

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 766

Session of
1975

INTRODUCED BY DIETZ, COLE, DAVIS AND SHUMAN, MARCH 18, 1975

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, MARCH 19, 1975

AN ACT

1 Amending the act of May 28, 1937 (P.L.1053, No.286), entitled
2 "An act relating to the regulation of public utilities;
3 defining as public utilities certain corporations, companies,
4 associations, and persons; providing for the regulation of
5 public utilities, including, to a limited extent,
6 municipalities engaging in public utility business, by
7 prescribing, defining, and limiting their duties, powers, and
8 liabilities, and regulating the exercise, surrender or
9 abandonment of their powers, privileges, and franchises;
10 defining and regulating contract carriers by motor vehicle
11 and brokers in order to regulate effectively common carriers
12 by motor vehicle; conferring upon the Pennsylvania Public
13 Utility Commission the power and duty of supervising and
14 regulating persons, associations, companies, and
15 corporations, including, to a limited extent, municipal
16 corporations subject to this act, and administering the
17 provisions of this act; authorizing the commission to fix
18 temporary rates; placing the burden of proof on public
19 utilities to sustain their rates and certain other matters;
20 authorizing a permissive or mandatory sliding scale method of
21 regulating rates; providing for the supervision of financial
22 and contractual relations between public utilities and
23 affiliated interests, and supervision and regulation of
24 accounts and securities or obligations issued, assumed, or
25 kept by persons, associations, companies, corporations or
26 municipal corporations subject to this act; conferring upon
27 the commission power to vary, reform, or revise certain
28 contracts; conferring upon the commission the exclusive power
29 to regulate or order the construction, alteration,
30 relocation, protection, or abolition of crossings of
31 facilities of public utilities, and of such facilities by or
32 over public highways, to appropriate property for the
33 construction or improvement of such crossings, and to award
34 or apportion resultant costs and damages; authorizing owners
35 of such property to sue the Commonwealth for such damages;

1 providing for ejectment proceedings in connection with the
2 appropriation of property for crossings; conferring upon the
3 commission power to control and regulate budgets of public
4 utilities; imposing upon persons, associations, companies,
5 and corporations (except municipal corporations) subject to
6 regulation, the cost of administering this act; prescribing
7 and regulating practice and procedure before the commission
8 and procedure for review by the courts of commission action;
9 giving the court of common pleas of Dauphin County exclusive
10 original jurisdiction over certain proceedings; prescribing
11 penalties, fines, and imprisonment for violations of the
12 provisions of this act and regulations and orders of the
13 commission, and the procedure for enforcing such fines and
14 penalties; and repealing legislation supplied and superseded
15 by or inconsistent with this act," prohibiting increased
16 rates, charges or surcharges reflecting taxes imposed on the
17 public utility and for refunds in connection therewith.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. The act of May 28, 1937 (P.L.1053, No.286), known
21 as the "Public Utility Law," is amended by adding a section to
22 read:

23 Section 304.1. Rates or Charges Not to Include Hidden
24 Taxes.--Notwithstanding any other provision of this act a public
25 utility shall not pass on to any person any increased rate
26 reflecting a tax imposed upon it nor impose any charge or
27 surcharge on any of its customers reflecting a tax imposed upon
28 it.

29 Section 2. All increased rates, charges or surcharges
30 imposed by public utilities contrary to this amending act and
31 paid by customers subsequent to January 1, 1975 shall be
32 refunded or credited to customers' accounts.

33 Section 3. This act shall take effect immediately and shall
34 be retroactive to January 1, 1975.