

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1269 Session of  
2007

INTRODUCED BY SURRA, BOYD, CONKLIN, CREIGHTON, DALEY, DeLUCA,  
FABRIZIO, GIBBONS, GOODMAN, HARKINS, KIRKLAND, KORTZ, KOTIK,  
MYERS, SIPTROTH, K. SMITH, SOLOBAY, STABACK, THOMAS AND  
YOUNGBLOOD, MAY 18, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 18, 2007

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, further providing for rates to be just  
3 and reasonable.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 1301 of Title 66 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 1301. Rates to be just and reasonable.

9 (a) Ratemaking.--Every rate made, demanded, or received by  
10 any public utility, or by any two or more public utilities  
11 jointly, shall be just and reasonable, and in conformity with  
12 regulations or orders of the commission. Only public utility  
13 service being furnished or rendered by a municipal corporation,  
14 or by the operating agencies of any municipal corporation,  
15 beyond its corporate limits, shall be subject to regulation and  
16 control by the commission as to rates, with the same force, and  
17 in like manner, as if such service were rendered by a public

1 utility.

2 (b) Increases paid by sewage originator.--Notwithstanding  
3 the provisions of subsection (a) or any other provision of law,  
4 the following shall apply to increases in rates, fees, rents,  
5 contractual consideration or other charges that a sewage  
6 originator pays to a treatment provider for treatment of sewage:

7 (1) Except as provided in paragraph (2), the increase as  
8 a percentage of the existing dollar amount of rates, fees,  
9 rents, contractual consideration or other charges shall not  
10 exceed the percentage increase of either of the following:

11 (i) A simultaneous increase in rates, fees, rents,  
12 contractual consideration or other charges imposed by the  
13 treatment provider to resident customers within its  
14 corporate limits.

15 (ii) The average increase in the Consumer Price  
16 Index for All Urban Consumers for the three years  
17 preceding the increase.

18 (2) The following shall apply to an increase in excess  
19 of the limits set forth in paragraph (1):

20 (i) The increase shall be subject to regulation,  
21 control and approval by the commission.

22 (ii) The commission shall deny the increase if the  
23 treatment provider fails to meet the burden of proving  
24 that the increase is just and reasonable.

25 (c) Definitions.--As used in this section, the following  
26 words and phrases shall have the meanings given to them in this  
27 subsection:

28 "Treatment provider." A municipal corporation or an  
29 operating agency of a municipal corporation which, pursuant to  
30 contract or agreement or otherwise, has agreed to receive and

1 treat at its sewage treatment plant the sewage collected in and  
2 conveyed to it from another municipal corporation or an  
3 operating agency of another municipal corporation.

4 "Sewage originator." A municipal corporation or an operating  
5 agency of a municipal corporation which, pursuant to contract or  
6 agreement or otherwise, has agreed to collect sewage within its  
7 corporate limits and convey it for treatment to a municipal  
8 sewage treatment provider.

9 Section 2. This act shall take effect in 60 days.