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House of Representatives

Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

CONSUMER AFFAIRS, CHAIRMAN
INSURANCE
LEGISLATIVE BUDGET & FINANCE

3053 & 3054 .

May 28, 2014

The Honorable John F. Mizner, Chairman
Independent Regulatory Review Commission
333 Market St., 14th Floor
Harrisburg, PA 17101

Re: Regulation #57-305 (IRRC #3053) L-2014-2409385 and
Regulation #57-306 (IRRC #3054) L-2014-2409383

Dear Chairman Mizner:

I attended and spoke at last week's Independent Regulatory Review Commission (IRRC) meeting where the above referenced regulations were approved by the commission. While I understand that it is within the IRRC's discretion to find these regulations in the public interest, I remain at a loss to understand how these regulations met the threshold to be submitted as final-omitted rulemakings.

As you are aware, the Commonwealth Documents Law (45 P.S. § 1204) permits an agency to use the final-omitted rulemaking process in three limited circumstances:

1. When comments from the public are not appropriate, necessary or beneficial.
2. When all persons subject to the regulation are named and given personal notice.
3. When notice is impractical, unnecessary or contrary to the public interest.

There was no justification discussed at last week's meeting regarding the use of the final-omitted process and how these rulemakings were appropriate for consideration under this process. Similarly, there was no sufficiently clear explanation of this issue in the IRRC order approving the rulemakings. I continue to believe that these rulemakings would have benefitted from a public notice and comment period and that such notice was necessary in the public interest.

The public, who in some cases reportedly suffered exponential increases in electric rates, should have been given a voice. The use of the final-omitted process silenced that voice.

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The Honorable John F. Mizner, Chairman

I respectfully request an explanation or analysis justifying the use of the final-omitted process for these regulations.

Thank you,

A handwritten signature in black ink that reads "Robert Godshall". The signature is written in a cursive style with a large, stylized initial "R".

Robert W. Godshall, Majority Chairman
House Consumer Affairs Committee

RWG:jh

cc:

George D. Bedwick, Vice Chairman

W. Russell Faber, Commissioner

Lawrence J. Tabas, Esq., Commissioner

Dennis A. Watson, Esq., Commissioner