

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1785

Session of
1977

INTRODUCED BY MESSRS. WHITE, SCHMITT, MILLER, IRVIS, GREENFIELD, GIAMMARCO, OLIVER, BORSKI, RICHARDSON, MRS. HARPER, MESSRS. WILLIAMS, GARZIA, GREENLEAF, DeMEDIO, MORRIS, HOPKINS, B. F. O'BRIEN, W. D. HUTCHINSON, CAPUTO, NOYE, COHEN AND ITKIN, OCTOBER 25, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 6, 1977

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

1 facilities of public utilities, and of such facilities by or
2 over public highways, to appropriate property for the
3 construction or improvement of such crossings, and to award
4 or apportion resultant costs and damages; authorizing owners
5 of such property to sue the Commonwealth for such damages;
6 providing for ejectment proceedings in connection with the
7 appropriation of property for crossings; conferring upon the
8 commission power to control and regulate budgets of public
9 utilities; imposing upon persons, associations, companies,
10 and corporations (except municipal corporations) subject to
11 regulation, the cost of administering this act; prescribing
12 and regulating practice and procedure before the commission
13 and procedure for review by the courts of commission action;
14 giving the court of common pleas of Dauphin County exclusive
15 original jurisdiction over certain proceedings; prescribing
16 penalties, fines, and imprisonment for violations of the
17 provisions of this act and regulations and orders of the
18 commission, and the procedure for enforcing such fines and
19 penalties; and repealing legislation supplied and superseded
20 by or inconsistent with this act," providing procedures for
21 discontinuing service to landlords and providing for rights
22 of tenants.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Section 2, act of May 28, 1937 (P.L.1053,
26 No.286), known as the "Public Utility Law," is amended by adding
27 clauses to read:

28 Section 2. Definitions.--The following words, terms and
29 phrases shall have the meanings ascribed to them in this
30 section, unless the context clearly indicates otherwise:

31 * * *

32 ~~(1.1) "Bill" means a written statement from a utility to a~~ <—
33 ~~customer setting forth the amount of gas, electricity, steam or~~
34 ~~water consumed or estimated to have been consumed for the~~
35 ~~billing period set forth in the utility's tariff and the charges~~
36 ~~therefor.~~

37 * * *

38 ~~(12.1) "Landlord customer" RATEPAYER~~ <—
39 ~~means one or more~~
40 ~~individuals or an organization listed on a gas, electric, steam~~
~~or water utility's records as the party responsible for payment~~

1 of the gas, electric, steam or water service provided to one or
2 more residential units of a RESIDENTIAL building or mobile home <—
3 park of which building or mobile home park such party is not the
4 sole occupant.

5 (12.2) "Mobile home" means a transportable, single-family
6 dwelling unit intended for permanent occupancy and constructed
7 as a single unit, or as two or more units designed to be joined
8 into one integral unit capable of again being separated for
9 repeated towing, which arrives at a site complete and ready for
10 occupancy except for minor and incidental unpacking and assembly
11 operations, and constructed so that it may be used without a
12 permanent foundation.

13 (12.3) "Mobile home park" means any site, lot, field or
14 tract of land, privately or publicly owned or operated, upon
15 which three or more mobile homes, occupied for dwelling or
16 sleeping purposes, are or are intended to be located.

17 * * *

18 ~~(17.1) "Projected bill" means a written statement of the~~ <—
19 ~~amount which would be owed if the same quantity of gas,~~
20 ~~electricity, steam or water were supplied at current rates as~~
21 ~~was supplied for the same billing period during the previous~~
22 ~~year; but, if no service was rendered to the account during the~~
23 ~~same billing period for the previous year or if the demand for~~
24 ~~such service is significantly different from that of the~~
25 ~~previous year, such written statement shall be based upon a~~
26 ~~reasonable method of estimating charges for usage approved by~~
27 ~~the commission.~~

28 * * *

29 (19.1) "Residential building" means a building containing
30 one or more dwelling units occupied by one or more tenants, but

1 excluding nursing homes, hotels and motels.

2 * * *

3 (22.1) "Tenant" means any person or group of persons whose
4 dwelling unit in a residential building or mobile home park is
5 provided gas, electricity, steam or water, pursuant to a rental
6 arrangement for such dwelling unit, mobile home or plot of
7 ground within a mobile home park, but who is not the customer of
8 the company which supplied such gas, electricity, steam or
9 water.

10 * * *

11 Section 2. The act is amended by adding sections to read:

12 Section 402.3. Notices Before Service to Landlord Customer <—
13 RATEPAYER Discontinued.--(A) Except when required to prevent or <—
14 alleviate an emergency as defined by the commission or except in
15 the case of danger to life or property, before any
16 discontinuance of service to a landlord customer RATEPAYER for <—
17 nonpayment, a public utility as defined in section 2(17)(a) or
18 (b) shall:

19 (1) notify the landlord customer RATEPAYER of the proposed <—
20 discontinuance in writing as prescribed in section 402.5 at
21 least thirty-seven (37) days before the date of discontinuance
22 of service;

23 ~~(2) notify the commission in writing of the proposed~~ <—
24 ~~discontinuance of service;~~

25 ~~(3)~~ (2) notify the following agencies which serve the
26 community in which the affected premises are located, in writing
27 AT THE TIME OF DELIVERY OF NOTICE TO THE TENANTS of the proposed <—
28 discontinuance of service:

29 (i) the Department of Licenses and Inspections of any city
30 of the first class;

(ii) the Department of Public Safety of any city of the second class, second class A, or third class;

(iii) the city or county Public Health Department OR IN THE EVENT THAT SUCH A DEPARTMENT DOES NOT EXIST, THE DEPARTMENT OF HEALTH OFFICE RESPONSIBLE FOR THAT COUNTY; and

~~(iv) the grantees of Emergency Energy Funds from the Community Services Agency; and~~

~~(4) (3) notify each residential unit reasonably likely to be occupied by an affected tenant of the proposed discontinuance in writing as prescribed in section 402.6 at least seven (7) days after notice to the landlord customer RATEPAYER pursuant to this section, and at least thirty (30) days before any such discontinuance of service. However, if before the tenants are notified~~ WITHIN SEVEN (7) DAYS OF RECEIPT OF THE NOTICE ISSUED pursuant to this section, the landlord customer RATEPAYER files a complaint with the commission opposing the right of the utility to notify the tenants, DISPUTING THE RIGHT OF THE UTILITY TO DISCONTINUE SERVICE, such notice shall not be rendered until such complaint has been adjudicated by the commission.

(B) BEFORE ANY DISCONTINUANCE OF SERVICE BY A PUBLIC UTILITY AS DEFINED IN SECTION 2(17)(A) OR (B) TO A LANDLORD RATEPAYER DUE TO A REQUEST FOR VOLUNTARY RELINQUISHMENT OF SERVICE BY THE LANDLORD RATEPAYER:

(I) THE LANDLORD RATEPAYER SHALL STATE IN A FORM BEARING HIS NOTARIZED SIGNATURE THAT ALL OF THE AFFECTED DWELLING UNITS ARE EITHER UNOCCUPIED OR THE TENANTS AFFECTED BY THE PROPOSED DISCONTINUANCE HAVE CONSENTED IN WRITING TO THE PROPOSED DISCONTINUANCE, WHICH FORM SHALL CONSPICUOUSLY BEAR A NOTICE THAT THE INFORMATION PROVIDED BY THE LANDLORD RATEPAYER WILL BE

1 RELIED UPON BY THE COMMISSION IN ADMINISTERING A SYSTEM OF
2 UNIFORM SERVICE STANDARDS FOR PUBLIC UTILITIES, AND THAT FALSE
3 STATEMENTS ARE PUNISHABLE CRIMINALLY; OR

4 (II) ALL OF THE TENANTS AFFECTED BY THE PROPOSED
5 DISCONTINUANCE SHALL INFORM THE UTILITY ORALLY OR IN WRITING OF
6 THEIR CONSENT TO THE DISCONTINUANCE; OR

7 (III) THE LANDLORD RATEPAYER SHALL PROVIDE THE UTILITY WITH
8 THE NAMES AND ADDRESSES OF THE AFFECTED TENANTS PURSUANT TO
9 SECTION 402.4 AND THE UTILITY SHALL NOTIFY THE COMMUNITY SERVICE
10 AGENCIES, AND EACH RESIDENTIAL UNIT PURSUANT TO SECTIONS 402.3
11 AND 402.6. UNDER THE VOLUNTARY RELINQUISHMENT DISCONTINUANCE
12 PROCEDURES OF THIS SUBPARAGRAPH THE TENANTS SHALL HAVE ALL OF
13 THE RIGHTS PROVIDED IN SECTIONS 402.7 THROUGH 402.11.

14 Section 402.4. Identifying Tenants.--(a) Upon receiving a
15 lawful request for the names and addresses of the affected
16 tenants pursuant to this act, it shall be the duty of the
17 landlord ~~customer~~ RATEPAYER to provide the utility with the <—
18 names and addresses of every affected tenant of any building or
19 mobile home park for which the utility is proposing to
20 discontinue service UNLESS WITHIN SEVEN (7) DAYS OF RECEIPT OF <—
21 THE NOTICE, THE LANDLORD RATEPAYER PAYS THE AMOUNT DUE THE
22 UTILITY OR MAKES AN ARRANGEMENT WITH THE UTILITY TO PAY THE
23 BALANCE.

24 (b) Such information shall be provided by the landlord
25 ~~customer~~ RATEPAYER: <—

26 (i) within seven (7) days of receipt of the notice to the
27 landlord ~~customer~~ RATEPAYER required by section 402.3; or <—

28 (ii) within three (3) days of any adjudication by the
29 commission that the landlord ~~customer~~ RATEPAYER must provide the <—
30 requested information if the landlord files a complaint ~~opposing~~ <—

~~the utility's request to obtain the information within seven (7) days of receipt of the notice to the landlord customer. WITH THE COMMISSION WITHIN SEVEN (7) DAYS OF RECEIPT OF THE NOTICE TO THE LANDLORD DISPUTING THE RIGHT OF THE UTILITY TO DISCONTINUE SERVICE.~~

(c) It shall be the duty of any public utility as defined in section 2(17)(a) or (b) to pursue any appropriate legal remedy it has, necessary to obtain from the landlord customer RATEPAYER, the names and addresses of all affected tenants of a building or mobile home park for which the utility is proposing discontinuance of service to such landlord customer RATEPAYER. The commission is authorized to order such a public utility to obtain such information from the landlord customer RATEPAYER.

Section 402.5. DELIVERY AND Contents of Discontinuance

~~Notice to Landlord Customer.~~ RATEPAYER.--(A) The notice required to be given to a landlord customer RATEPAYER pursuant to section 402.3 shall contain the following information:

(1) the amount owed the utility by the landlord customer RATEPAYER for each affected account;

(2) the date on or after which service will be discontinued;

(3) the date on or after which the company will notify tenants of the proposed discontinuance of service and of their rights under sections 402.7, 402.9 and ~~402.12~~ 402.11;

~~(4) that the landlord customer may avoid a discontinuance of service by paying the utility the full amount due for the accounts in question prior to the intended date of discontinuance or by paying a portion of the amount due and making an equitable arrangement with the utility to pay the balance; and~~

~~(5) the right of the landlord customer to:~~

~~(i) file a complaint with the commission within seven (7) days of receipt of notice to the landlord customer of the proposed discontinuance of service, opposing the utility's request for the names and addresses of tenants;~~

~~(ii) file a complaint with the commission opposing the notification of tenants of the proposed discontinuance of service; and~~

~~(iii) file a complaint with the commission opposing the discontinuance of service to the landlord customer.~~

(4) THE OBLIGATION OF THE LANDLORD RATEPAYER UNDER SECTION 402.4 TO PROVIDE THE UTILITY WITH THE NAMES AND ADDRESSES OF EVERY AFFECTED TENANT OR TO PAY THE AMOUNT DUE THE UTILITY OR MAKE AN ARRANGEMENT WITH THE UTILITY TO PAY THE BALANCE INCLUDING A STATEMENT:

(I) THAT SUCH LIST MUST BE PROVIDED OR PAYMENT OR ARRANGEMENT MUST BE MADE WITHIN SEVEN (7) DAYS OF RECEIPT OF THE NOTICE; AND

(II) OF THE PENALTIES AND LIABILITY WHICH THE LANDLORD RATEPAYER MAY INCUR UNDER SECTION 402.13 BY FAILURE TO COMPLY;

(5) THE RIGHT OF THE LANDLORD RATEPAYER TO STAY THE NOTIFICATION OF TENANTS BY FILING A COMPLAINT WITH THE COMMISSION DISPUTING THE RIGHT OF THE UTILITY TO DISCONTINUE SERVICE.

(B) ANY ONE OF THE FOLLOWING PROCEDURES SHALL CONSTITUTE EFFECTIVE NOTICE TO THE LANDLORD UNDER SECTION 402.3:

(1) NOTICE BY CERTIFIED MAIL IF THE UTILITY RECEIVES A RETURN RECEIPT SIGNED BY THE LANDLORD RATEPAYER OR HIS AGENT;

(2) NOTICE BY PERSONAL SERVICE OF THE LANDLORD RATEPAYER OR HIS AGENT;

(3) AFTER UNSUCCESSFUL ATTEMPTS AT PERSONAL DELIVERY ON TWO

1 (2) SEPARATE DAYS, NOTICE BY FIRST CLASS MAIL AND CONSPICUOUSLY
2 POSTING AT THE LANDLORD RATEPAYER'S PRINCIPAL PLACE OF BUSINESS
3 OR THE BUSINESS ADDRESS WHICH THE LANDLORD PROVIDED THE UTILITY
4 AS HIS ADDRESS FOR RECEIVING COMMUNICATIONS.

5 Section 402.6. Delivery and Contents of First Discontinuance
6 Notice to Tenants.--(a) The notice required to be given to a
7 tenant pursuant to section 402.3 shall be mailed or otherwise
8 delivered to the address of each affected tenant, and shall
9 contain the following information:

10 (1) the date on which the notice is rendered;
11 (2) the date on or after which service will be discontinued;
12 (3) the circumstances under which service to the affected
13 tenant may be continued, specifically referring to the
14 conditions set out in section 402.7;

15 (4) the ~~projected bill~~; BILL FOR THE THIRTY (30) DAY PERIOD <—
16 PRECEDING THE NOTICE TO THE TENANTS;

17 (5) the statutory rights of a tenant to deduct the amount of
18 any direct payment to the utility from any rent payments then or
19 thereafter due; to be protected against any retaliation by the
20 landlord for exercising such statutory right; to recover money
21 damages from the landlord for any such retaliation;

22 (6) that tenants may make payment to the utility on account
23 of nonpayment by the landlord ~~customer~~ RATEPAYER only by check <—
24 or money order drawn by the tenant to the order of the utility;
25 and

26 (7) a telephone number at the utility and at the commission
27 which a tenant may call for an explanation of his rights.

28 (b) The information in clauses (1) through (7) of subsection
29 (a) shall be posted by the utility in those common areas of the
30 building or mobile home park where it is reasonably likely to be

1 seen by the affected tenants. Any officer or employe of the
2 utility may at any reasonable time, enter the common hallways
3 and common areas of such building for the purpose of complying
4 with the provisions of this section.

5 Section 402.7. Rights of Tenants to Continued Service.--(A) <—

6 At any time before or after service is discontinued by a public
7 utility as defined in section 2(17)(a) or (b), on account of
8 nonpayment by the landlord ~~customer~~ RATEPAYER, the affected <—
9 tenants may apply to the utility to have service continued or
10 resumed. A public utility as defined in section 2(17)(a) or (b),
11 shall not discontinue service or shall promptly resume service
12 previously discontinued if it receives from the tenants an

13 amount equal to a ~~projected bill for the thirty day (30) period~~ <—
14 ~~commencing on the later of (1) the date of the planned~~

15 ~~discontinuance or (2) the date service is resumed. THE BILL OF~~ <—

16 THE LANDLORD RATEPAYER FOR THE THIRTY (30) DAY PERIOD PRECEDING

17 THE NOTICE TO THE TENANTS. Thereafter, such utility shall notify

18 each tenant of the total amount of the ~~projected bill for the~~ <—

19 second and each succeeding period of thirty (30) days or less ~~if~~ <—

20 ~~AND IF the tenants fail to make payment of any projected bill~~ <—

21 ~~before the start of the period for which the bill is projected,~~

22 SUCH BILL WITHIN THIRTY (30) DAYS OF THE DELIVERY OF THE NOTICE <—

23 TO THE TENANTS, the utility may commence discontinuance

24 procedures; provided that no such discontinuance may occur until

25 thirty (30) days after each tenant has received written notice

26 of the proposed discontinuance as prescribed in section 402.8.

27 All payments by tenants to a utility on account of nonpayment by

28 the landlord ~~customer~~ RATEPAYER shall be made by a check or <—

29 money order drawn by the tenant to the order of the utility.

30 Upon receiving any such payment, the utility shall notify the

1 landlord ~~customer~~ RATEPAYER who is liable for the utility <—
2 service of the amount or amounts paid by any tenant AND THE <—
3 AMOUNT OR AMOUNTS CREDITED TO THE LANDLORD'S BILL FOR EACH
4 TENANT pursuant to the provisions of this section. In the event
5 that the tenants fail to satisfy the requirements of this
6 section to maintain or restore service, ~~for the period of any~~ <—
7 ~~projected bill~~, and service to the affected dwelling units is
8 discontinued, the utility shall refund to each tenant the amount
9 paid by such tenant ~~for such projected bill~~ TOWARD THE BILL <—
10 WHICH THE TENANTS FAILED TO PAY, upon the request of the
11 ~~customer~~ TENANT or after holding the ~~customer's~~ TENANT'S payment <—
12 during sixty (60) consecutive days of discontinued service,
13 whichever occurs first.

14 (B) ANY TENANT OF A RESIDENTIAL BUILDING OR MOBILE HOME PARK <—
15 WHO HAS BEEN NOTIFIED OF A PROPOSED DISCONTINUANCE OF UTILITY
16 SERVICE PURSUANT TO SECTION 402.3 SHALL HAVE THE RIGHT TO AGREE
17 TO SUBSCRIBE FOR FUTURE SERVICE INDIVIDUALLY IF THIS CAN BE
18 ACCOMPLISHED WITHOUT A MAJOR REVISION OF DISTRIBUTION FACILITIES
19 OR ADDITIONAL RIGHT-OF-WAY ACQUISITIONS.

20 Section 402.8. Delivery and Contents of Subsequent
21 Discontinuance Notices to Tenants.--Subsequent notices required
22 to be given to a tenant pursuant to section 402.7 shall be
23 mailed or otherwise delivered to the address of each affected
24 tenant and shall contain the following information:

25 (1) the date on or after which service will be discontinued;

26 (2) the amount due, which shall include the arrearage on any
27 earlier ~~projected~~ bill due from tenants; <—

28 (3) a telephone number at the utility and at the commission
29 which a tenant may call for an explanation of his rights; and

30 (4) the right of a tenant to file a complaint with the

1 commission to enforce any legal right that he may have UNDER THE <—
2 PUBLIC UTILITY LAW.

3 Section 402.9. Tenant's Right to Withhold Rent.--Any tenant
4 who has made a payment to a utility on account of nonpayment by
5 the landlord ~~customer~~ RATEPAYER pursuant to this act may <—
6 subsequently recover the amount paid to the utility either by
7 deducting said amount from any rent or payment on account of
8 taxes or operating expenses then or thereafter due from such
9 tenant to the person to whom he would otherwise pay his rent or
10 by obtaining reimbursement from the landlord ~~customer~~ RATEPAYER. <—

11 ~~Section 402.10. Payment of Arrearage by the Tenants. For~~ <—
12 ~~good cause shown upon petition of the utility, the commission~~
13 ~~may hold a hearing and thereafter may require the tenants to pay~~
14 ~~a portion of the arrearage of the landlord customer's account~~
15 ~~deemed just and reasonable. The commission shall notify the~~
16 ~~landlord customer, the tenants and the utility in writing of the~~
17 ~~date, time and place of the hearing. Payment of any portion of~~
18 ~~an arrearage may be required only if the utility proves that the~~
19 ~~total monthly rent due the landlord customer from the tenants is~~
20 ~~greater than the projected bill for the same period of time.~~
21 ~~Payment of any portion of an arrearage may not be required if~~
22 ~~the tenants prove that there are claims of other utilities~~
23 ~~against the withheld rent, or that such a requirement would~~
24 ~~impose an undue burden upon the tenants. If more than one~~
25 ~~utility claims the withheld rent, such utilities by mutual~~
26 ~~agreement may join together in a single proceeding under this~~
27 ~~section.~~

28 ~~Section 402.11~~ 402.10. Waiver Prohibited.--Any waiver of the <—
29 ~~tenant's right to notice of proposed discontinuance of service~~ <—
30 ~~or right to withhold rent under this act~~ RIGHTS UNDER SECTIONS <—

1 402.3 THROUGH 402.11 shall be void and unenforceable.

2 Section ~~402.12~~ 402.11. Retaliation by Landlord ~~Customer~~ <—
3 RATEPAYER Prohibited.--It shall be unlawful for any landlord <—
4 ~~customer~~ RATEPAYER or agent or employe thereof to threaten or <—
5 take reprisals against a tenant because the tenant exercised his
6 rights under sections 402.7 OR 402.9 ~~or 402.10~~. Any landlord <—
7 ~~customer~~ RATEPAYER, or agent or employe thereof who threatens or <—
8 takes such reprisals against any tenant shall be liable for
9 damages which shall be two (2) months rent or the actual damages
10 sustained by the tenant, whichever is greater, and the costs of
11 suit and reasonable attorney's fees.

12 The receipt of any notice of termination of tenancy ~~except~~ <—
13 ~~for nonpayment of rent or of, AN~~ increase in rent or of any <—
14 substantial alteration in the terms of tenancy within six (6)
15 months after the tenant has acted pursuant to sections 402.7- <—
16 ~~402.9 or 402.10~~ OR 402.9 to avoid discontinuance of utility <—
17 service, shall create a rebuttable presumption that such notice <—
18 is a reprisal against the tenant for exercising his rights under
19 sections 402.7, ~~402.9 or 402.10~~. OR 402.9. HOWEVER, THE <—
20 PRESUMPTION SHALL NOT ARISE IF THE NOTICE OF TERMINATION OF
21 TENANCY IS FOR NONPAYMENT OF RENT NOT WITHHELD UNDER SECTION
22 402.9 OR LAWFULLY WITHHELD UNDER ANY OTHER RIGHT THAT THE TENANT
23 MAY HAVE UNDER LAW.

24 Section ~~402.13~~ 402.12. Application.--(a) Public utility <—
25 service described in section 2(17)(a) or (b) being furnished or
26 rendered by a municipal corporation, or by the operating
27 agencies of any municipal corporation, beyond its corporate
28 limits, shall be subject to the provisions of this act
29 establishing the procedures, rights, duties and remedies for the
30 discontinuance of service to landlord ~~customers~~. RATEPAYERS. <—

1 (b) Tenants and landlord ~~customers~~ RATEPAYERS of residential <—
2 buildings receiving public utility service described in section
3 2(17)(a) or (b) being furnished or rendered by a municipal
4 corporation, or by the operating agencies of any municipal
5 corporation, beyond its corporate limits, shall be subject to
6 the provisions of this act establishing the procedures, rights,
7 duties and remedies for the discontinuance of service, the right
8 of the tenants to withhold rent, the prohibition of waiver, and
9 the prohibition against retaliation by the landlord ~~customer~~ <—
10 ratepayer, with respect to such public utility service.

11 ~~Section 402.14. Penalties. Any person who removes,~~ <—

12 SECTION 402.13. PENALTIES.--(A) ANY LANDLORD RATEPAYER WHO <—
13 FAILS TO PROVIDE A UTILITY WITH THE NAMES AND ADDRESSES OF
14 AFFECTED TENANTS PURSUANT TO SECTION 402.4 SHALL FORFEIT AND PAY
15 TO THE COMMONWEALTH A CIVIL PENALTY OF NOT MORE THAN FIVE
16 HUNDRED DOLLARS FOR EACH DAY OF THE LANDLORD RATEPAYER'S FAILURE
17 TO RESPOND. THE COURT IN ITS DISCRETION MAY AWARD THE UTILITY
18 REASONABLE ATTORNEY'S FEES, FILING FEES AND REASONABLE COSTS OF
19 SUIT FOR ANY ACTION AGAINST THE LANDLORD RATEPAYER WHICH WAS
20 NECESSARY TO OBTAIN THE NAMES AND ADDRESSES OF AFFECTED TENANTS
21 PURSUANT TO SECTION 402.4.

22 (B) ANY PERSON WHO REMOVES, interferes, or tampers with
23 ~~notices~~ A NOTICE to tenants of proposed discontinuance of <—
24 service, posted pursuant to section 402.6 shall be guilty of a
25 violation of this section and shall be punished by a fine not to
26 exceed twenty-five dollars.

27 Section 3. This act shall take effect immediately.