

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILLNo. 1731 Session of
1977

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1731, entitled:

"An act amending the act of March 31, 1937 (P.L.160, No.43), entitled 'An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; * * * providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring * * *,' providing for hearings and appeals not involving rate determination matters AND FOR THE ASSESSMENT OF REGULATORY EXPENSES UPON PUBLIC UTILITIES."

respectfully submit the following bill as our report:

BERNARD F. O'BRIEN

THOMAS J. McCALL

VERN PYLES

(Committee on the part of the House of Representatives.)

THOMAS M. NOLAN

JOSEPH F. SMITH

(Committee on the part of the Senate.)

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for hearings and
3 appeals not involving rate determination matters, and for the
4 regulation of speedometers and speed recorders.

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

7 Section 1. Sections 331(b) and 2705(d) of Title 66, act of
8 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania
9 Consolidated Statutes, added July 1, 1978 (No.116), are amended
10 and section 332 is amended by adding subsections to read:

11 § 331. Powers of commission and administrative law judges.

12 * * *

13 (b) [Powers] Assignment of proceedings; powers of
14 chairman.--[The commission may authorize the chairman to:] All
15 on-the-record proceedings shall be referred to an administrative
16 law judge for decision except that in those proceedings
17 involving a rate determination, safety matters, rulemaking
18 procedures, unprotested applications or matters covered by
19 section 335(a)(1) (relating to initial decisions), the
20 commission may authorize the chairman to assign cases as
21 provided in paragraphs (2) and (3); and, in addition, the
22 commission may authorize the chairman to:

23 (1) Designate the time and place for the conducting of
24 investigations, inquiries and hearings.

25 (2) Assign cases to a commissioner or commissioners for
26 hearing, investigation, inquiry, study or other similar
27 purposes.

28 (3) Assign cases to special agents or administrative law
29 judges for the taking and receiving of evidence.

30 (4) Direct and designate officers and employees of the

1 commission to make investigations, inspections, inquiries,
2 studies and other like assignments for reports to the
3 commission.

4 (5) Be responsible through the secretary for
5 specifically enumerated daily administrative operations of
6 the commission.

7 * * *

8 § 332. Procedures in general.

9 * * *

10 (g) Decision of administrative law judge.--In all on-the-
11 record proceedings referred to an administrative law judge under
12 section 331(b) (relating to powers of commission and
13 administrative law judges), hearings shall be commenced by the
14 administrative law judge within 90 days after the proceeding is
15 initiated, and he shall render a decision within 90 days after
16 the record is closed, unless the commission for good cause by
17 order allows an extension not to exceed an additional 90 days.

18 (h) Exceptions and appeal procedure.--Any party to a
19 proceeding referred to an administrative law judge under section
20 331(b) may file exceptions to the decision of the administrative
21 law judge within 15 days after such decision is issued, in a
22 form and manner to be prescribed by the commission. The
23 administrative law judge shall rule upon such exceptions within
24 30 days after filing. Any party to the proceeding may appeal to
25 the commission from the ruling of the administrative law judge
26 on the exceptions within 15 days after such ruling is issued. If
27 no exceptions are filed or if no appeal is taken from the ruling
28 on the exceptions within 15 days after any such decision or
29 ruling is issued, the decision or ruling shall become final,
30 without further commission action, unless two or more

1 commissioners within 15 days after the decision or ruling on the
2 exceptions request that the commission review the decision and
3 make such other order, within 90 days of such request, as it
4 shall determine. Prosecutory counsel of the Law Bureau shall be
5 deemed to have automatic standing as a party to such proceeding
6 and may file exceptions to any decision of the administrative
7 law judge under this subsection.

8 § 2705. Speedometers and speed recorders.

9 * * *

10 (d) Schedule of regulated locomotives.--Each railroad
11 affected by the provisions of this section shall maintain at a
12 designated location a list or schedule of the locomotives
13 referred to in this section. It shall set forth, along with
14 other information, the date that the device or devices referred
15 to in subsection (a) were calibrated and found to be functioning
16 in accordance with the provisions of this section. It shall
17 advise the commission as to such location. In the event of an
18 accident during the operation of a locomotive or in the event of
19 a disciplinary proceeding in which a railroad employee is
20 charged with excessive speed, the record required by this
21 section showing the speed at the time and place involved shall
22 be retained by the railroad, at a location made known to the
23 Public Utility Commission, [for a period of six months after
24 said accident or disciplinary proceeding.] until permission to
25 destroy them has been granted by the commission or otherwise
26 permitted in accordance with a rule, regulation or order of the
27 commission. In any disciplinary proceeding in which a railroad
28 employee is charged with excessive speed in the operation of a
29 locomotive equipped with a speed recorder the railroad may not
30 introduce other evidence of such speed unless the record has

1 been retained in compliance with this subsection.

2 * * *

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