

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1787 Session of  
1979

---

INTRODUCED BY MESSRS. McCLATCHY AND PIEVSKY, OCTOBER 2, 1979

---

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 24, 1980

---

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, FURTHER PROVIDING FOR THE ASSESSMENT <—  
3 OF REGULATORY EXPENSES UPON PUBLIC UTILITIES ~~AND~~, providing <—  
4 for the use of certain Federal funds AND PROVIDING FOR A <—  
5 BUDGET FOR THE PUBLIC UTILITY COMMISSION FOR THE FISCAL YEAR  
6 COMMENCING JULY 1, 1980.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 SECTION 1. SECTION 510(A) OF TITLE 66, ACT OF NOVEMBER 25, <—  
10 1970 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED  
11 STATUTES, IS AMENDED TO READ:

12 § 510. ASSESSMENT FOR REGULATORY EXPENSES UPON PUBLIC  
13 UTILITIES.

14 (A) DETERMINATION OF ASSESSMENT.--BEFORE [MARCH 1] JANUARY  
15 15 OF EACH YEAR, THE COMMISSION SHALL ESTIMATE ITS TOTAL  
16 EXPENDITURES IN THE ADMINISTRATION OF THIS PART FOR THE FISCAL  
17 YEAR BEGINNING JULY OF THAT YEAR AND AFTER THE BEGINNING OF THE <—  
18 FISCAL YEAR, THE COMMISSION MAY REQUEST A SUPPLEMENTAL ESTIMATE,

1 WHICH ESTIMATE AND ANY REQUESTED SUPPLEMENTAL ESTIMATES SHALL <—  
2 NOT EXCEED THREE-TENTHS OF 1% OF THE TOTAL GROSS INTRASTATE  
3 OPERATING REVENUES OF THE PUBLIC UTILITIES UNDER ITS  
4 JURISDICTION FOR THE PRECEDING CALENDAR YEAR. [SUCH ESTIMATE  
5 SHALL BE SUBMITTED TO THE GOVERNOR, AND TO THE APPROPRIATION  
6 COMMITTEES OF THE HOUSE AND SENATE THROUGH THEIR RESPECTIVE  
7 CHAIRMEN, FOR THEIR RESPECTIVE APPROVALS OF SUCH ESTIMATE IN THE  
8 AMOUNT SUBMITTED OR SUCH LESSER AMOUNT AS EACH OF THEM MAY  
9 DETERMINE. UNLESS THE GOVERNOR, OR EITHER COMMITTEE THROUGH ITS  
10 CHAIRMAN, SHALL NOTIFY THE COMMISSION IN WRITING OF HIS OR ITS  
11 ACTION WITHIN 30 DAYS AFTER SUCH SUBMISSION, THE ESTIMATE AS  
12 SUBMITTED SHALL BE DEEMED APPROVED BY HIM OR BY THE COMMITTEE.  
13 THE LEAST OF THE AMOUNTS SO APPROVED BY THE THREE APPROVING  
14 AUTHORITIES SHALL BE THE FINAL ESTIMATE; AND APPROVAL OF SUCH  
15 LEAST AMOUNT SHALL CONSTITUTE COMPLIANCE WITH SECTION 604 OF THE  
16 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE  
17 ADMINISTRATIVE CODE OF 1929."] THE COMMISSION OR ITS DESIGNATED <—  
18 REPRESENTATIVES SHALL BE AFFORDED AN OPPORTUNITY TO APPEAR  
19 BEFORE THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES REGARDING  
20 THEIR ESTIMATES+ OR BUDGET OR SUPPLEMENTAL ESTIMATES OR BUDGETS. <—

21 THE COMMISSION SHALL SUBTRACT FROM THE FINAL ESTIMATE:

22 (1) [THE] THE ESTIMATED FEES TO BE COLLECTED PURSUANT TO  
23 SECTION 317 (RELATING TO FEES FOR SERVICES RENDERED BY  
24 COMMISSION)[; AND] DURING SUCH FISCAL YEAR.

25 (2) [THE] THE ESTIMATED BALANCE OF THE APPROPRIATION,  
26 SPECIFIED IN SECTION 511 (RELATING TO DISPOSITION,  
27 APPROPRIATION AND DISBURSEMENT OF ASSESSMENTS AND FEES), TO  
28 BE CARRIED OVER INTO SUCH FISCAL YEAR FROM THE PRECEDING ONE.  
29 THE REMAINDER SO DETERMINED, HEREIN CALLED THE TOTAL ASSESSMENT,  
30 SHALL BE ALLOCATED TO, AND PAID BY, SUCH PUBLIC UTILITIES IN THE

1 MANNER PRESCRIBED [IN THIS PART]. A PROPOSED BUDGET AND ANY <—  
2 PROPOSED SUPPLEMENTAL BUDGET SHALL BE SUBMITTED TO THE GENERAL  
3 ASSEMBLY AND THE GOVERNOR'S BUDGET OFFICE. IF THE GENERAL  
4 ASSEMBLY FAILS TO APPROVE THE COMMISSION'S BUDGET FOR THE  
5 PURPOSES OF THIS PART, BY ~~APRIL 30~~, MARCH 15, THE COMMISSION <—  
6 SHALL ASSESS PUBLIC UTILITIES ON THE BASIS OF THE LAST APPROVED  
7 OPERATING BUDGET. NO SUPPLEMENTAL BUDGET REQUEST SHALL BE <—  
8 UTILIZED UNTIL IT IS APPROVED BY THE GENERAL ASSEMBLY. AT SUCH  
9 TIME AS THE GENERAL ASSEMBLY APPROVES THE PROPOSED BUDGET OR ANY <—  
10 SUPPLEMENTAL BUDGET THE COMMISSION SHALL HAVE THE AUTHORITY TO  
11 MAKE AN ADJUSTMENT IN THE ASSESSMENTS TO REFLECT THE APPROVED  
12 BUDGET.

13 \* \* \*

14 Section ~~±~~ 2. Title 66, ~~act of November 25, 1970 (P.L. 707,~~ <—  
15 ~~No. 230), known as the Pennsylvania Consolidated Statutes,~~ is  
16 amended by adding a section to read:

17 § 511.1. Use of Federal funds under energy program.

18 (a) General rule.--The commission is authorized to apply for  
19 and, subject to appropriation by the General Assembly, use  
20 Federal funds pursuant to the National Energy Act which is  
21 composed of:

22 (1) The "National Energy Conservation Policy Act,"  
23 Public Law 95-619.

24 (2) The "Powerplant and Industrial Fuel Use Act of  
25 1978," Public Law 95-620.

26 (3) The "Public Utility Regulatory Policies Act of  
27 1978," Public Law 95-617.

28 (4) The "Natural Gas Policy Act of 1978," Public Law 95-  
29 621.

30 (5) The "Energy Tax Act of 1978," Public Law 95-618.

1           (6) The "Energy Conservation and Production Act of  
2           1976," Public Law 94-385.

3           (7) Any future Federal legislation or amendments to the  
4           statutes listed in this subsection providing special funds  
5           for:

6                   (i) Rate making research and development.

7                   (ii) Energy conservation research and development.

8                   (iii) Motor carrier and rail transportation safety  
9                   programs.

10                   (iv) Gas safety programs.

11           (b) Funds not subject to lapse.--Funds received by the  
12           commission pursuant to subsection (a) shall not be subject to  
13           lapsing at the end of any fiscal period.

14           (c) Reimbursement to utilities prohibited.--Funds received  
15           by the commission pursuant to subsection (a) shall not be  
16           reimbursed to any public utility.

17           SECTION 3. NOTWITHSTANDING ANY ACTION TAKEN HERETOFORE, THE        <—  
18           GENERAL ASSEMBLY HEREBY APPROVES A BUDGET OF \$18,580,000 FOR  
19           OPERATIONS OF THE PUBLIC UTILITY COMMISSION FOR THE FISCAL YEAR  
20           COMMENCING ON JULY 1, 1980. THIS AUTHORIZATION DOES NOT INCLUDE  
21           ANY FEDERAL FUNDS WHICH MAY BECOME AVAILABLE TO THE COMMISSION.  
22           IF THE COMMISSION SHALL HAVE ALREADY MADE ASSESSMENTS FOR THE  
23           FISCAL YEAR BEGINNING JULY 1, 1980, IT SHALL MAKE SUCH  
24           ADJUSTMENT IN THE ASSESSMENTS AS MAY BE NECESSARY TO REFLECT THE  
25           BUDGET APPROVED BY THIS SECTION.

26           Section ~~2-3~~ 4. This act shall take effect immediately.        <—