000
LINE CARD 3	\$5	30	560,000
LINE CARD 4	\$5	30	560,000
(LINE CARD 2) + (LINE CARD 1)	\$10	60	280,000
(LINE CARD 4) + (LINE CARD 3)	\$10	60	280,000
4 CORNERS CARD 1	\$10	60	280,000
LINE CARD 5	\$10	60	280,000
LINE CARD 6	\$10	60	280,000
(LINE CARD 3) + (LINE CARD 2) + (LINE CARD 1)	\$15	600	28,000
(LINE CARD 4) + (4 CORNERS CARD 1)	\$15	600	28,000
(LINE CARD 5) + (LINE CARD 3)	\$15	600	28,000
DIAMOND CARD 1	\$15	600	28,000
4 CORNERS CARD 2	\$15	600	28,000
(LINE CARD 4, LINE CARD 3, LINE CARD 2 OR LINE CARD 1) w/ GREEN DAUBER DOT	\$25	120	140,000
(LINE CARD 6) + (DIAMOND CARD 1)	\$25	600	28,000
X CARD 1	\$25	600	28,000
DIAMOND CARD 2	\$25	600	28,000
4 CORNERS CARD 3	\$25	600	28,000
(LINE CARD 4, LINE CARD 3, LINE CARD 2 OR LINE CARD 1) w/ ORANGE DAUBER DOT	\$50	300	56,000
(LINE CARD 6 OR LINE CARD 5) w/ GREEN DAUBER DOT	\$50	600	28,000
(LINE CARD 6) + (LINE CARD 5) + (4 CORNERS CARD 2) + (DIAMOND CARD 1)	\$50	600	28,000
\$50 w/ NIGHT SYMBOL	\$50	600	28,000
X CARD 2	\$50	600	28,000

<i>Scratch The CALLER'S CARD And The BONUS NUMBERS Area. Then Scratch Only The Numbers On BINGO CARDS 1—8 That Match Those Revealed In The CALLER'S CARD And The BONUS NUMBERS Area. The Center Spot On Each BINGO CARD Is A FREE Space. When Each Matched Number On A BINGO CARD Is Scratched, The Square Will Turn White. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, 4 Corners, Diamond Or An X Pattern On Any Individual BINGO CARD, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That BINGO CARD. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 16,800,000 Tickets:</i>
DIAMOND CARD 3	\$50	600	28,000
4 CORNERS CARD 4	\$50	600	28,000
LINE CARD 7	\$50	600	28,000
(DIAMOND CARD 3) + (DIAMOND CARD 2) + (X CARD 1)	\$100	6,000	2,800
(DIAMOND CARD 3) + (X CARD 2)	\$100	6,000	2,800
(LINE CARD 6 OR LINE CARD 5) w/ ORANGE DAUBER DOT	\$100	1,200	14,000
(LINE CARD 6) + (LINE CARD 5) + (LINE CARD 4) + (4 CORNERS CARD 3) + (DIAMOND CARD 2) + (X CARD 1)	\$100	6,000	2,800
(\$50 w/ NIGHT) × 2	\$100	1,500	11,200
X CARD 3	\$100	6,000	2,800
DIAMOND CARD 4	\$100	6,000	2,800
4 CORNERS CARD 5	\$100	6,000	2,800
(4 CORNERS CARD 5) + (DIAMOND CARD 4) + (DIAMOND CARD 2) + (X CARD 1)	\$250	12,000	1,400
(4 CORNERS CARD 5) + (DIAMOND CARD 4) + (X CARD 2)	\$250	12,000	1,400
(4 CORNERS CARD 5) + (DIAMOND CARD 4) + (DIAMOND CARD 3)	\$250	12,000	1,400
(\$50 w/ NIGHT) × 5	\$250	4,800	3,500
LINE CARD 7 w/ GREEN DAUBER DOT	\$250	3,000	5,600
X CARD 4	\$250	12,000	1,400
DIAMOND CARD 5	\$250	12,000	1,400
4 CORNERS CARD 6	\$250	12,000	1,400
(X CARD 4) + (((\$50 w/ NIGHT SYMBOL) × 5)	\$500	30,000	560
(DIAMOND CARD 5) + (((\$50 w/ NIGHT SYMBOL) × 5)	\$500	30,000	560
(DIAMOND CARD 5) + (X CARD 4)	\$500	15,000	1,120
(4 CORNERS CARD 6) + (((\$50 w/ NIGHT SYMBOL) × 5)	\$500	15,000	1,120
(4 CORNERS CARD 6) + (X CARD 4)	\$500	24,000	700
LINE CARD 7 w/ ORANGE DAUBER DOT	\$500	12,000	1,400

<i>Scratch The CALLER'S CARD And The BONUS NUMBERS Area. Then Scratch Only The Numbers On BINGO CARDS 1—8 That Match Those Revealed In The CALLER'S CARD And The BONUS NUMBERS Area. The Center Spot On Each BINGO CARD Is A FREE Space. When Each Matched Number On A BINGO CARD Is Scratched, The Square Will Turn White. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, 4 Corners, Diamond Or An X Pattern On Any Individual BINGO CARD, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That BINGO CARD. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 16,800,000 Tickets:</i>
X CARD 5	\$500	60,000	280
DIAMOND CARD 6	\$500	60,000	280
4 CORNERS CARD 7	\$500	60,000	280
LINE CARD 8	\$500	60,000	280
(4 CORNERS CARD 6) + (DIAMOND CARD 5) + (X CARD 4) + ((\$50 w/ NIGHT SYMBOL) × 5)	\$1,000	560,000	30
(DIAMOND CARD 6) + (X CARD 5)	\$1,000	840,000	20
(4 CORNERS CARD 7) + (X CARD 5)	\$1,000	840,000	20
(LINE CARD 8) + (DIAMOND CARD 6)	\$1,000	840,000	20
4 CORNERS CARD 8	\$1,000	840,000	20
LINE CARD 8 w/ GREEN DAUBER DOT	\$2,500	1,680,000	10
LINE CARD 8 w/ ORANGE DAUBER DOT	\$5,000	840,000	20
X CARD 6	\$5,000	1,680,000	10
DIAMOND CARD 7	\$5,000	1,680,000	10
X CARD 7	\$10,000	1,680,000	10
DIAMOND CARD 8	\$10,000	1,680,000	10
X CARD 8	\$250,000	1,680,000	10

GREEN DAUBER DOT SYMBOL: The "Green Dauber Dot" symbol found on each bingo CARD is a FREE space. When a "Green Dauber Dot" symbol appears in any winning pattern, win 5 TIMES the prize shown for that win!

ORANGE DAUBER DOT SYMBOL: The "Orange Dauber Dot" symbol found on each bingo CARD is a FREE space. When an "Orange Dauber Dot" symbol appears in any winning pattern, win 10 TIMES the prize shown for that win!

BONUS: Reveal a "NIGHT" (WIN50) symbol in the BONUS NUMBERS area, win \$50 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$250,000 Bingo Night instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of \$250,000 Bingo Night, prize money from winning \$250,000 Bingo Night instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$250,000 Bingo Night instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$250,000 Bingo Night or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1225. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Bucks Instant Lottery Game 1598

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Millionaire Bucks (hereinafter “Millionaire Bucks”). The game number is PA-1598.

2. *Price:* The price of a Millionaire Bucks instant lottery game ticket is \$20.

3. *Play symbols:* Each Millionaire Bucks instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and two “QUICK BUCK BONUS” spots. Each of the “QUICK BUCK BONUS” spots is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12

(TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Bucks (BUCKS) symbol, 10X (10TIMES) symbol and a Bank (WINALL) symbol. The play symbols and their captions, located in each of the “QUICK BUCK BONUS” spots, are: Bag of Money (TRYAGAIN) symbol, Gold Bar (NOBONUS) symbol, Star (TRYAGAIN) symbol, Stack of Coins (TRYAGAIN) symbol, Crown (NOBONUS) symbol, Diamond (NOBONUS) symbol, Purse (TRYAGAIN) symbol, Pot of Gold (NOBONUS) symbol, Horseshoe (NOBONUS) symbol, \$100 Bill (WIN100) symbol, \$200 Bill (WIN200) symbol and a \$500 Bill (WIN500) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game, are: \$20, \$30, \$50, \$100, \$200, \$300, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in each of the “QUICK BUCK BONUS” spots, are: \$100, \$200 and \$500. Millionaire Bucks contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 22 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Millionaire Bucks instant lottery game.

7. Determination of prize winners:

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(g) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in two of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in 13 of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$9,500.

(h) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in four of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in six of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$9,000.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(m) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in 15 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(n) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$600.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$500.

(q) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(r) Holders of tickets upon which a \$500 Bill (WIN500) symbol appears in either “QUICK BUCK BONUS” spot, on a single ticket, shall be entitled to a prize of \$500.

(s) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in three of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in 16 of the “prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(t) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(u) Holders of tickets upon which a Bank (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(w) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$300.

(x) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$300.

(y) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(z) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$200.

(aa) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(bb) Holders of tickets upon which a \$200 Bill (WIN200) symbol appears in either “QUICK BUCK BONUS” spot, on a single ticket, shall be entitled to a prize of \$200.

(cc) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100

(ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(dd) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$100.

(ee) Holders of tickets upon which a \$100 Bill (WIN100) symbol appears in either “QUICK BUCK BONUS” spot, on a single ticket, shall be entitled to a prize of \$100.

(ff) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(gg) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$50.

(hh) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(kk) Holders of tickets upon which a Bucks (BUCKS) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Bucks (BUCKS) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“QUICK BUCK BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$20 w/ BUCKS		\$20	30	280,000
\$20		\$20	15.79	532,000
\$30 w/ BUCKS		\$30	20	420,000
\$30		\$30	21.43	392,000
\$30 + \$20		\$50	100	84,000
(\$20 w/ BUCKS) + \$30		\$50	75	112,000
\$50 w/ BUCKS		\$50	60	140,000
\$50		\$50	60	140,000
\$20 × 5		\$100	300	28,000
(((\$20 w/ BUCKS) × 3) + (\$20 × 2))		\$100	300	28,000
(((\$30 w/ BUCKS) × 2) + (\$20 w/ BUCKS) + \$20)		\$100	300	28,000
	\$100 w/ \$100 BILL	\$100	100	84,000
\$100 w/ BUCKS		\$100	75	112,000
\$100		\$100	300	28,000
\$20 × 10		\$200	24,000	350
\$50 × 4		\$200	24,000	350
(((\$20 w/ BUCKS) × 2) + (\$30 × 2) + \$100)		\$200	3,000	2,800
(((\$30 w/ BUCKS) × 2) + (\$20 × 2))	\$100 w/ \$100 BILL	\$200	3,000	2,800
(\$50 w/ BUCKS) + \$50	\$100 w/ \$100 BILL	\$200	3,000	2,800
(\$50 w/ BUCKS) + (\$30 w/ BUCKS) + (\$20 w/ BUCKS)	\$100 w/ \$100 BILL	\$200	3,000	2,800
\$100 w/ BUCKS	\$100 w/ \$100 BILL	\$200	3,000	2,800
	\$200 w/ \$200 BILL	\$200	800	10,500

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"QUICK BUCK BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$20 w/ 10X		\$200	300	28,000
\$200 w/ BUCKS		\$200	600	14,000
\$200		\$200	3,000	2,800
\$100 × 3		\$300	24,000	350
(\$20 w/ 10X) + (\$20 × 5)		\$300	24,000	350
\$20 w/ 10X	\$100 w/ \$100 BILL	\$300	12,000	700
(((\$20 w/ BUCKS) × 3) + (\$20 × 2))	\$200 w/ \$200 BILL	\$300	12,000	700
(\$20 w/ BUCKS) × 5	(\$100 w/ \$100 BILL) × 2	\$300	12,000	700
	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL)	\$300	6,000	1,400
\$30 w/ 10X		\$300	12,000	700
\$300 w/ BUCKS		\$300	12,000	700
\$300		\$300	24,000	350
BANK w/ (\$20 × 20)	\$100 w/ \$100 BILL	\$500	3,000	2,800
BANK w/ ((\$30 × 10) + (\$20 × 10))		\$500	3,429	2,450
BANK w/ ((\$50 × 3) + (\$20 × 16) + \$30)		\$500	6,000	1,400
\$50 × 10		\$500	60,000	140
(\$20 w/ 10X) × 2	\$100 w/ \$100 BILL	\$500	24,000	350
(((\$20 w/ BUCKS) × 3) + (\$30 w/ 10X) + (\$20 × 2))	\$100 w/ \$100 BILL	\$500	24,000	350
(((\$30 w/ BUCKS) × 5) + ((\$20 w/ BUCKS) × 10) + \$50)	\$100 w/ \$100 BILL	\$500	24,000	350
(\$20 w/ BUCKS) × 10	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL)	\$500	24,000	350
(\$50 w/ BUCKS) × 10		\$500	24,000	350
	\$500 w/ \$500 BILL	\$500	4,000	2,100
\$50 w/ 10X		\$500	4,000	2,100
\$500 w/ BUCKS		\$500	24,000	350
\$500		\$500	120,000	70
BANK w/ (\$30 × 20)	(\$200 w/ \$200 BILL) × 2	\$1,000	12,000	700
BANK w/ ((\$100 × 5) + (\$20 × 15))	(\$100 w/ \$100 BILL) × 2	\$1,000	12,000	700
BANK w/ (\$50 × 20)		\$1,000	24,000	350
\$500 × 2		\$1,000	120,000	70
(\$30 w/ 10X) × 2	(\$200 w/ \$200 BILL) × 2	\$1,000	120,000	70
(\$50 w/ 10X) + (20 w/ 10X) + (\$20 × 10)	\$100 w/ \$100 BILL	\$1,000	120,000	70
(((\$50 w/ BUCKS) × 10) + (\$30 w/ 10X))	(\$100 w/ \$100 BILL) × 2	\$1,000	120,000	70
(\$50 w/ BUCKS) × 10	\$500 w/ \$500 BILL	\$1,000	24,000	350
(\$100 w/ BUCKS) × 5	\$500 w/ \$500 BILL	\$1,000	120,000	70
	(\$500 w/ \$500 BILL) × 2	\$1,000	24,000	350
\$100 w/ 10X		\$1,000	120,000	70
\$1,000 w/ BUCKS		\$1,000	120,000	70
\$1,000		\$1,000	60,000	140
BANK w/ ((\$1,000 × 4) + (\$500 × 6) + (\$200 × 10))	(\$500 w/ \$500 BILL) × 2	\$10,000	1,680,000	5

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“QUICK BUCK BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
BANK w/ (((\$1,000 × 2) + (\$500 × 13) + (\$200 × 5))	\$500 w/ \$500 BILL	\$10,000	1,680,000	5
BANK w/ (\$500 × 20)		\$10,000	1,680,000	5
\$1,000 w/ 10X		\$10,000	1,680,000	5
\$10,000 w/ BUCKS		\$10,000	1,680,000	5
\$10,000		\$10,000	1,680,000	5
\$100,000		\$100,000	1,680,000	5
\$1,000,000		\$1,000,000	1,680,000	5

Reveal a “Bucks” (BUCKS) symbol, win prize shown under that symbol automatically.

Reveal a “10X” (10TIMES) symbol, win 10 TIMES the prize shown under that symbol.

Reveal a “Bank” (WINALL) symbol, win all 20 prizes shown!

QUICK BUCK BONUS: Reveal a “\$100 Bill” (WIN100), “\$200 Bill” (WIN200) or “\$500 Bill” (WIN500) symbol in either QUICK BUCK BONUS spot, win that prize instantly! QUICK BUCK BONUS spots played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Millionaire Bucks instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Millionaire Bucks, prize money from winning Millionaire Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Millionaire Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Millionaire Bucks or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1226. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Ready Set Gold Instant Lottery Game 1599

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Ready Set Gold (hereinafter “Ready Set Gold”). The game number is PA-1599.

2. *Price:* The price of a Ready Set Gold instant lottery game ticket is \$5.

3. *Play symbols:* Each Ready Set Gold instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV),

26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRT), Gold Bar (GLDBR) symbol, 2X Nugget (DOUBLE) symbol and a GOLD (WIN100) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$30^{.00} (THIRTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$200,000 (TWOHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$30, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$200,000. Ready Set Gold contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Ready Set Gold instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200,000 (TWOHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which a 2X Nugget (DOUBLE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that 2X Nugget (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a GOLD (WIN100) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that GOLD (WIN100) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which a 2X Nugget (DOUBLE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50^{.00} (FIFTY) appears in the "prize" area under that 2X Nugget (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which a 2X Nugget (DOUBLE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$30^{.00} (THIRTY) appears in the "prize" area under that 2X Nugget (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$60.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50^{.00} (FIFTY) appears in the "prize" area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which a 2X Nugget (DOUBLE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20^{.00} (TWENTY) appears in the "prize" area under that 2X Nugget (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30^{.00} (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(r) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$30^{.00} (THIRTY) appears in the "prize" area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which a 2X Nugget (DOUBLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that 2X Nugget (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which a 2X Nugget (DOUBLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that 2X Nugget (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which a Gold Bar (GLDBR) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that Gold Bar (GLDBR) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5 w/ GOLD BAR	\$5	15	720,000
\$5	\$5	25	432,000
\$5 × 2	\$10	60	180,000
\$5 w/ 2X NUGGET	\$10	40	270,000
\$10 w/ GOLD BAR	\$10	50	216,000
\$10	\$10	200	54,000
\$5 × 4	\$20	600	18,000
(\$5 w/ 2X NUGGET) + \$10	\$20	600	18,000
(\$10 w/ GOLD BAR) + (\$5 w/ 2X NUGGET)	\$20	120	90,000
\$10 w/ 2X NUGGET	\$20	120	90,000
\$20 w/ GOLD BAR	\$20	600	18,000
\$20	\$20	600	18,000
\$10 × 3	\$30	600	18,000
((\$5 w/ 2X NUGGET) × 2) + (\$5 × 2)	\$30	600	18,000
((\$5 w/ GOLD BAR) × 2) + (\$5 w/ 2X NUGGET) + \$10	\$30	300	36,000
((\$5 w/ GOLD BAR) × 2) + (\$10 w/ 2X NUGGET)	\$30	300	36,000
(\$10 w/ GOLD BAR) + ((\$5 w/ 2X NUGGET) × 2)	\$30	300	36,000
\$30 w/ GOLD BAR	\$30	600	18,000
\$30	\$30	600	18,000
\$5 × 10	\$50	600	18,000
((\$10 w/ 2X NUGGET) × 2) + \$10	\$50	600	18,000
(\$20 w/ GOLD BAR) + ((\$5 w/ 2X NUGGET) × 3)	\$50	200	54,000

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
$((\$20 \text{ w/ GOLD BAR}) \times 2) + \10	\$50	600	18,000
\$50 w/ GOLD BAR	\$50	600	18,000
\$50	\$50	600	18,000
\$10 \times 10	\$100	60,000	180
$((\$10 \text{ w/ 2X NUGGET}) \times 4) + (\$10 \times 2)$	\$100	12,000	900
$((\$5 \text{ w/ GOLD BAR}) \times 4) + ((\$20 \text{ w/ 2X NUGGET}) \times 2)$	\$100	12,000	900
$((\$10 \text{ w/ GOLD BAR}) \times 5) + ((\$10 \text{ w/ 2X NUGGET}) \times 2) + (\$5 \times 2)$	\$100	12,000	900
$((\$20 \text{ w/ GOLD BAR}) \times 2) + ((\$10 \text{ w/ 2X NUGGET}) \times 2) + (\$5 \times 4)$	\$100	12,000	900
$(\$50 \text{ w/ GOLD BAR}) \times 2$	\$100	12,000	900
\$50 w/ 2X NUGGET	\$100	12,000	900
\$100 w/ GOLD SYMBOL	\$100	342.86	31,500
\$100	\$100	60,000	180
\$50 \times 4	\$200	120,000	90
$((\$20 \text{ w/ 2X NUGGET}) \times 3) + ((\$10 \text{ w/ 2X NUGGET}) \times 3) + (\$10 \times 2)$	\$200	40,000	270
$((\$20 \text{ w/ GOLD BAR}) \times 5) + (\$50 \text{ w/ 2X NUGGET})$	\$200	40,000	270
$((\$30 \text{ w/ GOLD BAR}) \times 5) + ((\$10 \text{ w/ 2X NUGGET}) \times 2) + (\$5 \times 2)$	\$200	40,000	270
$((\$50 \text{ w/ GOLD BAR}) \times 2) + ((\$20 \text{ w/ 2X NUGGET}) \times 2) + (\$10 \times 2)$	\$200	30,000	360
$(\$100 \text{ w/ GOLD SYMBOL}) + ((\$50 \text{ w/ GOLD BAR}) \times 2)$	\$200	24,000	450
$(\$100 \text{ w/ GOLD SYMBOL}) \times 2$	\$200	2,400	4,500
\$100 w/ 2X NUGGET	\$200	40,000	270
\$200 w/ GOLD BAR	\$200	60,000	180
\$200	\$200	120,000	90
\$100 \times 5	\$500	120,000	90
$((\$30 \text{ w/ 2X NUGGET}) \times 5) + ((\$20 \text{ w/ 2X NUGGET}) \times 4) + (\$10 \times 2) + \$20$	\$500	120,000	90
$((\$50 \text{ w/ GOLD BAR}) \times 4) + ((\$30 \text{ w/ 2X NUGGET}) \times 5)$	\$500	120,000	90
$((\$100 \text{ w/ GOLD SYMBOL}) \times 2) + ((\$50 \text{ w/ 2X NUGGET}) \times 3)$	\$500	60,000	180
$((\$100 \text{ w/ GOLD SYMBOL}) \times 3) + ((\$50 \text{ w/ GOLD BAR}) \times 4)$	\$500	60,000	180
$(\$100 \text{ w/ GOLD SYMBOL}) \times 5$	\$500	24,000	450
\$500 w/ GOLD BAR	\$500	120,000	90
\$500	\$500	120,000	90
\$200 \times 5	\$1,000	1,080,000	10
\$500 \times 2	\$1,000	1,080,000	10

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
(\$100 w/ GOLD SYMBOL) × 10	\$1,000	540,000	20
\$1,000 w/ GOLD BAR	\$1,000	540,000	20
\$1,000	\$1,000	1,080,000	10
(((\$1,000 w/ GOLD BAR) × 4) + ((\$100 w/ GOLD SYMBOL) × 6) + ((\$100 w/ 2X NUGGET) × 2)	\$5,000	1,080,000	10
\$5,000	\$5,000	1,080,000	10
\$200,000	\$200,000	1,080,000	10

Reveal a “Gold Bar” (GLDBR) symbol, win prize shown under that symbol automatically.

Reveal a “2X Nugget” (DOUBLE) symbol, win DOUBLE the prize shown under that symbol.

Reveal a “GOLD” (WIN100) symbol, win \$100 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Ready Set Gold instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Ready Set Gold, prize money from winning Ready Set Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Ready Set Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Ready Set Gold or through normal communications methods.

C. DANIEL HASSELL
Secretary

[Pa.B. Doc. No. 22-1227. Filed for public inspection August 12, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Twice As Great 8s Instant Lottery Game 1600

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Twice As Great 8s (hereafter “Twice As Great 8s”). The game number is PA-1600.

2. *Price:* The price of a Twice As Great 8s instant lottery game ticket is \$3.

3. *Play symbols:* Each Twice As Great 8s instant lottery game ticket will contain one play area consisting of six “GAME” areas. The play symbols and their captions, located in the six “GAME” areas, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 39 (THYNIN), 40 (FORT) and an 8 (EIGHT) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the six “GAME” areas, are: \$3^{.00} (THR DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$15^{.00} (FIFTEEN), \$20^{.00} (TWENTY), \$30^{.00} (THIRTY), \$50^{.00} (FIFTY), \$300 (THR HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. Prizes: Twice As Great 8s has two ways to win a prize. The prizes that can be won in this game, are: \$3, \$5, \$10, \$15, \$20, \$30, \$50, \$300, \$1,000 and \$50,000. A player can win up to three times on a ticket.

6. Approximate number of tickets printed for the game: Approximately 8,400,000 tickets will be printed for the Twice As Great 8s instant lottery game.

7. Determination of prize winners:

(a) Determination of prize winners for holders of tickets upon which three matching play symbols appear in the same "GAME" area, are:

(1) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$300 (THR HUN) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$300.

(4) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets upon which three matching play symbols appear in the same "GAME" area and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "Prize" area for that "GAME" area, on a single ticket, shall be entitled to a prize of \$3.

(b) Determination of prize winners for holders of tickets upon which a total of five or more 8 (EIGHT) symbols appear in all "GAME" areas combined, are:

(1) Holders of tickets upon which a total of 12—8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which a total of 11—8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which a total of ten 8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$300.

(4) Holders of tickets upon which a total of nine 8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets upon which a total of eight 8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets upon which a total of seven 8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which a total of six 8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$5.

(8) Holders of tickets upon which a total of five 8 (EIGHT) symbols appear in all "GAME" areas combined, on a single ticket, shall be entitled to a prize of \$3.

8. Number and description of prizes and approximate odds: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

2 Ways to Play!		Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 8,400,000 Tickets:
1. Reveal 3 Like Numbers In The Same GAME, Win PRIZE Shown For That GAME. Win With:	2. Count The Total Number Of "8" (EIGHT) Symbols In All GAMES And Win Corresponding Prize Shown In The PRIZE LEGEND. Win With:			
	5—8 SYMBOLS	\$3	16.67	504,000
\$3		\$3	20	420,000
	6—8 SYMBOLS	\$5	40	210,000
\$5		\$5	33.33	252,000
\$5	6—8 SYMBOLS	\$10	90.91	92,400
	7—8 SYMBOLS	\$10	100	84,000

<i>2 Ways to Play!</i>				
<i>1. Reveal 3 Like Numbers In The Same GAME, Win PRIZE Shown For That GAME. Win With:</i>	<i>2. Count The Total Number Of "8" (EIGHT) Symbols In All GAMES And Win Corresponding Prize Shown In The PRIZE LEGEND. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$10		\$10	100	84,000
\$5	7—8 SYMBOLS	\$15	200	42,000
\$10	6—8 SYMBOLS	\$15	111.11	75,600
\$15		\$15	200	42,000
\$5 × 2	7—8 SYMBOLS	\$20	200	42,000
\$10 + \$5	6—8 SYMBOLS	\$20	200	42,000
\$10	7—8 SYMBOLS	\$20	500	16,800
\$20		\$20	333.33	25,200
\$10 × 2	7—8 SYMBOLS	\$30	923.08	9,100
\$15 + \$10	6—8 SYMBOLS	\$30	923.08	9,100
\$20	7—8 SYMBOLS	\$30	923.08	9,100
	8—8 SYMBOLS	\$30	1,200	7,000
\$30		\$30	1,200	7,000
\$20	8—8 SYMBOLS	\$50	1,500	5,600
\$20 × 2	7—8 SYMBOLS	\$50	1,500	5,600
\$30 + \$10	7—8 SYMBOLS	\$50	1,500	5,600
	9—8 SYMBOLS	\$50	2,400	3,500
\$50		\$50	2,400	3,500
	10—8 SYMBOLS	\$300	6,000	1,400
\$300		\$300	6,000	1,400
	11—8 SYMBOLS	\$1,000	60,000	140
\$1,000		\$1,000	60,000	140
	12—8 SYMBOLS	\$50,000	1,680,000	5
\$50,000		\$50,000	1,680,000	5

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Twice As Great 8s instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a

winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Twice As Great 8s, prize money from winning Twice As Great 8s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Twice As Great 8s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Twice As Great 8s or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1228. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

State Transportation Commission Meeting

The State Transportation Commission (Commission) will hold a meeting on Wednesday, August 17, 2022, from 10 a.m. to 12 p.m. This meeting will be held in the Keystone Building, 8N1, 400 North Street and by means of Microsoft Teams. Meeting information including the agenda is available at <https://bit.ly/3b7MOTq>.

For more information, contact the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1229. Filed for public inspection August 12, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Changes to List of Class A Wild Trout Waters; July 2022

The Fish and Boat Commission (Commission) approved the addition of nine stream sections to its list of Class A wild trout streams. The proposed changes were set forth

at 52 Pa.B. 2940 (May 14, 2022). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission’s policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth’s naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1230. Filed for public inspection August 12, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Changes; July 2022

The Fish and Boat Commission (Commission) approved the addition of 19 new waters to its list of wild trout streams as set forth at 52 Pa.B. 2939 (May 14, 2022). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission’s Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission’s web site at www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1231. Filed for public inspection August 12, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions and Revisions; October 2022

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission’s Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on October 24 and 25, 2022, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	UNT (RM 0.30) to UNT to Sacony Creek (RM 4.69)	Headwaters to Mouth	UNT to Sacony Creek (RM 4.69)	40.536619 75.813666
Berks	UNT (RM 1.25) to UNT to Maiden Creek (RM 14.26)	Headwaters to Mouth	UNT to Maiden Creek (RM 14.26)	40.578087 75.853561
Berks	UNT to Sacony Creek (RM 1.82)	Headwaters to Mouth	Sacony Creek	40.533479 75.854908

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Cameron	UNT to Salt Run (RM 4.43)	Headwaters to Mouth	Salt Run	41.565940 78.168500
Cameron	UNT to Salt Run (RM 5.02)	Headwaters to Mouth	Salt Run	41.570420 78.160000
Clearfield	Long Run	Headwaters to UNT at RM 1.30	Clearfield Creek	40.991837 78.407051
Elk	Bakemans Run	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.280048 78.446075
Elk	UNT to Little Toby Creek (RM 4.73)	Headwaters to Mouth	Little Toby Creek	41.314511 78.840747
Elk	UNT to Sand Lick Run (RM 0.76)	Headwaters to Mouth	Sand Lick Run	41.476750 78.444000
Elk	UNT to Seeley Hollow Run (RM 1.29)	Headwaters to Mouth	Seeley Hollow Run	41.501770 78.436400
Elk	UNT to Seeley Hollow Run (RM 1.45)	Headwaters to Mouth	Seeley Hollow Run	41.502920 78.438900
Elk	UNT to South Fork West Creek (RM 0.52)	Headwaters to Mouth	South Fork West Creek	41.470100 78.483400
Forest	UNT to Hastings Run (RM 0.61)	Headwaters to Mouth	Hastings Run	41.599830 79.102520
Indiana	UNT (RM 0.82) to UNT to Bear Run (RM 2.92)	Headwaters to Mouth	UNT to Bear Run (RM 2.92)	40.887758 78.807422
Indiana	UNT to Cush Cushion Creek (RM 5.50)	Headwaters to Mouth	Cush Cushion Creek	40.717410 78.880800
Indiana	UNT to North Branch Two Lick Creek (RM 2.66)	Headwaters to Mouth	North Branch Two Lick Creek	40.706980 78.955670
Indiana	UNT to North Branch Two Lick Creek (RM 3.34)	Headwaters to Mouth	North Branch Two Lick Creek	40.711299 78.945278
Indiana	UNT to West Branch Cush Creek (RM 1.80)	Headwaters to Mouth	West Branch Cush Creek	40.805690 78.878600
McKean	UNT to North Branch Cole Creek (RM 2.32)	Headwaters to Mouth	North Branch Cole Creek	41.879660 78.489000
McKean	UNT to North Branch Cole Creek (RM 2.64)	Headwaters to Mouth	North Branch Cole Creek	41.883378 78.491807
McKean	UNT to North Branch Cole Creek (RM 4.25)	Headwaters to Mouth	North Branch Cole Creek	41.894870 78.515467
Potter	UNT to Ludington Run (RM 3.43)	Headwaters to Mouth	Ludington Run	41.895926 77.802045
Somerset	UNT to Fall Creek (RM 0.08)	Headwaters to Mouth	Fall Creek	39.958510 79.279295
Susquehanna	UNT (RM 0.28) to UNT to Starrucca Creek (RM 8.50)	Headwaters to Mouth	UNT to Starrucca Creek (RM 8.50)	41.924476 75.490666
Susquehanna	UNT to East Branch Hemlock Creek (RM 1.17)	Headwaters to Mouth	East Branch Hemlock Creek	41.962586 75.494919

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Susquehanna	UNT to Starrucca Creek (RM 14.47)	Headwaters to Mouth	Starrucca Creek	41.862711 75.505957
Susquehanna	UNT to Starrucca Creek (RM 15.24)	Headwaters to Mouth	Starrucca Creek	41.860001 75.515171
Susquehanna	UNT to Starrucca Creek (RM 15.94)	Headwaters to Mouth	Starrucca Creek	41.857466 75.525892
Susquehanna	UNT to Starrucca Creek (RM 8.50)	Headwaters to Mouth	Starrucca Creek	41.924116 75.495921
Tioga	Silver Run	Headwaters to Mouth	Lick Creek	41.653056 77.180000
Tioga	UNT to Pine Creek (RM 58.02)	Headwaters to Mouth	Pine Creek	41.736853 77.430200
Warren	UNT (RM 0.26) to UNT to Farnsworth Branch (RM 2.58)	Headwaters to Mouth	UNT to Farnsworth Branch (RM 2.58)	41.745345 79.127271
Warren	UNT to Farnsworth Branch (RM 2.58)	Headwaters to Mouth	Farnsworth Branch	41.748541 79.126947
Wayne	UNT (RM 0.48) to UNT to Shadigee Creek (RM 3.05)	Headwaters to Mouth	UNT to Shadigee Creek (RM 3.05)	41.892331 75.426444
Wayne	UNT (RM 0.71) to UNT to Riley Creek (RM 2.56)	Headwaters to Mouth	UNT to Riley Creek (RM 2.56)	41.804131 75.396337
Wayne	UNT to Crooked Creek (RM 2.00)	Headwaters to Mouth	Crooked Creek	41.783753 75.281098
Wayne	UNT to East Branch Hemlock Creek (RM 2.25)	Headwaters to Mouth	East Branch Hemlock Creek	41.958421 75.477569
Wayne	UNT to Equinunk Creek (RM 12.24)	Headwaters to Mouth	Equinunk Creek	41.825583 75.394883
Wayne	UNT to Equinunk Creek (RM 4.81)	Headwaters to Mouth	Equinunk Creek	41.812612 75.285060
Wayne	UNT to Equinunk Creek (RM 6.02)	Headwaters to Mouth	Equinunk Creek	41.816300 75.301937
Wayne	UNT to Equinunk Creek (RM 8.17)	Headwaters to Mouth	Equinunk Creek	41.811922 75.333673
Wayne	UNT to Shadigee Creek (RM 5.22)	Headwaters to Mouth	Shadigee Creek	41.864901 75.424409
Wayne	UNT to Starrucca Creek (RM 11.77)	Headwaters to Mouth	Starrucca Creek	41.886068 75.472118
Wayne	UNT to Starrucca Creek (RM 11.84)	Headwaters to Mouth	Starrucca Creek	41.885136 75.471620
Wayne	UNT to Starrucca Creek (RM 12.21)	Headwaters to Mouth	Starrucca Creek	41.881385 75.475803

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	Furnace Creek	Headwaters to 930 meters upstream SR 4044 (Mountain Road)	Headwaters to Mouth	Maiden Creek	40.574722 75.887222

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1232. Filed for public inspection August 12, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wilderness Trout Streams; Additions; July 2022

The Fish and Boat Commission (Commission) approved the addition of 19 stream sections to the list of wilderness trout streams as set forth at 52 Pa.B. 3394 (June 11, 2022). Under 58 Pa. Code § 57.4 (relating to wilderness trout streams), it is the policy of the Commission to maintain the wilderness trout streams program where stream remoteness and populations of naturally reproducing trout combine to offer sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. It is the Commission's intent to advocate proper watershed management to maintain the wilderness setting and to advance and seek the highest water quality standards through the Department of Environmental Protection.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1233. Filed for public inspection August 12, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Changes to List of Class A Wild Trout Waters; October 2022

The Fish and Boat Commission (Commission) is considering changes to its list of Class A wild trout streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on October 24 and 25, 2022.

<i>County Centre</i>	<i>Stream</i> Hall Run	<i>Section</i> 1	<i>Limits</i> Headwaters to Mouth	<i>Tributary to</i> Black Moshannon Creek	<i>Mouth Lat / Lon</i> 40.966944 78.041111	<i>Brook Trout (kg / ha)</i> 24.40	<i>Brown Trout (kg / ha)</i> 16.35	<i>Rainbow Trout (kg / ha)</i> ---	<i>Length (miles)</i> 2.50	<i>Survey Year</i> 2021
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Persons with comments, objections or suggestions concerning the addition are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1234. Filed for public inspection August 12, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.9. Big bass waters program

The Commission added the following water to its list of “big bass regulation” waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

County	Water
Lancaster	Speedwell Forge Lake

58 Pa. Code § 65.11. Panfish enhancement

The Commission added the following waters to its list of “panfish enhancement” waters regulated and managed under 58 Pa. Code § 65.11 (relating to panfish enhancement):

County	Water	Species
Centre	Colyer	Yellow perch
Tioga	Lake Nessmuk	Yellow perch

58 Pa. Code § 65.17. Catch and release lakes

The Commission removed the following water from the catch and release lakes program:

County	Water
Lancaster	Speedwell Forge Lake

58 Pa. Code § 65.18. Brood stock lakes

The Commission removed the following lakes from its list of brood stock lakes:

County	Water
Crawford	Sugar Lake
Wayne	Belmont Lake
Wayne	Prompton Lake

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1235. Filed for public inspection August 12, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized under section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.18) in connection with the company’s termination of the insured’s homeowners policy. The proceedings will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held virtually by means of Zoom. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126, ra-hearings@pa.gov.

Appeal of Helen Buchanan; State Farm Fire and Casualty Company; File No. 22-130-270019; Doc. No. P22-07-018; September 14, 2022, 9:30 a.m.

Following the hearing and receipt of the stenographic transcript, the Acting Insurance Commissioner (Acting Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Acting Commissioner’s Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Acting Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1236. Filed for public inspection August 12, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Recovery of Purchased Gas Costs; Doc. No. L-00840102

The regulation promulgated by the Pennsylvania Public Utility Commission (Commission) in 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) directs the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs (PGC).

The 2023 schedule of § 53.64(a) filing dates is applicable to the listed natural gas distribution companies and city natural gas distribution operation (collectively, public utilities) as follows:

February 1, 2023: National Fuel Gas Distribution Corporation

March 1, 2023: Philadelphia Gas Works

April 1, 2023: Columbia Gas of Pennsylvania, Inc.; Peoples Gas Company; Peoples Natural Gas Company

June 1, 2023: PECO—Gas Division; UGI Utilities—Gas Division

Each PGC filing will be addressed at a utility-specific docket number to be assigned when the specific proceeding begins. The § 53.64(c) prefilings are due 30 days earlier.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1237. Filed for public inspection August 12, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 29, 2022. Filings are recommended to be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by August 29, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2022-3033907. Serene Transport Services, LLC (152 East High Street, Suite 440B, Pottstown, Montgom-

ery County, PA 19525) to transport persons, by motor vehicle, in paratransit service, from points in the Counties of Berks, Bucks, Chester, Delaware, Lehigh and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2022-3033682. Lackawanna Movers, LLC (416 West Market Street, Scranton, Lackawanna County, PA 18508) household goods in use, between points in Pennsylvania. *Attorney:* Paul George Batyko, III, 4113 Birney Avenue, Moosic, PA 18507.

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2022-3034012. Daniel R. Koebler, t/a Crown Limousine Service (890 Harmony Road, Slippery Rock, Butler County, PA 16057) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, between points in Pennsylvania, subject to the following conditions: 1. That no right, power or privilege is granted to provide service from points in the Counties of Lawrence and Mercer; 2. That no service may originate from a point in the County of Chester.

A-2022-3034015. Daniel R. Koebler, t/a Crown Limousine Service (890 Harmony Road, Slippery Rock, Butler County, PA 16057) for the discontinuance of service and cancellation of its certificate, for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Allegheny, Armstrong, Butler, Clarion, Lawrence, Mercer and Venango, to points in Pennsylvania, and return, subject to certain conditions.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1238. Filed for public inspection August 12, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than August 29, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215)

683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-22-07-08. Habibur Rahman Taxi, LLC (121 Englewood Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to

points in Pennsylvania, and return. *Attorney for Applicant*: David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

DENNIS WELDON,
Temporary Executive Director

[Pa.B. Doc. No. 22-1239. Filed for public inspection August 12, 2022, 9:00 a.m.]

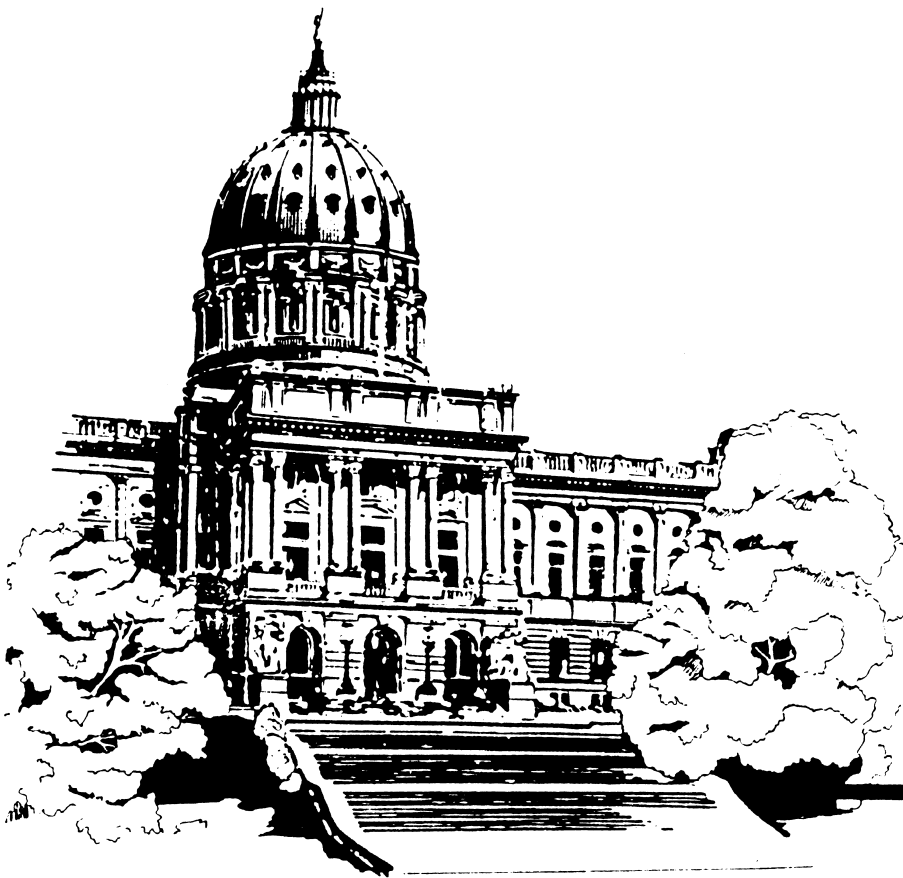
PENNSYLVANIA BULLETIN

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Number 33

Part II

This part contains the
Rules and Regulations



RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 53, 63 AND 64]

Rulemaking to Comply with the Competitive Classification of Telecommunication Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 53, Chapter 63 and Chapter 64

Public Meeting held
October 28, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson, Statement, Dissenting; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Rulemaking to Comply with the Competitive Classification of Telecommunication Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 53, Chapter 63 and Chapter 64; Docket No. L-2018-3001391

Final Rulemaking Order

By the Commission:

This rulemaking proceeding arose out of the Pennsylvania Public Utility Commission's (Commission) decision in February 2015 to reclassify stand-alone basic telephone service as competitive in parts of the Verizon Pennsylvania and Verizon North (collectively Verizon) service territories. As part of that proceeding, the Commission granted Verizon a 5-year waiver of certain Chapter 63 and Chapter 64 regulations in competitive wire centers. The waiver was granted, pending a rulemaking to address the status of these regulations in competitive and noncompetitive areas on a permanent and industry-wide basis.

Subsequently, the Commission in July 2018 issued an Advance Notice of Proposed Rulemaking seeking feedback on a variety of options with our telecommunications regulations. After reviewing that feedback from interested stakeholders, the Commission issued a Notice of Proposed Rulemaking Order (NPRM Order) and accompanying Annex which proposed amendments to the regulations in Chapters 53, 63 and 64 of Title 52 of the *Pennsylvania Code* (Pa. Code), 52 Pa. Code §§ 53.57—53.60, §§ 63.1 et seq., and §§ 64.1 et seq., that govern our jurisdictional telecommunications public utilities or jurisdictional local exchange carriers (LECs).¹

Essentially, with the issuance of the NPRM Order and Annex, the Commission was abiding by its statutory obligations in Sections 3019(b)(2) and (3) of the Public Utility Code (Code), 66 Pa.C.S. §§ 3019(b)(2) and (3), which require it to review and revise the quality of service standards contained in 52 Pa. Code that address the safety, adequacy, reliability and privacy of telecommunications services and the ordering, installation, suspension, termination and restoration of any telecommunications service taking into consideration the emergence of new industry participants, technological advancements, service standards and consumer demand. In the NPRM

Order, the Commission specified the need to balance attempting to create a more level regulatory playing field for our regulated incumbent local exchange carriers (ILECs) that are competing against alternative voice service providers operating in the Commonwealth with the countervailing principle of ensuring that consumers retain adequate protections.

Specifically, the Commission offered proposals in the Annex that eliminated certain regulations as unnecessary either due to the increasing presence of competition in the Pennsylvania telecommunications services market or their general obsolescence given changes to the market and technology. The Commission requested input from interested stakeholders on its proposed revisions set forth in the Annex. This order constitutes the preamble to the final rulemaking process and the accompanying Annex sets forth the final revisions to Chapters 53, 63 and 64 of Title 52 of the Pa. Code.

Background

I. Verizon Reclassification Proceeding

On October 6, 2014, pursuant to Section 3016(a) of the Code, 66 Pa.C.S. § 3016(a), our two non-rural incumbent local exchange carriers (ILECs), Verizon Pennsylvania LLC (Verizon PA) and Verizon North LLC (Verizon North) (hereinafter collectively referred to as "Verizon"), filed a joint petition requesting the Commission to grant a competitive classification to all of its remaining retail protected services (excluding special access service and intrastate switched access service), and any other telecommunications service offered to residential and business customers that had yet to be classified as competitive.² Essentially, Verizon requested this specific regulatory relief for its basic standalone telephone service, commonly referred to as basic local exchange service offered in its wire centers³ located in the metropolitan areas of Philadelphia, Erie, Scranton/Wilkes-Barre, Harrisburg, Pittsburgh, Allentown, and York.⁴

In this same petition, Verizon also requested an eleven-year waiver of certain parts of Chapter 63 and all of Chapter 64 of our regulations.⁵ Verizon requested that this regulatory waiver should apply to all the wire centers where the services above were classified as "competitive" by the Commission in the proceeding.⁶

The Commission conducted a full evidentiary proceeding on the Joint Petition and allowed interested stakeholders to intervene and present testimony regarding Verizon's specific request for a competitive classification of certain retail protected services in these specific geographic areas. By an Order entered March 4, 2015, the Commission partially granted the Joint Petition by reclassifying Verizon's retail basic standalone telephone service and other services (except special access and intrastate switched access service) offered to both residential and

² See Joint Petition of Verizon Pennsylvania LLC And Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Joint Petition).

³ A local exchange is a geographic area where all local exchange service subscribers can call each other without incurring any sort of toll or long distance fees. The term "wire center," which is a group of local exchange customers all served by the same central office or remote terminal, was a term utilized in the Verizon Reclassification proceeding since it was specific to Verizon's network design. For example, although many exchanges are comprised of just one wire center, there are exchanges that are comprised of multiple wire centers.

⁴ Specifically, Verizon sought competitive classification of its remaining services not currently classified as competitive in 194 of its total 504 wire centers in Pennsylvania.

⁵ See generally Joint Petition.

⁶ Id.

¹ Rulemaking to Comply with the Competitive Classification of Telecommunication Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 53, Chapter 63 and Chapter 64, Docket No. L-2018-3001391 (Order entered September 21, 2020).

business customers as competitive in 153 of the 194 wire centers where Verizon had requested regulatory relief.⁷

The Reclassification Order also granted, in part, Verizon's waiver request by giving Verizon a temporary waiver of certain telecommunications regulations within Chapter 63 and Chapter 64 of Title 52 of the Pa. Code in the 153 newly-classified competitive wire centers.⁸ This temporary waiver was set to be in effect for a period of five years or could expire earlier pending the initiation and completion of a rulemaking to determine whether the temporary regulatory waivers should become permanently codified through amendment of our applicable regulations set forth in Chapter 63 and Chapter 64 of our regulations.⁹

One of the primary purposes of the temporary waivers¹⁰ was to afford the Commission time to collect pertinent data regarding the market conditions present in the aftermath of the competitive reclassification, particularly in the areas of affordability and quality of service, so that this data would help the Commission to assess the market conditions present in the 153 "competitive" wire centers.¹¹ Thus, the Commission directed Verizon to report annually for a period of two years data under two categories: (1) Affordability of Basic Service; and (2) Quality of Service as further directed by the Commission and that, after receiving input from interested parties, the Commission's Bureau of Technical Utility Services (TUS) would advise Verizon of the specific data to be provided, form requirements, and schedule for the reporting of this data.¹²

II. Verizon Proprietary Data Submissions (2015-2016)

In accordance with the directives set forth in the Reclassification Order, the 2015 Tentative Implementation Order, Final Implementation Order and the Reporting Order, Verizon was directed to submit two separate reports for calendar years 2015 and 2016 in the docket of the reclassification proceeding.¹³ This data represented a "snapshot" of the market conditions that may have arisen as a result of the "competitive" classification of the 153 wire centers, including the impact of the competitive classification on the affordability of basic local exchange service, the number of certain access lines and quality of service statistics. Verizon was further directed to submit these calendar year reports no later than April 1, 2016, and April 1, 2017, respectively. Verizon submitted both annual reports to the Commission in a timely manner.

⁷ See Joint Petition of Verizon Pennsylvania LLC And Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered March 4, 2015) (Reclassification Order).

⁸ Id. at 103.

⁹ Id. at 76, 103 and 127 (Ordering Paragraph 17).

¹⁰ The temporary waivers that were granted to Verizon were also applicable to Competitive Local Exchange Carriers (CLECs) operating in the 153 competitive wire centers. Reclassification Order at 124 (Ordering Paragraph 4).

¹¹ Id. at 56, 76, 104.

¹² Id. at 126-27.

¹³ See also Tentative Implementation Opinion and Order at Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered June 1, 2015) (2015 Tentative Implementation Order); Final Implementation Opinion and Order at Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered September 11, 2015) (Final Implementation Order); and Reporting Order at Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered September 11, 2015) (Reporting Order); see also Docket Nos. P-2014-2446303, P-2014-2446304, Secretarial Letters entered December 8, 2016 and January 10, 2017.

III. Advance Notice of Proposed Rulemaking

The Commission stated in the Reclassification Order that it would initiate a rulemaking proceeding to determine whether the temporary regulatory waivers that were granted in the Reclassification Order should become permanently codified through amendment of our applicable and governing telecommunications regulations in Chapters 63 and Chapter 64 of Title 52 of the Pa. Code.¹⁴ To accomplish this objective, the Commission issued an Advanced Notice of Proposed Rulemaking Order (ANPRM Order) at the above-captioned docket on July 12, 2018.¹⁵ The ANPRM Order was intended to address not only those telecommunications regulations that were temporarily waived in the wire centers where Verizon had obtained a competitive classification of its retail services, but also, those that, in effect, had become less vital given the evolution of the provision of telecommunications services today.

Specifically, the Commission requested comment on whether to expand the waivers granted in the Reclassification Order beyond any wire center that had been classified as competitive or whether to rescind or amend any Chapter 63 and 64 regulations for noncompetitive wire centers, and whether to create a separate chapter in our regulations to address service provided in competitive wire centers. The Commission also asked for comment on whether we should make permanent any waivers of regulations granted outside of the reclassification decision and invited any reasonable alternative proposals to our existing telephone regulations. The ANPRM Order was published in the *Pennsylvania Bulletin* and comments were solicited by the Commission.¹⁶

The Commission received comments and replies to its ANPRM Order from several parties.¹⁷ The comments addressed the proposed treatment of certain aspects of Chapters 53, 63 and 64 of the Commission's regulations by suggesting that the Commission should eliminate all obsolete and unnecessary telecommunications regulations in the context of a rulemaking. Essentially, the parties were suggesting that the Commission should immediately proceed with initiating a Notice of Proposed Rulemaking to address the waived regulations and any other pertinent matters that need to be resolved given the existence of competitive and noncompetitive wire centers in Pennsylvania.¹⁸

¹⁴ Reclassification Order, at 76, 103 and 127 (Ordering Paragraph 17).

¹⁵ Rulemaking to Comply with the Competitive Classification of Telecommunications Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and 64, Docket No. L-2018-3001391, (Advanced Notice of Proposed Rulemaking Order entered July 12, 2018), 48 Pa.B. 4792 (Aug. 4, 2018).

¹⁶ 48 Pa.B. 4794.

¹⁷ Verizon, AT&T Corp. and Teleport Communications America, LLC (collectively AT&T); Coalition for Affordable Utility Services and Energy Efficiency (CAUSE-PA); Communications Workers of America (CWA); Dex Media, Inc. d/b/a "Dex YP" (Dex Media); Pennsylvania Office of Consumer Advocate (OCA); Tenny Journal Communications (Tenny Journal); and the following companies hereafter referred to as the Rural ILECs or RLECs: Armstrong Telephone Company—North; Armstrong Telephone Company—Pennsylvania; Bentleyville Communications Company; Citizens Telecommunications Company of New York, Inc.; Citizens Telephone Company of Kecksburg; Consolidated Communications of Pennsylvania Company, LLC; Frontier Communications Commonwealth Telephone Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; Frontier Communications of Pennsylvania, LLC; Hancock Telephone Company; Hickory Telephone Company; Ironton Telephone Company; Lackawaxen Telecommunications Services, Inc.; Laurel Highland Telephone Company; Marianna & Scenery Hill Telephone Company; The North-Eastern Pennsylvania Telephone Company; North Penn Telephone Company; Palmerton Telephone Company; Pennsylvania Telephone Company; Pymatuning Independent Telephone Company; South Canaan Telephone Company; TDS Telecom/Deposit Telephone Company; TDS Telecom/Mahanoy & Mahantango Telephone Company; TDS Telecom/Sugar Valley Telephone Company; The United Telephone Company of Pennsylvania; LLC d/b/a CenturyLink; Venus Telephone Corporation; West Side Telephone Company; Windstream Buffalo Valley, Inc.; Windstream Conestoga, Inc.; Windstream D&E, Inc.; Windstream Pennsylvania, LLC and Yukon-Waltz Telephone Company.

¹⁸ In our NPRM Order, we determined to use the "wire center or other geographic area defined by the public utility" to encompass networks that are not broken into wire centers.⁷

IV. *Extension of Regulatory Waivers and Access to Verizon Market*

The issue of access to Verizon's 2015 and 2016 proprietary data reports was raised by several parties in their comments to ANPRM Order. Also, the temporary regulatory waivers that the Commission granted to Verizon in the Reclassification Order were set to expire March 4, 2020. Following the formal closure of the ANPRM Order comment period, the Commission undertook further actions on the regulatory waivers by issuing a Tentative Order on February 6, 2020, that addressed the following issues: 1) granting an extension of the five-year waiver of select Chapter 63 and Chapter 64 Regulations that had been granted to Verizon in the Reclassification Order; and 2) allowing parties participating in the ANPRM proceeding to access and review the 2015 and 2016 reports that contained Verizon's proprietary or confidential market data and further allowing them to file supplemental comments on the reports in the related ANPRM proceeding.¹⁹

Following the receipt of comments from Verizon, the OCA and CAUSE-PA, the Commission issued a Final Order on February 27, 2020, further extending the temporary regulatory waivers granted to Verizon in the Reclassification Order and granting interested stakeholders access to the proprietary market data Verizon had submitted to the Commission for the 2015-2016 time frame.²⁰ Specifically, the Commission held that it would maintain the regulatory waivers until December 31, 2022, or the completion of a Rulemaking regarding Chapters 53, 63 and 64 of the Commission's regulations, whichever is sooner. The Commission determined that it was more appropriate to maintain the status quo of the temporary regulatory waivers rather than rescind or end the temporary regulatory waivers it had granted to Verizon in the Reclassification Order.²¹

Additionally, the Commission addressed the availability of Verizon's 2015-2016 proprietary market data that had been submitted to the Commission. The Commission determined that it would make this data available to the participating parties in the ANPRM proceeding in order to provide them with an opportunity to review the data, perform an independent analysis of the data and assist the Commission in assessing the market conditions of these 153 competitive wire centers and to help address the regulatory impact of continuing the regulatory waivers on a permanent and industry-wide basis for any additional areas determined to be competitive, subject to parties' executing a Non-Disclosure Agreement.²²

The Commission also determined that once its review of Verizon's historic proprietary data was completed, the parties would have the opportunity to file supplemental comments and replies in the pending ANPRM proceeding.²³ Lastly, the Commission directed the Bureau of Consumer Services (BCS), with the assistance of the Law Bureau, TUS and other bureaus, to complete an analysis

of Verizon's data and prepare conclusions regarding the data and recommendations on moving forward with a Notice of Proposed Rulemaking no later than June 30, 2020.²⁴

Following the issuance of the February 2020 Final Order, the Commission received supplemental comments and replies from the Pennsylvania Office of Consumer Advocate (OCA), the Pennsylvania Telephone Association (PTA) on behalf of the Rural ILECs,²⁵ Thryv, Inc. (f/k/a Dex Media) and Verizon. However, none of these parties presented substantive analysis of the 2015-2016 Verizon proprietary data submissions in their respective comments.

V. *Evaluation of Verizon's Proprietary Data*

Although the Commission did not receive any substantive analysis of the proprietary 2015-2016 Verizon market data from any of the interested stakeholders in the ANPOR proceeding, it performed its own analysis of the data. The Commission acknowledged that the requested 2015-2016 Verizon market data was limited in scope, granularity and timeframe. Because the data was submitted on a proprietary basis, the Commission provided general observations on an aggregate basis regarding some trends that both the raw numerical data and certain ratios indicated. The Commission's primary focus was on the specific quality of service metrics, based on its belief that the pricing of individual rate elements for basic local exchange services in Verizon's competitive wire centers (i.e., dial tone line and local usage options) had followed the same pricing trends as in Verizon's noncompetitive wire centers.²⁶

The Commission noted that the collected data did not present any direct causative links to or readily available explanations for the observable trends regarding certain quality of service metrics. The Commission determined that it could not draw any specific conclusions from the limited data presented by Verizon on whether its network in noncompetitive wire centers—which include a lesser number of major urban areas—experienced more quality of service issues than its network in competitive wire centers, or whether Verizon had increased the concentration of its operational maintenance activities in the competitive wire center areas. Accordingly, the Commission concluded that the data was inconclusive as to whether there was any significant downward trend in service quality issues in competitive wire centers, which could have been an indicator that it should consider eliminating entirely the quality of service regulations where consumers have multiple options for communications services, including wireline, cable-voice, and wireless options.

VI. *Notice of Proposed Rulemaking*

While the Verizon market data was inconclusive, the Commission determined that due to the competitive conditions that existed in the residential and business telecommunications marketplace in Pennsylvania, there was still a valid basis to propose revisions to its regulations that govern jurisdictional telecommunications public

¹⁹ Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services; Rulemaking to Comply with the Competitive Classification of Telecommunications Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and 64, Docket Nos. P-2014-2446303, P-2014-2446304, L-2018-3001391 (Order entered February 6, 2020) (February 2020 Tentative Order).

²⁰ Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services; Rulemaking to Comply with the Competitive Classification of Telecommunications Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and 64, Docket Nos. P-2014-2446303, P-2014-2446304, L-2018-3001391 (Order entered February 27, 2020) (February 2020 Final Order).

²¹ Id. at 8-9.

²² Id. at 9-10.

²³ Id.

²⁴ Id. at 12.

²⁵ Concurrently with the filing of their October 3, 2018, initial comments in response to the ANPRM, the participating 35 Rural ILECs also jointly filed a petition at Docket No. P-2018-3005224 seeking the temporary waiver of certain Chapter 63 and 64 regulations (RLEC Petition). The RLEC Petition sought the waiver of certain Chapter 63 and 64 regulations "until such a time as the Commission completed its rulemaking proceeding at Docket No. L-2018-3001391." The Commission granted in part and denied in part, the RLEC Petition at its July 20, 2020, Public Meeting. See Petition of the Rural Incumbent Local Exchange Carriers for Temporary Waiver of Certain Chapter 63 and 64 Regulations, Docket No. P-2018-3005224 (Order entered July 28, 2020) (RLEC Directory and Toll Presubscription Order).

²⁶ OCA Comments at 6-7.

utilities and their services. Consequently, at the August 27, 2020 Public Meeting, the Commission adopted the Motion of Vice Chairman David W. Sweet to issue a Notice of Proposed Rulemaking at the above-captioned docket that proposed amendments to certain regulations set forth in Chapters 53, 63 and 64 of Title 52 of the Pa. Code.

Concomitantly, at this same Public Meeting and at the same docket, Chairman Gladys Brown Dutrieuille issued a Statement indicating her support for a Notice of Proposed Rulemaking that proposed modifications to our applicable telecommunications regulations, but the Chairman's Statement also offered a series of questions in order to gain additional input from interested stakeholders on the Commission's proposed modifications to the Chapters 53, 63 and 64 telecommunications regulations.

By order dated September 21, 2020, the Commission issued its Notice of Proposed Rulemaking Order (NPRM Order) and accompanying Annex that set forth the actual proposed revisions to the pertinent regulations in Chapters 53, 63 and 64 of Title 52 of the Pa. Code. Essentially, in this NPRM Order, the Commission explicitly expressed its rationale for the following proposals: (1) making the temporary regulatory waivers that had been granted in the Reclassification Order permanent on an industry-wide basis, (2) making permanent the temporary detariffing waivers that at various times were granted to regulated telecommunications utilities operating under our jurisdiction and (3) rescinding obsolete Chapter 63 and 64 regulations.²⁷

In the NPRM Order, the Commission solicited comments from interested stakeholders on these proposals within the Annex so that their input could assist the Commission in determining whether the proposals were warranted. The NPRM Order and accompanying Annex were published in the *Pennsylvania Bulletin* on April 10, 2021.²⁸

On May 25, 2021, the Commission received initial comments from CAUSE-PA, OCA, Tri-Co Connections LLC and Claverack Communications LLC (collectively "TCC/CCL"), Thryv and Verizon in response to the proposed regulatory modifications that were set forth in the Annex. The PTA filed a letter in lieu of filing initial comments. On June 24, 2021, replies were filed by the OCA, PTA, TCC/CCL, Thryv and Verizon. The Independent Regulatory Review Commission (IRRC) filed Comments to the Annex on July 23, 2021.

Discussion

In this section of the Preamble, the Commission discusses some of the general comments we received from interested parties on the proposed modifications to Chapters 53, 63 and 64 of Title 52 of the Pa. Code. We also discuss some of the responses we received in relation to the questions posed in Chairman Dutrieuille's Statement. In addressing the comments and replies filed in response to our NPRM Order and the proposed regulations within the accompanying Annex, we are reminded that we are not required to consider expressly or at great length each and every contention raised by a party to our proceedings. *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Any comment or reply comment that is not specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

²⁷ Rulemaking to Comply with the Competitive Classification of Telecommunication Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 53, Chapter 63 and Chapter 64, Docket No. L-2018-3001391 (Order entered September 21, 2020) (NPRM Order).

²⁸ 51 Pa.B. 1999.

A. Preliminary Comments and Replies

CAUSE-PA generally supports retention of many of the Commission's proposed rules, consistent with prior filed comments from the OCA in response to the ANPRM and the present NPRM. CAUSE-PA Comments at 2. CAUSE-PA notes that "while telecommunications technology has and continues to evolve, and increased options are available in many areas of the state, there remains a significant divide between those who have access to stable and affordable telecommunication service and those who do not." CAUSE-PA Comments at 2-3.

CAUSE-PA further notes that "[f]or many Pennsylvanians, especially those in rural and low-income communities, basic wireline telecommunication service still provides a very real lifeline[.]" CAUSE-PA Comments at 3. Finally, CAUSE-PA argues that "the sheer fact that a competitive service provider offers service in a given area does not ensure that the service offered is affordable or accessible to those in need," noting that "[i]ndividuals in rural communities. . . often do not have access to alternatives that offer reliable service to their homes" and that in "urban areas, where mobile and broadband service is relatively ubiquitous, many households—especially seniors and homebound individuals—still rely on wireline service as their primary mode of communication." CAUSE-PA Comments at 4.

The OCA supports the Commission's efforts to update and simplify its rules and have them apply to all telecommunications public utilities in order to protect consumers. OCA Comments at 1. OCA proposes that the Commission promulgate "reliability standards" to address pertinent aspects of today's telecommunications networks through to the meet point with the customer's premises. OCA Comments at 2.

TCC/CCL state that, as "relatively new entrants into the Pennsylvania communications and broadband services markets," they "can provide input on how the existing regulations correspond with the current marketplace and technologies." TCC/CCL Comments at 3. TCC/CCL argue that "[i]ncumbent carriers and competitive carriers are different and could be subject to different regulations[.]" TCC/CCL Comments at 4. TCC/CCL posit that, as competitive carriers, they have no business reason or technical capability to offer, and cannot be required to offer, "basic service" as defined in Commission rules or to otherwise "unbundle" their competitive broadband/voice services offerings to provide standalone voice. TCC/CCL Comments at 4-5.

Verizon supports the Commission's initiative to update its rules but urges a more aggressive approach. Verizon Comments at 1. Verizon posits that the Commission's telephone service regulations are by and large outdated. Verizon Comments at 2. Verizon states that the marketplace for telephone service is fully competitive and many of the Commission's rules are no longer necessary. Verizon Comments at 3. In Verizon's view, the Commission should approach this proceeding not by identifying which existing rules should be eliminated but rather asking whether any existing rules should be continued. Verizon Comments at 4.

Verizon states that, when the Commission's existing telecommunications rules were first adopted, the Commission regulated all voice lines in Pennsylvania, but today, "the vast majority of voice connections in Pennsylvania" are not regulated by the Commission. Verizon Comments at 5-6. According to Verizon, the Federal Communications Commission (FCC) access line count data from 2019

shows that 10.6 percent of voice lines in Pennsylvania are regulated, a percentage that has declined rapidly since 2014. Verizon Comments at 7-8. Verizon also notes that the FCC's line counts do not account for certain forms of Internet-based voice communications, such as FaceTime, Zoom, WebEx and the like. Verizon Comments, at 9. Verizon argues that there can be no justification for the Commission to retain its legacy rules when most voice connections today are completely unregulated. Verizon Comments at 9.

Verizon argues that the Commission is required by Pennsylvania law, 66 Pa.C.S. §§ 3011(13) and 3019(b)(2), to “presume elimination of all of its rules and justify each new rule under the Chapter 30 standard” and that “[a]ny new regulations should narrowly address only what is absolutely necessary.” Verizon Comments at 11. Verizon argues that “[a]t the very least, the Commission should eliminate—for all providers statewide—all of the rules that have been waived in Verizon’s competitive exchanges for the past 6 years.” Verizon Comments at 11. According to Verizon, “[e]ven with a shorter and more streamlined set of regulations, the Commission will retain its statutory authority over service quality and customer interactions for regulated services under 66 Pa.C.S. § 1501, as the [NOPR] recognizes.” Verizon Comments at 12.

Specifically, Verizon states that it appreciates that the Commission’s NPRM proposes to remove many outdated provisions of Chapter 63 and supports all of those deletions. However, it asserts that more work is needed to streamline Chapter 63 into modern, forward-looking rules appropriate for the competitive market of today and tomorrow. Verizon Comments at 14.

Verizon asserts that under Chapter 30’s requirement for justifying new regulations, 66 Pa.C.S. § 3019(b)(2), the Commission should only promulgate a new service quality regulation if it has facts to demonstrate that it is necessary, beneficial and in the public interest, “tak[ing] into consideration the emergence of new industry participants, technological advancements, service standards and consumer demand.” Verizon Comments at 18. Verizon argues that the benefits of any new regulation must outweigh the burden. Id.

Verizon asserts that given that many of the Chapter 63 service quality regulations would only apply to a small and shrinking set of regulated providers and services, not to their VoIP and wireless competitors that serve the vast majority of lines, and the fact that 66 Pa.C.S. § 1501 will continue to require regulated providers to “furnish and maintain adequate, efficient, safe, and reasonable service and facilities,” there is no need for prescriptive service quality standards, metrics, or reporting in the Commission’s new regulations and new service regulations generally cannot be justified. Id. Lastly, Verizon asserts that the Commission should simply eliminate most of Chapter 63 and offers its proposals for a new Chapter 63. Verizon Comments at 19–26.

In response to Verizon’s general comments regarding the Commission’s proposed modifications to the Chapters 53, 63 and 64 regulations, the OCA opposes “the framework and phrasing of Verizon’s alternative proposal to revise Chapters 53, 63 and 64.” OCA Reply Comments at 3. Specifically, the OCA comments that it opposes Verizon’s “alternative version of the Chapter 63 regulations.” OCA Reply Comments at 8. The OCA asserts that Verizon’s proposal is nothing more than an attempt “to rescind or water down many of the Chapter 63 service quality standards” because in OCA’s view, Verizon’s proposal “would remove meaningful standards and regula-

tory guidance that is still needed to promote and protect today’s complex and important telecommunications network.” OCA Reply Comments at 10. Lastly, the OCA avers that Verizon “presumes that competitive alternatives abound throughout the Commonwealth” and that Verizon’s proposal “provides little guidance as to service quality required of all telecommunications carriers.” OCA Reply Comments at 3.

In its comments, IRRRC notes that “[w]hile not all commentators agree with the PUC’s approach, there is consensus that this review of the regulatory provisions of 52 Pa. Code Chapters 53 (Tariffs for Noncommon Carriers), 63 (Telephone Service) and 64 (Standards and billing practices for residential telephone service) is much needed and long overdue,” and “[c]ommentators expressed viewpoints ranging from the proposal does not go far enough in eliminating outdated and overly prescriptive rules to concerns that it goes too far in removing important consumer protection provisions.” IRRRC Comments at 1.

IRRC also notes that “[c]ommentators assert that the PUC’s proposal, which retains a large portion of its existing regulations, makes only minor changes and ‘falls short of bringing about meaningful change,’” that “[t]he PUC’s approach to ‘redlining’ existing regulations and reinstating a number of waived regulations, [commentators] say, does not fulfill its statutory obligation” under 66 Pa.C.S. §§ 3011(13) and 3019(b)(2), and that “[c]ommentators point out that the proposal lacks data or a comparative analysis to justify increasing regulation.” IRRRC Comments at 2.

In its Comments, IRRRC also asks the Commission “to explain the reasonableness of its approach in determining what regulations were needed and how it comports with Chapter 30 of the Public Utility Code.” IRRRC Comments at 2.

B. Responses to Chairman Dutrieuille’s Questions

In its responses to the Chairman Dutrieuille’s questions, CAUSE-PA states that it supports “ongoing regulatory standards to address the inspection, testing, surveillance, and interference minimization on the providers’ networks to ensure the safety and reliability of our network...regardless of the technology deployed.” CAUSE-PA Comments at 3.

Additionally, CAUSE-PA states that it supports “Commission-approved standards for documentation and reporting of response times, resolutions, trouble reports, interference, and service outages, as this information will be critical to monitoring the integrity and stability of our networks and the quality of our providers’ services.” CAUSE-PA Comments at 3. CAUSE-PA also urges the Commission to retain “regulations imposing standards for installation, interference, trouble reports, and service outages, and [to] impose new regulatory standards imposing automatic remedies that do not impose undue hurdles for consumers to access relief.” CAUSE-PA Comments at 3-4.

Further, CAUSE-PA posits that “there should be a threshold for service quality standards for installations, interference, trouble reports, and service outages that trigger notification to consumers—as well as reports documenting the source of the problem and the resolution” and further proposes that “[r]eports filed with the FCC should be automatically filed with the Commission to allow for close monitoring of service quality standards and each companies’ adherence thereto[.]” CAUSE-PA Comments at 4. CAUSE-PA states that “the Commission

should require providers to continue offering robust consumer education for new and existing customers[.]” CAUSE-PA Comments at 4.

CAUSE-PA advocates that the Commission retain rules governing automatic call devices, noting that “[r]obocalls are a problem in Pennsylvania, and there must be regulatory restrictions to prevent a resurgence of nuisance calls” which “often target vulnerable lower income consumers and Seniors, who are especially susceptible to predatory offers of savings and other scams[.]” CAUSE-PA Comments at 4. CAUSE-PA supports retaining operator assistance rules, noting that although “[t]he number of households that require operator assistance is likely small. . .it is likewise the case that those who require operator assistance are likely to have unique vulnerabilities that require additional help to connect. . .with ease, and without long wait times.” CAUSE-PA Comments at 4.

CAUSE-PA argues that “[t]he quality of service that a consumer receives should not vary based on the technology deployed—whether that technology is through a traditional or fiber network.” CAUSE-PA Comments at 4.

In its response to Chairman Dutrieuille’s questions, the OCA states that it also supports “development of Commission-approved standards that address the inspection, testing, surveillance, and interference minimization on the providers’ networks, through to the consumer’s Network Interface Device (NID)—or other meet point between the network and customer premises.” OCA Comments at 3. OCA further supports standards that ensure the availability of information about the quality and reliability of networks, for the benefit of consumers, businesses and public safety. OCA Comments at 4.

The OCA further states that it supports retaining rules that require local exchange carriers to document how consumer trouble reports are resolved. OCA Comments at 4. OCA supports retaining rules that provide for bill adjustments to account for out-of-service conditions and is open to consideration of alternative means to ensure consumers do not pay for service quality they do not receive. OCA Comments at 4-5. However, the OCA notes that bill adjustments for individual consumers may distract from resolution of underlying network quality issues impacting a larger class of consumers. OCA Comments at 5. OCA also supports retaining service quality standards to include surveillance levels and reporting requirements. OCA Comments at 5. OCA posits that 66 Pa.C.S. § 504 provides the Commission with authority to require carriers to file with the Commission copies of reports made to the FCC. OCA Comments at 5.

Furthermore, the OCA states that it supports a requirement for carriers and Commission staff to educate consumers about their options to resolve service quality and billing issues. OCA Comments at 6. The OCA further states that it supports revision, not elimination, of the existing rule addressing Automatic Dialing Devices, subsection 63.60. OCA Comments at 6. The OCA advocates that consumers be able to easily reach an operator or customer service representative to answer questions and address service quality issues and supports the Commission’s proposed “warm transfer” option. OCA Comments at 6. Lastly, the OCA posits that consumers should receive uniform service quality no matter what technology is used to deliver service. OCA Comments at 7.

With respect to Chairman Dutrieuille’s Statement, IRRC opines that the Commission “should have posed the nine questions to the regulated community, accepted comments on those questions, drafted a proposed rulemaking based on the feedback received, and then commenced the formal rulemaking process,” while noting that “[i]t is unclear whether or not the PUC will be considering the responses to these questions for a future rulemaking or if they are intended to help formulate the final version of this rulemaking.” IRRC Comments at 3.

C. Discussion and Resolution

1. IRRC’s concerns about Chairman Dutrieuille’s questions

IRRC asserts that the Commission would have been better positioned to commence this rulemaking and proposed modifications to its Chapters 53, 63 and 64 regulations after receiving feedback from the regulated community on Chairman Dutrieuille’s questions. We note that these questions are the questions of Chairman Dutrieuille alone, not the Commission. While notice is always a valid concern, we disagree with IRRC’s observation at this stage of our NPRM for the following reason. In short, we believe that with the issuance of both the ANPRM Order and NPRM Order, the Commission has received adequate input from the relevant stakeholders regarding our Chapters 53, 63 and 64 telecommunications regulations.

As outlined in the Background section *supra*, in 2018, the Commission issued an ANPRM Order in order to initiate this promised rulemaking regarding the continuation of the waivers of the Chapters 63 and 64 regulations. In the ANPRM Order, the Commission specifically requested parties to address the following four topics: (i) whether to make any previously-granted waivers permanent in a wire center currently classified as competitive or that may be classified as competitive in the future; (ii) whether there are any obsolete or outdated regulations in noncompetitive wire centers that should be modified or eliminated; (iii) whether to create separate chapters in our regulations for competitive versus noncompetitive wire centers; and (iv) whether there are any reasonable alternative regulations or regulatory structure/scheme that the Commission should consider and adopt.

The Commission opined that input from stakeholders on the four questions posed in the ANPRM Order plus the proprietary market data that Verizon had submitted for its competitive and noncompetitive wire centers for the 2015-2016 timeframe, would assist it in making a reasoned and well-informed decision about the need to revise the Chapters 63 and 64 regulations. The Commission received input to its ANPRM Order via the receipt of both comments and reply comments. Thereafter, we issued the NPRM Order and Annex and solicited further input on our proposed modifications to the Chapters 53, 63 and 64 regulations. As with the ANPRM, the Commission received both comments and reply comments to its NPRM Order.

The Commission had already received input from the regulated telecommunications community at the ANPRM stage which resulted in the NPRM Order. The input we received on the question in the ANPRM Order was beneficial and gave us the proper foundational approach for revising our telecommunication regulations. This underscores the fact that the Commission has taken the necessary and deliberate steps to propose revisions to the Chapters 53, 63 and 64 regulations. The Chairman’s decision to pose questions seeking additional input on the proposed modifications after the issuance of the ANPRM

Order and during the issuance of the NPRM Order creates no need to delay moving forward with this final rulemaking. In fact, it is of no real procedural consequence.

There should be no concerns about the validity of proposals we issued in the NPRM Order and Annex to revise our Chapters 53, 63 and 64 regulations as we already solicited and received input from the regulated community in 2018 with the ANPRM Order, which initiated this rulemaking process. Thus, there is no valid reason not to move forward at this time or to delay taking further action on the proposed revisions to our telecommunications regulations.

Moreover, the Commission is mindful of the fact that all interested stakeholders were given an opportunity to submit comments and replies to the Chairman's nine questions. In the likelihood that the Commission determines to utilize those responses to assist it in its consideration of whether to adopt or reject its proposed modifications to the Chapters 53, 63 and 64 regulations in the final-form regulation, no party has been prejudiced as the entire regulated community was given notice and an opportunity to respond to the Chairman's questions. It is beyond dispute that with these deliberate steps in this rulemaking process, the Commission has given the regulated telecommunications community ample opportunity to weigh on the proposed modifications to the Chapters 53, 63 and 64 regulations.

2. *Response to Commentators' General Comments*

The Commission agrees with the commentators on the necessity of updating our existing telecommunications regulations. Many of these regulations were promulgated when only one telecommunications company operated and provided monopoly local telephone service to all customers in its respective certificated service territory. During this era, consumers had no competitive choices and were unable to obtain voice service from any other local telephone company.

In 1993, the General Assembly enacted the original Chapter 30 of the Code, which fundamentally restructured Pennsylvania's retail local telecommunications services market by allowing new market entrants to provide competitive local telephone service to residential customers and businesses within the service territories of the former monopoly providers. Likewise, three years later, the United States Congress passed the Telecommunications Act of 1996, which essentially restructured the local telecommunications market on a national level in a similar manner as Chapter 30 had already accomplished in Pennsylvania. Both legislative actions resulted in the creation of two types of local service providers or local exchange carriers (LECs)—the new-entrant competitive local exchange carriers (CLECs) and the former monopolistic incumbent voice service providers, the ILECs, as both types of entities were able to provide telephone service in the same local calling area.

Since that time, a technological paradigm shift has occurred in the telecommunications marketplace, and other non-traditional competitive entrants (e.g., mobile wireless carriers, cable companies and satellite providers) now provide competitive voice service offerings. This increased competition has resulted in innovation, which led to a sweeping technological transition in how retail wired telecommunications services are provisioned. Currently, wireline service customers are served by two

distinct but similar technologies—"end-user" switched access lines and interconnected VoIP "subscriptions." Additionally, many consumers have "cut the cord" and now obtain their voice service exclusively from mobile wireless carriers.

The Commission acknowledges that competition works to enhance consumer choice and service and should be a consideration when evaluating regulations applicable to telecommunications service in Pennsylvania. However, the Commission does not subscribe to the premise that competition singularly justifies eliminating all our Chapter 63 and 64 regulations at this time. Even though Section 1501 of the Code requires telecommunications carriers to provide reasonable service among other requirements and remains a critical regulatory backstop, the Commission is of the opinion there are circumstances where specific and uniform standards better serve carriers and customers because of the greater predictability they provide. The Commission has determined this is true for both competitive and noncompetitive areas of the Commonwealth. Based upon the review of the comments and reply comments submitted in response to the proposed regulations in the Annex accompanying the NPRM Order, the Commission has concluded that there are additional opportunities to modernize our Chapter 63 and 64 regulations without compromising the important consumer protections contained in the regulations. Therefore, the Commission has set forth a surgical approach to modernizing its regulations applicable to telephone service in the final-form regulation.

Lastly, to bolster its claim that the vast majority of Chapters 63 and 64 should be eliminated for Title 52 of the Pa. Code, Verizon advocates for the first time in this proceeding a new interpretation of the Chapter 30 statutory criteria. Specifically, Verizon argues that Chapter 30 requires the Commission "to entirely eliminate all of its existing service quality regulations and it must justify creating or imposing any new service quality regulations only if it has facts to demonstrate that it is necessary, beneficial and in the public interest tak[ing] into consideration the emergence of new industry participants, technological advancements, service standards and consumer demand." This novel interpretation reads into the statute an interpretation not supported by the words of the statute itself. Upon review, Chapter 30 does not specifically require the Commission to eliminate its telephone service quality regulations. Rather, Chapter 30 expressly preserves the Commission's power to "review and revise" these regulations and in doing so, preserves the Commission's power to maintain them.²⁹ Thus, as discussed in greater detail below, we have taken a pragmatic and reasoned approach in revising, modifying and further streamlining our Chapters 53, 63 and 64 regulations as set forth in the attached Annex.

I. *Chapter 53 Tariffs for Noncommon Carriers: 52 Pa. Code §§ 53.57—53.60*

In the ANPRM Order, the Commission explicitly discussed the past and periodic temporary regulatory waivers involving the tariffing requirements under Section 53.58. Specifically, over time, the Commission had granted Verizon and other CLECs tariffing relief regarding the retail services they offered to enterprise (business, or non-residential) and large business customers generat-

²⁹ See 66 Pa.C.S. § 3019(b)(2).

ing \$10,000 or more in annual revenues.³⁰ These waivers existed prior to and were unrelated to Verizon's reclassification proceeding. The Commission also granted periodic extensions of these temporary regulatory waivers based on the rationale that it would initiate a rulemaking proceeding to address whether Sections 53.58 and 53.59 should be modified by adopting the periodically renewed temporary waivers as a permanent regulatory change. Accordingly, we solicited comments whether such waivers should become permanent and embodied in revised regulations going forward. ANPRM Order at 27-28, 48 Pa.B. 4799.

The Commission received comments to its ANPRM Order from various stakeholders. Based upon its review of those comments, the Commission determined that it would propose revisions to relevant regulations in Chapter 53 in order to provide clarity as to the tariff filing requirements and reporting obligations applicable to the retail, protected and noncompetitive telecommunications services offered by incumbent telecommunications service providers and competitive services providers. Consequently, while the Commission did not propose to eliminate all applicable tariff filing requirements within Chapter 53 for noncompetitive and protected services, including basic local exchange services, in its NPRM Order, the Commission did determine it would update the regulatory language in Chapter 53 to align with the current statutory language of Chapter 30 of the Code. Accordingly, the Annex to the NPRM Order set forth the proposed revisions to Sections 53.57—53.60 of the Commission's regulations.

A. 52 Pa. Code § 53.57

Section 53.57 sets forth the definition of the terms used in 52 Pa. Code §§ 53.57—53.60. In the Annex to the NPRM Order, the Commission, *inter alia*, proposed to replace the current definitions within Section 53.57 so as to be consistent with the statutory terms set forth in the current version of Chapter 30 of the Code, 66 Pa.C.S. §§ 3011—3019.

1. *Comments and Replies*

IRRC recommends that the Commission “should adopt a definition for the term ‘joint or bundled service package’ that is consistent with ‘bundled service package’ contained in § 64.2 (relating to Definitions).” IRRC Comments at 4.

TCC/CCL note that Chapters 53 and 64 of the Commission's rules use different terms to describe “service offerings that contain multiple services at a single price” and recommends that the Commission adopt its proposed single definition that has been modified to include references to a “product guide or similar document” as well as

³⁰ Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for a Waiver of the Commission's Regulations at 52 Pa. Code §§ 53.58 and 53.59 to Permit Detariffing of Services to Enterprise and Large Business Customers, Docket No. P-2009-2082991 (Order entered June 3, 2009); Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for a Waiver of the Commission's Regulations at 52 Pa. Code §§ 53.58 and 53.59 to Permit Detariffing of Services to Enterprise and Large Business Customers, Docket Nos. P-2009-2137972, P-2010-2164470, P-2010-2164472 (Order entered June 21, 2012); Petition of Windstream Communications, Inc. for a Waiver of the Commission's Regulations at 52 Pa. Code §§ 53.58 and 53.59 to Permit Detariffing of Services to Enterprise and Large Business Customers, Docket No. P-2012-2327799 (Order entered December 5, 2012); Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for a Waiver of the Commission's Regulations at 52 Pa. Code §§ 53.58 and 53.59 to Permit Detariffing of Services to Enterprise and Large Business Customers, Docket No. P-2016-2556207 (Order entered September 1, 2016) and Petition of AT&T Corp. and Teleport Communications of America, LLC for Extension of Waiver of Commission's Regulations at 52 Pa. Code §§ 53.58 and 53.59 to Permit Detariffing of Services to Enterprise and Large Business Customers, Docket No. P-2016-2575097 (Order entered February 9, 2017).

services being provided by an affiliate and incorporate this proposed definition within Section 53.57. TCC/CCL Comments at 5-6.

Verizon offers proposals for new and streamlined Chapter 53 regulations in the Attachment to its Comments. With respect to Verizon's proposed definitional terms for Section 53.57, OCA concurs with Verizon's proposed amended definitions of “competitive service,” “local exchange telecommunications company,” “noncompetitive service,” and “protected service” to indicate that the Section 53.57 definition mirrors the relevant statutory Section 3012 definition. OCA Reply Comments at 4. While OCA agrees with Verizon that subsection 53.57 should define the terms “competitive wire center” and “noncompetitive wire center,” it argues its definitions of those terms (as set forth in OCA Comments for subsections 63.1 and 64.2)—not Verizon's—should be used. OCA Reply Comments at 4-5.

The OCA opposes Verizon's proposal to eliminate the phrase “subject to the jurisdiction of the Commission and” from the Commission's proposed definition of “competitive telecommunications carrier” because “[t]he jurisdictional element is appropriate.” OCA Reply Comments at 4. The OCA also opposes Verizon's proposed definitions of “dwelling” and “noncompetitive stand-alone basic residential service” insofar as “they are tied to Verizon's proposal to sunset regulatory protections by end of 2023,” and notes that a rejection of Verizon's “arbitrary phase out proposal” could well moot these definitions. OCA Reply Comments at 5.

Lastly, the OCA opposes Verizon's proposed elimination of the term “Lifeline plan” and notes that “the obligation to offer Lifeline service—as defined by federal regulations, Commission orders designating an entity as an eligible telecommunications carrier (ETC), and relevant Chapter 30 Plan provisions—does not turn on the competitive or noncompetitive classification of the residential service or the geographic area where offered.” OCA Reply Comments at 6. The OCA urges the Commission to “provide affirmative guidance and regulation of more than just residential stand-alone basic service in a noncompetitive area.” OCA Reply Comments at 6.

2. *Discussion and Resolution*

Taking into consideration the comments from IRRC and TCC/CCL, we will ensure that the definition of the regulatory term “joint or bundled package” is consistent in both this section and Section 64.2 in Chapter 64 of our final-form regulations.

We acknowledge that a few of our proposed definitions in this rule are inconsistent with the statutory language of Chapter 30 of the Code. To ensure accuracy and consistency with Chapter 30, the Commission agrees with Verizon's rationale that the proposed definitions of “competitive service,” “local exchange telecommunications company,” “noncompetitive service,” and “protected service” in Section 53.57 should be defined in a manner that mirrors the relevant statutory language in Section 3012 of the Code, which explicitly defines the terms “competitive service,” “noncompetitive service” and other terms.³¹ However, we reject Verizon's suggested definitions for the terms “competitive wire center” and “noncompetitive wire center,” in favor of the OCA's proposed definitions of those terms in Section 53.57. We will adopt the OCA's definitions in our final-form regulation as the OCA's definitions

³¹ 66 Pa.C.S. § 3012.

are more inclusive than Verizon's regarding the manner in which a retail service may become a competitive service under Section 3016 of the Code.

Lastly, we reject Verizon's proposal to eliminate the phrase "subject to the jurisdiction of the Commission and" from our proposed definition of "competitive telecommunications carrier" because as stated by the OCA, the jurisdictional element is appropriate and the reference to our jurisdiction over such entities should remain within the definition in Section 53.57. We reject all the other proposed definitions that Verizon has submitted in its comments. Accordingly, we will incorporate the foregoing approved revisions to our proposed Section 53.57 in the final-form regulation.

We also take steps to clarify the definition of "enterprise and large business customer," as currently proposed because it is somewhat ambiguous. As currently proposed, the definition appears to limit its applicability to legal entities "organized by charter, agreement or other similar instrument" but then includes "schools, government agencies and correctional institutions," which are entities typically created by statute, not charters or agreements. Since it was our intent that the definition of "enterprise and large business customer" encompass both private business and public institutions, we will amend the definition to provide clear delineation between public institutions and private business. Accordingly, in the final-form regulation, we will also amend our proposed definition of "enterprise and large business customer" so that the regulatory definition includes both private business and public institutions.

B. 52 Pa. Code § 53.58

In the Annex to the NPRM Order, the Commission proposed to clarify references to the term "product guide" where the reference remained applicable. The Annex also set forth proposed revisions to Section 53.58(a) by adding language that permitted a CLEC to declare any retail nonprotected services as competitive without filing a petition and demonstrating competitiveness.

Additionally, in the Annex to the NPRM Order, the Commission proposed revisions to Section 53.58(c) so that it would reflect that the temporary detariffing waivers the Commission had granted to some incumbent and competitive telecommunication service carriers in relation to certain services they offer to enterprise and large business customers would be made permanent and such waivers would apply on an industry-wide basis.

Further, the Annex set forth proposed revisions that removed language in Section 53.58(d) that required competitive and incumbent telecommunications service providers that are offering competitive services to file "informational tariffs, price lists, and ministerial administrative tariff changes" with the Commission and proposed to allow these entities to make rates and terms of basic local exchange service available through a product guide or similar document on the carrier's website subject to the carrier's maintaining an archive of any outdated rates, terms, and conditions that were available in a product guide or similar document for a period of four years. This archived document must be provided to the Commission upon reasonable request.

In the Annex, the Commission proposed to modify Section 53.58(e)(4) to align with the current statutory criteria as set forth in Section 3016 of the Code. In the NPRM Order, the Commission had determined that it would not eliminate tariff filing requirements for retail noncompetitive and protected telecommunications services, including basic local exchange services.

1. Comments and Replies

With respect to proposed Section 53.58(a), IRRC states that "[p]roposed § 53.58(a) includes a local exchange telecommunications company's 'protected services' that have been declared or determined to be competitive" but that "the proposed definition of 'protected service,' under § 53.57 (relating to Definitions), states that it is a service that has not been determined to be competitive," and recommends that the Commission "should revise this section to make it consistent with the definition of 'protected service' or explain why it is unnecessary to do so." IRRC Comments at 4.

In regard to proposed Section 53.58(d), IRRC asks whether the Commission intends "for the [outdated product guide] archives to be available on carrier websites so the public has access to them" and if it does, then IRRC recommends that the Commission "should specify, in the Annex to the final rulemaking, the location of where the archive is to be housed [and] how the public will access it." IRRC Comments at 5.

Finally, IRRC asks the Commission "to clarify in § 53.58(d), whether 'by the Commission as competitive' should be removed from the bracket and retained so that the amendment reads "Local exchange telecommunication companies and competitive telecommunications carriers offering services determined by the Commission as competitive or declared as competitive[.]'" IRRC Comments at 10.

The OCA opposes the Commission's proposed modification to Section 53.58(d) that eliminates the requirement that LECs file price lists applicable to competitive services with the Commission, and instead only requires LECs to post their rates in a product guide and keep an archive of historical rates. OCA Comments at 9. The OCA argues that filing price lists allows "for assessment of the impact—if any—of the availability of documented competitive alternatives on the LEC's pricing of competitive services." OCA Comments at 9. The OCA expresses concern that rates posted in price guides on LEC websites "diminishes the ability to monitor the competitive marketplace." OCA Comments at 10.

TCC/CCL also propose modifications to the Commission's proposed Section 53.58 to clarify that, in TCC/CCL's view, (1) revised Chapter 30 contains a "presumption that all services provided by a competitive local exchange carrier (CLEC) or competitive telecommunications carrier are by definition 'competitive,'" TCC/CCL Comments at 6-7, and (2) under Chapter 30, the Commission should not specify the types of voice service offering a competitive carrier shall offer its customers to include "basic" service. TCC/CCL Comments at 8.

Verizon agrees with the Commission's proposal to revise the tariffing rules relating to telephone service but argues that the Commission's proposed new version of Sections 53.57—60 is still "unduly and complex." Verizon Comments at 12-13. According to Verizon, the Commission's proposal for Section 53.58(e) is flawed because it repeats or restates the statutory language of Chapter 30, when a reference to the statutory language would suffice. Verizon Comments at 13. Verizon also urges further streamlining or elimination of tariffing requirements with respect to competitive local exchange carrier offerings and services provided to enterprise and large business customers. Verizon Comments at 13.

The OCA opposes Verizon's proposed elimination of the steps for reclassification of a competitive service as noncompetitive and challenges Verizon's statement that

“[a]ll retail telecommunications services offered. . . in competitive wire centers are classified as competitive.” OCA Reply Comments at 7.

2. Discussion and Resolution

IRRC comments that the Commission should revise proposed Section 53.58(a) to make it consistent with the definition of “protected service” in Section 53.57 or explain why it is unnecessary to do so. The Commission will make this necessary clarification to Section 53.58 in the final-form regulation so that the reference to “protected service” in both Sections 53.57 and 53.58 is consistent with each other and the statutory language of Chapter 30 of the Code.

Next, we address TCC/CCL’s proposed modifications to proposed Section 53.58 based on their premise that the revised Chapter 30 contains a presumption that all services provided by a competitive local exchange carrier or competitive telecommunications carrier are by definition “competitive” services under Chapter 30. TCC/CCL’s statutory interpretation is inconsistent with the plain language of Chapter 30 of the Code as it does not establish a standalone or independent statutory mechanism for a competitive telecommunications carrier to classify its telecommunications services as “competitive.” Rather, Section 3016 of the Code gives the authority to obtain competitive classifications for their respective retail protected services to incumbent carriers only. Under 3016(a) of the Code, the Commission may determine the retail protected or retail noncompetitive services of a local exchange telecommunications company (defined as an “ILEC”) to be competitive upon the filing of petition and notice and hearing thereupon as outlined in the statutory language. Section 3016(b) of the Code gives a local exchange telecommunications company the right to bypass the Section 3016(a) petition process and self-declare its retail nonprotected services “competitive.”³² Contrary to TCC/CCL’s assertion, there is no express rebuttable presumption in Chapter 30 of the Code that all services offered by competitive entrants are automatically deemed competitive services.

For this same reason, we also reject TCC/CCL’s assertion that the Commission should not specify the types of voice service offerings a competitive carrier shall offer its customers to include “basic” voice service. Local exchange telecommunications service is defined as a protected service in Chapter 30 of the Code.³³ It remains a protected service whether it is offered on a standalone basis or in a joint or bundled package. In a prior rulemaking proceeding, the Commission merely determined to streamline filing requirements for bundled service packages, not to eliminate any obligation to provide protected service.³⁴ Essentially, when a LEC bundles “basic” local exchange (or standalone) voice service with other services as a joint or bundled service package, the LEC is afforded some pricing flexibility for the package, which includes the standalone service.³⁵ However, the obligation still exists to provide the service.

We take action in this final rulemaking to ensure that Section 53.58 is consistent with plain language of Chapter 30 of the Code and its policy objectives. Only a local exchange telecommunication company has the express statutory authority under Section 3016 of the Code to obtain a competitive classification for its retail protected

services or self-declare any of its retail nonprotected service as competitive by filing its declaration with the Commission.³⁶ Thus, the Commission will make it explicitly clear in Section 53.58 of the final-form regulation that only local exchange telecommunications companies or ILECs may obtain competitive classifications for their retail services under Chapter 30 of the Code.

Notwithstanding, the Commission acknowledges that one of the stated goals of Chapter 30 is to promote and encourage the provision of competitive services by a variety of service providers on equal terms throughout all geographic areas of this Commonwealth.³⁷ This is our understanding of the way in which the General Assembly intended for the Chapter 30 to operate. To maintain this objective and ensure tariff parity amongst all local telecommunications service providers operating in Pennsylvania, the Commission will explicitly state in the final-form regulation that a competitive services classification obtained by a local exchange telephone company’s telecommunication service via a Commission reclassification proceeding or a self-declaration process automatically applies to the operations of any competitive carrier operating within that incumbent’s service area.

In other words, when a local exchange telecommunications service either receives a competitive classification in accordance with the Section 3016(a) petition process for certain services, or the ILEC makes a self-declaration via Section 3016(b) for the nonprotected service, that same functionally equivalent service may then be offered by any competitive carrier without the need for any further evidentiary showing to the Commission, as a competitive service in the relevant service territory.³⁸ In the final-form regulation, Section 53.58(a) will codify the concept that a competitive telecommunications carrier may classify its retail service as competitive only after the local exchange telecommunication company has obtained a competitive classification for a similar or functionally equivalent retail service.

Additionally, in the final-form regulation, the Commission will amend Section 53.58 in such way so as to permit all local exchange telecommunications companies to obtain detariffing relief for their retail protected, nonprotected and noncompetitive services offered to enterprise and large business customers. In 1999, the Commission in the Global Order determined that specific retail services offered by Verizon Pennsylvania Inc. (Verizon PA) to enterprise and large business customers that exceeded a certain total billed revenue (TBR) level were now competitive and could be offered under individual case basis (ICB) contracts.³⁹ Specifically, the Commission had determined that Verizon’s business services for customers with greater than \$80,000 in annual TBR were competitive, and that Verizon could provide ICB pricing for business customers generating between \$40,000 and \$80,000 in annual TBR. Over the years, the Commission has modified the established applicable TBR levels for competitive business services. Currently, \$10,000 and above in annual TBR is competitive and is priced in Tariff No. 500, and below \$10,000 in annual TBR is noncompetitive and priced in Tariff No. 1. In short, the manner in which we are amending Section 53.58 of the final-form regulation allows the other local exchange telecommunications companies to self-declare

³⁶ 66 Pa.C.S. § 3016(b).

³⁷ See 66 Pa.C.S. § 3011(8).

³⁸ See 52 Pa. Code § 53.58(b); see generally, Reclassification Order.

³⁹ Joint Petition of Nextlink Pennsylvania, Inc., et al., Docket Nos. P-00991648, P-00991649, Order entered September 30, 1999, at 246–249, 196 PUR4th 172, 279-80 (Global Order), aff’d, *Bell Atlantic-Pennsylvania, Inc. v. Pa. Pub. Util. Comm’n*, 763 A.2d 440 (Pa. Cmwlth. 2000), vacated in part sub nom. *MCI Worldcom Inc. v. Pa. Pub. Util. Comm’n*, 844 A.2d 1239 (Pa. 2004).

³² See 66 Pa.C.S. §§ 3012 and 3016(a)(1).

³³ See 66 Pa.C.S. § 3012.

³⁴ Rulemaking Re Updating and Revising Existing Filing Requirement Regulations 52 Pa. Code §§ 53.52-53.53—Telecommunication Utilities, Docket No. L-00940095 (Order entered June 2, 2000); see also 30 Pa.B. 6202.

³⁵ Id.

that their retail nonprotected, noncompetitive services that they offer to enterprise and large business customers are competitive. Accordingly, we modify Section 53.58 in the final-form regulation so that the detariffing relief that had been granted solely to Verizon PA via the Global Order is expanded to the other Chapter 30 ILECs.

The Commission acknowledges that over time, consistent with its prior action in the Global Order, it had granted similar relief to additional carriers, specifically, competitive local exchange companies, via temporary waivers. In light of Chapter 30's stated goal of promoting and encouraging the provision of competitive services by a variety of service providers on equal terms throughout all geographic areas of this Commonwealth, the Commission sees no reason for a competitive local exchange telecommunications company to have to file a petition with the Commission requesting a competitive designation for its retail noncompetitive services offered to enterprise and large businesses. Once a local exchange telecommunications company makes a self-declaration that the retail nonprotected, noncompetitive services it offers to enterprise and large business customers are competitive, this same competitive classification designation would apply to any competitive carrier operating in the service territory of the local exchange telecommunications company. Thus, in this circumstance, competitors would now be permitted to offer the same or functionally equivalent service to an enterprise or large business as a competitive service without first having to file a petition seeking a temporary waiver from the Commission since the ILEC has obtained such detariffing relief in accordance with the final-form regulation.⁴⁰

The OCA opposes the Commission's proposal in Section 53.58 to eliminate the requirement that LECs file price lists applicable to competitive services with the Commission, and to instead only require that LECs post their rates in a product guide and keep an archive of historical rates. OCA Comments at 8–10. The rationale for this opposition to our proposal is OCA's concern that the rates posted in price guides on LEC websites diminishes the ability to monitor the competitive marketplace. *Id.* We disagree with the OCA on this point, particularly in light of our archival requirement.

Chapter 30 gives the Commission the discretion to require the filing of price lists that contain the rates, terms and conditions of service for competitive services. 66 Pa.C.S. § 3016(d)(4). The overall purpose of this rulemaking is to streamline our regulations and the intent of the proposed regulation was to establish that it is only necessary for a jurisdictional LEC to post a price list for competitive services on its website unless the Commission directs the company to do otherwise. Thus, in Section 53.58(d) of the final-form regulation permits jurisdictional LECs to either post a price list or product guide setting forth the rates, terms and conditions for their retail competitive services on their websites.

However, in taking such action to streamline our regulations for our jurisdictional LECs, the Commission is mindful it may be necessary for carriers to maintain price lists for their competitive basic dial tone service offerings to residential customers. First, the Commission recognizes that residential customers may not have easy access to the Internet. Secondly, it is in the public interest for the Commission in order to ensure the utility is not engaging in unlawful discrimination or any other unlawful activity. Acknowledging this distinction between resi-

dential customers and nonresidential customers, the Commission determines that Section 53.58(d) of the final-form regulation will also set forth an exception to the default detariffing directive for retail competitive services by requiring jurisdictional LECs to continue to file price lists for their competitive residential standalone basic voice service with the Commission.

IRRC also recommends that proposed Section 53.58 should specify the location of where the archive for the outdated product guides is to be housed and how the public will access this archive. IRRC Comments at 5. We will adopt IRRC's recommendation regarding archived product guides and make this clarification in Section 53.58(d) of the final-form regulation in order to specify the location of the outdated price guide archive and the manner in which the public will gain access to it.

IRRC asks the Commission to clarify the placement of the bracket in proposed Section 53.58(d) because it causes ambiguity as to the intent of the regulation. IRRC recommends that we remove the bracket in proposed modification to Section 53.58(d) so that it reads as follows: "Local exchange telecommunication companies and competitive telecommunications carriers offering services determined by the Commission as competitive or declared as competitive[.]" However, IRRC's proposed construction of Section 53.58(d) does not comport with the principles of the statute.

The overall intent of the Commission's proposed modifications to Section 53.58(d) was simply to convey that both local exchange telecommunications companies and competitive telecommunications carriers may offer competitive services and not an attempt to expand the scope of 66 Pa.C.S. § 3016. Thus, to alleviate any confusion that might have ensued from its proposed modifications to Section 53.58, the Commission has deleted all extraneous references to 66 Pa.C.S. § 3016 in Section 53.58 in the final-form regulation.

We do not agree with Verizon's characterization of our proposed modifications to Section 53.58 as being unduly long and complex. Additionally, we recognize that Verizon overreaches in proposing to eliminate steps for obtaining a reclassification of a competitive service as noncompetitive and also asserting that all retail telecommunications services offered in competitive wire centers are classified as competitive. These assertions are contrary to Verizon's own verified and averred statements in its reclassification petition where it explicitly stated that it was not seeking a competitive classification for switched access or special access in these requested 194 wire centers.⁴¹

To date, Verizon has not averred or demonstrated that switched access or special access is competitive in its 153 competitive wire centers. Nonetheless, we believe that our actions taken in this final rulemaking to modify Section 53.58 are consistent with the statutory language embedded within Chapter 30 of the Code. Accordingly, the Commission's regulatory intent regarding the offering of retail competitive services is reflected in the final-form regulation and it has largely adopted its prior proposed modifications to Section 53.58 in the final-form regulation subject to certain necessary revisions for clarification purposes.

C. 52 Pa. Code § 53.59

In the Annex to the NPRM Order, the Commission, *inter alia*, proposed this rule to address the tariff filing regulations therein.

⁴⁰ To be clear, this same tariff parity would apply to competitive entrants for any retail service classified as competitive under Section 3016(a) or (b) of the Code.

⁴¹ Joint Petition at 3, ¶ 6.

1. *Comments and Replies*

Verizon posits that tariffing is a burdensome, outdated regulatory process that does not benefit consumers and does not apply to unregulated competitors. Verizon Comments at 13. Instead, Verizon proposes “a phased-out approach” whereby the tariffing requirement is immediately limited to standalone basic residential service in noncompetitive areas and eliminated entirely by the end of 2023. Verizon Comments at 13. Verizon recommends that the Commission adopt Verizon’s proposed “streamlined version of Section 53.57–60” set forth in Attachment 1 to its comments. Verizon Comments at 13.

With respect to Verizon’s comments regarding Section 53.59, the OCA avers that Verizon’s proposal is “confusing” because Verizon “makes no mention whether these [tariffing] provisions conform with ILEC Chapter 30 plans” and OCA opposes Verizon’s proposal insofar as it requires that the Commission “cease to exercise its authority and discretion” in this area. OCA Reply Comments at 7-8. Additionally, the OCA opposes Verizon’s proposal to immediately limit carriers’ obligations to file price lists except where residential standalone basic service is offered in noncompetitive wire centers which is to be eliminated entirely by the end of 2023. OCA Reply Comments at 7.

2. *Discussion and Resolution*

Verizon proposes that the Commission adopt its “phased out approach” whereby the tariffing requirement is immediately limited to standalone basic residential service in noncompetitive areas and eliminated entirely by the end of 2023. We affirmatively approved a two-tiered regulatory structure for Verizon in the Reclassification Order, where currently, 153 of Verizon’s wire centers are classified competitive while 351 remain noncompetitive. For these noncompetitive wire centers, basic local exchange service remains a protected service. Moreover, switched access and special access remain protected services subject to tariffing requirements in both competitive and noncompetitive wire centers. Thus, in regard to our proposed retention of tariffing requirements in this rule-making, we determine that it is appropriate to have a bifurcated system of tariff requirements that may be separately applicable to retail protected and retail noncompetitive services.

In addition, Chapter 30 already provides a process to obtain relief from tariffing requirements. We note that when an ILEC ultimately decides to undergo the competitive classification statutory process for its remaining retail protected or retail noncompetitive services, if it is successful, it shall then have the legal right to move from under the tariff regime requirements and utilize price lists as outlined in Chapter 30 and as set forth in final-form Section 53.58(d). The ILECs’ comments reflect a belief that we are unilaterally preventing or prohibiting them from seeking to obtain the statutory relief outlined in Section 3016 of Chapter 30. While the main goal of this rulemaking exercise is to adopt amendments that reduce certain regulatory burdens, we also remain cognizant that the General Assembly has already established the means to obtain wholesale detariffing relief—the Section 3016 process.

Thus, we are not persuaded at this time to adopt a detariffing regime for all services except basic local exchange service in noncompetitive wire centers, especially when Chapter 30 of the Code provides for the means for an ILEC to obtain such relief including the regulatory freedom to provide competitive services with-

out having to file a tariff. Accordingly, we reject Verizon’s phased out approach, and we will adopt our proposed modifications to Section 53.59 in the final-form regulation subject to certain necessary revisions for clarification and formatting purposes.

D. *52 Pa. Code § 53.60*

In the Annex to the NPRM Order, the Commission proposed some slight terminology revisions to Section 53.60 but did not eliminate the tariff filing requirements for noncompetitive and protected services, including basic local exchange service, in this section of the regulation.

1. *Comments and Replies*

IRRC recommends that, in the Commission’s proposed language for subsection 53.60(b), the “a” after “local exchange telecommunications companies” should be “and.” IRRC Comments at 10.

TCC/CCL propose that the Commission clarify the obligations of competitive telecommunications carriers relative to tariff filings, either by (1) modifying the Commission’s proposed Section 53.60 (Supporting documentation) to include references to competitive services and carriers; or (2) addressing tariff filings for competitive services (whether offered by a local exchange telecommunications carrier or a competitive telecommunications carrier) in a new or repurposed subsection 63.104. TCC/CCL Comments at 8–11.

2. *Discussion and Resolution*

Based on their comments regarding Section 53.60, it appears that TCC/CCL are working under the presupposition that a competitive telecommunications carrier is automatically deemed competitive upon its entry and operation in a local calling area located within an ILEC’s service territory. As established above, this presupposition is incorrect. While a competitive telecommunications carrier is competing against an ILEC, it cannot be deemed to be truly offering a “competitive” service until the ILEC has first obtained a competitive classification of its service in the service territory (either through self-declaration or the petition process). Until that occurs, a competitive telecommunications carrier is deemed to be offering nothing more than a “competitive” version of a noncompetitive or protected retail service in the service territory of the ILEC. Thus, a competitive telecommunications carrier is subject to the tariffing requirements under Section 53.58(d) unless it is offering a bundled service package, in which case Section 53.60 would apply.

We adopt our prior proposed modifications to Section 53.60 subject to certain necessary revisions for clarification purposes and incorporate them into the final-form regulation set forth in the Annex.

II. *Chapter 63. Telephone Service*

In the Reclassification Order, we granted Verizon’s request for waiver of Chapter 63 Subchapters B, C, E, F, and G for the wire centers that the Commission determined may be reclassified as competitive under 66 Pa.C.S. § 3016(a).⁴² However, all remaining Subchapters of Chapter 63 remained in full force for these newly-classified competitive wire centers, including Subchapter D. Underground Service, Subchapter K. Competitive Safeguards, Subchapter L. Universal Service, and Subchapter M. Changing Local Service Providers.⁴³

In making our proposed amendments to the regulations within Chapter 63, we reviewed the comments to the

⁴² Reclassification Order at 79.

⁴³ *Id.*

ANPRM and the proprietary market data related to the competitive wire centers Verizon had submitted for the 2015-2016 period. Based upon our review of the submitted comments and the Verizon proprietary market data, the Commission reached the determination that it could not eliminate all regulations in Chapter 63 on the wholesale basis that Verizon sought. Instead, in the Annex to the NPRM Order, the Commission followed a granular approach, making specific proposals to retain those Chapter 63 regulations that continue to serve a purpose in today's market, to eliminate those Chapter 63 regulations that are no longer necessary or appropriate in today's market, to revise certain Chapter 63 regulations in need of modernization, and to have its Chapter 63 regulations apply to all geographic areas served by our jurisdictional LECs.

A. *Subchapter A (General Provisions)*
 52 Pa. Code § 63.1 (Definitions)

The Commission proposed to amend this regulation consistent with its determinations to eliminate all unnecessary and obsolete regulations set forth in Chapter 63. For example, since the Commission proposed to rescind Section 63.60, which relates to automatic dialing-announcing devices, we had also proposed to remove the definition of automatic dialing-announcing device from Section 63.1.

1. *Comments and Replies*

With respect to the definitions of "Competitive wire centers" and "Noncompetitive wire centers," IRRC recommends that the Commission "should make certain that the definitions for these terms are consistent with the definitions in Section 64.2." IRRC Comments at 5.

The OCA proposes edits to ensure "that the respective definitions are worded consistently." OCA Comments at 11. The OCA proposes the addition of definitions of "Competitive wire center" and "Noncompetitive wire center," consistent with proposed definitions of the same terms in subsection 64.2. OCA Comments at 11. The OCA also supports the Commission's proposal that any Chapter 63 regulation that is retained apply in all geographic areas, whether competitive or noncompetitive. OCA Comments at 10.

Verizon proposes several definitional terms for Section 63.1 in its Attachment to its Comments. The OCA opposes Verizon's proposals regarding subsection 63.1 because those proposals would limit carriers' obligations and customers' remedies to noncompetitive basic local service on a stand-alone basis. OCA Reply Comments at 9-10. OCA avers that "Verizon's proposal to limit regulatory obligations and protections for consumers and the public based upon whether the subscribed service is noncompetitive basic stand-alone service and whether the date is before or after December 31, 2023, is unworkable and not in the public interest." OCA Reply Comments at 10.

2. *Discussion and Resolution*

In response to IRRC's and OCA's comments concerning the definitions of "Competitive wire centers" and "Noncompetitive wire centers," the Commission has already determined that it would adopt the OCA's proposed definitions of these terms and incorporate them into Section 53.57 of our regulations. Accordingly, we also will incorporate those definitions and other of the OCA's edits to proposed Section 63.1 in the final-form regulation. We reject any other changes to Section 63.1 proposed by commentators as unnecessary or contrary to the public interest or applicable law.

B. *Subchapter B (Services and Facilities)*

1. *52 Pa. Code § 63.12 (Minimizing interference and inductive effects)*

As currently written in our regulations, Section 63.12 speaks to interference that is traditionally recognized in relation to the provision of analog service transmitted over copper transmission facilities, which is being replaced as providers migrate their wireline networks to fiber optic transmission facilities and as a result increasingly offer digital services.

In the Reclassification Order, the Commission had waived the applicability of this Section of Chapter 63 for Verizon in its 153 competitive wire centers.⁴⁴ In light of comments that had been filed in response to the ANPRM Order and our determination that even after having transitioned their existing networks to a fiber optic based distribution network provisioning jurisdictional telecommunications service, our jurisdictional LECs remain statutorily obligated to provide service that is reasonable, efficient, safe, adequate, and reasonably continuous without unreasonable interruption or delay under Section 1501 of the Code. Thus, in the NPRM Order and Annex, the Commission had proposed to eliminate Section 63.12 as a standalone regulation and address all relevant matters of interference initially set forth in Section 63.12 under Section 63.63 of our regulations.

a. *Comments and Replies*

No party filed comments or replies to the Commission's proposed elimination of this rule.

b. *Discussion and Resolution*

Our proposal essentially eliminates Section 63.12 as a standalone regulation but incorporates the interference standard within Section 63.63. Since no party has filed any adverse comments regarding our proposed elimination of Section 63.12 as a standalone regulation, we will adopt our proposal to eliminate it from Chapter 63 of Title 52 of the Pa. Code. Accordingly, the permanent rescission of Section 63.12 from Chapter 63 will be reflected in the final-form regulation set forth in the Annex. We note that the proposed incorporation of the interference standard into Section 63.63 of the Commission's regulations is addressed elsewhere in this Order.

2. *52 Pa. Code § 63.13 (Periodic Inspections) and § 63.14 (Emergency Equipment and Personnel)*

As currently written in our regulations, Section 63.13 requires utilities to adopt a program of tests and inspections and Section 63.14 addresses telecommunications network operational matters during emergencies. In the NPRM Order, using the same rationale that led to our proposal to eliminate Section 63.12 from Chapter 63 of our regulations, we proposed to eliminate Section 63.13 because the subject matter of the regulation will be adequately addressed through our proposed modifications to Section 63.63. Moreover, jurisdictional LECs' plans of inspections likely will play a role in their ability to maintain continuous and efficient network operations, which is still required under Section 63.64 of our regulations.

However, we proposed to retain Section 63.14 in its entirety because of our belief that this regulation is essential for the provision of adequate, reliable and resilient telecommunications services during various conditions including emergency situations such as natural

⁴⁴ Reclassification Order at 79.

disasters experienced by all local calling areas, in all geographic areas in which our jurisdictional utilities serve.

a. *Comments and Replies*

Verizon proposes that Section 63.14 should be eliminated from Chapter 63 because the regulatory mandate for metering, testing, inspections and preventative maintenance is intrusive micro-managing that is completely unnecessary. Verizon Comments at 22. Verizon argues that competitive pressure is sufficient to require regulated providers to conduct whatever inspections and maintenance are necessary to keep service at a level that meets customer expectations without the need for a stated rule because if providers do not meet the level of service that customers expect, then customers will abandon them for a competitor. *Id.* Lastly, Verizon asserts that the Commission still has authority to enforce reasonable service under Section 1501 if issues arise.

The OCA supports the Commission's proposal to retain subsection 63.14 and its applicability to all telecommunications public utilities and geographic areas. In opposition to Verizon's proposal regarding Section 63.14, the OCA specifically urges the Commission to retain this rule as it currently exists because it is the OCA's contention that "its elimination or even its modification as proposed in the Annex to the NPRM Order would remove all meaningful standards and regulatory guidance that is still needed to promote and protect today's complex and important telecommunications network." OCA Reply Comments at 10–12.

b. *Discussion and Resolution*

The regulated community agrees that jurisdictional LECs must have the ability and capability to remain functional in emergency situations. As the Commission, we are obligated to work with our regulated partners to ensure that critical infrastructure and services are operational at all times. However, we are reluctant to abandon a level of specificity in our regulations to ensure critical infrastructure and services are operating at times when they are needed most. In this docket, Verizon proposes a streamlined version of Section 63.14 in Attachment 1 to its comments. Verizon's "bare bones" proposal simply restates the requirement but does not outline how the requirement of continued functionality is to be achieved or maintained by the LEC. Verizon also has not presented any substantial evidence or compelling reason as to why the Commission should not continue its regulatory obligation to specify standards to ensure the LEC's continued operations and functionality when emergencies arise, such as a severe weather event or natural disaster, since voice service may be interrupted during this event.

We acknowledge our statutory directive and regulatory obligation to review and revise our Chapter 63 telecommunications regulations and to streamline them where necessary so that we do not "micro-manage" LECs. Therefore, when we are proposing modifications to the existing regulations it is our goal to ensure that (1) there is a demonstrated need to regulate, and (2) the most efficient measure is selected to achieve the regulatory objective. Concerning the topic of continued operation in emergencies, the Commission determines that it is reasonable to continue to specify the back-up power requirements for line-powered voice service from the LECs' central offices to ensure their ongoing functionality and to require LECs to reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations.

We had proposed to retain Section 63.14 in its entirety because it is essential for the provision of adequate,

reliable and resilient telecommunications services under conditions of various emergency situations. Thus, we determine that Section 63.14 should be retained in a streamlined form in the final-form regulation set forth in the Annex.

However, similar to our rescission of Section 63.12, we adopt our proposal to eliminate Section 63.13 as a standalone regulation, and we note that the issue of whether specific inspection/maintenance standards are still needed in Chapter 63 is addressed as part of our Section 63.64 discussion elsewhere in this Order.

3. *52 Pa. Code § 63.15 (Complaint Procedures)*

Consistent with our prior determination in the ANPRM Order, we determined that Section 63.15 continues to serve a legitimate purpose by giving definition to a viable complaint process.⁴⁵ However, we also determined that this regulatory section could be further modernized and streamlined. The Commission noted that it had established a "warm transfer" program for Verizon, by which BCS had the option to transfer any customers who contacted BCS about a service or billing complaint directly to the company's representative in an effort to address the customer's issues and avoid the filing of an informal complaint. We acknowledged that this option promoted efficiency for both customers and LECs. Thus, we proposed to amend Section 63.15 to add new language to provide all telecommunications public utilities, most particularly our ILECs, with the option to participate in a warm transfer or similar program for service and/or billing-related disputes made to the Commission's BCS.

a. *Comments and Replies*

With respect to the Commission's proposed warm transfer process, IRRIC opines that "[t]he description provided by the [Commission] is a general overview of the process and does not provide sufficient detail about the implementation or technical requirements needed to participate" and "does not explain how it promotes efficiency for both the customers and ILECs." IRRIC Comments at 6. IRRIC recommends that "[t]he [Commission] should provide greater detail pertaining to the process and technical requirements of this section" and "it should also describe how the automatic customer transfer option promotes efficiency for both customers and service providers." IRRIC Comments at 6.

The OCA supports the Commission's proposal to retain Section 63.15 and to add the warm transfer option. OCA Comments at 12. TCC/CCL suggest that the Commission modify its proposed warm transfer procedure for customer complaints in Section 63.15, to be optional for the carrier as well as the customer. TCC/CCL Comments at 12-13.

With respect to Section 63.15, Verizon argues that the existing BCS informal complaint process does not apply to competitive services and does not benefit consumers because it focuses carrier resources on generating reports instead of resolving complaints. Verizon Comments at 14. Verizon posits that the Commission's proposed warm transfer option would not significantly reduce the reporting burden or expedite complaint resolution. Verizon Comments at 15.

Verizon proposes an alternative complaint process whereby (a) BCS shall only accept informal complaints relating to noncompetitive standalone basic residential local exchange service, and utilize the warm-transfer option upon agreement of the carrier; (b) BCS shall refer

⁴⁵ See ANPRM Order at 11.

all complaints relating to competitive services to the carrier and shall not accept any complaint relating to a competitive service or service outside the Commission's jurisdiction; and (c) after the end of 2023, BCS shall no longer accept informal complaints relating to telecommunications service and shall refer all such complaints to the carrier. Verizon Comments at 15.

The OCA specifically opposes Verizon's proposals regarding Section 63.15. The OCA asserts that Verizon's proposal would limit carriers' obligations and customer's remedies to "noncompetitive basic local service on a stand-alone basis." OCA Reply Comments at 9-10.

b. *Discussion and Resolution*

It is puzzling that Verizon is so highly critical of the proposed warm transfer process. In 2009, the Commission's BCS initiated a "Warm Transfer Trial" because Verizon had specifically requested this option.⁴⁶ In the absence of establishing an industry-wide warm transfer process, a jurisdictional LEC would be subject to the Commission's usual informal complaint process prescribed in Section 63.15 as well as the recordkeeping duty set forth in Section 63.22. Typically, if a customer were to file an informal complaint regarding a jurisdictional issue against its local telecommunications carrier, BCS would direct the company to report the date, time, and service affected, and the nature of the trouble report, along with the results of the investigation, resolution, and the date and time that the trouble report was cleared. This information is required for all trouble reports related to the complaint filed with BCS. These reports can be long and technical.

However, using the warm transfer process, the BCS utility complaint interviewer gives the customer the option either to file an informal complaint that would normally be processed by BCS or be directly and immediately transferred to Verizon for resolution of the service issue. If the customer chooses the latter, the BCS utility complaint interviewer logs that call as an "informal complaint" but then transfers the customer to Verizon for resolution. Also, when a LEC participates in the warm transfer process, the information required in response is abbreviated. While the LEC is required to provide BCS with sufficient information regarding the disposition of the matter in a timely manner, BCS only asks the LEC to provide enough information to indicate that the trouble report or issue was cleared and that the customer was satisfied. The LEC is not expected to provide any further detailed response. Thus, the warm transfer process imposes no additional reporting requirements on LECs and nullifies the need for a LEC to go through the Commission's informal complaint process, greatly simplifying that process.

Additionally, the warm transfer process allows BCS to continue to comply with its statutory obligation to take in all informal complaints from customers as set forth in Section 308(d) of the Code, 66 Pa.C.S. § 308. Under Section 308.1(a) of the Code, the Commission is required to promulgate regulations allowing for a consumer to make an informal complaint with the Commission's BCS. Moreover, under a plain reading of Section 308(d) of the Code, BCS is required to receive, investigate and issue final determination on "all informal complaints." During the warm transfer process, the BCS utility complaint interviewer logs that call as an "informal complaint," but

also has the discretion to hold the informal complaint process in abeyance and allow the LEC to quickly resolve the matter via the warm transfer process. Thus, the proposed warm transfer allows BCS to satisfy the statutory obligation set forth in Section 308(d) of the Code but with a lesser burden on both the carrier and the customer.

Our primary effort in this rulemaking is to modify our regulations so that our regulatory process is more efficient and streamlined for our regulated carriers while still maintaining necessary consumer protections. Consumers calling BCS are looking for an efficient resolution to their issues. Our proposal to make universally available the warm transfer process facilitates this as it gives LECs the opportunity to address and resolve issues and short-circuit the existing informal complaint process, which can be intensive in both time and reporting. The Commission submits that benefits accrue through promptly addressing a customer's service-related issue:

- Increases customer satisfaction and loyalty: when customers are satisfied, they are likely to stay with a business for long-term, which boost sales and profitability.
- Gives competitive advantage: customer satisfaction helps telecommunication operators achieve competitiveness because their customers are less interested in a competitor.
- Increases word of mouth awareness and reduces marketing expenses: Satisfied customers are likely to recommend the business and products to their personal connections including friends and families, thus, become advocates and "unofficial" brand ambassadors. This "word of mouth" advertising can help generate new customers.
- Increases sales and ensures success with new product when your customers are satisfied, they repeat business and reduce churn and look forward to new products and services, which, in turn, increases your sales.

We note IRRC's observations regarding the perceived absence of the necessary technical requirements and sufficient details pertaining to the process. As to the technical requirements of the proposed 63.15, it is important to note that currently almost all of our ILECs and larger CLECs already participate in the Commission's data and web exchange programs. BCS and the LECs already use electronic communication to share case information, informal utility reports, and closing information. The most challenging requirement for the LEC's will be providing a dedicated telephone number to receive calls from BCS and having the staff available to answer BCS calls. Since the warm transfer process is voluntary, any provider that found those requirements too burdensome would not be required to participate in the program. No further detail or technical specificity about the warm transfer process is necessary.

Consumers require a means to have their service-related complaints addressed, and we have determined that our proposed warm transfer process is the most efficient measure to meet this specific regulatory objective. Accordingly, we will incorporate our proposed Section 63.15 in the final-form regulation set forth in the Annex.

4. *52 Pa. Code § 63.16 (Traffic measurements), 52 Pa. Code § 63.18 (Multiparty line subscribers), and 52 Pa. Code § 63.19 (Interoffice lines)*

We recognized in our ANPRM Order and Reclassification Order that Subchapter B includes a few provisions that relate to services that essentially no longer exist, including multiparty lines, and also provisions relating to

⁴⁶ On March 31, 2010, the Commission extended the Trial for an additional twelve months or until April 2011. Although the Trial officially ended more than a year ago, BCS continues to offer Verizon customers, and Verizon continues to use the warm transfer option.

traffic measurements and recordkeeping that are largely manual in nature and predate the use of computers. Accordingly, in the Annex to the NPRM Order, we proposed to permanently rescind Sections 63.16, 63.18, and 63.19 from Chapter 63 of our regulations since they are outdated and obsolete.

a. *Comments and Replies*

No party filed comments or replies to the Commission's proposed modification to this rule.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed rescission on these regulations, we permanently rescind Sections 63.16, 63.18 and 63.19 from Chapter 63 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

5. *52 Pa. Code § 63.20 (Line Extensions)*

In the NPRM Order, the Commission retained Section 63.20 (Line extensions) because of continued relevance to the carrier of last resort (COLR) obligation that remains in effect, including in competitive wire centers. Reclassification Order at 80-81. For this same reason, we proposed to retain Section 63.20 and made it apply throughout a jurisdictional LEC's geographic service area.

a. *Comments and Replies*

OCA supports the Commission's proposal to retain this rule, for the same reasons the Commission denied Verizon's request for a waiver thereof in the Reclassification Order. OCA Comments at 13.

TCC/CCL suggest that the Commission add a reference to product guides to this rule, in recognition that the substance of the rule could be addressed in a tariff or in a product guide, in the case of a competitive, detariffed service. TCC/CCL Comments at 13.

Verizon urges the Commission to eliminate this rule because COLR obligations derive from the Code and the rule is therefore superfluous and/or lacking statutory support. Verizon Comments at 20.

The OCA opposes Verizon's proposal regarding this rule because it asserts that its elimination would remove meaningful standards and regulatory guidance that is still needed to promote and protect today's complex and important telecommunications network." OCA Reply Comments at 10–12.

b. *Discussion and Resolution*

This regulation was adopted in 1946 and last amended in 1969. As we have stated previously, our prevailing goal of this proceeding is to propose regulations that set forth the most efficient measure to achieve the regulatory objective. Thus, we agree with Verizon that COLR obligations derive from the Code and the rule is therefore not necessary.⁴⁷ Even in the absence of this regulation, a statutory obligation exists under Section 1501 of the Code to make reasonable line extensions, and this obligation applies to all LECs. Thus, the Commission has the ability under the Code to ensure that a LEC readily makes line extensions servicing applicants within its certificated territory.

Additionally, the LEC must include a section in their tariff or price guide that details their duty and statutory obligation to make reasonable line extensions within the territory in which it is authorized to operate and also the conditions under which it will make line extensions

servicing applicants within its charter territory. Accordingly, we agree that it is unnecessary to attempt to restate the Section 1501 obligation to make reasonable line extensions in our regulation, and thus, we will delete Section 63.20 from Chapter 63 in the final-form regulation.

6. *52 Pa. Code § 63.21 (Directories)*

We noted in the Reclassification Order that Verizon no longer provides a residential White Pages directory in paper form automatically.⁴⁸ We also noted in the ANPRM Order that both Verizon and CenturyLink were specifically granted relief to end saturation delivery of paper copies of residential and business White Pages and business Yellow Pages directories, except for those customers likely to use or specifically request the directories.⁴⁹

Additionally, the Commission recently granted our thirty-five RLECs a temporary waiver of 52 Pa. Code Section 63.21 regarding directories that is subject to the same conditions, terms, limitations, and requirements attached to prior Commission waivers granted under this regulation.⁵⁰ In granting this temporary waiver during the pendency of this rulemaking process, we determined that this regulation may be obsolete for end-user consumers that receive retail services, including protected basic local exchange services in all geographic areas.

However, we are also cognizant of the fact that not all end-user consumers of regulated telecommunications services may simultaneously have broadband access to electronic directory information. Therefore, we proposed to amend Section 63.21 to comport with and codify the temporary waivers of directory distribution and availability that were granted to Verizon, CenturyLink, and Frontier ILECs,⁵¹ which by virtue of our order entered July 28, 2020, at Docket No. P-2018-3005224, were also extended to the remaining Pennsylvania RLECs.

a. *Comments and Replies*

With respect to the Commission's proposed modified subsection 63.21, IRRRC recommends that the Commission should explain how the benefits of the regulation outweigh any cost and adverse effects. IRRRC Comments at 6. IRRRC also notes that "paragraph (3) reads 'print directories shall be distributed to consumers who are more likely to use them'" and avers that "[t]his is nonregulatory language and it should be replaced with a clear, enforceable standard." IRRRC Comments at 6.

The OCA supports the continuing availability and distribution of updated directory information "in a way that meets the needs of consumers." OCA Comments at 13. However, with respect to subsection 63.21, the OCA does support elimination of the requirement to distribute directories to subscribers, as required by subpart 63.21(b).

According to Thryv, "[t]he traditional directory market is now small enough, and competitive options ubiquitous enough, that no further regulation of any sort is in the public interest." Thryv Comments at 2. Thryv points to comments it submitted to the Commission in 2018 and states "[t]he trends discussed in 2018 have continued unabated." Thryv Comments at 2. Thryv argues that "the

⁴⁸ Reclassification Order at 80.

⁴⁹ Joint Petition and Notice of the United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, Verizon Pennsylvania LLC and Verizon North LLC and Dex Media, Inc. to reduce Distribution of Print Telephone Directories and Transition to Digital Publication or, Alternatively, for Relief of 52 Pa. Code § 64.191(g), Docket No. P-2017-2610359 (Order entered August 31, 2017) (2017 Directories Order).

⁵⁰ See RLEC Directory and Toll Presubscription Order.

⁵¹ Joint Notice and Petition of the Frontier Communications Companies to Reduce Mass Distribution of Printed Telephone Directories, Docket No. P-2019-3007831 (Order entered April 11, 2019).

⁴⁷ See Reclassification Order at 7, 60-61.

only impact of regulations has been to drive up [its] costs” and “[a]dvertising revenues from paper directories continue to decline and no regulations can stop or slow those trends.” Thryv Comments at 2. Thryv posits that the Commission’s prior regulatory waivers have permitted it to target communities which want to receive directories with great success, but also that the Commission should completely eliminate regulation of directories in order to facilitate further targeting as the market for directories continues to shrink. Thryv Comments at 3-4.

Verizon opposes the Commission’s proposal to codify its previous waiver conditions relating to provision of white pages directories and urges the Commission instead to eliminate any requirement for ILECs to provide directories. Verizon Comments at 15-16. Verizon posits that there is no public demand for directories, that continuing publication of directory information on an opt-out basis creates privacy concerns, that directories are obsolete because the same information can be obtained online and by calling toll-free directory services, that the current requirement to provide directories is anti-competitive because unregulated carriers have no obligation to provide them, whereas ILECs do, and that producing directories creates unnecessary environmental issues. Verizon Comments at 16-17.

b. Discussion and Resolution

The Commission agrees with OCA that we should not rescind this regulation at this time. As noted in the NPRM Order, not all end-user consumers of regulated telecommunications services may simultaneously have broadband access to electronic directory information. The Commission also agrees with IRRC’s comments that we need to have an enforceable standard for directory distribution. However, we believe this regulation is on the path to obsolescence. As noted in comments, print requests statewide have declined almost by half since 2017 despite the 50% reduction in automatic deliveries. And, at the current trend, requests for print would be near zero in another four years. Thryv Comments at 4. Therefore, to address these issues raised in comments, we shall revise Section 63.21(b)(3) in the final-form regulation to state that distribution of directories beyond an “upon request” basis shall be at the discretion of the public utility and add a new Section 63.21(f) that sets forth a sunset provision of January 1, 2026 for the directory distribution requirement.

7. 52 Pa. Code § 63.22 (Service Records)

In the NPRM Order, we proposed to eliminate Sections 63.22(a)(1) and (a)(4), 63.22(b), and 63.22(c) of this regulation on the same bases we have set forth addressing Sections 63.12, 63.13, and 63.63. However, we also proposed to retain Sections 63.22(a)(2) and (3). Complaints involving service generally and outages specifically cut to the core of our regulatory oversight over consumer protections, especially when safety is involved. Retention of records required to be made under this and other service-related sections is further addressed in our discussion of Section 63.54, below.

a. Comments and Replies

With respect to subsection 63.22, Verizon urges the Commission to eliminate this rule as unnecessary and obsolete in today’s competitive environment. Verizon Comment at 23.

The OCA supports the Commission’s proposal to retain Section 63.22. OCA Comments at 12.

b. Discussion and Resolution

The gravamen of Verizon’s request for the Commission to eliminate this rule is its contention that their competitors are not required to keep such records and there is no evidence that competitive providers are failing to keep records sufficient to meet their customers’ needs. Ipso facto, jurisdictional LECs should be on the same footing as their unregulated competitors in this regard.

To be clear, the primary goal here is to eliminate all obsolete and unnecessary regulations and retain those that protect the public interest but at the same time do not overburden or “micro-manage” the regulated telecommunications community. We disagree with Verizon about eliminating this record retention regulation, especially as we are retaining regulations that require LECs to keep certain records involving service generally and outages specifically, especially when safety is involved. Accordingly, since some recordkeeping is still necessary, the Commission will adopt its proposal regarding Section 63.22 in the final-form regulation set forth in the Annex.

8. 52 Pa. Code § 63.23 (Construction and maintenance safety standards for facilities)

We concluded in the Reclassification Order that some of our regulations are outdated, such as Section 63.23 requiring compliance with the 1981 National Electrical Safety Code (NESC). Reclassification Order at 77. We agreed with the Communications Workers of America (CWA) that the regulation addresses safety and is intended to protect workers and the public, and we decided to condition the temporary waiver upon the requirement that Verizon construct and maintain equipment and facilities, and wire or cable crossings, in compliance with the safety standards provided in the current version of the NESC⁵². We also noted that the OCA supported such an amendment to Section 63.23.⁵³

The Commission agreed with the OCA that instead of just granting the temporary waiver of Section 63.23 conditionally upon Verizon’s construction and maintenance standards conforming with the current and most up-to-date version of the NESC, we proposed to revise the section to reflect that the most up-to-date safety standards will apply to all jurisdictional LECs in all areas throughout the Commonwealth.

a. Comments and Replies

IRRC recommends that the Commission clarify this subsection by referring to “the most recent IEEE National Electric Safety Code” instead of “safe and reasonable standards.” IRRC Comments at 7.

The OCA supports the Commission’s proposal to retain this rule, modified to ensure that public utilities construct and maintain facilities in accordance with the most recent IEEE National Electric Safety Code. OCA Comments at 14. OCA argues that this clarification is necessary in light of recent regulatory developments at the FCC and the Commission which are designed to enable carriers and third parties to attach facilities to existing public utility poles. OCA Comments at 14.

b. Discussion and Resolution

The need for safety and consistent standards should apply to all jurisdictional LECs. Since the goal of this provision is maintaining safety and reliability, the regulation remains relevant to ensure that the most up-to-date safety standards will apply to all jurisdictional LECs in

⁵² Reclassification Order at 81, 141 (Appendix D).
⁵³ *Id.*

all areas throughout the Commonwealth. However, we agree with the recommendation from IRRC and will clarify this rule by referring to “the most recent IEEE National Electric Safety Code” instead of “safe and reasonable standards.” in the final-form regulation set forth in the Annex.

9. *52 Pa. Code § 63.24 (Service interruptions)*

As a result of our conclusion that a competitive market can offer a dissatisfied customer an alternative service from another provider and a satisfactory financial remedy, the Commission granted a temporary waiver of this regulation that allows a credit on a customer’s bill when telecommunications service is interrupted for at least twenty-four hours.⁵⁴ Moreover, we noted in the Reclassification Order that Verizon’s Product Guide, Section 1, Original Sheet 6 addresses the issue by providing credits.⁵⁵

In the NPRM Order, we determined that since we were not persuaded that Section 63.24 has become irrelevant for the provision of service to end-user consumers that receive retail services, including basic local exchange services, we proposed to retain Section 63.24.

a. *Comments and Replies*

TCC/CCL suggest that the Commission add a reference to product guides to this rule, in recognition that the substance of the rule could be addressed in a tariff or in a product guide, in the case of a competitive, detariffed service. TCC/CCL Comments at 13.

Verizon opposes the Commission’s proposal to continue this regulation and to reinstate it in competitive areas. Verizon Comments at 20-21. Verizon argues that competition renders this rule obsolete and that it does not meet “the Chapter 30 regulatory standard.” Verizon Comments at 21.

The OCA opposes Verizon’s proposal regarding this rule because it asserts that its elimination or even its proposed modification as set forth in the Annex to the NPRM Order would remove meaningful standards and regulatory guidance that is still needed to promote and protect today’s complex and important telecommunications network.” OCA Reply Comments at 10–12.

b. *Discussion and Resolution*

Section 63.24 of our regulations provides a schedule of mandatory credits for service outages. In the NPRM Order, we had proposed to retain this regulation. However, upon further review, we agree with Verizon that this regulation is no longer necessary in today’s environment and should be rescinded. As noted by Verizon, a dissatisfied customer can obtain service from other carriers if the carrier does not adequately address the customer’s concerns by fixing the problem and/or by providing appropriate financial compensation for any resulting service interruption. Verizon Comments at 20-21. Moreover, Section 1501 provides sufficient regulatory coverage here. If an outage occurs and a customer is not reimbursed for service that is not received, the customer can pursue a Section 1501 action, which could result in the telephone utility being directed to issue a credit/refund to the customer for providing unreasonable service.⁵⁶ Therefore, we shall rescind Section 63.24 in the final-form regulation.

C. *Subchapter C (Accounts and Records)*

1. *52 Pa. Code §§ 63.31–63.35*

In the Reclassification Order, we temporarily waived Section 63.31 (Classification of public utilities); Section 63.32 (Systems of accounts); Section 63.33 (Integrity of reserve accounts to be preserved); Section 63.34 (Reclassification of telephone plant to original cost); and Section 63.35 (Preservation of records) in Verizon’s 153 competitive wire centers.⁵⁷

Although the majority of the ILECs operate in Pennsylvania under alternative regulation with price cap formulas that are tied to changes in the rate of inflation (Chapter 30 Plan), the interstate operations for some of these same state price cap companies, all RLECs, are subject to an overall method of rate base (RB) and rate of return (ROR) regulation (i.e., they are “federal ROR” RLECs).⁵⁸ Furthermore, many Chapter 30 NMPs and price stability mechanisms contain provisions that may trigger certain exogenous event revenue adjustments that may be attributable to federal or state regulatory changes or other actions outside the ILECs’ control. It was unclear to us how such effects could be correctly tracked in the absence of an identifiable, consistent, and proper uniform system of accounts that can consistently and correctly address issues of jurisdictional separations.

In the NPRM Order, we determined that maintenance of accounting information on revenues, expenses, and capital investment under a uniform system and being able to perform relevant and necessary accounting separations was still relevant and necessary. Thus, we proposed to retain and update Section 63.32 so that it explicitly detailed the use of any other accounting methods that would accurately preserve the accounting separations between the regulated and unregulated operations of a telecommunications utility, as well as the jurisdictional separation of its regulated operations in terms of appropriately classified categories of revenues, expenses and capital investments.

a. *Comments and Replies*

Verizon opposes the Commission’s proposed continuance of Sections 63.31 and 63.32 because in Verizon’s view, these rules perpetuate the FCC’s traditional Universal System of Accounts (USOA), a system which does not apply to price-cap carriers like Verizon and which the FCC has itself concluded is no longer justified. Verizon Comments at 23. With respect to subsection 63.35, Verizon opposes reinstatement of this rule because in Verizon’s view it merely restates FCC rules and has no legal consequence, other than creating a potential conflict in the event the FCC waives or otherwise decides to not apply those rules. Verizon Comments at 23.

b. *Discussion and Resolution*

The Commission is persuaded by Verizon’s contention that Section 63.32 is no longer relevant to the regulation of jurisdictional LECs under Chapter 30 of the Code and its elimination would not impede the Commission’s ability to regulate those companies. Generally accepted accounting principles or “GAAP” are the common set of accounting concepts, standards, procedures and conventions which are recognized by the accounting profession as a whole and upon which most nonregulated enterprises base their external financial statements and reports.

⁵⁴ Reclassification Order at 80.

⁵⁵ Id.; Final Implementation Order at 17.

⁵⁶ Section 1312 of the Code, 66 Pa.C.S. § 1312, addresses the Commission’s authority to direct refunds in a proceeding.

⁵⁷ Reclassification Order at 82.

⁵⁸ We note that conventional methods of RB/ROR regulation are still relevant not only for some RLECs under Chapter 30 in Pennsylvania but also in the computation of wholesale interconnection unbundled network element costs and rates that are derived through the total element long-run incremental cost method.

GAAP directs the recording of financial events and transactions and relates to how assets, liabilities, revenues and expenses are to be identified, measured, and reported. Thus, GAAP allows companies to determine their own system of accounts subject to certain principles.

We note that the FCC had intended the Uniform System of Accounts (USOA), which was codified in Part 32 of its regulations, 47 C.F.R. Part 32, to complement GAAP to the extent regulatory considerations permit and Part 32 specified a chart of accounts and the types of transactions to be maintained in each account. In essence, the USOA was designed to complement rate-of-return regulation and the system of tariffed interstate access charges that incumbent LECs were required to follow at that time.⁵⁹

In 2017, the FCC took steps to streamline the various accounting requirements for all carriers and eliminated certain accounting requirements for its price cap carriers.⁶⁰ Specifically, the FCC eliminated the requirement that large carriers keep a separate set of regulatory accounting books in addition to their financial accounting books. Additionally, the FCC reduced the extent of FCC-specific accounts that must be maintained by all carriers. Lastly, the FCC gave price cap carriers the option to elect generally accepted accounting principles, or GAAP, subject to certain conditions under its rules. GAAP allows companies to determine their own system of accounts subject to certain principles in the form of an overarching system of broad accounting guidelines that address the recording of assets, liabilities, and stockholders' equity.

In the NPRM Order, we stated that absent information that explicitly details the use of any other accounting methods that would accurately preserve the accounting separations between the regulated and unregulated operations of a telecommunications utility, as well as the jurisdictional separation of its regulated operations in terms of appropriately classified categories of revenues, expenses and capital investments, we would retain Section 63.32. However, we now determine here that financial accounting that conforms to GAAP will still provide us with the requisite data required for all regulatory purpose, including the revenue, expense and capital investment classification that governs the submission of annual financial reports under Section 63.36. Accordingly, we will eliminate Section 63.32 from Chapter 63 of our regulations in the final-form regulation.

We previously temporarily waived Sections 63.33 and 63.34 in the Reclassification Order and see no further purpose for their reinstatement in Chapter 63. Therefore, we will permanently rescind Sections 63.33 and 63.34 from Chapter 63 of our regulations in the final-form regulation.

In the NPRM Order, we contemplated that Section 63.35 had room for modernization though not full repeal. We proposed to retain Section 63.35(a) while amending it to reflect the requirement that records be maintained per the requirements of the FCC and applicable Code of Federal Regulations (CFR) sections "as amended from time to time" or an equivalent. However, after reviewing comments and reply comments, we no longer see a need for this regulation. As Verizon has indicated, to the extent the FCC rules apply, then companies are required to comply with them whether or not states have their own regulation. Moreover, if the Commission chooses to re-

quest a copy of any of the reports requested by the FCC, it has statutory authority under Sections 504 and 506 of the Code, 66 Pa.C.S. §§ 504, 506, to obtain them. We now deem Section 63.35(a) to be unnecessary and superfluous and will eliminate it from Chapter 63 in the final-form regulation.

However, to be clear, we are not eliminating all of the Subchapter C regulations. As we stated in the NPRM Order, telecommunications public utilities may continue to have a need for these or similar records for other regulatory purposes. Therefore, we are retaining our modified version of 63.35(b) in the final-form regulation subject to certain necessary revisions for clarification purposes.

2. *52 Pa. Code § 63.36-63.37*

We still consider Section 63.36 (Filing of annual financial reports) necessary since there are statutory reporting mandates under 66 Pa.C.S. § 3015(e) including requiring LECs to file an annual financial report. Additionally, we noted that there were no objections to retaining Section 63.37 (Operation of the Telecommunications Relay Service System and Relay Service Fund) as the information required by the regulation is necessary to calculate the annual surcharge to support the relay service programs and, therefore, remains relevant. For these reasons, the Commission proposed to retain Sections 63.36 and 63.37.

a. *Comments and Replies*

No party has filed comments or replies regarding our proposed retention of these regulations.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed retention of Sections 63.36 and 63.37 in Chapter 63 of Title 52 of the Pa. Code, we will retain them "as is" and not incorporate them within the final-form regulation set forth in the Annex.

D. *Subchapter D (Underground Service)*

1. *52 Pa. Code § 63.41(a)-(l)*

This regulation was not waived in the Reclassification Order. However, in the NPRM Order, we determined that the act of October 30, 2017 (P.L. 806, No. 50) authorizes the Commission to enforce provisions of the state's Underground Utility Line Protection Law, the act of December 10, 1974 (P.L. 852, No. 287), also known as the "One Call Law."⁶¹ We noted that these laws and applicable contractual agreements will govern the interactions and any potential disputes between the developer and the LEC that is being requested to place its facilities underground in order to provision telecommunications service within the development. Accordingly, in the Annex to the NPRM Order we proposed to rescind Section 63.41 (relating to underground telephone service in new residential developments).

a. *Comments and Replies*

No party has filed comments or replies regarding the Commission's proposed rescission of this rule.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed rescission on this regulation, we will adopt our proposal to permanently rescind Section 63.41 from Chapter 63 of Title 52 of the Pa. Code. Accordingly, the permanent rescission of this rule will be reflected in the final-form regulation set forth in the Annex.

⁵⁹ *Verizon v. FCC*, 770 F.3d 961, 962 (D.C. Cir. 2014).

⁶⁰ See Comprehensive Review of the Uniform System of Accounts, Jurisdictional Separations and Referral to the Federal-State Joint Board, Report and Order, WC Docket No. 14-130, CC Docket 80-286, 32 FCC Red 1735 (2017).

⁶¹ 73 P.S. § 176 et seq.

E. Subchapter E (Telecommunications Quality Service Standards) 52 Pa. Code §§ 63.51—63.65

As currently constructed, Subchapter E contains the provisions related to quality of service, i.e., the performance standards for trouble reports, service installations, operator calls, dial tone connection, completion of correctly dialed calls, as well as a safety program for its employees. Our rationale for temporarily waiving many of the Chapter 63, Subchapter E regulations in the Reclassification Order was the fact that customers can switch to an alternate service provider or “vote with their feet,” if Verizon’s service quality becomes unacceptable.⁶² We also further recognized that Verizon’s Section 1501 statutory obligation to provide certain standards of service was confirmed in Verizon’s Chapter 30 plan and the record developed in the reclassification proceeding.⁶³

Moreover, we considered Verizon’s obligation to comply with the reasonable and adequate service requirements of Section 1501 as a “regulatory back-stop of quality service” and that customers can still file quality of service complaints as the Code still requires Verizon to provide reasonable service in competitive areas.⁶⁴

1. *52 Pa. Code § 63.51 (Purpose),*
52 Pa. Code § 63.52 (Exceptions)

In the Reclassification Order, the Commission temporarily waived Sections 63.51 and 63.52 of this Subchapter E of its regulations for Verizon in the 153 competitive wire centers.⁶⁵ Based on our determination regarding Chapter 64 of our regulations in the NPRM Order, and because Section 63.51 operates in conjunction with our Chapter 64 regulations, we proposed in the NPRM Order to retain it. We also determined that Section 63.52 covering interexchange carriers is no longer relevant as that service is adequately addressed under Chapter 30. Therefore, we also proposed to rescind Section 63.52.

a. Comments and Replies

TCC/CCL suggest that the Commission modify Section 63.51 to eliminate reference to “regulated simple residential or business voice grade services” as that term is not actually defined in the Commission’s rules. TCC/CCL Comments at 14.

Verizon opposes the Commission’s proposed continuance of Section 63.51 (Purpose) because in Verizon’s view it “establishes no standard or requirement” and is “outdated” and “not necessary.” Verizon Comments at 21.

b. Discussion and Resolution

We agree with Verizon that Section 63.51 is simply a general statement about the purpose of the Subchapter E. The Commission determines that the rule is of no substantive or regulatory value and unnecessary. We also have not changed our opinion regarding Section 63.52 and no party offered adverse comment to our proposal to rescind. Therefore, we propose to rescind Sections 63.51 and 63.52 for Chapter 63 of our regulations in the final-form regulation.

2. *52 Pa. Code § 63.53 (General provisions)*

In the Reclassification Order, we temporarily waived Sections 63.53 of Subchapter E of our regulations for Verizon in the 153 competitive wire centers.⁶⁶ In the NPRM Order we proposed to retain certain portions of Section 63.53. Specifically, we proposed to retain Section

63.53(a) and (e) because of ongoing surveillance obligation and the availability of relief from unreasonable hardship provided under Section 63.53(e), but we proposed the rescission of Section 63.53(c) that requires maintenance of operator services and Section 63.53(d) that requires forecasting customer demand. Also, in our continual balancing of burdens and benefits, we proposed to rescind the reporting requirement in Section 63.53(b) as unnecessary in light of other protections since we had determined to retain reporting requirements regarding service levels in other sections of Chapter 63.

a. Comments and Replies

Verizon opposes the Commission’s proposed continuance of Section 63.53 (General provisions) in modified form because in Verizon’s view it is not “necessary,” and Verizon believes its proposed modified rule is preferable because service quality is subject to Section 1501 and because it preserves the “unreasonable hardship” section. Verizon Comments at 21.

b. Discussion and Resolution

Section 63.53 of our regulations contains various provisions related to quality of service. In the NPRM Order, we proposed to retain parts of this section, including Section 63.53(a) requiring telephone utilities to provide service in accordance with their tariffs or product guide. Upon review, the Commission shall instead rescind Section 63.53(a) from our regulations. Current Section 63.53(a) essentially restates an already-existing legal obligation, and there is no need to repeat it in a regulation.

No party filed comment or replies regarding the Commission’s additional proposals to this rule. Therefore, we shall rescind Sections 63.53(b), (c) and (d) from Chapter 63 in the final-form regulation. Also, we shall retain Section 63.53(e) because of ongoing surveillance obligation and the availability of relief from any unreasonable hardship to comply with the Commission’s Subchapter E quality of service regulations.

3. *52 Pa. Code § 63.54 (Record Retention)*

In light of the several other changes that we had proposed in our regulations with respect to reports and record keeping, we proposed to amend Section 63.54 to retain the language that currently exists and incorporate it as a new Section 63.54(a). Thus Section 63.54(a) retains the current 90-day retention period for undisputed billing records and a retention of records related to bills disputed until the dispute is resolved.

In the Annex to the NPRM Order, we also proposed a new Section 63.54(b) that establishes a five-year record retention period for the following specific service records: (1) records related to call answering times, a subject currently addressed under Section 63.56 of our regulations and proposed to be amended in proposed Section 63.59 below; (2) records related to service complaints and trouble reports under Section 63.22 as proposed to be amended below; (3) records related to surveillance level investigations under Section 63.55 as proposed to be amended below; and (4) records related to service outages addressed under Sections 63.22 and 63.57.

In the NPRM Order, we had determined that these amendments, in concert with the other proposed amendments to Sections 63.22, 63.55, and 64.57, would allow us to retain sufficient guidelines on the types of records related to service that utilities should continue to keep, thereby continuing consumer protections in core service-related matters, while at the same time also providing

⁶² Reclassification Order at 85.

⁶³ *Id.*

⁶⁴ *Id.* at 86.

⁶⁵ *Id.* at 85.

⁶⁶ *Id.* at 85.

relief from what are multiple mandatory reporting requirements under our regulations as they currently exist.

a. *Comments and Replies*

IRRC notes that “[a] commentator suggests that rather than a five-year period requirement, the PUC should adopt a three-year time frame for retaining records,” and recommends that the Commission “should explain its rationale for the time period contained in this section and explain why it is reasonable.” IRRC Comments at 7.

TCC/CCL challenge the Commission’s proposed reliance on Section 1509 of the Code to supports their proposed new record retention requirements. TCC/CCL Comments at 14. TCC/CCL urge the Commission to adopt a three-year retention period in lieu of the proposed five-year period. TCC/CCL Comments at 14-15.

b. *Discussion and Resolution*

In light of the comments from IRRC and TCC/CCL the Commission modifies the record retention period in this rule to a three-year time frame. The Commission will incorporate an amended version of Section 63.54 in the final-form regulation.

4. *52 Pa. Code § 63.55 (Surveillance levels)*

The Commission did not waive Section 63.55 of this Subchapter in the Verizon reclassification proceeding.⁶⁷ In the NPRM Order, the Commission proposed to retain Section 63.55(a) addressing surveillance levels and amended it so that we may always request a service report. However, in lieu of requiring a carrier to file reports to the Commission as set forth in Sections 63.55(b) and 63.55(c), we proposed to rescind those provisions and amend Section 63.55(a) to provide that a report of the investigation into a breach of a surveillance level shall be provided to the Commission upon request.

a. *Comments and Replies*

Verizon opposes the Commission’s proposed continuance of Section 63.55 (Surveillance levels) because in Verizon’s view the rule is obsolete and does not meet customer expectations. Verizon Comments at 21. Verizon proposes an alternative rule which it says preserves the Commission’s Section 1501 authority and ability to investigate failures to meet the Section 1501 standard. Verizon Comments at 21.

b. *Discussion and Resolution*

In response to comments and reply comments to the NPRM Order and accompanying Annex, the Commission will further amend Section 63.55(a) so that the trigger for the reporting requirement shall be violations of Chapter 15 of the Code and violations of Subchapter E of Chapter 63 of the Commission’s regulations. That way, it is clear the Commission retains the authority to request investigative reports for violations of important quality of service regulations like service outage trouble reports.

5. *52 Pa. Code § 63.56 (Measurements)*

In the NPRM Order, we noted that because of amendments that we had proposed to Sections 63.54 and 63.59, we had also proposed to delete this regulation as it currently exists.

a. *Comments and Replies*

No party filed comments or replies regarding the Commission’s proposed modification to this rule.

⁶⁷ Id.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed rescission on this regulation, we will adopt our proposal to permanently rescind Section 63.56 from Chapter 63 of Title 52 of the Pa. Code. Accordingly, the permanent rescission of this rule will be reflected in the final-form regulation set forth in the Annex.

6. *52 Pa. Code § 63.57 (Customer trouble reports)*

In the Reclassification Order, we found it important that certain consumer protections relating to service outages be applied during the period of transition from a protected, noncompetitive service territory to a competitive service territory.⁶⁸ We noted that the current language under Section 63.57(b) permits a LEC and the customer to “agree to another arrangement” other than a “substantial action within 24 hours” time frame for nonemergency outage calls. Thus, we reasoned that such flexibility in a competitive environment made sense, particularly for customers who have wireless service and can schedule an appointment at a more convenient time other than within 24 hours of reporting the trouble.⁶⁹

In the NPRM Order, we determined that it was necessary to minimize utility burdens where possible when complying with out-of-service reporting requirements and addressing trouble reports without sacrificing necessary customer protections. Thus, we propose to amend Section 63.57 to afford more flexibility to the customer and the telecommunications carriers. Specifically, in the Annex to the NPRM Order, we proposed to combine Sections 63.57(a) and 63.57(b) to impose a requirement that telecommunications public utilities respond to out-of-service trouble reports within 24 hours unless a different period of time is agreed to by the customer and proposed an amendment to Section 63.57(f) and eliminated Section 63.57(e). In the NPRM Order, we also proposed to retain Sections 63.57(c) and 63.57(d) as they currently exist.

a. *Comments and Replies*

IRRC recommends that the Commission “should explain the rationale for and the reasonableness of removing the existing weekend exclusion from this section.” IRRC Comments at 7.

TCC/CCL urge the Commission to retain an exception to this performance requirement for isolated weekend outages affecting fewer than 15 customers in an exchange. TCC/CCL Comments at 15. According to TCC/CCL, “it is not reasonable to expect the carrier to dispatch technical support for that isolated report” on a weekend. TCC/CCL Comments at 15.

Verizon opposes the Commission’s proposed continuance of this rule in modified form because in Verizon’s view it is “a prime example of micro-managing that is unnecessary and counterproductive in a competitive market.” Verizon Comments at 21. Verizon proposes an alternative that limits the rule to standalone residential service in noncompetitive areas, and sunsets the rule entirely by end of 2023. Verizon Comments at 21.

Again, like its criticism of Verizon’s proposals regarding Sections 63.1 and 63.15 supra, the OCA specifically opposes Verizon’s proposals regarding Section 63.57 because it asserts that Verizon’s proposal would limit carriers’ obligations and customer’s remedies to “noncompetitive basic local service on a stand-alone basis.” OCA Reply Comments at 9-10.

⁶⁸ Reclassification Order at 87.

⁶⁹ Id. at 87-88.

b. *Discussion and Resolution*

We disagree with Verizon that retention of a modified version of Section 63.57 is unnecessary and counterproductive in a competitive market. Section 1501 of the Code states the following in pertinent part:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. *Such service also shall be reasonably continuous and without unreasonable interruptions or delay.*

66 Pa.C.S. § 1501. (Emphasis added.) For service outages and other similar service troubles, we believe the most efficient measure to meet the specific statutory objective of ensuring a LEC provides service that is reasonably continuous and without unreasonable interruptions or delay in both competitive and noncompetitive wire centers is to specify the standard in a regulation.

While we are mindful of both IRRC's and TCC/CCL's observations that the rule should retain an exception for weekends, we disagree. We acknowledge that a LEC is handling many issues during a major service outage as it attempts to determine the cause of the outage (if unknown) and quickly take steps to resolve it, but a LEC's customer base is dealing with far greater stress during this difficult situation. Customers are detrimentally impacted by the outage, and they also have far less information about what is happening. Recovery of the ability to communicate is just too important to ignore. The Commission determines that it cannot be put on a slow track even when it is an isolated weekend outage affecting fewer than 15 customers in the local exchange. Initiation of service recovery must be prioritized, and the statute requires a fast, efficient and effective service recovery process. Accordingly, we will incorporate our modified version of Section 63.57 as it was proposed in the final-form regulation.

7. *52 Pa. Code § 63.58 (Installation of service)*

In the Reclassification Order, we reached the conclusion "that information on the timing of service installations, including any standards applicable to service installation times, should be readily available to customers in some form other than a regulation" and thus we temporarily granted Verizon a "waiver of Section 63.58 conditionally upon the requirement that Verizon include in its Product Guide applicable to competitive services its rules regarding timing of service installations and any commitments that Verizon is willing to make to customers on the subject."⁷⁰

In the NPRM Order, we determined it was best to propose a revision to Sections 63.58(a) and 63.58(b) so that the regulation would now provide that the respective five-day and twenty-day rules apply unless a later date is agreed to by the customer. This was the same rationale we used to the proposed amendment to Section 63.57, which was to provide more flexibility in the carrier/customer relationship and allow a public utility and its customer to agree to a different installation date.

a. *Comments and Replies*

IRRC notes that "[f]or companies that are still in the construction phase of building their network, fulfilling a customer order for new service may require additional

construction to the customer's premises," and asks the Commission to consider a commentator's request "to amend this section to account for delays in the installation of service due to construction." IRRC Comments at 7.

TCC/CCL request that the Commission modify its proposal for this rule to provide an exception to service installation metrics when construction is required "from the backbone to the customer's premises," noting that both TCC and CCL are in the process of building or planning to construct fiber networks in areas where broadband was previously underserved. TCC/CCL Comments at 16. TCC/CCL state that the Commission's current rules "recognize that construction may delay connection of service." TCC/CCL Comments at 17.

Verizon opposes the Commission's proposed continuance of this rule because in Verizon's view it is artificial, unnecessary and not based on customer expectations and there is no evidence regulated providers are failing to meet customer expectations for installing service. Verizon Comments at 22. Verizon proposes an alternative that limits the rule to standalone residential service in non-competitive areas, and sunsets the rule entirely by end of 2023. Verizon Comments at 22.

b. *Discussion and Resolution*

Section 63.58 contains standards for installation of service. In the NPRM Order, we proposed to revise Section 63.58 so that the time requirements apply unless a later date is agreed to by the customer. The rationale for this change was to provide more flexibility in the carrier/customer relationship and allow a public utility and its customer to agree to a different installation date.

However, upon further review, we will rescind this regulation. In today's competitive market, carriers have every incentive to install service as quickly and competently as possible. Moreover, Code Section 1501 provides regulatory coverage for any failures in this regard. To the extent a telephone utility does not perform a service installation to the customer's satisfaction, the utility's conduct can be adequately addressed under Section 1501, which requires that service installations be reasonable among other things. We note that rescinding this regulation is consistent with Verizon's comments that this regulation is artificial, unnecessary and not based on customer expectations. Verizon Comments at 22. Accordingly, we rescind Section 63.58 from Chapter 63 of our regulations in the final-form regulation.

8. *52 Pa. Code § 63.59 (Operator-handled calls)*

We conditionally and temporarily granted Verizon a waiver of Section 63.59 in all competitively classified wire centers.⁷¹ In the NPRM Order, we determined that certain and uniform performance standards governing the ability of end-user consumers to make prompt and direct contact with ILEC repair and business offices should be maintained. We noted that our review information in our BCS UCARE Reports, persuaded us that there is a continuous need for call answering performance standards. Accordingly, in the Annex to the NPRM Order, we proposed the following actions: (1) permanently rescind Sections 63.59(a) and 63.59(b)(1), and (2) revise Sections 63.59(b)(2), (3) and (4) to mirror the Section 54.153(b)(1) framework by incorporating the specific wording and definitional changes necessary to make the Section 54.153(b)(1) framework applicable to all telecommunications utilities and services throughout Pennsylvania. Be-

⁷⁰ Reclassification Order at 87.

⁷¹ Reclassification Order at 85, 88, and 124 (Ordering Paragraph 2).

cause of these proposed amendments to Sections 63.54 and 63.56, our proposed amendments to Section 63.59 also addressed the following points:

- Renaming Section 63.59 as “Call answering measurements.” Specifically including the phrase: “A public utility shall take measures necessary and keep sufficient call answering records to monitor answering times for calls as follows” in the beginning of the amended Section 63.59.
- Utilizing the word “records” instead of “reports” and “provide” in the proposed amendments in line with our goal of endeavoring to reduce utility reports and other burdens while still ensuring a meaningful manner of addressing regulated service by reducing reporting requirements and replacing them with clearer rules on service requirements and attendant record keeping.

a. *Comments and Replies*

Verizon opposes the Commission’s proposed continuance of this rule in modified form because in Verizon’s view “continued monitoring of call answer times in perpetuity is not necessary.” Verizon Comments at 22. Alternatively, Verizon proposes a modified rule that sunsets by the end of 2023. Verizon Comments at 22.

b. *Discussion and Resolution*

We note that Verizon’s modified version of this rule is verbatim with our proposed rule except for the language setting forth a sunset provision. We disagree with Verizon’s insertion of a sunset date. As discussed above, we believe there is a continuous need for call answering performance standards. Accordingly, we will incorporate our proposed Section 63.59 in the final-form regulation.

9. *52 Pa. Code § 63.60 (Automatic Dialing Announcing Devices (ADAD))*

An automatic dialing announcing device is automatically used to place calls and play a recorded message. This regulation was developed and originally implemented when ADADs would initiate automated voice calls through networks that largely utilized the time division multiplexing or TDM communications protocol and addresses standards when an ADAD is used. However, the evolution of telecommunications and broadband access networks and technologies have provided pathways for today’s unwanted and unlawful “robocalls” that utilize caller identification (caller ID) “spoofing” in order to initiate and propagate such traffic. As indicated previously, we specifically and temporarily waived Section 63.60 under our Reclassification Order.

In light of enacted federal legislation, actions by the FCC and states to pursue generic rulemakings and enforcement actions against entities that initiate unwanted and unlawful “robocall” traffic, and our existing statutory authority to independently combat entities that initiate and propagate unwanted and unlawful “robocall” traffic, we proposed to rescind Section 63.60 in its entirety.

a. *Comments and Replies*

The OCA posits that the Commission’s proposed elimination of this rule “be accorded more scrutiny, as suggested by the Chairman’s statement.” OCA Comments at 15.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed rescission on this regulation, we will adopt our proposal to permanently rescind Section 63.60 from Chapter 63 of Title 52 of the Pa. Code. Accordingly,

the permanent rescission of Section 63.60 from Chapter 63 will be reflected in the final-form regulation set forth in the Annex.

10. *52 Pa. Code § 63.61 (Local dial service),*
52 Pa. Code § 63.62 (Direct distance dial service)

These regulations deal with central office, interoffice channel, trunk, and switching facilities capacity to handle certain types of telecommunications traffic. In the Reclassification Order, the Commission granted Verizon a temporary waiver of the Section 63.61 and 63.62 regulations.⁷² In the NPRM Order, we acknowledged that LEC facilities are currently utilizing more modern telecommunications technologies (e.g., soft switches, fiber optic circuits) that are not subject to capacity constraints of the more distant past (e.g., when analog central office switching equipment was in use). Accordingly, consistent with our proposed rescission of Section 63.12 and further amendments in Chapter 63, we proposed to rescind both Section 63.61 and 63.62 in their entirety.

a. *Comments and Replies*

No party filed adverse comments to the Commission’s proposal regarding Sections 63.61 and 63.62 of its regulations.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed rescission of Sections 63.61 and 63.62, we will adopt our proposal to permanently rescind them. Accordingly, the permanent rescission of Sections 63.61 and 63.62 from Chapter 63 will be reflected in the final-form regulation set forth in the Annex.

11. *52 Pa. Code § 63.63 (Transmission requirements and standards)*

In the NPRM Order, the Commission had determined that Section 63.63(a) remains relevant to each wire center or other geographic area defined by the jurisdictional LEC where the utility has fully deployed a jurisdictional fiber-optic network while we also proposed to amend this Section to provide a new Section 63.63(b) to provide sufficient guidance under Section 1501 of the Code to ensure that our jurisdictional LECs provide reasonable service that is free from distortion, noise, and cross talk. Additionally, the Commission had proposed to rescind Section 63.12 addressing interference but incorporate it within the amended Section 63.63.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to address interference and other transmission issues in revised Section 63.63. OCA Comments at 11-12. The OCA also encourages the Commission to retain “the core protection” of Section 63.63 (Transmission requirements and standards). OCA Comments at 15.

Verizon opposes the Commission’s proposed reinstatement and continuance of subsection 63.63 because in Verizon’s view Section 1501 is sufficient to ensure service of “good quality” and competition provides adequate incentive to ensure quality service. Verizon proposes that the rule be eliminated. Verizon Comments at 22.

The OCA opposes Verizon’s proposal regarding this rule because it asserts that its elimination in its entirety or even its proposed modification by the Commission as set forth in the Annex would remove meaningful standards

⁷² Reclassification Order at 85.

and regulatory guidance that is still needed to promote and protect today's complex and important telecommunications network." OCA Reply Comments at 10—12

b. *Discussion and Resolution*

Section 63.63 deals with transmission requirements and standards for jurisdictional local exchange carriers. As stated above, in our NPRM Order, we had proposed to retain and revise Section 63.63 of our regulations, which as revised would impose certain reliability requirements like requiring telephone service to be provided at adequate volume levels and free of excessive interference, distortion, noise and cross talk.

Upon further review, we have decided to rescind Section 63.63 from our regulations. In today's competitive market, carriers are incentivized to provide reliable service. If not, they will lose customers. Moreover, Code Section 1501 provides regulatory coverage for any failures in this regard, as failing to provide service that is free from distortion, noise and cross talk is a potential violation of Section 1501. We note that rescission is consistent with Verizon's comments that this regulation can be eliminated because Section 1501 is sufficient to ensure service of "good quality." Verizon Comments at 22.

Also, in the NPRM Order we had proposed to eliminate Section 63.12 addressing interference as a standalone regulation and incorporate it subject matter of interference in Section 63.63 of our regulations. Verizon essentially is advocating for the entire elimination of the interference standard set forth in Chapter 63 because of its belief that it is no longer necessary. Verizon asserts that Section 1501 of the Code is sufficient to require regulated service to be of good quality without the need to state such in a rule. Verizon further asserts that if providers do not meet the level of service that customers expect, then customers will abandon them for a competitor. We agree with Verizon and see no need to address interference specifically in a regulation. Rather, interference issues can be addressed adequately under Section 1501, as the statutory "reasonable service" obligation includes the obligation to provide service that is free from interference. Accordingly, we rescind Section 63.63 from Chapter 63 of our regulations in the in final-form regulation.

12. *52 Pa. Code § 63.64 (Metering inspections and tests)*

Sections 63.64(a) and (b) of our regulations impose obligations on telecommunications utilities to carry out periodic tests, inspections, and preventive maintenance, and to maintain and test the performance of equipment and facilities. Sections 63.64(c) to (h) require the use of metering equipment for a variety of purposes including, for example, the measurement of call duration for billing purposes. This regulation was temporarily waived for the competitive wire centers of Verizon under our Reclassification Order.

In the NPRM Order, we determined that matters such as periodic tests, inspections, and preventive maintenance as well as the performance testing of telecommunications network equipment and facilities should operate under standards that are uniformly applicable to all services. We noted that operational failures to perform preventive maintenance or adequate testing can and do lead to service outages that can also affect public health and safety, e.g., loss of 911/E911 emergency calling capabilities, or loss of the technical ability to route 911/E911 emergency call traffic to the appropriate public safety answering point, and that such service outages can easily and simultaneously affect the provision of all retail services.

Nevertheless, in the NPRM Order, we proposed to retain Section 63.64(a) and to amend Section 63.64(b), both of which address testing, inspections, and preventive maintenance. We also proposed to amend Sections 63.64(c), 63.64(e), and 63.64(f) and to rescind Sections 63.64(d), 63.64(g), and 63.64(h), all of which address metering.

a. *Comments and Replies*

The OCA supports retaining this rule for all geographic areas. OCA Comments at 15. The OCA posits that the rule's requirements "are needed to guard again[st] the potential for service outages which might affect public health and safety, such as the loss of 911/E911 calling service and impact the provision of retail services." OCA Comments at 16.

Verizon opposes the Commission's proposed reinstatement and continuance of this rule because in Verizon's view Section 1501 and competitive pressure would suffice to ensure customers receive "whatever inspections and maintenance are necessary to keep service at a level that meets customer expectations[.]" Verizon Comments at 22. Verizon proposes that the rule be eliminated. Verizon Comments at 22.

b. *Discussion and Resolution*

Section 63.64 addresses two main subject matters: (1) systems, tests, inspections, and preventative maintenance and (2) meter inspections and testing. We will stay the course and adopt our proposed amendments to Sections 63.64(c), 63.64(e), and 63.64(f) and rescind Sections 63.64(d), 63.64(g), and 63.64(h) addressing metering. Upon further review, however, we will rescind Sections 63.64(a) and (b) as no longer necessary in today's competitive environment. We no longer see a need for specific testing/inspection/preventative maintenance standards to be included in a regulation. Verizon's contends that Section 1501 and competitive pressure are sufficient to require regulated providers to conduct inspections and maintenance necessary to keep service at a level that meets customer expectations without the need to state this in a rule. We agree. Section 1501 mandates that a jurisdictional LEC "furnish and maintain adequate, efficient, safe and reasonable service[.]" 66 Pa.C.S. § 1501. Thus, we need not rely on competition alone to compel a LEC to perform whatever system tests, inspections and preventative maintenance are necessary to maintain service that is reliable and meets consumer expectations.

13. *52 Pa. Code § 63.65 (Safety)*

In the Reclassification Order, we recognized that the CWA and the International Brotherhood of Electrical Workers (IBEW, collectively CWA—IBEW) sought retention of Section 63.65 (Safety) but we concluded instead that workplace safety is adequately regulated at the federal level.⁷³ In temporarily waiving this regulation for Verizon, we noted that this provision is enforced by other agencies, but at the same time, violations of FCC and/or OSHA workplace safety regulations are also subject to our jurisdiction and require compliance with Section 1501 of the Code.

Consequently, in the NPRM Order, we proposed the permanent rescission of Section 63.65(1) to 63.65(4). However, we also proposed to retain the first part of this section, which requires telecommunications public utilities to adopt and implement a safety program fitted to their size in conformance with Occupational Safety and

⁷³ Reclassification Order at 86.

Health Act standards, which we propose be amended to add the words “as amended from time to time” or an equivalent.

a. *Comments and Replies*

The OCA supports retaining “the first part” of this, to ensure that public utilities implement a safety plan that conforms to OSHA standards, as updated. OCA Comments at 16.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposal for this rule, we will incorporate our proposed Sections 63.65 in the final-form regulation set forth in the Annex.

F. *Subchapter F (Extended Area Service)—52 Pa. Code §§ 63.71—63.77*

We specifically and temporarily waived the following Subchapter F (Extended Area Service) regulations for Verizon under our Reclassification Order:⁷⁴

- Section 63.71 (Definitions);
- Section 63.72 (Traffic usage studies);
- Section 63.72(a) (InterLATA traffic studies);
- Section 63.73 (Optional calling plans);
- Section 63.74 (EAS polls);
- Section 63.75 (Subscriber polls);
- Section 63.76 (EAS complaints);
- Section 63.77 (Evaluation criteria).

In the NPRM Order, we determined that these regulations were outdated and no longer purposeful or relevant in today’s regulatory environment. Accordingly, we proposed to rescind Subchapter F regulations in their entirety.

a. *Comments and Replies*

No party has filed comment or replies regarding the Commission’s proposed modification to these regulations.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding on our proposed rescission on these regulations, we will adopt our proposal to permanently rescind Subchapter F from Chapter 63 of Title 52 of the Pa. Code. Accordingly, the permanent rescission of Subchapter F will be reflected in the final-form regulation set forth in the Annex.

G. *Subchapter G (Public Coin Service)—52 Pa. Code §§ 63.91—63.98*

We also temporarily waived the following Subchapter G (Public Coin Service) regulations for Verizon:

- Section 63.91 (Purpose);
- Section 63.92 (Definitions);
- Section 63.93 (Conditions of service);
- Section 63.94 (Coin telephone requirements);
- Section 63.95 (Sufficiency of public telephone service);
- Section 63.96 (Service requirements for coin telephones);
- Section 63.97 [Reserved]; and
- Section 63.98 (Compliance).

In the NPRM Order, we determined that these regulations were outdated and no longer purposeful or relevant in today’s regulatory environment. Accordingly, we proposed to rescind Subchapter G in its entirety.

⁷⁴ Reclassification Order at 88.

a. *Comments and Replies*

No party has filed comments or replies regarding the Commission’s proposed modification of these regulations.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposed rescission on these regulations, we will adopt our proposal to permanently rescind Subchapter G from Chapter 63 of Title 52 of the Pa. Code. Accordingly, this permanent rescission of these rules will be reflected in the final-form regulation set forth in the Annex.

H. *Chapter 63 Subchapters H, I, J, K, L M, N and O*

Subchapters K, L M, N and O of Chapter 63 remained in full force for all geographic areas.⁷⁵ In the NPRM Order, we proposed to retain these subchapters but proposed amendments to certain provisions in Subchapter J in the Annex. In the NPRM Order, we also discussed Subchapters H and I of Chapter 63 and proposed to eliminate them.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain Subchapter J, with minimal changes “to better describe that the responsibilities extend to agents as well as employees.” OCA Comments at 10-11. OCA supports the Commission’s proposal to retain Subchapters K, L, M, N and O. OCA Comments at 11.

Verizon opposes retention of Subchapter J rules (§§ 63.131—37), relating to confidentiality of customer data, on grounds that federal law, 47 U.S.C. § 222, and FCC implementing rules are sufficient to address the issue. Verizon Comments at 25. Similarly, Verizon opposes retention of subchapter K (§§ 63.141—144) because competition is largely facilities-based and any remaining CLEC wholesale customers may rely upon interconnection agreements and federal law to address unfair treatment. Verizon Comments at 25-26.

b. *Discussion and Resolution*

The Commission fully understands Verizon’s position that the FCC’s rules and federal law and are sufficient to address the LEC’s preservation and maintenance of the confidentiality of customer data. However, given that the rising trend in data breaches continues to angle upwards, and as a result, making proprietary and confidential customer information and records vulnerable to exposure, the Commission has determined that this consumer protection remains necessary to continue to give specific instructions to our jurisdictional telecommunications companies or LECs so that they adequately comply with the privacy-related requirements at 66 Pa.C.S. § 3019(d) (relating to additional powers and duties).

However, there are no compelling reasons to retain Sections 63.136 and 63.137 in Subchapter J. The Commission determines it is not necessary to retain them in order to continue to give specific instructions to our jurisdictional telecommunications companies considering the circumstances regarding recent data breaches. Moreover, jurisdictional LECs remain subject to state laws even absent certain specific requirement being outlined in Subchapter J.

The Commission also has considered the OCA’s comments requesting us to incorporate some minimal revisions to our proposed modifications to Subchapter J so as to better describe that the responsibilities therein extend to agents as well as employees. We agree with OCA and

⁷⁵ While we had proposed to rescind Subchapter H and I as obsolete, Subchapter I of Chapter 63 has already been reserved in a previous rulemaking; thus, there is no reason to rescind it in this rulemaking proceeding.

will make the clarification that the operational restrictions that apply to a telecommunications company itself, its employee, agent regarding the handling of customer communications and customer information or independent contractors, also apply to the agents, independent contractors, subsidiaries or affiliates of a party that has entered into a contractual relationship with the telecommunications company.

Additionally, Section 63.132 defines “agent” as “an individual or entity that performs work on behalf of a telecommunications public utility as the principal and is subject to this subchapter.” We acknowledge that as currently drafted, the definition is ambiguous since “as the principal” could be construed as applying to the agent, rather than the public utility, making it appear as though the agent is the principal, rather than acting on behalf of the actual principal (i.e., the public utility). We modify the definition to clarify and cure this issue.

Further, Section 63.132 defines “independent contractor” as “an individual or entity that performs work on behalf of a telecommunications public utility that is subject to this subchapter.” In order to sufficiently distinguish an independent contractor from an employee, or an agent the Commission will revise the definition of “independent contractor” so that it clearly distinguishes and clarifies that an “independent contractor” is not an employee or agent of the public utility. Accordingly, we will clarify aspects of proposed modifications to Subchapter J and adopt them as final which will be reflected in the Annex.

We reject any adverse comments regarding on our proposed retention of Subchapters K, L, M, N, and O, and we adopt our proposal to retain these respective Subchapters in Chapter 63 of Title 52 of the Pa. Code.

Accordingly, we need not take any further action to modify the final-form regulation for these Subchapters.

III. Chapter 64. Standards and Billing Practices for Residential Telephone Service

The Chapter 64 regulations are titled “Standards and Billing Practices for Residential Telephone Service” and address the following items involving interactions with customers: billing and payment, credit and deposit, termination, restoration of service, and complaint handling. In the reclassification proceeding, Verizon requested a waiver of the entire Chapter 64 regulations at 52 Pa. Code §§ 64.1—64.213.⁷⁶ However, we concluded that certain protections were still needed, and we addressed the regulations individually and granted, in part, and denied, in part, Verizon’s request to waive our entire Chapter 64 regulations in competitive wire centers.⁷⁷

Likewise, because Verizon’s proprietary data was inconclusive, we again concluded that certain protections were still needed and in the NPRM Order we proposed to retain most of the Chapter 64 regulations and have them apply in all local calling areas, whether competitive or noncompetitive. We also proposed to rename the Chapter as “Standards and Billing Practices for Residential Telecommunications Service.” We set forth these proposals to the Chapter 64 regulations in the Annex.

a. Comments and Replies

The OCA supports the Commission’s proposal to retain “the majority of the Chapter 64 regulations” in all geographic areas, competitive and noncompetitive, and to forego a bifurcated set of rules. OCA Comments at 16.

OCA posits that these rules are necessary to protect consumers relative to suspension or disconnection of service and to promote continuity of service. OCA Comments at 17. According to OCA, “[t]he public benefits of the Chapter 64 regulations extend beyond just the LEC and consumer relationship.” OCA Comments at 17.

Verizon opposes the Commission’s proposal to reinstate “large portions of its Chapter 64 regulations” because in Verizon’s view, the rules are unnecessary and obsolete in a competitive environment and because, in the absence of the rules, the Commission would retain authority to rein in unreasonable practices pursuant to Sections 1501 and 1509 of the Code. Verizon Comments at 26-27. Verizon notes that the Commission previously waived the rules in competitive areas based on its finding that market forces provide Verizon with sufficient incentive to meet reasonable customer expectations. Verizon Comments at 27. Verizon argues that the rules are “anti-competitive” because they do not apply to unregulated carriers and because ILEC customers are “often confused” by bills that conform to the rules. Verizon Comments at 27-28. Verizon proposes that the Commission eliminate the rules entirely, or else apply them only to residential basic local exchange service, with a sunset date of end of 2023. Verizon Comments at 28.

b. Discussion and Resolution

For the same reasons set forth in our discussion of the parties’ general comments with respect to this rulemaking overall,⁷⁸ we conclude that wholesale elimination of our Chapter 64 regulations is not appropriate. We note that the Chapter 64 regulations address the concrete essentials of the carrier-customer relationship that includes billing and payment, suspension/termination of service, restoration of service, and customer complaints. We find that having specific standards in these technical subject areas provides useful guidance to both our regulated utilities and their customers. Also, no party has submitted substantial evidence which would reasonably persuade us to abandon those regulations overall. Although Verizon states that customers are “often confused” by bills that conform to the rules, Verizon provides no facts to support this assertion, e.g., (1) what percentage of its customers are “confused,” (2) in what manner the rules may have caused confusion, and (3) how elimination of the Chapter 64 regulations might resolve that confusion. Verizon Comments at 27. Our discussion relative to individual Chapter 64 regulations, set forth below, sheds further light on our overall determination not to eliminate these regulations entirely.

A. Subchapter A (Preliminary Provisions)

1. 52 Pa. Code § 64.1 Statement of purpose and policy; 52 Pa. Code § 64.2 Definitions

As currently constructed, Section 64.1 is the Chapter 64 statement of purpose and policy, and Section 64.2 contains definitions. In the Reclassification Order, we granted a temporary waiver of the first sentence of Section 64.1 because that description of the purpose was no longer an accurate statement for the areas served by Verizon’s competitive wire centers while the rest of Section 64.1 remained relevant even for Verizon’s competitive wire centers.

In the NPRM Order, we concluded it was not feasible to establish a two-tiered regulatory structure that would impose different regulations and standards in competitive and noncompetitive areas. Consequently, we proposed the retention of Section 64.1 in its present form applied

⁷⁶ Reclassification Order at 90—103.

⁷⁷ Id. at 93-94

⁷⁸ *Infra.* at 18—24.

uniformly to all geographic areas where telecommunications services are offered by the jurisdictional LECs. We also proposed to rename Chapter 64 as “Standards and Billing Practices for Residential Telecommunications Service” and to replace the term “Telephone” with “Telecommunications” throughout this chapter as appropriate and where the word “telephone” appears in the existing text of the regulation.

Also, in the NPRM Order, we proposed to retain the definitions contained in Section 64.2 that remained relevant and updated references within this regulatory definitional section to be consistent with current state statutory language (e.g., Chapter 30 of the Public Utility Code).

a. *Comments and Replies*

IRRC notes that in the Commission’s proposal for section 64.2, “competitive wire center” reads in part “services have been declared or determined to be competitive by the Commission as competitive under 66 Pa.C.S. § 3016 (relating to competitive services),” and suggests that either “to be competitive” or “as competitive” be removed. IRRC Comments at 10.

The OCA supports the Commission’s proposal to retain Section 64.1 (Statement of purpose and policy) in its present form. OCA Comments at 17. The OCA also supports the Commission’s proposed modifications to the Section 64.2 (Definitions), as well as the corresponding provision of Chapter 63 (Section 63.1, Definitions) to conform with Chapter 30. OCA Comments at 18. The OCA proposes minor, non-substantive edits to the Commission’s proposed definitions of “Competitive wire center” and “Noncompetitive wire center” in both Sections 63.1 and 64.2, to make the corresponding definitions uniform in each subsection. OCA Comments at 18-19.

TCC/CCL propose that the Commission adopt a definition for joint or bundled service package that is consistent with the definition adopted for Chapter 53, Section 53.57. TCC/CCL Comments at 17.

b. *Discussion and Resolution*

Consistent with our rejection of a bifurcated regulatory structure that would impose different regulations and standards in competitive and noncompetitive areas, we will retain the language of Section 64.1 in its present form, to be applied uniformly to all geographic areas where telecommunications services are offered by the jurisdictional LECs in the final-form regulation. We also will rename Chapter 64 as “Standards and Billing Practices for Residential Telecommunications Service” and replace the term “Telephone” with “Telecommunications” throughout the text of Chapter 64 as appropriate. This will be reflected in the final-form regulation. We also determine that the definitions contained in Section 64.2 that remain relevant shall be retained and updated as necessary to be consistent with the terminology set forth in the current applicable statutory language.

Regarding IRRC’s comment relative to the definition of “Competitive wire center,” we agree with IRRC that clarification is warranted, and we find that the final form definition shall eliminate the words “as competitive” and shall read, in relevant part: “services have been declared or determined to be competitive by the Commission under 66 Pa.C.S. § 3016 (relating to competitive services).”

We have already determined in our discussion regarding Section 53.57 of Chapter 53 of our regulations and Section 63.1 of Chapter 63 of our regulations *supra* that

we would adopt the OCA’s proposed definitions of these terms “Competitive wire centers” and “Noncompetitive,” and incorporate them into the final-form regulation.

Likewise, taking into consideration the comments from TCC/CCL, we will ensure that the definition of the regulatory term “joint or bundled service package” is consistent in Section 53.57 of Chapter 53 of our regulations and Section 64.2 in Chapter 64 in the final-form regulation.

B. *Subchapter B (Payment and Billing Standards)*
52 Pa. Code §§ 64.11—64.24

Subchapter B of Chapter 64 governs the payment and billing relationship between customers and LECs. In the Reclassification Order, we temporarily waived the following Subchapter B regulations for Verizon’s competitive wire centers⁷⁹:

- Section 64.11 (Method of payment);
- Section 64.12 (Due date for payment);
- Section 64.13 (Billing frequency);
- Section 64.14 (Billing information);
- Section 64.15 (Advance payments);
- Section 64.16 (Accrual of late payment charges);
- Section 64.17 (Partial payments for current bills);
- Section 64.18 (Application of partial payments between past and current bills);
- Section 64.19 (Rebilling);
- Section 64.20 (Transfer of accounts);
- Section 64.21 [Reserved]; and
- Section 64.22 (Billing service for interexchange carriers).

Concomitantly, we also retained the applicability of the following sections in Subchapter B both for the competitive and the noncompetitive wire centers of Verizon:

- Section 64.23 (Cramming/Slamming); and
- Section 64.24 (Provision of bundled service packages)

In the NPRM Order, we proposed to retain most of Subchapter B. We credited OCA’s observation that the statutory “Billing Procedures” protection of Section 1509 of the Code, 66 Pa.C.S. § 1509, still apply in competitive and noncompetitive areas and the Payment and Billing Standards will assist the Commission in determining whether the LECs are following both Section 1501 and Section 1509 of the Code.

a. *Comments and Replies*

Verizon opposes the Commission’s proposal to reinstate the Subchapter B rules because in Verizon’s view, they are unnecessary and obsolete in today’s competitive marketplace, which the Commission recognized when it granted waivers from these rules in competitive exchanges in 2015. Verizon proposes that the Commission eliminate them entirely, or else apply them only to residential basic local exchange service, to sunset at the end of 2023. Verizon Comments at 28.

b. *Discussion and Resolution*

For the same reasons set forth in our discussion of the parties’ general comments with respect to this rulemaking overall,⁸⁰ and consistent with OCA’s comments in response to the ANPRM Order, we conclude that wholesale elimination of our Chapter 64, Subchapter B regulations is not appropriate. Instead, we think it is beneficial to have specific standards that provide specific guidance to the industry and consumers on LEC payment and billing practices, and having specific standards helps the Commission determine whether LECs are following Code

⁷⁹ Reclassification Order at 95.

⁸⁰ *Infra.* at 18—24.

Sections 1501 and Section 1509. Moreover, our retention of Subchapter B maintains the protections Pennsylvania consumers enjoy today. Of note, we would have been open to viable alternatives that maintained but modernized/streamlined our existing Subchapter B regulations on a granular level, but no such alternatives were proposed as part of the rulemaking process. Rather than eliminating all of Subchapter B of Chapter 64 of Title 52 of the Pa. Code, we decide instead to review individual regulations or sets of regulations on their own merits, in response to specific concerns raised by commentators.

1. *52 Pa. Code § 64.11 (Method of payment)*

In the NPRM Order, we proposed the retention of Section 64.11 in all geographic areas where our jurisdictional LECs serve and, in the Annex, proposed a revision to the regulation to specify that returned check charges are permissible, if included in the carrier's approved tariff, Product Guide or similar document.

a. *Comments and Replies*

IRRC notes that "[t]his section appears to allow the LEC to impose both a returned check charge and a handling charge, in the event of a failed payment transaction," and recommends that "[t]he PUC should clarify the intent of this provision and, if necessary, revise it to be consistent with the intent." IRRC Comments at 7. With respect to the Commission's proposed language for this subsection, IRRC recommends that the "be" after "set forth" should be deleted. IRRC Comments at 10.

OCA supports the Commission's proposal to retain this rule in all geographic areas. OCA Comments at 19-20. OCA posits that the rule's references to "payment by check" does not foreclose "electronic payments as another option." OCA Comments at 20. OCA objects to the Commission's proposed modified rule insofar as it would permit a LEC to impose both a "returned check charge" and a "handling charge" and proposes edits to clarify that a single handling charge should apply and be set forth in the LEC's tariff or product guide, as appropriate. OCA Comments at 20-21.

Verizon opposes retention of this rule because in Verizon's view, market forces are sufficient to incent carriers to offer diverse methods of payment. Verizon Comments at 29. At most, Verizon posits that any payment method obligation be set forth in a product guide or similar document. Verizon Comments at 29.

b. *Discussion and Resolution*

We will retain this regulation in all geographic areas where our jurisdictional LECs serve. We note that this regulation allows for payment to be made in any reasonable manner, and we reiterate our position from the NPRM Order that this includes electronic payment. However, we adopt our proposal to amend Section 64.11 to clarify that a LEC may impose a returned check charge if such a charge is set forth in the LEC's tariff, Product Guide, or similar document in the final-form regulation. We also agree with IRRC that the word "be" as it appears after the phrase "as long as the charge is set forth" in our proposed language for Section 64.11 is superfluous and should be eliminated in the final form regulations.

Finally, consistent with the comments of IRRC and OCA (which were not opposed by any other party), we decide to eliminate the references to the superfluous and undefined "handling charge" as it appears in the last two sentences of Section 64.11, specifically by eliminating the second to last sentence of the regulation and by deleting

the phrase "or impose a handling charge" in the last sentence. These changes shall be reflected in the final form regulations.

2. *52 Pa. Code § 64.12 (Due date for payment), 52 Pa. Code § 64.13 (Billing frequency), and 52 Pa. Code § 64.14 (Billing information)*

In the NPRM Order, we proposed to retain Sections 64.12 and 64.13 and to revise them so that the regulations incorporate the availability and use of electronic billing in lieu of paper bills.

Also, in the NPRM Order, we proposed to retain Section 64.14(a) and (c) and to rescind Sections 64.14(b) and 64.14(d). We noted that the information provided in Section 64.14(c) is sometimes at the heart of consumer disputes and thus a requirement that a utility inform the customer of charges to be incurred for new or additional services and then retain that information for 90 days, or approximately 3 billing cycles, is necessary should a dispute arise from either party.

a. *Comments and Replies*

With respect to Section 64.12, IRRC recommends "that this section be modified to provide for the date of transmittal for bills generated and conveyed to the consumer electronically." IRRC Comments at 8. With respect to Section 64.13, IRRC recommends that "this section should be amended to reflect the option to detariff competitive services by adding 'product guide or similar document posted on the LEC's website' to the end of the regulation," or the Commission should "explain why it is unnecessary to do so." IRRC Comments at 8.

The OCA supports the Commission's proposal to retain these rules in all geographic areas. OCA Comments at 21. According to OCA, these rules "implement the billing procedure and consumer protection provisions of Section 1509" and provide transparency to consumers of LEC services. OCA Comments at 21-22. With respect to subsection 64.12 (Due date for payment), OCA proposes edits to clarify that the 20-day bill due date period should begin, in the case of an electronic bill, "on the date of transmittal." OCA Comments at 22. Similarly, OCA proposes to clarify that the date of payment for electronic payments is "the date the consumer made the electronic payment." OCA Comments at 22-23.

TCC/CCL propose that the Commission modify its proposed language for Section 64.12 (Due date for payment) to acknowledge that electronic bills are "transmitted" not "mailed." TCC/CCL Comments at 18. Additionally, TCC/CCL propose that the Commission modify its proposed language for Section 64.13 (Billing frequency) to reflect the fact that detariffed competitive services may be offered in a product guide. TCC/CCL Comments at 18.

TCC/CCL also propose that the Commission modify its proposed language for Section 64.14 (Billing information) to reflect the fact that "bundled service packages have become a standard product option," and recommends deletion of subpart (c) of this rule because "in the current telecommunications marketplace...customers purchase 'all-in' bundled service." TCC/CCL Comments at 19.

Verizon opposes retention of these rules because in Verizon's view, section 1509 of the Code is sufficient to address due date for payment and other billing issues. Verizon does agree with the Commission's proposal to clarify that electronic billing is permissible. Verizon Comments at 29.

b. *Discussion and Resolution*

We find that Sections 64.12, 64.13 and 64.14 remain important consumer protections, and we decide to retain these regulations in all geographic areas where our jurisdictional LECs serve. We note these rules clarify various aspects of the billing process and thus, protect both the carrier and the consumer in most respects. We also note that we impose similar obligations on our other regulated entities such as electric distribution companies, natural gas distribution companies and water companies when they issue bills to their residential customers. In fact, one of the main reasons we proposed to retain these billing practices was that similar rules are also imposed for electric, gas, and water residential customers and these utility markets are all subject to competition too.

As a step towards modernization, we amend Sections 64.12 and 64.13 to include our proposed language relative to electronic bills, and we accept various parties' suggestion to modify our proposed language for Section 64.12 to recognize that the due date shall be, in the case of electronic bill, twenty days from the date the bill was "transmitted"—not "mailed." We also agree with the OCA in its comments that Section 64.12 should be amended to state a convention for identifying the payment date for electronic payments, which we agree should be the date the consumer made the electronic payment. Just as consumers cannot control the length of time for delivery of a mailed payment, consumers may not know the utility's internal process for receipt and posting of an electronic payment. OCA Comments at 22-23.

We further agree with parties that suggested Section 64.13 should acknowledge that LECs may in some cases offer service through a Product Guide in lieu of an approved tariff and accordingly we will replace the term "approved rate schedules" at the end of Section 64.13 with the phrase "tariff, Product Guide or similar document" in the final-form regulation.

We also decide to adopt our proposed modifications to Section 64.14 as set forth in the Appendix, with one modification. We find TCC/CCL's proposed change to subsection (a)(4) to be unnecessary: if a customer does not subscribe to "basic service," nothing in the subsection would appear to require a LEC to state any "amount due for basic service." However we shall rescind Section 64.14(c). We agree with TCC/CCL that deletion of this rule makes sense in the current telecommunications marketplace, given the popularity and proliferation of service bundles. TCC/CCL Comments at 19.

Accordingly, based on the above discussion these changes will be reflected in the final-form regulation set forth in the Annex.

3. *52 Pa. Code § 64.15 (Advance payments) and 52 Pa. Code § 64.16 (Accrual of late payment charges)*

In granting Verizon a temporary waiver of Section 64.15, we determined that customers in competitive wire centers who do not want to pay the price for Verizon's services have alternate services to choose from to replace their services.⁸¹ Similarly, if Verizon customers in competitive wire centers are not satisfied with their terms of service for late payments, they can choose another provider with different terms of service.⁸²

Using this same rationale, we determined in the NPRM Order that we could rescind Section 64.15 and proposed

its rescission in the Annex to the NOPR Order. However, for the reasons outlined in the NPRM Order, we determined that it was necessary that we propose to retain Section 64.16 for all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission's proposal to rescind subsection 64.15 entirely. OCA Comments at 23.

OCA supports retaining subsection 64.16 (Accrual of late payment charges) but proposes edits thereto to clarify that this rule applies to "tariffed residential local exchange service," in recognition that LECs with pricing discretion in competitive wire centers may fix a different late payment charge that does not comply with this rule. OCA Comments at 24-25.

Verizon opposes retention of subsection 64.16 (Accrual of late payment charges) because in Verizon's view the rule is unnecessary and obsolete in a competitive environment. Verizon Comments at 29.

b. *Discussion and Resolution*

Consistent with the NPRM Order, we find that Section 64.15 shall be eliminated from our regulations. However, Section 64.16 remains an important consumer protection that we decide to retain in all geographic areas where our jurisdictional LECs serve. Accordingly, these determinations will be reflected in the final-form regulation set forth in the Annex.

4. *52 Pa. Code § 64.17 (Partial payments for current bills) and 52 Pa. Code § 64.18 (Application of partial payments between past and current bills)*

In view of our decision regarding Section 64.16, we proposed the permanent retention of Section 64.17 and 64.18 for all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission's proposal to retain these rules in all geographic areas. OCA Comments at 25.

TCC/CCL propose that the Commission modify its proposed language for subsection 64.17 (Partial payments for current bills) to incorporate a carveout for bundled service packages. TCC/CCL Comments at 19.

TCC/CCL propose that the Commission modify its proposed language for subsection 64.18 (Application of partial payments between past and current bills) to reflect the fact that bundled services are exempt from this rule. TCC/CCL Comments at 19.

Verizon opposes retention of these rules because in Verizon's view these rules are unnecessary and obsolete in a competitive environment. Verizon Comments at 29.

b. *Discussion and Resolution*

Consistent with the NPRM Order, we find that Sections 64.17 and 64.18 remain important consumer protections, and we decide to retain these regulations in all geographic areas where our jurisdictional LECs serve. We reject TCC/CCL's suggested changes as unnecessary. Since, as TCC/CCL states, our current regulations exempt "bundled service packages" from Sections 64.17 and 64.18, there is no reason to restate that exemption in the text of each regulation. TCC/CCL Comments at 19. Accordingly, the retention of Sections 64.17 and 64.18 in Chapter 64 of Title 52 of the Pa.Code will be incorporated in the final-form regulation set forth in the Annex.

⁸¹ Reclassification Order at 62.

⁸² Id.

5. *52 Pa. Code § 64.19 (Rebilling)*

As currently constructed, Section 64.19(a) addresses a four-year limit for the issuance of a make-up bill for unbilled services resulting from a LEC's billing error. Section 64.19(b) provides consumer protections through a remedy for over-billing by requiring the LEC to provide an appropriate credit to the customer's account including taxes. Section 64.19(c) requires a LEC to provide notice to the Commission "of rebilling affecting more than 10% of its residential customers within 90 days of the rebilling."

For the reasons outlined in the NPRM Order, we proposed the permanent retention of Section 64.19 in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission's proposal to retain this rule in all geographic areas, for the reasons set forth in OCA's comments to the ANPRM relative to this rule. OCA Comments at 25.

Verizon opposes retention of this rule because in Verizon's view it is unnecessary and obsolete in a competitive environment. Verizon Comments at 29.

b. *Discussion and Resolution*

Consistent with the NPRM Order, we find that Section 64.19 remains an important consumer protection and we decide to retain both regulations in all geographic areas where our jurisdictional LECs serve. Accordingly, the retention of Section 64.19 in Chapter 64 of Title 52 of the Pa. Code will be reflected in the final-form regulation set forth in the Annex.

6. *52 Pa. Code § 64.20 (Transfer of account) and 52 Pa. Code § 64.33 (Payment of outstanding balance)*

Both regulatory sections are interrelated. Section 64.20 addresses transfer of accounts and outstanding balances associated with discontinuance or termination to a new or existing customer. Section 64.33(a) allows a LEC to condition the provision of service to a new applicant upon payment of an outstanding balance "for which the applicant is legally responsible[.]" In addition, Section 64.33(b) prohibits a LEC from requiring an applicant for service to pay an outstanding balance incurred in another person's name, absent a legal order determining the applicant's obligation to pay. Both Section 64.20 from Subchapter B and Section 64.33 from Subchapter C were temporarily waived as to Verizon's provision of residential local service in competitive wire centers.

For the reasons outlined in the NPRM Order, we proposed to retain these regulations in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission's proposal to retain these rules in all geographic areas, for the reasons set forth in OCA's comments to the ANPRM relative to this rule. OCA Comments at 26.

Verizon opposes retention of subsection 64.20 (Transfer of accounts) because in Verizon's view these rules are unnecessary and obsolete in a competitive environment. Verizon Comments at 29.

b. *Discussion and Resolution*

The OCA believes that these regulations protect the affordability and continuity of residential local service by providing specific guidance as to a LEC's collection practices applied to a customer, where the charges were incurred in another account or by another person. The

OCA submits that the important balancing of interests contained in the regulations is unlikely to appear in the terms and conditions of a Product Guide. OCA recommends that these regulations should be preserved and apply to residential service in both competitive and noncompetitive areas. *Id.* at 34.

Considering our rejection of a two-tiered regulatory approach, and in consideration of our balancing of interests as explained above and asserted by the OCA, we decide to retain Sections 64.20 and 64.33 in all geographic areas where our jurisdictional LECs serve. Accordingly, the retention of Sections 64.20 and 64.33 in Chapter 64 of Title 52 of the Pa. Code will be reflected in the final-form regulation set forth in the Annex.

7. *52 Pa. Code § 64.22 (Billing services for inter-exchange carriers)*

We granted Verizon a temporary waiver of Section 64.22 in competitive wire centers. In the NPRM Order, we determined that this regulation is obsolete. Therefore, we proposed the permanent rescission of Section 64.22 in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission's proposal to rescind this rule entirely. OCA Comments at 26.

b. *Discussion and Resolution*

Since no party has filed any adverse comments regarding our proposal for this rule, we will adopt our proposal to permanently rescind Section 64.22 from Chapter 64 of Title 52 of the Pa. Code. Accordingly, this permanent rescission will be reflected in the final-form regulation set forth in the Annex.

8. *52 Pa. Code § 64.23 (Cramming/Slamming) and 52 Pa. Code § 64.24 (Provision of bundled service packages)*

In the Reclassification Order, we retained the applicability of Section 64.23 and Section 64.24 to Verizon's provision of service in its competitive areas.

In the NPRM Order, consistent with our proposed actions regarding Sections 64.14, 64.17 and 64.18, we proposed the permanent retention of existing Sections 64.23 and 64.24 for all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission's proposal to retain subsection 64.23 (Cramming/Slamming) in all geographic areas, noting that protection against cramming and slamming remains relevant today. OCA Comments at 26. OCA also supports the Commission's proposal to retain subsection 64.24 (Provision of bundled service packages) in all geographic areas and argues that this rule permits consumers to default to basic local exchange service if they cannot pay the full price for a bundle of services and serves the statutory goal of preserving universal service and does not undermine pricing flexibility for bundled services as set forth in 66 Pa.C.S. § 3016(e). OCA Comments at 26-27.

TCC/CCL urges the Commission "to eliminate Section 64.24(c) for all telecommunications carriers" or, at a minimum, "the conversion to basic service should be limited to incumbent local telecommunications companies that have the obligation to offer 'protected services' under Chapter 30." TCC/CCL Comments at 21. TCC/CCL argue that "bundled packages are competitive offerings" that should not be subject to the "extra step" that this rule imposes, especially when unregulated carriers (to include wireless) are not subject to the rule. TCC/CCL Comments

at 22. Finally, TCC/CCL posit that “Chapter 30 does not authorize the Commission to require alternative service providers to provide a specific product to customers, especially one that mirrors the legacy incumbent product” and that the Commission’s previous offer to consider waiver requests “does not provide the certainty that new entrants need.” TCC/CCL Comments at 23.

Verizon opposes retention of subsection 64.24 (Provision of bundled service packages) because in Verizon’s view the rule undermines the flexibility afforded carriers to offer bundled service by 66 Pa.C.S. § 3016(e), and because the rule is unnecessary, obsolete, and unfairly discriminatory in a competitive environment in which unregulated carriers need not comply. Verizon Comments at 29.

b. Discussion and Resolution

Consistent with the NPRM Order, we adopt our proposal to retain Sections 64.23 and 64.24 for all geographic areas. We acknowledge the concerns raised by TCC/CCL with respect to the interplay between bundled service packages and basic local exchange service in situations where the LEC offering bundled service has no obligation to offer (and likely does not offer) basic service. Accordingly, we will modify the language of Section 64.24 in the final form regulations by replacing the initial sentence of existing subsection (c) with the following: “An LEC that is legally obligated to offer any “protected service” pursuant to Chapter 30, 66 Pa.C.S. §§ 3011 et seq., to certain residential customers shall comply with the following requirements when offering any bundled service package that includes basic service to such customers[.]” We find that this limited modification answers TCC/CCL’s concern without unduly weakening the existing regulation’s protection of consumers’ need for basic local exchange service.

*C. Subchapter C (Credit and Deposit Standards Policy)
52 Pa. Code §§ 64.31—64.41*

In our Reclassification Order, we granted Verizon a temporary waiver for the entirety of regulations in Subchapter C of Chapter 64 in its competitive wire centers.⁸³ However, this waiver was conditioned on the requirement that Verizon provide information in its Product Guide concerning the consequences if an applicant for service is not deemed to be creditworthy. This reflected our belief that disclosure of credit and deposit standards would help manage reasonable customer expectations.⁸⁴

In the NPRM Order, we proposed the retention of the Subchapter C regulations in all geographic areas, noting that credit and deposit rules remain important consumer protections in today’s marketplace and that, lacking any competitive analysis or substantive evidence otherwise, the scale tilts in favor of retaining these regulations.

a. Comments and Replies

The OCA supports the Commission’s proposal to retain Subchapter C in all geographic areas but notes that Section 64.33 (Payment of outstanding balance) was omitted from the Commission’s proposal, apparently due to error. OCA Comments at 27-28.

Verizon opposes the Commission’s proposal to reinstate the Subchapter C rules because in Verizon’s view, they are unnecessary and obsolete in today’s competitive marketplace, which the Commission recognized when it granted waivers from these rules in competitive exchanges in 2015. Verizon proposes that the Commission eliminate them entirely, with one exception. Verizon

proposes to retain Section 64.31 (LEC credit and deposit policies), modified to clarify that “a LEC shall describe its credit and deposit policies for noncompetitive stand-alone basic services” in a product guide or similar document and that a LEC’s credit and deposit practices shall comply with applicable state and federal law. Verizon Comments at 30.

b. Discussion and Resolution

In the NPRM Order, we had proposed to retain this subchapter. However, based upon input received in response to the NPRM, we shall rescind Subchapter C except for a revised Section 64.31. Specifically, we hereby revise Section 64.31 to clarify that a LEC shall describe its credit and deposit standards, which must be reasonable under Section 1501 of the Code, in a tariff, product guide, or similar document. Based on the information contained in our Utilities Consumer Activities Report and Evaluation from recent years, the Commission finds that credit/deposit standards have not been a major issue for our telephone utilities and their customers. Moreover, Section 1501 along with the requirement that these rules be tariffed, etc., adequately protects Pennsylvania consumers against unreasonable telephone utility credit and deposit practices.

D. Subchapter D (Interruption and discontinuation of service)

52 Pa. Code §§ 64.51—64.53

In the Reclassification Order, we recognized that Verizon’s Product Guide applies to basic local exchange services in competitive wire centers in Verizon’s service territories in Pennsylvania and addresses refunds for service interruptions and customer-initiated discontinuation of service.⁸⁵ Consequently, we temporarily waived the Subchapter D regulations Section 64.52 (Refunds for service interruptions) and Section 64.53 (Discontinuance of service) for Verizon.⁸⁶ Concomitantly, we also decided to retain Section 64.51 in the Reclassification Order.

In the NPRM Order, we proposed the retention of this subchapter in its entirety in all geographic areas in recognition of the need to balance the interests of consumer protection with the ability of a LEC to operate efficiently and in a streamlined manner in the competitive marketplace.

a. Comments and Replies

Verizon opposes the Commission’s proposal to reinstate the Subchapter D rules because in Verizon’s view, they are unnecessary and obsolete in today’s competitive marketplace, which the Commission recognized when it granted waivers from these rules in competitive exchanges in 2015. Verizon proposes that the Commission apply these rules only to residential basic local exchange service, to be sunset at the end of 2023, with the proviso that section 1501 of the Code shall continue to govern all aspects of regulated carrier services. Verizon Comments at 31.

b. Discussion and Resolution

This subchapter addresses scheduled interruptions of service by the utility and voluntary discontinuations of service by the customer. Subchapter D contains notification procedures and refund amounts for service interruptions and contains the general procedures for customers to discontinue service. In the NPRM Order, we proposed to retain this subchapter. However, based upon input received in response to the NPRM, we hereby rescind

⁸³ Reclassification Order at 97.

⁸⁴ Id.

⁸⁵ Reclassification Order at 97.

⁸⁶ Id.

Subchapter D in its entirety. We agree with Verizon that Subchapter D is unnecessary and obsolete in today's competitive marketplace. Verizon Comments at 31. To the extent a telephone utility does not provide adequate service in one of the areas addressed by Subchapter D, the utility's conduct can be adequately addressed under Code Section 1501.

E. Subchapter E (Suspension of Service)
52 Pa. Code §§ 64.61—64.111

Subchapter E regulates grounds for suspension of service and notice procedures prior to suspension of service. In the Reclassification Order, we temporarily waived several of our Subchapter E regulations for Verizon but also concluded that several regulations remained relevant for competitive service.⁸⁷

Specifically, we decided to temporarily waive the following Subchapter E regulations for Verizon pertaining to grounds for suspension of service and certain notice procedures:

- Section 64.61 (Authorized suspension of service);
- Section 64.63 (Unauthorized suspension of service), except for subsection (10) relating to medical certificates;
- Section 64.72 (Suspension notice information);
- Section 64.73 (Notice when dispute pending);
- Section 64.74 (Procedures upon customer contact before suspension); and
- Section 64.81 (Limited notice upon noncompliance with report or order).

However, we denied Verizon's temporary waiver request for the following Subchapter E regulations, which we acknowledged remained relevant and should continue to apply in a competitive environment:

- Section 64.62 (Days suspension or termination of service are prohibited);
- Section 64.63(10) (Unauthorized suspension of service) relating to medical certificates;
- Section 64.71 (General notice provisions);
- Section 64.75 (Exception for suspension based on occurrences harmful to person or property);
- Section 64.101 (General provision);
- Section 64.102 (Postponement of suspension pending receipt of certificate);
- Section 64.103 (Medical certification);
- Section 64.104 (Length of postponement; renewals);
- Section 64.105 (Restoration of service);
- Section 64.106 (Duty of customer to pay bills);
- Section 64.107 (Suspension upon expiration of medical certification);
- Section 64.108 (Right of LEC to petition the Commission);
- Section 64.109 (Suspension prior to expiration of medical certification); and
- Section 64.111 (Third-party notification).

In the NPRM Order, we noted that in the absence of sufficient data evidencing decreased customer reliance on these emergency-related provisions or to support a determination that the alleged utility burden is greater than the consumer benefit, it was prudent to retain the Subchapter E emergency provisions at Section 64.101—64.111, given the potential impacts of suspension of service on customers with serious medical conditions, throughout all geographic areas.

⁸⁷ Reclassification Order at 98—100.

a. Comments and Replies

The OCA supports the Commission's proposal to retain Subchapter E rules in all geographic areas, especially "given the potential impacts of suspension of service on customers with serious medical conditions, throughout all geographic areas." OCA Comments at 30.

Verizon opposes the Commission's proposal to reinstate the Subchapter E rules because in Verizon's view, they are unnecessary and obsolete in today's competitive marketplace, which the Commission recognized when it granted waivers from these rules in competitive exchanges in 2015. Verizon proposes that the Commission apply these rules only to basic residential telephone service, to be sunset at the end of 2023, with the proviso that section 1501 of the Code shall continue to govern all aspects of regulated carrier services. Verizon Comments at 31.

b. Discussion and Resolution

For the same reasons set forth in our discussion of the parties' general comments with respect to this rulemaking overall,⁸⁸ and consistent with OCA's comments in response to the ANPRM Order, we conclude that wholesale elimination of our Chapter 64, Subchapter E regulations is not appropriate, and would substantially weaken the protections Pennsylvania consumers enjoy today. Rather than eliminating all of Subchapter E, we decide instead to review individual regulations or sets of regulations on their own merits, in response to specific concerns raised by commentators.

1. 52 Pa. Code § 64.61 (Authorized suspension of service)

Section 64.61 states eight separate grounds for authorized suspension of service. In the Reclassification Order, the Commission determined that Section 64.61 was no longer relevant in a competitive market as these terms of service for grounds for suspension and termination are addressed in Verizon's Product Guide at Section 1, Original Sheets 4 and 4.1, while termination is covered in Section 29 of their Product Guide. Thus, we temporarily waived this regulation for Verizon.⁸⁹

In the NPRM Order, we expressed our concern regarding the suitability of having potentially different standards govern the suspension of residential services, including basic local exchange services.

Also, in the NPRM Order, we noted that OCA brought to our attention that Verizon has utilized Section 64.61(3) in the context of network transitions from conventional copper-based connections to fiber optic ones for residential customers. OCA indicates that Section 64.61(3) permits a LEC to suspend residential service upon "[u]nreasonable refusal to permit access to service connections, equipment and other property of the LEC for maintenance or repair," and references the *Altman* case.⁹⁰ In the *Fox* copper to fiber transition case the presiding Administrative Law Judge determined that Mr. Fox's refusal to provide Verizon PA with access to his dwelling was unreasonable and put Mr. Fox at risk of suspension of service, and that

⁸⁸ *Infra.* at 18—24.

⁸⁹ Reclassification Order at 99.

⁹⁰ OCA Comments at 39-40, citing *Neil and Gilda Altman v. Verizon Pennsylvania LLC*, Docket No. C-2015-2515583 (Order entered November 18, 2016) (Altman). OCA indicates that Verizon cited Section 64.61(3) as support for the possible suspension of service, but the presiding Administrative Law Judge found Section 64.61(3) inapplicable on the particular facts. OCA Comments at 40, citing the *Altman* Initial Decision at 14-15.

Verizon must meet the notice requirements of Sections 64.71 and 64.72 before proceeding with a service suspension.⁹¹

OCA pointed out that the Commission’s denial of Mr. Fox’s complaint noted that “[w]hen migrating telephone service from a copper to fiber-based service, Verizon also must comply with the relevant customer notice requirements regarding suspension/termination of service in Chapter 64 of the Commission’s regulations.”⁹² OCA recommends that “the Commission should not, through this rulemaking, diminish or dismantle such important, inter-related Chapter 64 provisions that relate to suspension of service and timely notice of how the customer may cure the potential suspension,” and that the copper to fiber transition of network connections should be accomplished in a manner that does not confuse consumers or result in the avoidable suspension of vital residential basic local exchange services.⁹³ OCA supports the retention of the Section 64.61 regulation for both competitive and noncompetitive areas.⁹⁴

Thus, for the reasons set forth by OCA, we proposed to retain Section 64.61 for all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain this rule in all geographic areas, noting the need for guidance “in matters such as the continuing transition of network connection from copper-based to fiber optic facilities thus avoiding the suspension or even the loss of vital basic local exchange services.” OCA Comments at 31.

IRRC notes with approval that “[a] commentator states that Section 64.61 should recognize the ability of the telecommunications service provider to suspend services to prevent other types of abuse, or illegal activities.” IRRC Comments at 9.

TCC/CCL propose that the Commission modify its proposed language for this rule to permit carriers to suspend service based on “abusive, illegal or fraudulent activity.” TCC/CCL Comments at 27.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we decide to adopt our proposed retention of Section 64.61 in all geographic areas.

We find reasonable TCC/CCL’s suggestion that LECs be permitted to suspend service based on “abusive, illegal or fraudulent activity” and we will add new subsection (9) to the existing regulation in the final form regulations to capture these grounds for suspension. Accordingly, the retention of Sections 64.61 in Chapter 64 of Title 52 of the Pa. Code will be reflected in the final-form regulation set forth in the Annex.

2. *52 Pa. Code § 64.62 (Days suspension or termination of service are prohibited)*

In the Reclassification Order, we denied Verizon’s waiver request for Section 64.62 on the basis that identifying the dates service cannot be suspended or terminated is relevant and should apply in a competitive market.⁹⁵ We determined that rather than Verizon’s Product Guide’s determining these dates, it was best to continue to have

these dates controlled by regulation. Accordingly, Section 64.62 was retained and made to apply in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain this rule in all geographic areas. OCA Comments at 31.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we will adopt our proposal to retain Section 64.62 in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas. Accordingly, we take no further action to modify our prior determination regarding Section 64.62 in Chapter 64 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

3. *52 Pa. Code § 64.63 (Unauthorized suspension of service)*

Section 64.63 identifies the reasons for which “basic service may not be suspended, and a suspension notice may not be sent[.]” This regulation, except for subsection (10) addressing medical certifications, was temporarily waived for Verizon in our Reclassification Order.

In the NPRM Order, we stated that we did not believe the processes and procedures governing unauthorized suspensions for residential services, including basic local exchange services, should be governed by different standards when and where the same services are provided in competitive and noncompetitive wire centers by the same telecommunications utility. Furthermore, we stated it was unclear how potentially differing standards for dealing with unauthorized suspensions would operate with respect to select residential customer groups in the competitive and noncompetitive wire centers or equivalent geographic areas of the same utility, e.g., low-income consumers and households that are eligible for Lifeline services. For these reasons, we concluded that the uniformity of treatment of unauthorized suspensions was a better resolution, and we proposed to retain the Section 64.63 regulation for all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain this rule in all geographic areas. OCA Comments at 31-32.

TCC/CCL propose that the Commission modify its proposed language for this rule to recognize that the Commission previously waived certain provisions relative to bundled service packages. TCC/CCL Comments at 28.

b. *Discussion and Resolution*

OCA notes that the regulation protects against unauthorized suspension of service for nonpayment of other telephone services or use of suspension to collect unpaid charges, from four or more years earlier. Also, OCA cites subsection (7) stating that basic local service is protected from suspension, based upon nonpayment by a third party, unless a court order or administrative agency establishes the customer is legally obligated to pay the outstanding balance. OCA Comments at 41-42.

OCA argues that that the preservation of Sections 64.63(1) through (9) provides consumer protections by preventing LECs from using suspension of residential basic exchange services to collect payments owed for other services, owed by other parties, or that may have already been written off. OCA recommends that the Commission preserve the regulation arguing that the

⁹¹ OCA Comments at 40-41, citing to *Irwin Fox v. Verizon Pennsylvania LLC*, Docket No. C-2016-2576094 (Order entered July 18, 2018) (*Fox*).

⁹² OCA Comments at 40-41, citing to *Fox* at 9.

⁹³ OCA Comments at 41, citing *Altman* at 4, Ordering Paragraph 5. OCA also notes that the FCC has eliminated the requirement of a “direct notice to retail customers” in copper retirement network transitions. *Id.* at 41, n.79.

⁹⁴ OCA Comments at 39.

⁹⁵ Reclassification Order at 99.

regulation provides important consumer protections that should apply in all areas, competitive or noncompetitive. OCA Comments at 42.

We agree with OCA's position. In addition to our rejection of a two-tiered regulatory approach, we do not believe processes and procedures governing unauthorized suspensions for residential services, including basic local exchange services, should be governed by different standards when and where the same services are provided in competitive and noncompetitive wire centers by the same telecommunications utility. Furthermore, it is unclear how potentially differing standards for dealing with unauthorized suspensions would operate with respect to select residential customer groups in the competitive and non-competitive wire centers of the same utility, e.g., low-income consumers and households that are eligible for Lifeline services. For these reasons, we conclude that the uniformity of treatment of unauthorized suspensions is a better resolution, and we propose to retain the Section 64.63 regulation for all geographic areas.

We reject TCC/CCL's suggestion to modify this regulation as unnecessary. Accordingly, we take no further action to modify our prior determination regarding Section 64.63 in Chapter 64 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

4. 52 Pa. Code § 64.71 (General notice provisions)

In the Reclassification Order, the Commission retained Section 64.71 containing the notice requirements prior to suspension of service. The Commission considered the regulation relevant for application in a competitive environment.⁹⁶ In similar vein, in the NPRM Order, we concluded that the uniformity of treatment of unauthorized suspensions is a better resolution, and thus, we proposed to retain Sections 64.71 as it presently exists for all geographic areas.

a. Comments and Replies

The OCA supports the Commission's proposal to retain this rule in all geographic areas. OCA Comments at 32.

b. Discussion and Resolution

The Commission will adopt our proposal to retain Section 64.71 in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas. However, consistent with our goal of modernizing our rules to reflect current technology, we shall modify Section 64.71 in the final-form regulation to permit electronic transmittal of telephone suspension notices as long as the customer consents specifically to receiving suspension notices electronically. We note that TCC/CCL recommends allowing electronic transmittal of termination notices in Section 64.123, TCC/CCL Comments at 28, we agree with that recommendation, and we see no reason why we cannot and should not allow the same for suspension notices. We further note that our rules allow a LEC to transmit bills electronically so this outcome is entirely consistent what we allow for billing.

5. 52 Pa. Code § 64.72 (Suspension notice information)

The Commission temporarily waived this regulation for Verizon finding that the provision is no longer necessary in a competitive market.⁹⁷ We took this action based on our understanding that the grounds for suspension and termination of service are addressed in Verizon's Product Guide. However, in the NPRM Order, we determined that there was no compelling reason why suspension notice

information for the same residential services should be subject to different standards. Thus, we proposed to retain the Section 64.72 in all geographic areas.

a. Comments and Replies

The OCA supports the Commission's proposal to retain this rule in all geographic areas, noting that LEC customers "may need clear notice of the steps to take to prevent suspension of service." OCA Comments at 32-33.

b. Discussion and Resolution

Consistent with our discussion in the NPRM Order, we adopt our proposal to retain this regulation for all geographic areas. Accordingly, we take no further action to modify our prior determination regarding Section 64.72 in Chapter 64 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

6. 52 Pa. Code § 64.73 (Notice when dispute pending)

Section 64.73(a) and (b) essentially direct that a LEC cannot mail or deliver a notice of suspension if a notice of dispute has been filed and the failure to comply with this requirement shall render the suspension notice "void." This regulatory section was temporarily waived for Verizon.⁹⁸

In the NPRM Order, we expressed our reluctance to adopt different standards for notices when disputes are pending between essentially the same residential services, including basic local exchange services. Nonetheless, we determined that the Section 64.73 regulation needed to be simplified. Therefore, we proposed the following: (1) the retention of Sections 64.73(a) and (b) for all geographic areas; and (2) proposed the elimination of the part "except where toll usage exceeds the following usage in a billing period after the filing of the notice of dispute or informal complaint."

a. Comments and Replies

IRRC notes that the Commission's proposed language for this rule eliminates subparts (1) and (2) of subsection 64.73(a), but "does not address existing subsection (3)," and recommends that the Commission "should make the necessary edits to clarify this provision." IRRC Comments at 9.

The OCA supports the Commission's proposal to retain this rule in all geographic areas but modified to eliminate outdated references to "toll usage." OCA Comments at 33. OCA further proposes that the Commission eliminate "toll usage" references in subsection (3) of subpart (a) of this rule, in addition to subparts (1) and (2). OCA Comments at 33.

b. Discussion and Resolution

Consistent with our discussion in the NPRM Order, we adopt our proposal to retain this regulation for all geographic areas but clarify in this Preamble that paragraphs (1), (2), and (3) of subsection 64.73(a) are being eliminated too. Accordingly, the retention of Sections 64.73 in Chapter 64 of Title 52 of the Pa. Code as modified will be reflected in the final-form regulation set forth in the Annex.

7. 52 Pa. Code § 64.74 (Procedures upon customer contact before suspension)

In the NPRM Order, we stated that these procedures outlined in Section 64.74 are of material help to consumers and can substantially contribute to the avoidance of

⁹⁶ Reclassification Order at 99.

⁹⁷ Reclassification Order at 99.

⁹⁸ Reclassification Order at 99.

undesirable service suspensions and even terminations, as well as in a consequent reduction of informal and formal complaints that reach this Commission for adjudication and resolution. We also determined that these procedures are equally applicable to residential services, including basic local exchange services, that are provided in both competitive and noncompetitive wire centers of the same telecommunications utility and of particular benefit to low-income consumers and households that are eligible and receive Lifeline services in both competitive and noncompetitive wire centers. Lastly, we also determined that the regulation should be changed with respect to its references to interexchange carrier (IXC) services and billings. Therefore, we proposed the retention of Section 64.74 and its uniform applicability in all geographic areas and proposed an amendment to Section 64.74 to eliminate the term “other than IXC toll charges” in subsection 64.74(a)(3) and to eliminate subsection 64.74(a)(5).

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain this rule in all geographic areas, modified to eliminate outdated references to “toll” and “IXC” services, noting that the rule’s procedures “can substantially contribute to the avoidance of undesirable service suspensions and even terminations, as well as in a consequent reduction of informal and formal complaints that reach this Commission for adjudication and resolution.” OCA Comments at 34.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we adopt our proposal to retain this regulation for all geographic areas. Accordingly, the retention of Section 64.74 in Chapter 64 of Title 52 of the Pa. Code will be reflected in the final-form regulation set forth in the Annex.

8. *52 Pa. Code § 64.75 (Exceptions for suspension based on occurrences harmful to person or property)*

In the NPRM Order, we stated that based on the exigent circumstances that this regulation addresses, the regulation should be retained and uniformly apply in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain this rule in all geographic areas. OCA Comments at 34.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we will adopt our proposal to retain Section 64.75 in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas. Accordingly, we take no further action to modify our prior determination to retain Section 64.75 in Chapter 64 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

9. *52 Pa. Code § 64.81 (Limited notice upon noncompliance with report or order)*

Section 64.81 addresses the circumstances where a customer does not comply with a dispute, informal or

formal complaint resolution, and the original grounds for suspension are then revived, and the LEC can suspend subject to a 24-hour advanced notice by telephone. We temporarily waived this regulation in the Reclassification Order for Verizon.⁹⁹ Consistent with our approach for this entire regulatory Chapter, we proposed that Section 64.81 be retained in its entirety and apply in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain this rule in all geographic areas. OCA Comments at 32 and 35.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we will adopt our proposal to retain Section 64.81 in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas. Accordingly, we take no further action to modify our prior determination to retain Section 64.81 in Chapter 64 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

10. *52 Pa. Code §§ 64.101—64.109 (Emergency provisions) and 52 Pa. Code § 64.111 (Third Party Notification)*

In the NPRM Order, we noted that these regulations were retained in both competitive and noncompetitive wire centers in the Reclassification Order and further noted that no valid reasons had been presented to convince us that customers do not rely on these important provisions. Therefore, we proposed to retain these regulations without amendment.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain these rules in all geographic areas. OCA Comments at 35.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we will adopt our proposal to retain Sections 64.101—64.109 in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas. Accordingly, we take no further action to modify our prior determination to retain Sections 64.101—64.109 in Chapter 64 of Title 52 of the Pa. Code in the final-form regulation set forth in the Annex.

F. *Subchapter F (Termination of Service) 52 Pa. Code §§ 64.121—64.123*

The Commission temporarily waived all the Subchapter F provisions for Verizon concluding that these provisions were no longer necessary in a competitive market and noting that Verizon’s grounds for suspension and termination are covered in their Product Guides.¹⁰⁰ However, for the reasons outlined in the NPRM Order, we proposed the retention of Subchapter F in its entirety and the uniform applicability of the subchapter in all geographic areas.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain these three regulations and their applicability to all

⁹⁹ Reclassification Order at 99.
¹⁰⁰ Reclassification Order at 99; ANPRM Order at 19-20.

geographic areas, noting that they “are interrelated with other provisions and important consumer protections, including the need for the utility to provide notice of the medical certificate process[.]” OCA Comments at 35-36.

TCC/CCL propose that the Commission modify its proposed language for subsection 64.123 (Termination notice) in two ways: (1) to clarify that termination notices may be transmitted electronically; and (2) to eliminate the reference to amount due for basic service only, since in TCC/CCL’s view, competitive carriers may choose not to offer basic service. TCC/CCL Comments at 28-29.

Verizon opposes the Commission’s proposal to reinstate the Subchapter F rules because in Verizon’s view, they are unnecessary and obsolete in today’s competitive marketplace, which the Commission recognized when it granted waivers from these rules in competitive exchanges in 2015. Verizon proposes that the Commission to apply these rules only to residential basic local exchange service, to be sunset at the end of 2023, with the proviso that section 1501 of the Code shall continue to govern all aspects of regulated carrier services. Verizon Comments at 31.

b. *Discussion and Resolution*

For reasons previously explained, the Commission rejects Verizon’s adverse comments to its proposed retention of Subchapter F, and we will adopt our proposal to retain Subchapter F in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas, consistent with our discussion in the NPRM Order.

We reject TCC/CCL’s suggested change with respect to basic local exchange service as unnecessary because the current regulation does not require a LEC to specify an amount past due for basic service if the LEC does not provide basic service. However, we agree with TCC/CCL’s recommendation that we allow electronic transmittal of termination notices. TCC/CCL Comments at 28. Consistent with our goal of modernizing our rules to reflect current technology, we shall modify Section 64.123 to permit electronic transmittal of telephone termination notices as long as the customer consents specifically to receiving termination notices electronically. We further note that our rules allow a LEC to transmit bills electronically so this outcome is entirely consistent what we allow for billing.

G. *Subchapter G (Disputes; Informal and Formal Complaints)* 52 Pa. Code §§ 64.151—64.154

We did not grant a waiver of Subchapter G in the Reclassification Order for Verizon since a customer has a legal right to file an informal or a formal service complaint with the Commission, and we wanted to ensure and control the complaint process.¹⁰¹ However, the Commission proposed a streamlined warm transfer process available for all Verizon retail customers in competitive wire centers who submitted an informal complaint to BCS about service and also added billing-related complaints.

In the NPRM Order, we determined that we should preserve the full scope and protections provided to residential basic local exchange service customers, whether in

competitive or noncompetitive areas. Thus, in consideration of our determination that we should have uniform standards across all geographic areas on matters affecting customer service suspension or termination, we proposed to retain the entirety of Subchapter G throughout all geographic areas. Notwithstanding, we also proposed amendments to relevant Subchapter G regulations to add new language to provide all jurisdictional LECs with the option to participate in a warm transfer or similar program for service and/or billing-related disputes made to BCS.

a. *Comments and Replies*

The OCA supports the Commission’s proposal to retain these informal complaint procedures and to add a warm transfer option, noting that the option could allay “consumer frustration when the consumer is unable contact an actual utility customer service representative to address a service or billing concern.” OCA Comments at 37.

Referring to the Commission’s proposed “warm transfer” option, TCC/CCL refer the Commission to our comments relative to subsection 63.15 (Complaint procedures) and “question whether the new process should be specified in both Chapter 63 and Chapter 64, or whether a single reference is more appropriate.” TCC/CCL Comments a 29.

Verizon opposes retention of Chapter 64 dispute and complaint process, even in the modified form proposed by the Commission. Verizon Comments at 31. Verizon proposes to eliminate subchapter G and replace it with “a much simpler and customer friendly dispute resolution framework” by which BCS will accept informal complaints only relating to residential standalone noncompetitive service, utilize the warm transfer option, and refer any other complaints relating to regulated service directly to the carrier. Verizon Comments at 31-32. Verizon proposes to sunset the informal complaint process entirely by the end of 2023. Verizon further proposes to replace the formal complaint process with a new process whereby all formal complaints relating to retail telecommunications service shall be subject to mandatory mediation. Verizon Comments at 32.

b. *Discussion and Resolution*

The Commission rejects any adverse comments to its proposed retention of Subchapter G, and we will adopt our proposal to retain Subchapter G in Chapter 64 of Title 52 of the Pa. Code for competitive and noncompetitive local calling areas, consistent with our discussion in the NPRM Order. We also adopt our proposal to add a warm transfer process to the Subchapter G regulations in the final form regulations. We agree with OCA’s assessment that the warm transfer process will facilitate more and higher quality interactions between consumers and LEC customer-facing representatives.

We disagree with Verizon that we should restrict the informal complaint process to residential standalone non-competitive service, and we find no legal or factual support for such a restriction. Nor do we find any merit to Verizon’s suggestion that we sunset the informal complaint process entirely or require that all formal complaints be subject to mediation. As previously discussed, the Commission is required under the Code to promulgate regulations that allow for a consumer to make an infor-

¹⁰¹ Reclassification Order at 100-01; see 66 Pa.C.S. §§ 308(d)(1) and 701.

mal complaint with the Commission's BCS, and BCS is required under the Code to receive, investigate and issue final determination on all informal complaints. And, the Commission's existing rules provide for mediation when appropriate but without mandating it on any party, particularly residential customers. Accordingly, we retain Subchapter G in Chapter 64 of Title 52 of the Pa. Code as modified in the final-form regulation set forth in the Annex.

*H. Subchapter H (Restoration of Service)
52 Pa. Code §§ 64.181-64.182*

In the Reclassification Order, the Commission temporarily waived all of Subchapter H as to Verizon's provision of residential service in competitive wire centers.¹⁰² In the NPRM Order, we determined that Section 64.182 is unnecessary and proposed to rescind it. However, consistent with our previous proposals to permanently retain the applicability of certain service suspension and termination regulations for both competitive and noncompetitive wire centers, we proposed the following: (1) the retention of Section 64.181 for all geographic areas; (2) the amendment of Section 64.181 to include reference to "product guides or other similar documents" in addition to a LEC's lawful tariff to the extent those terms are applicable to the particular service.

a. Comments and Replies

The OCA supports the Commission's proposal to retain Section 64.181 in all geographic areas, with minor revisions to acknowledge existence of a pricing guide or tariff, and to eliminate Section 64.182. OCA Comments at 37.

Verizon opposes the Commission's proposal to reinstate the Subchapter H rules because in Verizon's view, they are unnecessary and obsolete in today's competitive marketplace, which the Commission recognized when it granted waivers from these rules in competitive exchanges in 2015. Verizon Comments at 31. Verizon proposes that the Commission apply these rules only to basic residential telephone service, to be sunset at the end of 2023, with the proviso that section 1501 of the Code shall continue to govern all aspects of regulated carrier services. Verizon Comments at 31.

b. Discussion and Resolution

The Commission rejects Verizon's adverse comments to its proposed retention of Subchapter H, Section 64.181 for reasons previously stated, and we will adopt our proposal to retain this regulation for competitive and noncompetitive local calling areas, consistent with our discussion in the NPRM Order. We also adopt our proposal to modify Section 64.181 as set forth in the Annex to the NPRM Order. Finally, we adopt our proposal to rescind Section 64.182 noting that no party opposes that rescission. Accordingly, the retention of Section 64.181 as modified, and the rescission of Section 64.182 from Chapter 64 of Title 52 of the Pa. Code will be incorporated in the final-form regulation set forth in the Annex.

I. Subchapter I (Public Information; Record Maintenance)

*52 Pa. Code § 64.191 (Public Information);
52 Pa. Code § 64.192 (Record Maintenance)*

The two separate regulations in Subchapter I address the requirements of fair marketing. In the Reclassifica-

tion Order we temporarily waived Section 64.191(f) and (g) for Verizon as no longer necessary in a competitive environment. However, we concluded that Sections 64.191(a)—(d) provide necessary regulatory provisions governing applications for service and disclosure of information about available services to potential customers. Since many customers receive bundled services, the Commission previously granted Verizon a waiver of Section 64.191(e) which addresses toll presubscription.¹⁰³

In the NPRM Order, we determined that it is necessary that both parties, the customer and the LEC, know their rights and responsibilities when entering a new service arrangement and thus, we proposed the permanent retention of Sections 64.191(a)—(d) and (f)—(g) for all geographic areas. However, in the Annex to the NPRM Order, we also proposed to amend 64.191(g) to require this information be made only to new customers and thereafter only upon request.

With regard to Section 64.191(e) and being cognizant of the fact that many of our ILECS were previously granted a temporary waiver of this regulatory section,¹⁰⁴ we determined that this regulation was no longer relevant and proposed its rescission in the NPRM Order.

Additionally, we concluded that the record retention requirement in Section 64.192 can and does assist when various disputes arise as well as in the resolution of informal and formal complaints. We determined that since such record generation, retention and storage are being performed through electronic means in the ordinary course of business of telecommunications utilities by their respective billing and operational support systems, that the requirement to maintain such records uniformly for residential services provided in both competitive and noncompetitive wire centers does not appear to constitute an administrative burden. Thus, we proposed to retain Section 64.192 for all geographic areas.

a. Comments and Replies

With respect to subparts (a) and (b) of subsection 64.191, IRRC notes with approval a commentator's suggestion that "basic service" should be replaced with "of service for which the applicant is eligible" "since some LECs may not provide 'basic service' as contemplated in this regulation." IRRC Comments at 9.

Additionally, with respect to subpart (f) of subsection 64.191, IRRC agrees with a commentator that "this provision can be deleted as it is no longer relevant given the movement away from saturation delivery of white page directories." IRRC Comments at 9.

The OCA supports the Commission's proposal to retain this rule in all geographic areas, and to revise the rule to eliminate reference to toll presubscription and to only require that information be provided to new customers. OCA Comments at 38. OCA further proposes to eliminate the reference to "telephone directory" in subsection 64.191(f)(4) as "no longer relevant." OCA Comments at 38.

¹⁰³ Joint Petition of Verizon Pennsylvania, Inc. and Verizon North, Inc. for a Waiver of the Commission's Order Dated May 9, 1997, et al., Docket Nos. I-00940034 and P-00072348 (Tentative Order entered September 24, 2008 and Final Order entered October 6, 2008; see also Secretarial Letter dated January 22, 2009) (May 9, 1997 Implementation Order).

¹⁰⁴ RLEC Directory and Toll Presubscription Order at 10-11.

¹⁰² Reclassification Order at 99, 144.

OCA also supports the Commission's proposal to retain the Section 64.191 rule in all geographic areas, noting that "this regulation and information covered is still needed and relevant, given the use of the "warm transfer" approach to management of consumer disputes as well as consumer concerns arising from the copper to fiber network transition." OCA Comments at 39.

TCC/CCL propose that the Commission modify its proposed language for this rule to eliminate references to basic service, since in TCC/CCL's view, competitive carriers may choose not to offer basic service. TCC/CCL Comments at 29.

Verizon opposes the Commission's proposal to retain the Subchapter I rules because in Verizon's view, they are unnecessary and obsolete in today's competitive marketplace. According to Verizon, "consumers today value the streamlined interactions typical of unregulated providers" but the rules force regulated carriers "to communicate in an annoying and confusing manner." Verizon Comments at 32.

b. Discussion and Resolution

Ensuring that both parties to a new service know their rights and responsibilities affords protection to both the customer and the provider. However, in our continual effort to balance burdens on providers with protections for customers, we narrowed the provision of this information to new customers only to reduce our providers' burdens while still protecting all parties to the transaction.

The Commission rejects Verizon's adverse comments to its proposed retention of Subchapter I, Sections 64.191 and 64.192 for competitive and noncompetitive local calling areas, for reasons previously stated and consistent with the discussion in the NPRM Order. However, we agree with the comments of TCC/CCL relative to basic service and we will further modify Section 64.191(a) and (b) to replace the word "basic" with the generic term "telecommunications." Accordingly, the retention of Sections 64.191 and 64.192 in Chapter 64 of Title 52 of the Pa. Code as modified will be incorporated in the final-form regulation set forth in the Annex.

J. Subchapter J (Annual Reporting Requirements) 52 Pa. Code §§ 64.201-64.202

52 Pa. Code § 64.201 (Reporting Requirements)

The Commission granted Verizon a temporary waiver of many, but not all, of the Section 64.201(b) reporting requirements for the 153 competitive wire centers.¹⁰⁵ However, Verizon remained subject to the Section 64.201(a) annual reporting requirement that imposes on each LEC with residential accounts the obligation to file a report providing information that is set forth in Section 64.201(b).¹⁰⁶ Specifically, Verizon was required to continue to comply with Section 64.201(a) and the following Section 64.201(b) provisions: (b)(2)(i), (b)(4)(i), (b)(5), (b)(6), (b)(7), (b)(8)(i), (b)(9)(i), and (b)(10)(i).

In the NPRM Order, the Commission determined that these reporting requirements for residential account information relative to non-basic and toll service data are no longer necessary in any area. Consequently, in the Annex to the NPRM Order, we proposed to rescind 64.201(b)(2)(ii), (iii), and (iv); 64.201(b)(4)(ii), (iii), and (iv); 64.201(b)(8)(ii), (iii), and (iv); 64.201(b)(9)(ii), (iii), and (iv); 64.201(b)(10)(ii), (iii), and (iv); and 64.201(b)(11) and thereby limit each reporting requirement to basic local exchange service.

¹⁰⁵ Reclassification Order at 102.

¹⁰⁶ See Final Implementation Order at 32.

However, because we also determined that the retention of the other reporting provisions in this subchapter continued to provide useful information regarding the status and assist our understanding of changes in the residential telecommunications services market, we proposed to retain the remaining reporting requirements in Section 64.201, including the previously temporarily waived subsections (b)(1) and (3) for all geographic areas.

Additionally, since we have retained some Chapter 64 regulations, Section 64.202 (Petition for waiver) remained relevant.¹⁰⁷ Thus, we proposed to retain this regulation in all geographic areas.

a. Comments and Replies

Noting that "[r]etaining [Section 64.201] will assist in providing useful information regarding the impact of . . . 'warm transfer' arrangements," IRRC asks the Commission "to explain the need and rationale for eliminating this periodic reporting." IRRC Comments at 10.

Noting a commentator's objection to the reporting requirements of §§ 64.201(b)(2), 64.201(b)(4), 64.201(b)(9) and 64.201(b)(10) as "outside the jurisdiction" of the Commission, IRRC asks the Commission to "explain the need for these provisions in a revised Preamble to the final-form rulemaking." IRRC Comments at 10. IRRC also notes a commentator's suggestion that "where 'basic service' appears in § 64.201 (relating to reporting requirements), it should be replaced with 'telecommunication services,' and recommends that the Commission "should make certain that it is consistent in its use of terms throughout the text of the regulation." IRRC Comments at 10.

The OCA opposes the Commission's proposal to rescind subsection 64.201(b)(11), requiring reporting of the total number of Chapter 64 disputes, because "that this tally is an important measure which should be retained [and] is particularly important given the Commission's proposed option for LECs to participate in a 'warm transfer' arrangement to expedite receipt and resolution by the LEC of consumer complaints to the Bureau of Consumer Services." OCA Comments at 40. OCA supports the remainder of the Commission's proposal to retain this rule with substantial modifications to eliminate reporting of non-basic and toll service that is no longer necessary. OCA Comments at 39-40.

TCC/CCL propose that the Commission modify its proposed language for this rule in two ways: (1) to eliminate several reporting requirements which, in TCC/CCL's view, "do not implicate the areas over which the Commission retains jurisdiction"; and (2) to replace references to "basic service" with "telecommunications service," since in TCC/CCL's view, competitive carriers may choose to offer services other than basic service. TCC/CCL Comments at 30.

The OCA also supports the Commission's proposal to retain Section 64.202 in all geographic areas. OCA Comments at 40.

Verizon opposes the Commission's proposal to retain the Chapter 64, Subchapter J rules because in Verizon's view, they are unnecessary and obsolete in today's competitive marketplace, provide no benefit to consumers, and impose burdens that unregulated carriers do not bear. Verizon Comments at 33. According to Verizon, these rules and related reports "belong to the now nonexistent rate-of-return structure" and unduly burden regulatory carriers only. Verizon Comments at 33. Verizon posits that the

¹⁰⁷ ANPRM Order at 21; Reclassification Order at 103.

Commission may continue to monitor affordability of basic residential service by reviewing publicly available price guides. Verizon Comments at 33.

b. *Discussion and Resolution*

The Commission rejects any adverse comments to its proposed retention of Subchapter J, Sections 64.201 and 64.202, and we will adopt our proposal to retain these regulations and limit their application to basic local exchange service for competitive and noncompetitive local calling areas, consistent with our discussion in the NPRM Order. We also adopt our proposal to modify Section 64.201 as set forth in the Annex to the NPRM Order.

Consequently, we reject the comments of TCC/CCL and IRRC relative to replacing the term “basic” service with “telecommunications” service in the final form regulations because our intent is to limit Section 64.201’s reporting obligations to basic local exchange service only. Using “telecommunications” would broaden, not limit, the reporting obligations. As previously noted, the Commission in the Annex to the NPRM Order proposed to limit the Section 64.201 reporting requirements to basic local exchange service. We will maintain this approach, as the retained reporting requirements could provide useful information to assist our understanding of changes in the residential telecommunications services market in general and the basic service market in particular.

We also agree with the comments of OCA relative to retention of subsection (11) regarding total number of disputes handled. We will revise Section 64.201 accordingly in the final form regulations.

K. *Subchapter K (General Provisions)*
52 Pa. Code §§ 64.211—64.213

In the Reclassification Order, we temporarily waived Section 64.211 in Verizon’s competitive wire centers.¹⁰⁸ In the NPRM Order, we proposed to rescind Section 64.211. However, since we retained certain Chapter 64 regulations, we also proposed to retain Sections 64.212 and 64.213 as they currently exist because Section 64.212 governs waiver requests and Section 64.213 governs the effect of tariff provisions that are inconsistent, and these regulations potentially remained useful.¹⁰⁹

a. *Comments and Replies*

The OCA supports the Commission’s proposal to rescind 64.211 in all geographic areas as unnecessary. OCA Comments at 40. Additionally, OCA supports the Commission’s proposal to retain Section 64.212 and 64.213 in all geographic areas. OCA Comments at 41.

b. *Discussion and Resolution*

Consistent with our discussion in the NPRM Order, we will adopt our proposal to retain Subchapter K, Sections 64.212 and 64.213 for competitive and noncompetitive local calling areas, and to rescind Section 64.211. Accordingly, the retention of Sections 64.212 and 64.213 and the rescission of Section 64.211 from Chapter 64 of Title 52 of the Pa. Code will be incorporated in the final-form regulation set forth in the Annex.

Conclusion

We again thank those interested parties who filed comments on the proposed subsections of the regulation. The determinations the Commission has made in this Final Rulemaking and the changes we have adopted to our telecom regulations in the final-form regulation set forth in the accompanying Annex are driven by multiple

factors, including the presence of competition, industry technological changes, and consumer demand for convenience with their telecommunications services. The Commission concedes that there may be work left to do, as our Chapter 63 abandonment, change of control, and universal service fund regulations for example will remain unchanged after this proceeding. Nevertheless, this rulemaking represents a significant step forward in modernizing our telecommunications regulations, including eliminating regulatory obligations that are no longer necessary or appropriate and modifying regulatory obligations to better reflect today’s market realities. In our view, the proposed changes from this proceeding bring Pennsylvania ILECs closer to regulatory parity with their competitors, which is one of the stated policy goals in Chapter 30 of the Code.¹¹⁰

At the same time, the Commission needs to balance the needs of utilities and consumers when making decisions. The surgical approach that we have taken with our telecommunications regulations does just that; it allows our jurisdictional carriers to better compete in today’s marketplace, while still maintaining the consumer protections necessary to ensure the provision of reasonably continuous, modern, and safe service. Accordingly, under Sections 501, 504, 505, 506, 1501, 1504, 1507, 1508, 1509, and 3011—3019 of the Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1501, 1504, 1507, 1508, 1509, and 3011—3019; Section 201 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law (45 P.S. § 1201), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; Section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)); Section 5 of the Regulatory Review Act (71 P.S. § 745.5); and Section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we amend the regulations at 52 Pa. Code §§ 53.57—53.60 and 52 Pa. Code Chapters 63 & 64, as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. Chapters 53, 63 and 64 of Title 52 of the *Pennsylvania Code* are hereby amended as set forth in Annex A hereto.
2. The Law Bureau shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. The Law Bureau shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
4. The Law Bureau shall submit this order and Annex A to the Governor’s Budget Office for review of fiscal impact.
5. The Law Bureau shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.
6. The Secretary’s Bureau will serve a copy of this Order and Annex A upon the Pennsylvania Telephone Association, all the participating parties in the Advanced Notice of Proposed Rulemaking, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Commission’s Bureau of Investigation and Enforcement.

¹¹⁰ Chapter 30 recognizes that “the regulatory obligations imposed upon the incumbent local exchange telecommunications companies should be reduced to levels more consistent with those imposed upon competing alternative service providers.” 66 Pa.C.S. § 3011(13).

¹⁰⁸ Reclassification Order at 22.
¹⁰⁹ Id.

7. The contact persons for this rulemaking are Deputy Chief Counsel David E. Screven, Law Bureau, (717) 787-2126, dscreven@pa.gov, and Assistant Counsel Christopher Van de Verg, (717) 783-3459, cvandeverg@pa.gov. Alternate formats of this document are available for persons with disabilities and may be obtained by contacting Karen Thorne, Regulatory Coordinator, (717) 772-4597, kathorne@pa.gov.

8. A copy of this Order will be published on the Commission's website at <http://www.puc.pa.gov>.

9. The final regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: OCTOBER 28, 2021

ORDER ENTERED: DECEMBER 9, 2021

(*Editor's Note:* See 52 Pa.B. 3294 (June 4, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 57-331 remains valid for the final adoption of the subject regulations.

Statement of Chairperson Gladys Brown Dutrieuille

The matter before us is a recommendation for adopting final form regulations revising Sections 63 and 64 of our Code governing telecommunications. This arose as part of the Commission's earlier Reclassification Order and addresses Section 3019(b)(2) of the Public Utility Code (Code).¹¹¹

As an initial matter, I support following the Independent Regulatory Review Commission's (IRRC) suggestion that we reissue the proposed regulations and solicit additional input on the issues raised by my earlier statement.¹¹²

I do not agree with the proposition that the mere existence of competition and technological updates warrants the elimination of the vast majority of the many customer protections included in our existing service quality and billing regulations. The reference to cable voice service as a substitute for regulated stand-alone voice service is unconvincing. While I applaud the great progress that has been made in providing cable internet and cable voice services, I am reminded that we still struggle with the availability of access to reliable and affordable cable service in rural and urban areas in our Commonwealth.¹¹³ Also, cable voice is not classified as a telecommunications service and, even if it were, it is rarely offered as the stand-alone voice service regulated by the Commission. Wireless service is also not a substitute to regulated stand-alone voice service because it has capacity constraints that limit its usefulness. Satellite service is too nascent to consider as a substitute today.

A more moderate approach to updating our regulations is preferable to one that cuts far deeper than necessary, at this time, when true competition is not ubiquitous and

the technological advancements,¹¹⁴ that do exist, are not universally available. Even if ubiquitous competition existed and technological advancements were universally available, there would still be issues like network reliability, public safety, adequacy, privacy, and service quality that are sufficiently critical to require detailed regulations and not reliance on Section 1501 of the Code.¹¹⁵

Section 3019(b)(2) expressly directs the Commission to take into consideration the emergence of new industry participants, technological advancements, service standards and customer demand when revising our regulations. Section 3011(13) recognizes that regulatory burdens on carriers subject to Chapter 30 should be reduced to level more consistent with those of an alternative service provider.

The guiding principles of Sections 3019(b)(2) and 3011(13) should be the *primus inter pares* considerations in the present rulemaking. Those principles must be considered in *pari materia* with other preceding provisions in the statute emphasizing the importance of universal service, affordable rates, nondiscrimination, and the deployment of broadband be it mandated or by competition.¹¹⁶ A holistic consideration of Sections 3019(b)(2), 3011(11) and (13), and Section 3016(a) does not support substantial deviation from the final form regulation before us today.

Section 3019(B)(2).

A. Emergence of New Industry Participants

Our 35 Chapter 30 Companies, which are the traditional incumbent service providers in Pennsylvania and referred to as local exchange telecommunications companies (LETCs) in Chapter 30 of the Code, assert that they continue to experience significant losses in the number of voice service access lines to unregulated competitors over the past few years.¹¹⁷ They argue that this competition from these unregulated competitors should result in the Commission rescinding a substantial portion of our regulations addressing the safety, adequacy, reliability, and

¹¹⁴ Interconnected VoIP service, not classified by the FCC as telecommunications, has proven as reliable as traditional plain old telephone service (POTS) only if the customer possesses a high-speed Internet connection at their residence or business since it works via ethernet cable, Wi-Fi, and even LTE. For the approximately 600,000 consumers without broadband in PA, VoIP is not an option in the absence of cable internet service unlike POTS, which we regulate and which still works in the event of a power outage, a lost internet connection also means the consumer loses voice service unless they have a cellphone. Cellphone service also has less capacity and can be quickly overwhelmed as in an emergency. Cable voice service also requires consumers to keep service by investing in an established backup power source. Technologies like low-earth orbiting satellites (LEOs) or fixed wireless are in their infancy, have capacity constraints, can be expensive like requiring a \$500 equipment fee upfront. The parties also overlook that these require access to Internet broadband service that unfortunately many Pennsylvanians still lack.

¹¹⁵ Competition must be ubiquitous to be an effective replacement for regulations. Verizon notes that competition replaces regulatory oversight in formerly monopoly markets. Accord Verizon Comments at 5. The record does not define competition nor how to measure it except for an incomplete discussion of lost access lines noted *infra*. Compare Verizon Comments at 3–10 citing FCC Voice Subscription (April 2021) with FCC Voice Subscription Report (April 2021) Table 1, pp. 8-9 showing ILEC over-the-top VoIP grew from 67 to 70, ILECs coaxial cable grew from 55 to 56, and ILEC fiber-to-the-premises grew from 8,590 to 8,633 while CLEC ability to compete to provide service declined from 3,514 to 3,082 using last mile facilities and reliance on UNE-L declined from 1,529 to 1,352. Professor Harry Trebing, a former FCC economist and Michigan State Public Utility Institute Director, defined effective competition to exist when there are at least five providers of the service and no one provider has more than 40% of market share. Anything less makes competition ineffective by making consumers price takers not price makers. Compare Harry Trebing (Michigan Institute of Public Utilities Lectures, 1993) and David S. Schwartz, Crossing the Rubicon with Harry Trebing (2002) <https://ipu.msu.edu/wp-content/uploads/2019/08/Crossing-the-Rubicon-with-Harry-Trebing.pdf> and William G. Shepherd, Wrong Numbers (May 2000) (discussing a proposed MCI-T-Mobile merger in light of Trebing's approach available at https://www.epi.org/publication/briefingpapers_wrongnumber/) with Verizon Comments, pp. 2–5 and PTA Reply, and CR Comments. Cf. Comments of the OCA.

¹¹⁶ Compare e.g., Section 3011(1), (2), (8), and (11) with Verizon Comments, p. 2, n. 7 citing 3011(11). It should be noted that Section 3011(11) must be read in conjunction with (a)(9) addressing competition in any region where there is market demand. That has occurred in 153 of Verizon's 504 exchanges and in none of the exchanges operated by all the remaining ILECs who also rely on Section 3011(11). See PTA Reply Comments, p. 3.

¹¹⁷ Verizon Comments, pp. 3–10; PTA Reply Comments.

¹¹¹ 66 Pa.C.S. § 3019(b)(2).

¹¹² Comments of the Independent Regulatory Review Commission, Docket No. L-2018-3001391 (July 23, 2021), p. 3.

¹¹³ Section 706 Report, Docket No. 17-199 (February 2, 2018), Appendix D-2. Of Pennsylvania's 12,774M residents cited, 82.4% of rural residents and 98.2% of urban residents have access to fixed and mobile broadband. This translates into approximately 179,000 urban residents and 481,000 rural residents without broadband. This totals over 600,000 Pennsylvanians.

privacy of telecommunications services and the ordering, installation, suspension, termination, and restoration of any telecommunications service. However, a Section 3019(b)(2) proceeding is to consider new industry participants, technological advancements, service standards and consumer demand. But, the commentators have made competition a component of the statutory criteria and, even then, have presented no real substantial evidence to support their claim other than aggregate figures on line losses set forth in the Federal Communication Commission’s Voice Subscription Report (April 2021) which also show competition increases and declines. These partial references, moreover, fail to address the extent to which these “lost” incumbent stand-alone access lines used to provide stand-alone voice have been, or will be, replaced by the incumbents’ own modernized “multiservice” last-mile lines that are providing not only voice, but also internet and video service, backhaul service, and mobile services as well.

I note that the current version of Chapter 30 enacted seventeen years ago incorporated a statutory provision that permitted our LETCs to obtain pricing regulatory relief once the LETC presents evidence that competition from alternative service providers is no longer nascent in their service territory. If competition were a criteria in Section 3019(b)(2), which it is not, and were as pervasive as claimed, beyond the superficial reference to access line losses, the incumbents would have long ago, under Section 3016 of the Code,¹¹⁸ petitioned to obtain “competitive” classification in their remaining exchanges by presenting these claims and additional evidence beyond that made here. That has not occurred except for Verizon’s attempt to reclassify 196 of its 504 exchanges. This illustrates that competition is not ubiquitous.

I support the overall approach in Sections 63.22 to 63.44 on Service Quality Measurements because the existing rules retain a minimum amount of regulation as needed to ensure information about network reliability and quality of service. The proposed regulations governing Service Records (63.22), Service Interruptions (63.24), Accounts and Records (63.35), and Surveillance (63.51—63.55), Trouble Reports (63.57), Installation (63.58), Transmission (63.63), and Inspections and Metering (63.64) should be retained. I support modification of our earlier approach to now state that reports are to be provided upon Commission request except in some limited instances like the Annual Report.

I support substantial revisions of Automatic Dialing Device, Extended Area Service, Payphone, Underground Utility Service, Long-Distance Utility Service, Operator Supported Services, and Wholesale Service portions of the regulations with a backstop provision that should the public interest demand, the Commission retains the appropriate jurisdiction to serve the public interest.

B. Service Standards and Consumer Demand.

Section 3019(b)(2) of the Code also requires the Commission to consider service standards and consumer demand. On these points, a recent event involving over 140 informal complaints against one incumbent provider suggests that consumer demand for network reliability, adequacy, and public safety continues to exist.

An even more recent letter from the General Assembly, whose standing committees will comment on our final form rules, asked the Commission to investigate outages

and network reliability.¹¹⁹ While those matters and allegations have been appropriately referred to our independent enforcement authority under the Lyness doctrine, their existence illustrates the extent to which consumers expect this Commission to regulate telecommunication service standards. I do not support revisions to our rules that rescind the practice of requiring notice to the Commission of any outage reported to the FCC, providing customer credits based on the length of a service outage in any exchange, or eliminating the need for reports and metrics measuring network reliability. The Pennsylvania public relies on the Commission to continue to address these matters.

Section 3011.

Many commentators called for a reduction in our rules to those imposed on alternative service providers (or CLECs) due to the presence of competition. They view the rules imposed on LETCS or ILECs as harmful to their ability to compete everyday with CLECs for a consumer’s business.¹²⁰

This call for the wholesale rescission of our existing telecom regulations or for the incorporation of sunset provision for telecom regulations contains no substantial evidence of ubiquitous competition. But, even if it did, the call fails to address the fact that Chapter 30 also recognizes that the obligations and duties imposed on an ILEC are not identical with those expected of a CLEC. For this reason, the statute expects that the Commission should reduce regulations to levels more consistent with those of an ILEC. Section 3011(13) must be balanced against preceding provisions such as Section 3011(2) addressing universal service at affordable rates, paragraph (8)’s concern that competitive service be deployed without jeopardizing universal service, and that the promotion of advanced and broadband services not jeopardize universal service in Section 3011(12).

The call for absolute regulatory parity between ILECs and CLECs fails to account for the fact that incumbent LETCs, or ILECs, like incumbent providers in the water, electric, and gas public utilities, have universal service Carrier of Last Resort (COLR) obligations¹²¹ under state law and are Eligible Telecommunications Carriers (ETC) with obligations arising from the receipt of federal support tied to that ETC designation.¹²² The competitor LETCs, or CLECs do not.

Pennsylvania’s Basic Service versus Federal Stand-Alone Service.

The comments to Section 53.57, inter alia, state that Pennsylvania’s definition and requirements for intrastate “basic” service should be reconciled with federal rules requiring stand-alone voice as a condition of federal support when there are technological limitations.¹²³ IRRC has raised this concern as well.¹²⁴

The “basic” service definition set forth in our current rules reflects a monopoly era when the Commission regulated intrastate voice service and the FCC regulated interstate voice. Since then, voice service is now usually

¹¹⁹ See attached Letter. Under the *Lyness* doctrine, a regulatory agency cannot be prosecutor and judge. The Commission’s independent enforcement arm, BI&E, is looking into those claims.

¹²⁰ See e.g., PTA Comments, p. 4.

¹²¹ That anticipation, at least in Pennsylvania, was accompanied by an equally important commitment to universal service, assurances that rates remained just and reasonable, and that eligible consumers could get Lifeline service from LECs subject to Chapter 30. Section 3011(a) and 3019(f). The comments recognize this interplay of universal service/COLR and competition. See e.g., PTA Reply Comments, pp. 5-6.

¹²² See e.g., Comments of Claverack Communications, Docket No. L-2018-3001391 (May 25, 2021) inter alia.

¹²³ Comments of Claverack Communications, Inc., Docket No. L-2018-3001391 (May 25, 2021); Accord IRRC Comments (July 23, 2021), p. 5.

¹²⁴ IRRC Comments (July 23, 2021), p. 5.

¹¹⁸ 66 Pa.C.S. § 3016(a)(1)—(3).

blended into a packaged voice service that combines intrastate and interstate voice. This packaged voice service is often bundled with broadband service where broadband is available. The FCC requires recipients of federal support to provide “stand alone” voice service, usually a packaged voice service, as well as bundled voice and broadband service. The final rules should retain the definition of “basic” service limited to intrastate voice but should also be revised to include package voice services that provide unlimited local and long-distance calling, 911, and telecommunications relay service provided by new entrants. This allows those providers to comply with the ancillary requirements while reconciling our “basic” service for those without a package voice in a way that also ensures compliance with FCC mandates. This also ensure that all consumers, not just Lifeline consumers, will have access to stand-alone voice service if it is a “basic” intrastate voice service or a packaged voice service offered to comply with federal mandates.¹²⁵

Tariffs, Product Guides, or Similar Documents.

The comments calling for reliance on Section 1501 and the Commission’s current rules as well as tariffs, price lists, or other documentation for noncompetitive stand-alone service, and then only through December 31, 2023, are unpersuasive. This ignores the language in the VoIP Freedom Bill retaining Commission authority over VoIP if it is a protected service provided under tariff. That may not be the case if it is protected voice service but is offered using a price list or a similar document. That is because allowing protected service provided under tariff to be done using a price list or a similar document circumvents these provisions and deregulates VoIP without the proceeding mandated for protected services in Section 3016. A better approach is to reconcile Chapter 30 with the VoIP Freedom Bill and our Reclassification Order by revising the rules to allow regulatory compliance by tariff, product guide, or similar document. However, a product guide or similar document should only be allowed when the LETC is not providing a protected service or the service does not implicate COLR or ETC Designation. In that case, the LETC must use a tariff. All providers, however, should be allowed to post their information electronically so long as it is approved by the Commission’s Bureau of Consumer Services.¹²⁶

Section 3016.

Sunset of All Regulations.

The commentators rely on an incomplete reference to lost access lines to support an assertion that competition warrants the wholesale elimination of regulations. They make those claims in this quasi-adjudicatory rulemaking proceeding as opposed to a quasi-judicial Section 3016 proceeding. The commentators also rely on the same claims about competition to support a mandatory sunset date.

This approach circumvents the process set out in Section 3016(a) governing how an ILEC with a universal service/COLR obligation or ETC Designation must proceed. An agency order cannot by fiat obviate a require-

¹²⁵ Accord, Comments of Claverack Communications, Inc., Docket No. L-2018-3001391 (May 25, 2021), p. 4, n. 2. Claverack provides this only to Lifeline consumers and although most consumers prefer a voice and internet bundle, there may be other consumers interested in this voice package. Importantly, this voice package meets the “stand alone voice service” required by the FCC in the recent RuDOF auction in which the Commission grants providers ETC designation consistent with that rule. See also Comments of the Office of Consumer Advocate, Docket No. L-2018-3001391 (May 25, 2021) at p. 3 citing Comments of Cause.

¹²⁶ Consumers seeking information on regulated voice service face a daunting task trying to locate that information or obtain access to a human customer service representative (CSR). Commission review would ensure predictability while promoting consumer education.

ment for a proceeding set forth in law by the General Assembly. That will happen here if we provide relief based on competition claims that have not been substantiated. A better approach is to revise the regulations to, in the incremental manner prescribed by Chapter 30, Section 3019(b)(2), reflect new industry participants and technological advancements without addressing further relief based on competition claims that are not supported by persuasive evidence.¹²⁷

In conclusion, I do not support any revisions of the regulations which do not strike the appropriate balance between Sections 3011, 3019(b)(2), and Section 3016 while recognizing the universal service mandate and the need to address new industry participants and technological advancements in Section 3019(b)(2). Any other result constitutes an end-run around the petition process set out in Section 3016 of the Code. The quasi-adjudicatory proceeding set out by the General Assembly to test the reality of claims that competition in Pennsylvania is ubiquitous, therefore meriting complete rescission or substantial elimination of our rules, should not be supplanted by this rulemaking.

October 28, 2021

GLADYS BROWN DUTRIEUILLE,
Chairperson

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

TARIFF FILING REQUIREMENTS FOR A LOCAL EXCHANGE TELECOMMUNICATION COMPANY AND A COMPETITIVE TELECOMMUNICATIONS CARRIER

§ 53.57. Definitions.

The following words and terms, when used in this section and §§ 53.58—53.60, have the following meanings, unless the context clearly indicates otherwise:

Bundled service package—

(i) A package, which includes noncompetitive or protected and competitive services, including services of an affiliate, in combinations and at a single rate or charge that is offered and billed on one bill by a competitive telecommunications carrier or a local exchange telecommunications company.

(ii) The term does not include a local exchange telecommunications company or competitive telecommunications carrier tariff filing that involves simultaneous changes in rates and charges for noncompetitive services in a revenue neutral manner.

*CTC—Competitive telecommunications carrier—*An entity that provides telecommunications services subject to the jurisdiction of the Commission and in competition with a local exchange telecommunications company.

*Competitive service—*As defined in 66 Pa.C.S. § 3012 (relating to definitions).

¹²⁷ The claim that universal service and COLR go to a service and not the underlying rules adopted by the Commission fails to explain how a statutory mandate like Section 3016, universal service, COLR, or an ETC Designation can be enforced. However, the observation that COLR is an integral part of universal service under Chapter 30 is consistent with recognition that universal service in the energy and gas industries also use COLR as a means to attain universal service. Compare PTA Reply Comments, pp. 5-6 with Section 3011 and 1501 of the Public Utility Code.

Competitive wire center—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where all of its protected, retail nonprotected and retail noncompetitive telecommunications services have been declared or determined to be competitive by the Commission under 66 Pa.C.S. § 3016 (relating to competitive services).

Enterprise and large business customer—A legal entity including, but not limited to, corporations, partnerships, limited liability companies, hospitals, schools, government agencies and correctional institutions with an annual total billed revenue equal to or greater than \$80,000 for telecommunications services.

LETC—Local exchange telecommunications company—A telecommunications service provider as defined in 66 Pa.C.S. § 3012 (relating to definitions).

Lifeline plan—A tariffed service offering, approved by the Commission, which provides telecommunications services to qualified low-income end-user consumers at reduced rates and charges in accordance with applicable State or Federal law or regulations.

New service—A service or business activity that is not substantially the same or functionally equivalent with existing competitive or noncompetitive services.

Noncompetitive service—As defined in 66 Pa.C.S. § 3012.

Noncompetitive wire center—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where the jurisdictional telecommunications public utility offers protected, retail nonprotected and retail noncompetitive telecommunications services as defined by 66 Pa.C.S. § 3012.

Nonprotected service—As defined in 66 Pa.C.S. § 3012.

Price list—A document that shall contain the prices or rates of retail competitive services or products. The price list may be set forth in the product guide or similar document of the local exchange telecommunications company or competitive telecommunications carrier.

Product guide—A document that shall contain the description, terms, conditions and prices of retail competitive services or products.

Promotional service offerings—A service or business activity offered by a competitive telecommunications carrier or local exchange telecommunications company at rates, terms and conditions that are designed to promote usage and available for a duration of no longer than 6 months in any rolling 12-month period.

Protected service—As defined in 66 Pa.C.S. § 3012.

§ 53.58. Offering of competitive services.

(a) Only a local exchange telecommunication company may obtain a competitive services classification for its retail protected, retail noncompetitive and retail nonprotected services under the relevant provisions of 66 Pa.C.S. § 3016 (relating to competitive services). The competitive classification that a local exchange telecommunications company obtains for its retail services under 66 Pa.C.S. § 3016(a) or (b) shall become applicable to the substantially similar or functionally equivalent retail service of the competitive telecommunications carrier operating in the same geographic region as the local exchange telecommunications company.

(b) [Reserved].

(c) [Reserved].

(d) A local exchange telecommunication company and a competitive telecommunications carrier shall:

(1) Maintain on its web site a price list for its retail competitive telecommunications services or a product guide or similar document setting forth the rates, terms and conditions of its retail competitive telecommunications services.

(2) File with the Commission and maintain on its web site a price list for its competitive standalone basic residential voice service.

(3) Maintain on its web site an archive of outdated rates, terms and conditions for its retail competitive telecommunications services that were available in its price list, product guide or similar document for a period of 4 years from their posting, and shall provide both current and archived documents to the Commission upon reasonable request.

(e) A party seeking the reclassification of a retail telecommunications service or other business activity that has been designated as a competitive service under 66 Pa.C.S. § 3016 shall file a petition as directed in 66 Pa.C.S. § 3016(c). The Commission will use the factors set forth in 66 Pa.C.S. § 3016(c)(3) to make its determination of whether reclassification of the competitive service to a noncompetitive service is warranted. A reclassification determination of a competitive service shall be applicable to both the local exchange telecommunications company and a competitive telecommunications carrier that is offering a substantially similar or functionally equivalent service in the same geographic area.

(f) A local exchange telecommunications company may declare as competitive the retail nonprotected and retail noncompetitive telecommunications services it offers to enterprise and large business customers, as defined in § 53.57 (relating to definitions), that are located in its certificated service territory.

§ 53.59. Cost support requirements and effective filing dates for tariff filings of noncompetitive services.

(a) [Reserved].

(b) [Reserved].

(c) [Reserved].

(d) [Reserved].

(e) [Reserved].

(f) [Reserved].

(g) [Reserved].

(h) [Reserved].

(i) *Ministerial administrative changes.* A local exchange telecommunications company or a competitive telecommunications carrier tariff filing that represents only ministerial administrative revisions to a noncompetitive service shall be effective on 1-day's notice.

(j) *A noncompetitive and new noncompetitive service of a local exchange telecommunications company.* A retail service that a local exchange telecommunications company offers to the public that has not been classified as a competitive service under 66 Pa.C.S. § 3016 (relating to competitive services) or § 53.58(b) (relating to offering of competitive services) is classified as a noncompetitive service. The local exchange telecommunications company shall maintain a tariff on file with the Commission for all of its retail noncompetitive services.

(k) *Local exchange telecommunications company rate changes to a noncompetitive service.* Unless a local exchange telecommunications company's rates change for its noncompetitive services are governed by its approved alternative regulation and network modernization plan, the following apply to the rates for its retail noncompetitive services:

(1) *Rate reduction.* A local exchange telecommunications company's tariff filing for noncompetitive services that sets forth rates that are lower than the current rates and charges for the local exchange telecommunications company's retail noncompetitive services shall become effective on 1-day's notice.

(2) *Rate increase.* A local exchange telecommunications company's tariff filing for noncompetitive services that represents rate increases from the current rates and charges of the local exchange telecommunications company retail noncompetitive services shall become effective on 30-day's notice.

(3) *New service.* Local exchange telecommunications company tariff filings for new retail noncompetitive services shall become effective on 30-day's notice.

(4) *Review.* The Commission may extend the review period in this subsection by up to an additional 30 days upon notice to the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement and the affected local exchange telecommunications company.

(1) *Noncompetitive service of a competitive telecommunications carrier.* A competitive telecommunications carrier may offer new retail noncompetitive services that are substantially similar or functionally equivalent to the noncompetitive services of a local exchange telecommunications company in the service territory of the local exchange telecommunications company once the competitive telecommunications carrier has received provisional authority or has been certificated by the commission to offer jurisdictional telecommunications utility service in that particular geographic area.

(m) *Noncompetitive service of a competitive telecommunications carrier priced at or below the rates of a local exchange telecommunications company.*

(1) A tariff filing of a competitive telecommunications carrier that sets forth a rate or charge for a retail noncompetitive service that is at or below the level of the corresponding rate and charge of the local exchange telecommunications company's substantially similar or functionally equivalent retail noncompetitive service shall be effective on 1-day's notice and does not require the competitive telecommunications carrier to provide cost support.

(2) The tariff filing shall be effective on 1-day's notice and not require cost support only if the following apply:

(i) The competitive telecommunications carrier offers the substantially similar or functionally equivalent retail noncompetitive service in the same service territory as the local exchange telecommunications company.

(ii) The competitive telecommunications carrier's tariff filing does not contain any material changes in the competitive telecommunications carrier's tariff rules, terms or conditions.

(iii) The competitive telecommunications carrier specifically states in its accompanying cover letter that the filing is being made on 1-day's notice in accordance with this subsection, and that the tariff filing does not contain

material changes in the competitive telecommunications carrier's tariff rules, terms or conditions.

(iv) The competitive telecommunications carrier provides copies of the local exchange telecommunications company's effective tariffs designating the corresponding rates and charges of the same or functionally equivalent retail noncompetitive services.

(3) When a competitive telecommunications carrier offers substantially similar or functionally equivalent retail noncompetitive services in the service territories of more than one local exchange telecommunications company, and the rates and charges for its noncompetitive services correspond to the rates and charges of the different local exchange telecommunications companies in their respective service territories, the competitive telecommunications carrier may file separate tariff schedules for its retail noncompetitive services.

(n) *Noncompetitive service of a competitive telecommunications carrier that is priced above the rates of a local exchange telecommunications company's noncompetitive or new service.*

(1) A competitive telecommunications carrier tariff filing that sets forth rates and charges for a retail noncompetitive service that is higher than the corresponding rates and charges of a local exchange telecommunications company's substantially similar or functionally equivalent noncompetitive service shall become effective on 30-day's notice.

(2) The Commission may require a competitive telecommunications carrier to submit relevant documentary support including cost support and a statement of compliance with applicable guidelines upon request for any tariff filing that sets forth rates and charges for a retail noncompetitive service that is higher than the corresponding rates and charges of a local exchange telecommunications company's substantially similar or functionally equivalent noncompetitive service. The Commission may request this documentation either before or after the higher rate becomes effective, but only when it is necessary to protect consumers such as, without limitation, when the service is targeted to the economically disadvantaged or customers with poor credit histories.

(3) The competitive telecommunications carrier shall include the following summary documentation for the tariff filing setting forth the higher rate for its retail noncompetitive service as described in § 53.59(n)(1):

(i) A brief statement indicating whether the competitive telecommunications carrier offers these services solely on the basis of resale of a local exchange telecommunications company's retail services, through its own facilities, or a combination of both.

(ii) A brief statement indicating whether the tariff filing represents an increase or decrease in existing rates and charges.

(iii) A summary justification of the tariff filing, including an explanation of whether the proposed changes have been caused by a corresponding change in rates and charges of the resold services of the underlying local exchange telecommunications company.

(4) The Commission may extend the review period in this subsection by up to an additional 30 days upon notice to the office of consumer advocate, the office of small

business advocate, the Commission's Bureau of Investigation and Enforcement and the affected local exchange telecommunications company.

(o) *Notice.* The tariff filings made pursuant to this subsection shall be served on the office of consumer advocate, the office of small business advocate and the Commission's Bureau of Investigation and Enforcement on the date the tariff or tariff supplement is filed with the Secretary's Bureau.

(p) *Documentary support.* Nothing in this subsection affects the type of documentary support, including cost support and a statement of compliance with all applicable regulations, that will be necessary for a local exchange telecommunications company or a competitive telecommunications carrier to file with the Commission for approval of tariff filings involving noncompetitive service offerings.

(q) *Lifeline plan statement.* When a competitive telecommunications carrier proposes increases in rates and charges for any of its basic local exchange services, the competitive telecommunications carrier shall also state whether it has implemented a lifeline plan that has been approved by the Commission.

§ 53.60. Promotional offerings and bundled service packages.

(a) *Promotional offerings.* Competitive telecommunications carriers and local exchange telecommunication companies are not required to provide cost support for tariff filings involving a promotional service offering for noncompetitive services so long as the promotional offering does not result in any type of price increase to customers unless requested by the Commission.

(1) A local exchange telecommunications company and competitive telecommunications carrier tariff filings involving a promotional service offering for noncompetitive services will become effective on 1-day's notice. Local exchange telecommunications companies and competitive telecommunications carriers shall provide a 10-day advance notice to any resellers that purchase the promotional service offering from the local exchange telecommunications company or competitive telecommunications carrier making the tariff filing.

(2) [Reserved].

(3) Competitive telecommunications carriers and local exchange telecommunications companies that file promotional service offerings for noncompetitive services under this subsection shall confirm in their filing that subscribers to the promotional service offerings will be required to respond affirmatively at any time the promotional service is being offered if they wish to continue the service beyond the promotional period.

* * * * *

(b) *Bundled service packages.* Local exchange telecommunications companies and competitive telecommunications carriers are relieved from an obligation to provide cost support for tariff filings involving bundled service packages unless cost support documentation is requested by the Commission.

(1) When a local exchange telecommunications company's or competitive telecommunications carrier's bundled service packages include both competitive and noncompetitive services, these bundled service packages shall meet any applicable State law or regulation regarding cost justification, the prohibition from using revenues earned or expenses incurred in conjunction with noncompetitive services to subsidize competitive services and the standards regarding discrimination and unfair pricing.

(2) [Reserved].

(3) No filing requirements exist in this subpart for a local exchange telecommunications company's or competitive telecommunications carrier's bundled service packages composed entirely of competitive services.

(c) [Reserved].

CHAPTER 63. TELECOMMUNICATIONS SERVICE

Subchapter A. GENERAL PROVISIONS

§ 63.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—A person, association, partnership, corporation or government agency making a written or oral request for the commencement of or changes in its public utility service.

Application—A written or oral request to a jurisdictional telecommunications public utility for the commencement of or changes in utility service.

Automatic customer transfer—The process through which the Commission's Bureau of Consumer Services is able to immediately and contemporaneously transfer a customer inquiry or service or billing complaint to a jurisdictional telecommunications public utility that has voluntarily elected to participate in such an arrangement.

Busy hour—The continuous 1-hour period of the day during which the volume of traffic is greater than during another continuous 1-hour period of the same day.

Busy season—The calendar month or 30-day period of the year during which the greatest volume of traffic is handled in the office.

Calls—A customer telecommunications message attempted.

Central office—An operating unit equipped with switching apparatus by means of which telephonic communication is established between telephones connected to it or by the additional aid of trunk lines between the telephones and telephones connected to other central offices.

Competitive wire center—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where all of its protected, retail nonprotected and retail noncompetitive telecommunications services have been declared or determined to be competitive by the Commission under 66 Pa.C.S. § 3016 (relating to competitive services).

Customer—A person, association, partnership, corporation or government agency provided with telecommunications service by a regulated public utility.

Exchange—A unit established by a jurisdictional telecommunications public utility for the administration of communication services under its specific local exchange service tariff provisions consisting of one or more central offices with associated plant facilities used in furnishing services and having one point designated for the purpose of rating toll calls for customers.

Jurisdictional telecommunications public utility—A person or corporation owning or operating equipment or facilities in this Commonwealth for conveying or transmitting messages or communications to the public for compensation. The term does not include either a person or corporation not otherwise a public utility who or which furnishes service only to himself or itself or a bona fide

cooperative association which furnishes services only to its stockholders or members on a nonprofit basis.

Local service area—The area within which customers may call without assessment of toll charges.

Message—A completed customer or user call.

Message unit—A unit of measurement used for a form of exchange service under which originated messages are measured and charged for in accordance with the local exchange tariff.

Metering—The metering of data concerning a customer's calls which is used in preparation of the customer's bill for service which is made by operators, automatic message accounting, message registers or other acceptable data recorder methods.

Noncompetitive wire center—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where the jurisdictional telecommunications public utility offers retail protected, nonprotected and noncompetitive telecommunications services as defined by 66 Pa.C.S. § 3012 (relating to definitions).

Nonprimary service order—An application for simple residential or business, voice grade, public utility service which is not primary service.

Primary service order—An application for simple residential or business, voice grade, telecommunications utility service to be provided at a customer location which does not have telecommunications utility service including, but not limited to, the initial connection of a new customer or the transfer of utility service of an existing customer's service to a new location.

Subscriber—A person, firm or corporation designated on public utility records as the party responsible for payment of bills for telecommunications service.

Surveillance level—A measurement of telecommunications service which indicates a need for the public utility to investigate the cause of the problem, to remedy the problem and to inform the Commission of the problem.

Trouble report—A written or oral report delivered to an authorized public utility representative by a customer or user of public utility services which relates to a defect, difficulty or dissatisfaction with the public utility's regulated service.

Trunk—A communication channel between central offices, switching units or private branch exchanges.

Working day—A day except Saturday, Sunday or legal holiday.

Subchapter B. SERVICE AND FACILITIES

§ 63.12. [Reserved].

§ 63.13. [Reserved].

§ 63.14. Emergency equipment and personnel.

(a) A jurisdictional telecommunications public utility shall take reasonable measures to ensure the continuous operation of its telecommunications service in all geographic areas and this continuous functionality of its telecommunication infrastructure will also allow for robust communication and information sharing across all levels of government, within communities, and between public and private organizations during emergencies such as fire, illness of personnel, sudden increase in traffic or loss of power due to extreme weather events and disasters caused by natural hazards.

(b) The jurisdictional telecommunications public utility shall maintain qualified personnel for emergency operating and repair work and have reserve equipment or a portable power supply that will give it the reasonable capability to maintain power at its central office so that it has the ability to remain functional during the emergency situation.

§ 63.15. Complaint procedures.

(a) [Reserved].

(a.1) *Customer service complaints.* The Commission's Bureau of Consumer Services shall process service complaints received from consumers in the following manner:

(1) *Automatic customer transfer.* Upon the receipt of a service-related complaint from a customer, the Commission's Bureau of Consumer Services may seek to immediately and contemporaneously transfer the customer to its jurisdictional telecommunications public utility for resolution to address the inquiry or service complaint in the following manner:

(i) The transfer will occur with the customer's explicit consent.

(ii) The transfer will be made to a live operator or customer service representative of the jurisdictional telecommunications public utility.

(iii) The jurisdictional telecommunications public utility shall maintain a dedicated toll-free telephone number for the automatic customer transfer process.

(iv) In the event that the customer's service complaint cannot be resolved, it will be referred back to the Commission's Bureau of Consumer Services for resolution in accordance with the provisions of subsection (c).

(v) The Commission's Bureau of Consumer Services and participating public utilities may establish automated electronic communication links, electronic data interfaces, or appropriate web page access, for the exchange of information and data in the automatic customer transfer. These links shall be used only by authorized Commission and the jurisdictional telecommunications public utility's personnel shall safeguard the customer's personal data and billing information from public disclosure.

(2) *Investigations.* If the customer declines to participate in automatic customer transfer resolution process set forth in paragraph (1), the jurisdictional telecommunications public utility shall make a full and prompt investigation of the service complaints made to it through the Commission by its customers. Upon receiving a service complaint from a customer of a utility, the Commission will transmit a summary of the service complaint to the utility. If a service complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service complaint. When complaints are referred to the jurisdictional telecommunications public utility through the Commission, the utility and the Commission shall work to process and resolve all complaints.

(b) *Records of complaints.* A jurisdictional telecommunications public utility shall preserve copies of written or recorded service complaints showing the name and address of the subscriber or complainant, the date and character of the complaint, the action taken and the date of final disposition. Records of complaints shall be kept in accordance with § 64.192 (relating to record maintenance).

(c) *Commission review.* If a customer or applicant expresses dissatisfaction with the jurisdictional telecommu-

nications public utility's decision or explanation, the jurisdictional telecommunications public utility shall inform the customer or applicant of the right to have the problem considered and reviewed by the Commission and shall provide the name, address and telephone number of the appropriate Commission Bureau. This subsection shall be read in conjunction with §§ 64.141—64.181 when applicable to residential utility service.

§ 63.16. [Reserved].

§ 63.18. [Reserved].

§ 63.19. [Reserved].

§ 63.20. [Reserved].

§ 63.21. Directories.

(a) When a directory is provided by the jurisdictional telecommunications public utility, it must be revised and reissued at sufficiently frequent intervals to avoid serious inconvenience to the public. A satisfactory length for a directory period must be determined by the volume of changes and new listings and the facilities available for supplying new numbers to calling parties and for intercepting calls to numbers which have been changed.

(b) One copy of each new directory issue shall be furnished to the Commission by the issuing jurisdictional telecommunications public utility at the time of its distribution to subscribers. The jurisdictional telecommunications public utility shall furnish a new directory to customers and subscribers in the following manner:

(1) A jurisdictional telecommunications public utility shall include a bill message no less than once annually advising customers that paper copies of that market's or service area's affected directories are available upon request. The notice must provide customers with a toll-free number to call to obtain a paper directory at no cost and must include the jurisdictional telecommunications public utility's Internet address where customers can find the online directory. The jurisdictional telecommunications public utility also shall post the notice on its web site.

(2) A jurisdictional telecommunications public utility shall make paper directories or USB thumb drive directories available at no charge to customers in that market or service area on an "upon request" basis by calling a toll free number maintained by the public utility.

(3) Distribution of directories beyond an "upon request" basis shall be at the discretion of the jurisdictional telecommunications public utility.

(4) Requests for printed directories shall be treated as standing orders but may be reconfirmed by the jurisdictional telecommunications public utility every 2 years.

(5) Directories shall be made available online in digital format at a web site maintained by the jurisdictional telecommunications public utility.

(6) Printed, USB and online versions of directories must meet all regulatory form and content requirements of this section and § 64.191(g) (relating to public information).

(c) A directory shall contain the following:

(1) The name of the issuing jurisdictional telecommunications public utility.

(2) The month and year issued.

(3) A statement of the area covered by the directory.

(4) Necessary instructions to enable users to place calls efficiently, including, but not limited to, telephone company local, toll, emergency and operator-assistance calls. Necessary instructions to transact business with the telephone company, such as payment of bills, ordering changes in service and reporting service difficulties.

(5) A separate section containing social service organization, school and government listings.

* * * * *

(e) Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings, a jurisdictional telecommunications public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, the utility shall delete the listing from future directories. After reaching its decision the jurisdictional telecommunications public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission.

(f) The provisions of this section shall be in effect until January 1, 2026 whereupon directory distribution is no longer required.

§ 63.22. Service records.

(a) A public utility shall keep sufficient records to reflect the following:

(1) [Reserved].

(2) Service complaints and trouble reports.

(i) A jurisdictional telecommunications public utility shall provide for the receipt of trouble reports at all hours and make a full and prompt investigation of, and response to, complaints, with the exception of isolated outages beyond normal working hours affecting fewer than 15 customers in an exchange.

(ii) A jurisdictional telecommunications public utility shall maintain an accurate record of customer trouble reports which shall include:

(A) Identification of the customer affected.

(B) Service affected.

(C) Time, date and nature of the report.

(D) Results of investigation.

(E) Action taken to remedy the situation.

(F) Time and date of trouble clearance or other disposition.

(3) Service interruptions affecting 300 or more customers, including the date, cause, extent and duration of the interruption.

(4) [Reserved].

(b) [Reserved].

(c) [Reserved].

§ 63.23. Construction and maintenance safety standards for facilities.

Overhead and underground equipment or facilities and crossings of the wires or cables of every jurisdictional telecommunications public utility over or under the facilities of other public utilities, cooperative associations or electric utilities—including parallel or random installation of underground electric supply and communication conductors or cable—shall be constructed and maintained in accordance with the most recent Institute of Electrical

and Electronics Engineers' (IEEE) *National Electrical Safety Code*, as amended and supplemented.

§ 63.24. [Reserved].

Subchapter C. ACCOUNTS AND RECORDS

§ 63.31. **Classification of public utilities.**

For accounting and reporting purposes, jurisdictional telecommunications public utilities are classified as follows:

(1) *Class A.* Telecommunications public utilities that are local exchange telecommunications companies subject to an alternative form of regulation, including, but not limited to, price cap formulas, under 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services).

(2) *Class B.* Telecommunications public utilities that are local exchange telecommunications companies subject to rate base/rate of return regulation or the Plan B Simplified Ratemaking Plan approved by the Commission under 66 Pa.C.S. Chapter 30.

(3) *Class C.* Telecommunications public utilities that provide competitive local telecommunications services and that are not the incumbent provider in any local exchange area within this Commonwealth.

§ 63.32. [Reserved].

§ 63.33. [Reserved].

§ 63.34. [Reserved].

§ 63.35. **Preservation of records.**

(a) [Reserved].

(b) Unless a different retention period is otherwise specifically addressed in this chapter, a telecommunications public utility shall be required to retain for eight years all of the following records:

(1) All records related to an audit conducted by the Commission under section 516 of the Public Utility Code, such as but not limited to financial and management audits.

(2) Records required for review under sections 505 and 506 of the Public Utility Code.

(3) Records required for those entities remaining subject to ratemaking provisions under Chapters 13 and 30 of the Public Utility Code.

Subchapter D. [Reserved]

§ 63.41. [Reserved].

**Subchapter E. TELECOMMUNICATIONS
QUALITY SERVICE STANDARDS**

§ 63.51. [Reserved].

§ 63.52. [Reserved].

§ 63.53. **General provisions.**

(a) [Reserved].

(b) [Reserved].

(c) [Reserved].

(d) [Reserved].

(e) If unreasonable hardship to a jurisdictional telecommunications public utility results from compliance with this subchapter, the jurisdictional telecommunications public utility may file a petition in accordance with § 5.41 (relating to petitions generally) requesting the modification of the section or for temporary exemption from its requirements. The Commission may grant tempo-

rary exemptions of this subchapter in exceptional cases consistent with applicable statutory procedures. The jurisdictional telecommunications public utility shall provide notice to a person who may be affected by the modification or temporary exemption, if granted. Notice may be made by a bill insert or in another reasonable manner.

§ 63.54. **Record retention.**

(a) A jurisdictional telecommunications public utility shall retain for at least 90 days the information contained in customer bills and used by the public utility in compiling customer bills. Billing information on an account for which a dispute is pending shall be retained until the dispute has been finally resolved.

(b) A jurisdictional telecommunications public utility shall retain for at least a minimum 3-year period the service records related to all of the following:

(1) Call answering times under § 63.59 (relating to call answering measurements).

(2) Service complaints and trouble reports under § 63.22 (relating to service records).

(3) Surveillance level investigations under § 63.55 (relating to surveillance levels).

(4) Service outages under § 63.22 and § 63.57 (relating to customer trouble reports) of this chapter.

§ 63.55. **Surveillance levels.**

(a) On request from the Commission, a jurisdictional telecommunications public utility shall provide to the Commission a report detailing the results of any investigation into a failure to meet the quality of service standards set forth in Chapter 15 of the Public Utility Code, or violations of Subchapter E of Chapter 63 of the Commission's regulations, and any steps, studies and further action undertaken or commenced by the utility to determine the cause and to remedy the inadequate performance.

(b) [Reserved].

(c) [Reserved].

§ 63.56. [Reserved].

§ 63.57. **Customer trouble reports.**

(a) [Reserved].

(b) A jurisdictional telecommunications public utility shall respond to out-of-service trouble reports within 24 hours unless a different period of time is agreed to by the customer.

(c) A jurisdictional telecommunications public utility shall keep commitments made to its customers and applicants, unless timely notice of unavoidable changes is given to the customer or applicant or a reasonable attempt is made to convey the notice.

(d) If unusual repairs are required or other factors preclude the prompt clearing of reported trouble, reasonable efforts shall be made to notify affected customers.

(e) [Reserved].

(f) It shall be substandard performance for a jurisdictional telecommunications public utility to receive more than 5.5 customer trouble reports per 100 lines per month. A jurisdictional telecommunications public utility receiving greater than 5.5 customer trouble reports per

100 lines per month is subject to the reporting requirements set forth in § 63.55 (relating to surveillance levels).

§ 63.58. [Reserved].

§ 63.59. **Call answering measurements.**

A jurisdictional telecommunications public utility shall take measures necessary and keep sufficient call answering records to monitor answering times for calls as follows:

(1) The percent of calls answered at each jurisdictional telecommunications public utility's call center or business office, or both, within 30 seconds with the public utility representative ready to render assistance and to accept information necessary to process the call. An acknowledgment that the customer or applicant is waiting on the line does not constitute an answer. If the utility records data for more than one call center or business office, the utility should also record the combined percent of calls answered within 30 seconds for the public utility as a whole.

(2) The average busy-out rate for each call center or business office, or both. If the jurisdictional telecommunications public utility records data for more than one call center or business office, the utility should also record the combined busy-out rate for the utility as a whole.

(3) The call abandonment rate for each call center or business office, or both. If the jurisdictional telecommunications public utility records data for more than one call center or business office, the utility should also record the combined call abandonment rate for the utility as a whole.

§ 63.60. [Reserved].

§ 63.61. [Reserved].

§ 63.62. [Reserved].

§ 63.63. [Reserved].

§ 63.64. **Metering inspections and tests.**

(a) [Reserved].

(b) [Reserved].

(c) If a meter is used in connection with telecommunications service, it shall be read, where applicable, at monthly intervals. The meter reading records from which the customers' bills are prepared shall show all of the following:

(1) Identifying number or means to determine readily the customer's name, address and service classification.

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant if used.

(d) [Reserved].

(e) A telecommunications meter and recording device shall be tested prior to installation or when released for service and at regular intervals, or both, either by the manufacturer, the public utility or an approved organization equipped for the testing. The utility shall comply with all of the following:

(1) A public utility furnishing service, if local exchange billing is based on the number or duration of messages, shall provide the necessary facilities, instruments and equipment for testing its metering or recording equipment.

(2) The overall accuracy of the test equipment and test procedure shall be sufficient to enable testing of meter and record equipment within the requirements of this chapter.

(3) A meter and recording device tested under this subchapter for routine or complaint shall be tested in its normal operating location and wiring mode prior to removal or adjustment.

(4) A record of meter and recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. The record shall include the identifying number of the meter and recording device, its type, the date and kind of test and the results of each test.

(f) A public utility shall perform periodic testing and maintenance of its controlling trunk equipment associated with the meters or recording devices, or both, to assure the integrity of their operation upon request or complaint.

(g) [Reserved].

(h) [Reserved].

§ 63.65. **Safety.**

A public utility shall adopt and implement a safety program fitted to the size and type of its operation and shall conform to the Occupational Safety and Health Act (OSHA) standards, 29 CFR Parts 1910—1999 as amended from time to time.

Subchapter F. [Reserved]

§ 63.71. [Reserved].

§ 63.72. [Reserved].

§ 63.72a. [Reserved].

§ 63.73. [Reserved].

§ 63.74. [Reserved].

§ 63.75. [Reserved].

§ 63.76. [Reserved].

§ 63.77. [Reserved].

Subchapter G. [Reserved]

§ 63.91. [Reserved].

§ 63.92. [Reserved].

§ 63.93. [Reserved].

§ 63.94. [Reserved].

§ 63.95. [Reserved].

§ 63.96. [Reserved].

§ 63.98. [Reserved].

Subchapter H. [Reserved]

§ 63.101. [Reserved].

§ 63.102. [Reserved].

§ 63.103. [Reserved].

§ 63.104. [Reserved].

§ 63.105. [Reserved].

§ 63.106. [Reserved].

§ 63.107. [Reserved].

§ 63.108. [Reserved].

§ 63.109. [Reserved].

Subchapter J. CONFIDENTIALITY OF CUSTOMER COMMUNICATIONS AND INFORMATION

§ 63.131. General provisions.

(a) [Reserved].

(b) A telecommunications company subject to this subchapter shall treat customer communications and customer information as confidential. Except for the limited instances provided in this subchapter, release of customer information to the public shall be permitted only on the authority of the customer. When a telecommunications company or its authorized employees, agents or independent contractors utilize customer information, they shall do so only when necessary and only to the extent necessary to accomplish legitimate and authorized purposes, as set forth in this subchapter. Telecommunications companies and their employees, agents or independent contractors shall make every reasonable effort to avoid the unauthorized dissemination of customer information to the public. A telecommunications company, its employee, its affiliates or subsidiaries, or an agent or independent contractor that has entered into a contractual relationship with the telecommunications company and handles customer communications and customer information is subject to this subchapter.

(c) Nothing in this subchapter supersedes the Wiretap Act, or permits a telecommunications company service or activity which is otherwise prohibited by the Wiretap Act.

§ 63.132. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent—An individual or entity that performs work on behalf of a telecommunications public utility who is the principal in the contractual relationship with the agent.

Customer communications—A customer voice or data communication made in whole or in part by wire, cable, microwave or other means for the transmission by a telecommunications company of communications between the point of origin and the point of reception by a telecommunications company.

Customer information—Information regarding a customer of a telecommunications company or information regarding the services or equipment ordered and used by that customer. The term includes a customer's name, address and telephone number, occupation, information concerning toll calls, collect calls and third-party billed calls, local message detail information and information concerning services ordered or subscribed to by a customer. The term also includes bills, statements, credit history, toll records whether on paper, microfiche or electromagnetic media; computer records; interexchange carrier selection, service problems and annoyance call records.

Destruction—The mutilation of documents in a manner which insures that their content is obliterated by sufficiently tearing or shredding prior to collection by public waste or trash collectors or by appropriately erasing information stored electromagnetically.

Employee—An individual who works directly for and is paid a salary by a telecommunications company subject to this subchapter.

Independent contractor—An individual or entity that is not an employee or agent of the telecommunications company but performs work on behalf of a telecommunications company pursuant to a contractual relationship.

Security department—The department or individuals with responsibility for the prevention and investigation of the loss, destruction or theft of telecommunications company property, the unauthorized or unlawful use of telecommunications company equipment or services and the unlawful conduct of telecommunications company employees, agents or independent contractors which occurs during the course of employment.

Service evaluation and monitoring—Evaluation and monitoring of telecommunications company operations, including communications, to maintain or improve the quality of service to the customer. The term includes review of employee, agent or independent contractor relationships with customers, system checks and facility maintenance.

Telecommunications company—A public utility which provides telecommunication services subject to Commission jurisdiction.

Telecommunications services—The offering of the transmission of messages or communications for a fee to the public.

Wiretap Act—Title 18 of the *Pennsylvania Consolidated Statutes* §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act).

§ 63.133. Confidentiality.

A telecommunications company shall distribute a written statement of its fundamental policy and obligation to maintain the confidentiality of customer communications and customer information to its customers annually. The written statement shall declare the responsibility of each employee, agent or independent contractor to maintain the confidentiality of customer communications and customer information in accordance with applicable State and Federal law.

§ 63.134. Commitment to confidentiality of customer communications and customer information.

A telecommunications company shall confirm with each employee, agent or independent contractor the responsibility to maintain the confidentiality of customer communications and customer information in accordance with applicable Federal and State law.

(1) *Securing commitment from employees, agents or independent contractors.* A telecommunications company shall, at the time a person commences employment or an agency or independent contractor relationship, instruct that person regarding telecommunications company policy covering the following points:

(i) State and Federal law generally prohibits the interception, disclosure and use of customer communications.

(ii) An employee, agent or independent contractor is prohibited from intercepting, using or disclosing customer communications except in those limited instances which are a necessary incident to:

(A) The provision of service.

(B) The protection of the legal rights or property of the telecommunications company where the action is taken in the normal course of employment.

(C) The protection of the telecommunications company, an interconnecting carrier, a customer or user of service from fraudulent, unlawful or abusive use of telecommunications service.

(D) Compliance with legal process or other requirements of law.

(iii) An employee, agent or independent contractor is prohibited from using or disclosing customer information except when the use or disclosure is authorized by this subchapter.

(iv) Improper interception, use or disclosure of customer communications or customer information may result in disciplinary action, including dismissal or criminal and civil proceedings, or both.

(2) *Documentation of employee, agent or independent contractor commitment.* An appropriate document shall be prepared outlining the policy summarized in paragraph (1) and stating that the telecommunications company employee, agent or independent contractor has read and understands the policy. The telecommunications company shall present the document to each employee, agent or independent contractors for signature. A telecommunications company manager shall witness and date the document, regardless of whether the employee, agent or independent contractor has agreed to sign the document. One copy shall be filed with the personnel papers of the employee, agent or independent contractors and one copy given to the employee, agent or independent contractors to keep and review.

(3) *Annual review.* A telecommunications company shall annually review with employees, agents or independent contractors the commitment to confidentiality of customer communications and customer information, and shall make a record of that annual review.

§ 63.135. Customer information.

This section describes procedures for determining access to customer information and the purposes for which this information may be used by employees, agents or independent contractors responding to requests for customer information from persons outside the telecommunications company and the recording of use and disclosure of customer information.

(1) *Access to and use of customer information.* Access to and use of customer information shall be limited to employees, agents or independent contractors who have a legitimate need to use the information in the performance of their work duties and, because of the nature of their duties, need to examine the data to accomplish the legitimate and lawful activities necessarily incident to the rendition of service by the telecommunications company. An employee, agent or independent contractor shall be prohibited from using customer information for personal benefit or the benefit of another person not authorized to receive the information.

(2) *Requests from the public.* Customer information that is not subject to public availability may not be disclosed to persons outside the telecommunications company or to subsidiaries or affiliates of the telecommunications company, except in limited instances which are a necessary incident to:

- (i) The provision of service.
- (ii) The protection of the legal rights or property of the telecommunications company where the action is taken in the normal course of an employee's, agent's or independent contractor's activities.
- (iii) The protection of the telecommunications company, an interconnecting carrier, a customer or a user of service from fraudulent, unlawful or abusive use of service.

(iv) A disclosure that is required by a valid subpoena, search warrant, court order or other lawful process.

(v) A disclosure that is requested or consented to by the customer or the customer's attorney, agent, employee or other authorized representative.

(vi) A disclosure request that is required or permitted by law, including the regulations, decisions or orders of a regulatory agency.

(vii) A disclosure to governmental entities if the customer has consented to the disclosure, the disclosure is required by a subpoena, warrant or court order or disclosure is made as part of telecommunications company service.

(3) *Limitation on disclosures to agents, contractors, subsidiaries or affiliates.* To comply with this subchapter, a telecommunications company may not allow disclosure of customer information to an agent, contractor, subsidiary or affiliate it has entered in a direct contractual relationship with or to the agents, independent contractors, subsidiaries or affiliates of a party it has entered into a contract with absent the prior establishment of terms and conditions for the disclosure pursuant to a written agreement that requires:

- (i) Treatment of the information as confidential.
- (ii) Use of the information by the contracting party or any of its respective employees, agents or independent contractors for only those purposes specified in the contract or agreement. The contract shall require the contracting party to establish a confidentiality statement which provides confidentiality protections which are no less than those required of the telecommunications company by this subchapter and to maintain the same commitment to the protections in § 63.134 (relating to commitment to confidentiality of customer communications and customer information). The contract may not allow the interception or use of the customer information or customer communications in a manner not authorized with respect to a telecommunications company's employee, agent or independent contractor. The contracting party shall also be subject to the operational restrictions specified in this subchapter with regard to the handling of customer communications and customer information as would otherwise apply to a telecommunications company's employee, agent or independent contractor.

(iii) Nondisclosure of the customer information and customer communications to third parties except as required by law.

(4) *Requests from law enforcement agencies and civil litigation.* Government administrative, regulatory and law enforcement agencies and parties in civil litigation may be able to compel the telecommunications company to disclose customer information by serving upon the utility a subpoena, search warrant, court order or other lawful process.

(i) In response to legal process requiring the disclosure of customer information, the security department shall make the necessary arrangements with the government agency or attorney who caused the legal process to be issued regarding the information to be produced and the identity of the employee, agent or independent contractor or other telecommunications company representative who will produce the information. The employee, agent or independent contractor assigned to produce this information shall secure the information, including applicable records, from the department having possession of the

information and records and shall ascertain the meaning of a code word or letters or nomenclature which may appear on the records, to explain the meaning, if requested to do so. The employee, agent or independent contractor shall then comply with the legal process.

(ii) If information, including applicable records, is unavailable, the employee, agent or independent contractor selected to respond to the legal process shall be prepared to explain the unavailability of the information requested.

(iii) When a request for customer information is presented by a law enforcement agency, but that request is not accompanied by legal process, the request shall be referred to the security department. Absent legal process, the security department may not make disclosure of customer information to a law enforcement agency, except as required or permitted by law. Written, oral or other communication to law enforcement officials to indicate whether obtaining legal process would be worthwhile is prohibited by the Commission.

(5) *Safeguarding customer information.* A telecommunications company is responsible for implementing appropriate procedures to safeguard customer information and prevent access to it by unauthorized persons. Tangible customer records such as paper or microfiche records and electromagnetic media shall be stored in secure buildings, rooms and cabinets, as appropriate, to protect them from unauthorized access. Data processing and other electronic systems shall contain safeguards, such as codes and passwords, preventing access to customer information by unauthorized persons.

(i) *Transmission of customer information.* Customer information shall be transmitted in a manner which will reasonably assure that the information will not be disclosed to persons who are not authorized to have access to it.

(ii) *Reproduction.* Customer records may not be reproduced unless there is a business need for the reproduction. Only sufficient copies shall be made to satisfy the business purpose for the reproduction.

(iii) *Destruction of customer records.* Customer records shall be disposed of by the most advantageous method available at each location when retention of the records is no longer required by applicable Federal Communications Commission (FCC) regulations, other legal requirements, contract provisions such as government contract requirements or appropriate document retention guidelines.

(6) *Recording use and disclosure of customer information.* Because of the frequency with which customer information is used and disclosed in the ordinary course of business, it is neither practical nor desirable to record each instance in which customer information is used or disclosed by an employee, agent or independent contractor. However, the importance of some forms of customer information and the circumstances under which the information may be used or disclosed dictate that a record is required of the use or disclosure of customer information, as follows:

(i) Each instance in which customer information is used or disclosed for purposes other than to furnish service to the customer, to collect charges due from the customer or to accomplish other ordinary and legitimate business purposes.

(ii) Each instance in which information is disclosed to persons outside of the telecommunications company, subject to subparagraph (i).

(iii) Each instance in which customer information is disclosed to a governmental entity or the telecommunications company security department.

(iv) Each instance in which a record is required by other telecommunications company practices or procedures.

(7) *Annual notice of Customer Proprietary Network Information (CPNI) rights.* The telecommunications company shall provide an annual written notice of CPNI rights, as defined by the FCC, to customers with less than 20 access lines. The notice shall be submitted to the Commission's Bureau of Consumer Services for plain language review prior to issuance.

§ 63.136. [Reserved].

§ 63.137. [Reserved].

Subchapter K. COMPETITIVE SAFEGUARDS

§ 63.141. Statement of purpose and policy.

(a) This subchapter establishes competitive safeguards to:

(1) Assure the provision of adequate and nondiscriminatory access by local exchange telecommunications companies to competitive telecommunications carriers as the term is defined in this subchapter for all services and facilities local exchange telecommunications companies are obligated to provide competitive telecommunications carriers under any applicable Federal or State law.

(2) Prevent the unlawful cross subsidization or support for competitive services from noncompetitive services by local exchange telecommunications companies.

(3) Prevent LECs from engaging in unfair competition.

(b) These competitive safeguards are intended to promote the Commonwealth's policy of establishing and maintaining an effective and vibrant competitive market for all telecommunications services.

(c) The code of conduct in § 63.143 (relating to code of conduct) supersedes and replaces the code of conduct adopted by Commission order entered September 30, 1999, at P-00991648, et al.

§ 63.142. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Competitive service—As defined in 66 Pa.C.S. § 3012 (relating to definitions).

Competitive telecommunications carrier—

(i) A local exchange telecommunications services provider that has been certificated or given provisional authority by the Commission as a competitive telecommunications carrier under the Commission's procedures implementing the Telecommunications Act of 1996, the act of February 8, 1996 (Pub.L. No. 104-104, 110 Stat. 56), or under the relevant provisions in 66 Pa.C.S. § 3019(a) (relating to additional powers and duties), and its successors and assigns.

(ii) The term includes any of the competitive telecommunications carrier's affiliates, subsidiaries, divisions or other corporate subunits that provide local exchange service.

LEC—Local exchange carrier—A legal entity that is authorized to do business in this Commonwealth by the Department of State and has been certificated by the Commission to offer local exchange telecommunications

service within a specified service area. LECs encompass both local exchange telecommunications companies and competitive telecommunications carriers.

Local exchange telecommunications company—As defined in 66 Pa.C.S. § 3012.

Market price—Prices set at market-determined rates.

Noncompetitive service—As defined in 66 Pa.C.S. § 3012.

Telecommunications service—The offering of the transmission of messages or communications for a fee to the public.

§ 63.143. Code of conduct.

All LECs, unless otherwise noted, shall comply with the following requirements:

(1) *Nondiscrimination.*

(i) A local exchange telecommunications company may not give itself, including any local exchange affiliate or division or other corporate subunit that performs that function, or any competitive telecommunications carrier any preference or advantage over any other competitive telecommunications carrier in the preordering, ordering, provisioning, or repair and maintenance of any goods, services, network elements (as defined under section 3(35) of the Communications Act of 1934 (47 U.S.C.A. § 153(35)), or facilities.

(ii) A local exchange telecommunications company may not condition the sale, lease or use of any noncompetitive service on the purchase, lease or use of any other goods or services offered by the local exchange telecommunications company or on a written or oral agreement not to deal with any CLEC. In addition, a LEC may not condition the sale, lease or use of any noncompetitive service on a written or oral agreement not to deal with any other LEC. Nothing in this paragraph prohibits an local exchange telecommunications company from bundling noncompetitive services with other noncompetitive services or with competitive services so long as the local exchange telecommunications company continues to offer any noncompetitive service contained in the bundle on an individual basis.

(iii) local exchange telecommunications company shall offer to competitive telecommunications carriers for resale any bundled competitive and noncompetitive services it provides to end-users at the same price it offers the bundled services to end-users less any applicable wholesale discount approved by the Commission, and shall make the unbundled network elements associated with those services available to competitive telecommunications companies as may be required by any applicable State or Federal law.

(2) *Employee conduct.*

(i) A LEC employee, while engaged in the installation of equipment or the rendering of services to any end-user on behalf of a competitor, may not disparage the service of the competitor or promote any service of the LEC to the end-user.

(ii) A LEC employee, while processing an order for the repair or restoration of service or engaged in the actual repair or restoration of service on behalf of a competitor, may not either directly or indirectly represent to any end-user that the repair or restoration of service would have occurred sooner if the end-user had obtained service from the LEC.

(3) *Corporate advertising and marketing.*

(i) A LEC may not engage in false or deceptive advertising with respect to the offering of any telecommunications service in this Commonwealth.

(ii) A LEC may not state or imply that the services provided by the LEC are inherently superior when purchased from the LEC unless the statement can be factually substantiated.

(iii) A LEC may not state or imply that the services rendered by a competitor may not be reliably rendered or are otherwise of a substandard nature unless the statement can be factually substantiated.

(iv) A local exchange telecommunications company may not state or imply that the continuation of any requested service from the local exchange telecommunications company is contingent upon taking other services offered by the local exchange telecommunications company that are not technically necessary to provide the requested service.

(4) *Cross subsidization.*

(i) A local exchange telecommunications company may not use revenues earned or expenses incurred in conjunction with noncompetitive services to subsidize or support any competitive services.

(5) *Information sharing and disclosure.*

(i) A local exchange telecommunications company shall simultaneously make available to competitive telecommunications carriers network information not in the public domain that is used for sales purposes by the local exchange telecommunications company or its local exchange affiliate or division or other corporate subunit that performs that function.

(A) The term “network information” means information concerning the availability of unbundled network elements or information necessary for interconnection to the local exchange telecommunications company’s network.

(B) Network information does not include information obtained during the processing of an order or service on behalf of the local exchange telecommunications company or the local exchange telecommunications company’s competitive local exchange affiliate or division or other corporate subunit that performs that function.

(ii) A local exchange telecommunications company’s employees, including its wholesale employees, shall use competitive telecommunications carrier proprietary information (that is not otherwise available to the local exchange telecommunications company) received in the preordering, ordering, provisioning, billing, maintenance or repairing of any telecommunications services provided to the competitive telecommunications carrier solely for the purpose of providing the services to the CLEC. Local exchange telecommunications company employees may not disclose the competitive telecommunications carrier proprietary information to other employees engaged in the marketing or sales of retail telecommunications services unless the competitive telecommunications carrier provides prior written consent to the disclosure. This provision does not restrict the use of aggregated competitive telecommunications carrier data in a manner that does not disclose proprietary information of any particular competitive telecommunications carrier.

(iii) Subject to customer privacy or confidentiality constraints, a LEC employee may not disclose, directly or indirectly, any customer proprietary information to the

LEC's affiliated or nonaffiliated entities unless authorized by the customer under § 63.135 (relating to customer information).

(6) *Sharing of employees and facilities.* Local exchange telecommunications company's wholesale employees who are responsible for the processing of a competitive telecommunications carrier order or service of the operating support system on behalf of a competitive telecommunications carrier may not be shared with the retail portion of the local exchange telecommunications company's business, shall have offices physically separated from the local exchange telecommunications company's retail employees and shall have their own direct line of management.

(7) *Adoption and dissemination.* Every LEC shall formally adopt and implement the applicable code of conduct provisions as company policy or modify its existing company policy as needed to be consistent with the applicable code of conduct provisions. Every LEC shall also disseminate the applicable code of conduct provisions to its employees and take appropriate steps to train and instruct its employees in their content and application.

Subchapter N. LOCAL SERVICE PROVIDER ABANDONMENT PROCESS

§ 63.302. Definitions.

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

* * * * *

Customer—The end-user recipient of telecommunications service provided by an LSP.

* * * * *

Local exchange carrier—A legal entity that is authorized to do business in this Commonwealth by the Department of State and has been certificated by the Commission to offer local exchange telecommunications service within a specified service area. LECs encompass both local exchange telecommunications companies and competitive telecommunications carriers.

* * * * *

Local service reseller—A LSP that resells another company's wholesale telecommunications services to provide local service to customers.

Local telecommunications service—Telecommunications service within a customer's local calling area, including:

(i) The customer's local calling plan, dial tone line, touch-tone and directory assistance calls allowed without additional charge.

(ii) Services covered by the Federal line cost charge, Pennsylvania relay surcharge, Federal universal service fund surcharge, local number portability surcharge, Public Safety Emergency Telephone Act (9-1-1) fee and applicable Federal and State taxes.

* * * * *

Telecommunications service—The offering of the transmission of messages or communications for a fee to the public.

CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELECOMMUNICATIONS SERVICE

Subchapter A. PRELIMINARY PROVISIONS

§ 64.1. Statement of purpose and policy.

The purpose of this chapter is to establish and enforce uniform, fair and equitable residential telecommunica-

tions service standards governing account payment and billing, credit and deposit practices, suspension, termination and customer complaint procedures. The purpose of this chapter is to assure adequate provision of residential telecommunications service; to restrict unreasonable suspension or termination of or refusal to provide service; and to provide functional alternatives to suspension, termination or refusal to provide service. Every privilege conferred or duty required by this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to ensure justice for all concerned.

§ 64.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—A person who applies for residential telecommunications service, other than a transfer of service from one dwelling to another within the service area of the LEC or a reinstatement of service following a discontinuation or suspension.

Basic service—The transmission of messages or communications by a telephone device between points within a local calling area as established in the tariff of a LEC, including installation service, providing and restoring access lines, touch tone service and handling of unpaid checks as addressed in § 64.11 (relating to method of payment). The term includes charges for 911 service, telecommunications relay service and subscriber line service, but does not include premises visits for installation of new service.

Billing period—A period of at least 26 days and not more than 35 days, except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days. The initial bill may never exceed 60 days.

(ii) A final bill due to discontinuance or termination may be less than 26 days or greater than 35 days but may not exceed 42 days. A bill may be rendered after the final bill for an additional toll, lost equipment or other similar charge.

(iii) Bills for less than 26 days or more than 35 days will be permitted if they result from a rebilling initiated by the company or by a customer dispute to correct a billing problem.

Bundled service package—

(i) A package of services, which includes noncompetitive or protected and competitive services, including services of an affiliate, in combinations and at a single rate or charge that is offered and billed on one bill by a competitive telecommunications carrier or a local exchange telecommunications company.

(ii) The term does not include a local exchange telecommunications company or competitive telecommunications carrier tariff filing that involves simultaneous changes in rates and charges for noncompetitive services in a revenue neutral manner.

CTC—*Competitive telecommunications carrier*—An entity that provides telecommunications services subject to the jurisdiction of the Commission and in competition with a local exchange telecommunications company.

Commercial service—Telecommunications service to a location other than a dwelling, except that service to a dwelling used for both residential and commercial pur-

poses shall be considered commercial service if concurrent residential service is provided.

Competitive wire center—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where all of its protected, retail nonprotected and retail noncompetitive telecommunications services have been declared or determined to be competitive by the Commission under 66 Pa.C.S. § 3016 (relating to competitive services).

Cramming—The submission or inclusion of unauthorized, misleading or deceptive charges for products or services on an end-user customer's local telephone bill.

Customer—An applicant in whose name a residential service account is billed.

Delinquent account—Charges for telecommunications service which have not been paid in full by the due date stated on the bill or otherwise agreed upon. The contested portion of an account may not be deemed delinquent if, before the due date, payment arrangements with the LEC have been entered into by the customer, a timely filed notice of dispute is pending before the LEC or an informal or formal complaint is timely filed with and is pending before the Commission.

Discontinuation of service—The temporary or permanent cessation of service upon the request of a customer.

Dispute—A grievance of an applicant, customer or customer's designee about a utility's application of one or more provisions covered by this chapter, including credit determinations, deposit requirements, the accuracy of amounts billed or the proper party to be charged, which remains unresolved after the initial contact or utility follow-up response when the applicant, customer or customer's designee consents to the utility reviewing pertinent records or other information and calling back. The term does not include a disagreement arising from matters outside the scope of this chapter, or failure to negotiate a mutually satisfactory payment agreement regarding undisputed amounts, or a disagreement over billing data provided to the local exchange carrier by an interexchange carrier.

Dwelling—A house, apartment or other location where a person resides.

Emergency—An unforeseen combination of circumstances requiring temporary discontinuation of service either to effect repairs or maintenance or to eliminate an imminent threat to life, health, safety or property.

Interexchange carrier—A carrier which provides interexchange services to the public under 66 Pa.C.S. § 3018 (relating to interexchange telecommunications carriers).

LEC—Local Exchange Carrier—A jurisdictional telecommunications public utility which provides basic service either exclusively or in addition to toll service. A local exchange carrier can be either a local exchange telecommunications company or a competitive telecommunications carrier.

LETC—Local exchange telecommunications company—A telecommunications service provider as defined in 66 Pa.C.S. § 3012 (relating to definitions).

Nonbasic service—A service or a product other than telecommunications service which is either offered or billed for by a LEC. The term includes the sale or lease of customer premises equipment, inside wiring maintenance plans, repair services, premises visits for service installation, nonrecurring charges for nonbasic services, restoral charges for nonbasic services, custom calling services,

audiotex services, pay-per-call services and international information or entertainment services.

Noncompetitive wire center—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where the jurisdictional telecommunications public utility offers protected, retail nonprotected and noncompetitive telecommunications services as defined by 66 Pa.C.S. § 3012.

Occupant—A person who resides at a location to which residential service is supplied.

Payment agreement—A mutually satisfactory agreement between the customer and the LEC whereby a customer who admits liability for billed service is permitted to pay the unpaid balance of the account in one or more payments over a reasonable period.

Physician—An individual permitted under the statutes of the Commonwealth to engage in the practice of medicine and surgery or in the practice of osteopathy or osteopathic surgery.

Residential service—Telecommunications service supplied to a dwelling, including service provided to a location used for both residential and commercial purposes if no concurrent commercial service is provided. The term does not include telecommunications service provided to a hotel or motel.

Service provider—Facilities-based interexchange carrier, interexchange reseller or information service provider initiating the service or charges to end-user customers.

Slamming—The unauthorized changing of a customer's telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

Suspension of service—A temporary cessation of service without the consent of the customer.

Telecommunications company—A public utility which provides telecommunications service subject to Commission jurisdiction.

Telecommunications service—The transmission of messages or communications by telephone. The term includes basic service and toll service.

Termination of service—Permanent cessation of service after a suspension without the consent of the customer.

Toll service—The transmission of messages or communications by telephone between points which are not both within a local calling area as established in the tariff of a LEC. The term includes service that is either billed by or provided by a LEC, toll restoral charges and presubscription interexchange carrier change charges.

Subchapter B. PAYMENT AND BILLING STANDARDS

§ 64.11. Method of payment.

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault. When a tendered personal check is returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault, the LEC may treat such unpaid check as a payment never made by the customer and, if it does so, shall not be obligated to halt suspension or termination action based on its receipt of this check from the customer. The LEC may impose a charge for a returned check as long as the charge is set forth in the

LEC's approved tariff, Product Guide or similar document. Notwithstanding the foregoing provisions, the LEC may not proceed with suspension or termination of service based on a disputed billed amount if the customer stops payment on a check due to a good faith billing dispute.

§ 64.12. Due date for payment.

The due date for payment of a monthly bill, whether it be a paper bill or an electronic bill generated instead of a paper bill, shall be at least 20 days from the date of mailing or, in the case of an electronic bill, from the date of transmission by the LEC to the customer.

(1) Extension of due date to next business day. If the last day for payment falls on a Saturday, Sunday or bank holiday or another day when the offices of the LEC which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) Date of payment by mail. For a remittance by mail, one of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The LEC may not impose a late payment charge unless payment is received more than 5 days after the due date.

(iii) The LEC may not mail or deliver notice of suspension until at least 5 days after the stated due date.

(3) Date of payment made in person or electronically. The effective date of payment to a branch office or authorized payment agent is the date of actual payment at that location. The effective date of the payment made electronically to the utility is the date the customer made the electronic payment.

(4) Multiple notifications. When a LEC advises a customer by multiple notices or contacts and they contain different due dates, the date on or before which payment is due shall be the latest date contained in the notices listed in this section.

§ 64.13. Billing frequency.

A LEC shall render either a paper bill or an electronic bill once every billing period to customers in accordance with the LEC's tariff, product guide or similar document.

§ 64.14. Billing information.

(a) Every bill rendered must clearly state the following information:

(1) The date of the bill.

(2) The due date on or before which payment shall be received to avoid an account being considered delinquent.

(3) The beginning and ending dates of the billing period for service, excluding toll usage and equipment.

(4) The amount due for basic service, nonbasic service, and taxes and applicable surcharges, during the current billing period.

(5) An itemized statement of toll charges listing the date, time, destination, duration and rate period for each toll call unless the customer subscribes to an unlimited toll service plan or toll service is included as part of the customer's bundled service package.

(6) The amounts for security deposits owed by or credited to existing customers. This amount shall be separately stated on each bill if a security deposit remains unpaid.

(7) The total amount of payments and other credits made to the account during the current billing period.

(8) The amount of late payment charges.

(9) The total amount due.

(10) A statement directing the customer to register a question or complaint about the bill prior to the due date, with the address and telephone number where the customer may direct questions or complaints.

(11) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill, and an explanation of the various charges, if applicable, can be obtained by contacting the business office of the LEC.

(b) [Reserved].

(c) [Reserved].

(d) [Reserved].

§ 64.15. [Reserved].

§ 64.22. [Reserved].

§ 64.24. Provision of bundled service packages.

* * * * *

(c) Consumer protection requirements. A LEC that is legally obligated to offer any "protected service" under Chapter 30, 66 Pa.C.S. §§ 3011 et seq., to certain residential customers shall comply with the following requirements when offering any bundled services package that includes basic service to these customers:

* * * * *

Subchapter C. CREDIT AND DEPOSIT STANDARDS POLICY

§ 64.31. LEC credit and deposit policies.

A LEC shall describe its credit and deposit standards, which must be reasonable under 66 Pa.C.S. § 1501 (relating to character of service and facilities), in a tariff, product guide or similar document.

§ 64.32. [Reserved].

§ 64.33. [Reserved].

§ 64.34. [Reserved].

§ 64.35. [Reserved].

§ 64.36. [Reserved].

§ 64.37. [Reserved].

§ 64.38. [Reserved].

§ 64.39. [Reserved].

§ 64.40. [Reserved].

§ 64.41. [Reserved].

Subchapter D. [Reserved].

§ 64.51. [Reserved].

§ 64.52. [Reserved].

§ 64.53. [Reserved].

Subchapter E. SUSPENSION OF SERVICE GROUNDS FOR SUSPENSION

§ 64.61. Authorized suspension of service.

Telecommunications service to a dwelling may be suspended for any of the following reasons:

* * * * *

(6) Fraud or material misrepresentation of identity to obtain telecommunications service.

* * * * *

(8) Unpaid indebtedness for telecommunications service previously furnished by the LEC in the name of the customer within 4 years of the date the bill is rendered.

(9) Abusive, illegal or fraudulent activity.

NOTICE PROCEDURES PRIOR TO SUSPENSION

§ 64.71. General notice provisions.

The LEC shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought, with the exception of the following: Failure to comply with the material terms of a payment agreement for toll or nonbasic service, or both. In these cases, the LEC shall comply with § 64.81 (relating to limited notice upon noncompliance with report or order). In lieu of mailing or otherwise physically delivering written notice of suspension, the LEC may transmit the notice electronically, so long as the LEC obtains the prior written consent of the customer to receive suspension notices electronically.

§ 64.73. Notice when dispute pending.

(a) A LEC shall not mail or deliver a notice of suspension if a notice of dispute, as defined in § 64.2 (relating to definitions), has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed suspension.

(b) A notice mailed or delivered contrary to the requirements of this section shall be void.

§ 64.74. Procedures upon customer contact before suspension.

(a) If, at a time after the issuance of the suspension notice and before the suspension of service, a customer contacts the LEC concerning the proposed suspension, an authorized LEC employee shall fully explain, when applicable, the following:

- (1) The reasons for the proposed suspension.
- (2) The available methods of avoiding a suspension including:
 - (i) Tendering the past due amount as specified on the suspension notice or otherwise eliminating the grounds for suspension.
 - (ii) Entering a payment agreement.
 - (iii) The right of the customer to file a dispute with the telecommunications company and, thereafter, an informal complaint with the Commission.

(3) The procedures for resolving disputes relating to charges on the notice and the procedures for filing informal complaints to request payment terms on the basic service portion of the account, including the address and the telephone number of the nearest regional Commission office.

(4) The duty of the customer to pay a portion of a bill not honestly disputed.

(5) [Reserved].

(6) The medical emergency procedures.

(7) That upon failure to timely appeal from or comply with a telecommunications company report, as defined in § 64.142 (relating to contents of written summary by the LEC), an informal complaint report, or an order from a

formal complaint—the LEC is not required to give further written notice before suspension.

EMERGENCY PROVISIONS

§ 64.103. Medical certification.

Certifications initially may be written or oral, subject to the right of the LEC to verify the certification by calling the physician or to require written confirmation within 7 days. All certifications, whether written or oral, shall include all of the following information.

(1) The name, address and telephone number of the customer in whose name the account is registered.

* * * * *

(5) The specific reason why access to telecommunications service must be maintained.

Subchapter F. TERMINATION OF SERVICE

GROUND FOR TERMINATION

§ 64.123. Termination notice.

Immediately after service is suspended, a termination notice which conforms substantially to the suspension notice and which indicates how the customer may arrange to have service restored shall be mailed to the customer's billing address. In lieu of mailing written notice of termination, the LEC may transmit the notice electronically, so long as the LEC obtains the prior written consent of the customer to receive termination notices electronically. The termination notice must include:

- (1) The amount past due for basic service which the customer shall pay to avoid the termination of basic service.
- (2) A medical emergency restoration notice substantially in the form set forth in Appendix B (relating to Medical Emergency Restoration Notice).
- (3) A statement that service will be terminated on or after a specified date and a clear explanation that the customer shall request service as a new applicant, subject to additional charges, if termination occurs.

Subchapter G. DISPUTES; INFORMAL AND FORMAL COMPLAINTS

INFORMAL COMPLAINT PROCEDURES

§ 64.153. Commission informal complaint procedures.

(a) The timely filing of an informal complaint acts as a limited stay and the LEC may not suspend or terminate service based on the complaining party's nonpayment of any billed amount which is contested in the informal complaint until the complaint is resolved. The LEC may not suspend or terminate service based on the complaining party's nonpayment of additional billed amounts that reflect the same underlying problem, other than a claimed inability to pay, as the billed amounts contested in the informal complaint. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, where the suspension or termination is otherwise permitted under this chapter. This subsection shall be read in conjunction with §§ 64.141—64.171 when applicable to residential utility service.

(a.1) Upon the filing of an informal complaint related to a billing dispute that complies with §§ 64.131—64.133, the Bureau of Consumer Services of the Commission can seek to immediately and contemporaneously transfer the

customer to its LEC for resolution to address the complaint in the following manner:

(1) The transfer will occur with the customer's explicit consent.

(2) The transfer will be made to a live operator or customer service representative of the LEC.

(3) The LEC shall maintain a dedicated toll-free telephone number for the automatic customer transfer process.

(4) In the event that the customer's billing complaint cannot be resolved by the LEC or the customer expresses dissatisfaction with the LEC's attempt to resolve the billing dispute, it will be referred back to the Bureau of Consumer Services of the Commission for resolution in accordance with the provisions of subsection (c).

(5) The Commission's Bureau of Consumer Services and participating LECs may establish automated electronic communication links, electronic data interfaces, or appropriate web page access, for the exchange of information and data in the automatic customer transfer. These links shall be used only by authorized Commission and the LEC'S personnel shall safeguard the customer's personal data and billing information from public disclosure.

(b) If the customer declines to participate in the automatic transfer process outlined in subsection (a.1), the informal complaint shall be docketed as "(complainant) v. (company)" and the Commission's Bureau of Consumer Services will immediately notify the LEC, review the dispute and make a full and prompt investigation of the billing complaint made to it by the customers, and, within a reasonable period of time, issue to the LEC and the complaining party an informal report with findings and a decision. The reports shall be in writing and a summary will be sent to the parties if a party requests it or if the Commission's Bureau of Consumer Services finds that a summary is necessary.

(1) *Review techniques.* Review shall be by appropriate means, including LEC written summaries prepared in accordance with § 64.142 (relating to contents of written summary by the LEC), telephone calls, conferences, written statements, research, inquiry and investigation. Procedures shall be designed to ensure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute. Information and documents requested by Commission staff as part of the review process shall be provided by the LEC within 30 days of the request as records of complaints shall be kept in accordance with § 64.192 (relating to record maintenance).

(2) *Settlement.* Before the issuance of its report, the Commission's Bureau of Consumer Services may negotiate with the parties in an attempt to settle the matters in dispute. If the billing complaint is resolved, the Commission's Bureau of Consumer Services shall terminate its investigation of the issue.

(c) Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under Chapter 5 (relating to formal proceedings).

(d) Subsection (b) supersedes § 3.112 (relating to action on informal complaints).

Subchapter H. RESTORATION OF SERVICE

§ 64.181. Restoration of service after suspension.

If service has been suspended, the LEC shall reconnect service by the end of the first full working day after the

customer has complied with or provided adequate assurance of compliance with an applicable provision of Subchapter C (relating to credit and deposit standards policy) and one of the following:

(1) Full payment of outstanding charges plus the reconnection fee listed in the LEC's lawful tariff, pricing guide or similar document. The payment may not exceed the total of applicable rates and reconnection fees specified in the LEC's tariff, pricing guide or similar document. Payment of outstanding charges and the reconnection fee may be spread out over a reasonable period. Factors to be taken into account include the size of the unpaid balance, the payment history of the ratepayer and the length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a payment agreement, plus a reconnection fee, which may be a part of the settlement or payment agreement.

(3) Payment of an amount deemed appropriate by Commission staff upon its review of an informal complaint.

(4) Adequate assurances that unauthorized use or practice will cease, plus full payment of the reconnection fee of the LEC, which reconnection fee may be subject to a payment agreement.

§ 64.182. [Reserved].

Subchapter I. PUBLIC INFORMATION; RECORD MAINTENANCE

§ 64.191. Public information.

(a) LEC service representatives shall provide applicants who apply for residential telecommunications service in person with a concise, easy-to-understand printed price list showing all available service and equipment options. The price of the least expensive single-party telecommunications service option shall be clearly and conspicuously displayed on the list.

(b) If an applicant applies for service by telephone, the LEC service representative shall:

(1) Explain and give the price of the least expensive type of single-party telecommunications service.

(2) Determine whether the applicant wants information about services for customers with disabilities.

* * * * *

(d) The LEC service representative shall inform applicants when services discussed are optional and shall include the price with the description of each optional service.

(e) The LEC service representative shall inform each applicant that they will be sent a confirmation letter, which will include:

(1) An itemization of the services ordered.

(2) The price of each service ordered.

(3) Identification of the services that are optional.

(4) Information instructing the applicant that a more thorough explanation and price list of services of interest to residential customers, and instructions on how to obtain the information, may be found in the telephone directory, when applicable.

(f) In addition to the notice requirements set forth in this chapter, each LEC shall prepare a summary of the rights and responsibilities of the LEC and its customers under this chapter. This written information shall be subject to Commission review and approval and shall be

reproduced by the LEC, displayed prominently, available at LEC locations open to the general public, printed in each telephone directory, and made available to each new customer and shall be available thereafter only upon request. The written information shall indicate conspicuously that it is being provided in accordance with this chapter and shall contain information including, but not limited to, the following:

- (1) Billing procedures.
- (2) Methods of customer verification of billing accuracy.
- (3) Payment requirements and procedures.
- (4) Security deposit and guarantee requirements.
- (5) Procedures for suspension, termination and reconnection of service.
- (6) Dispute, informal complaint and formal complaint procedures.
- (7) Third-party notification procedures.
- (8) Telephone numbers and addresses of the LEC and of the nearest Regional Office of the Commission where further inquiries may be made.
- (9) Definitions of terms or abbreviations used by the telecommunications company on its bills.
- (g) [Reserved].

Subchapter J. ANNUAL LEC REPORTING REQUIREMENTS

§ 64.201. Reporting requirements.

(a) *Annual report.* Within 90 days after the end of each calendar year, each LEC with residential accounts shall file with the Commission an annual report containing

residential account information as listed in subsection (b) for the previous calendar year.

(b) *Elements of periodic reporting.* The following must be included in periodic reporting as required under this section:

- (1) The average number of residential accounts per month.
- (2) The average residential customer bill per month for basic service.
- (3) The average number of overdue residential accounts per month.
- (4) The average overdue residential customer bill per month for basic service.
- (5) The average number of residential basic service suspension notices sent per month.
- (6) The average number of residential basic service suspensions per month.
- (7) The average number of residential basic service terminations per month.
- (8) LEC gross revenue from all residential accounts for basic service.
- (9) LEC gross write-offs of uncollectible residential accounts for basic service.
- (10) LEC net write-offs of uncollectible residential accounts for basic service.
- (11) The total number of Chapter 64 disputes handled.

Subchapter K. GENERAL PROVISIONS

§ 64.211. [Reserved].

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