

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1550** Session of  
1991

INTRODUCED BY PETRONE, PESCI, FLEAGLE, SALOOM, STABACK,  
KOSINSKI, VROON, PETRARCA, TANGRETTI, GIGLIOTTI, ITKIN,  
TRELLO, MELIO, FARMER, CORRIGAN, HARPER, CAWLEY, BILLOW,  
KRUSZEWSKI, PISTELLA, JAMES, RICHARDSON, JOHNSON, ROBINSON,  
LEVANSKY, PRESTON, OLASZ, OLIVER, MRKONIC, DeWEESE, EVANS,  
MURPHY, KAISER, VEON AND FAJT, JUNE 5, 1991

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 5, 1991

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, further providing for the definition  
3 of "public utility."

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

6 Section 1. The definition of "public utility" in section 102  
7 of Title 66 of the Pennsylvania Consolidated Statutes is amended  
8 to read:

9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent  
11 provisions of this part which are applicable to specific  
12 provisions of this part, the following words and phrases when  
13 used in this part shall have, unless the context clearly  
14 indicates otherwise, the meanings given to them in this section:

15 \* \* \*

16 "Public utility."

1           (1) Any person or corporations now or hereafter owning  
2 or operating in this Commonwealth equipment or facilities  
3 for:

4           (i) Producing, generating, transmitting,  
5 distributing or furnishing natural or artificial gas,  
6 electricity, or steam for the production of light, heat,  
7 or power to or for the public for compensation.

8           (ii) Diverting, developing, pumping, impounding,  
9 distributing, or furnishing water to or for the public  
10 for compensation.

11           (iii) Transporting passengers or property as a  
12 common carrier.

13           (iv) Use as a canal, turnpike, tunnel, bridge,  
14 wharf, and the like for the public for compensation.

15           (v) Transporting or conveying natural or artificial  
16 gas, crude oil, gasoline, or petroleum products,  
17 materials for refrigeration, or oxygen or nitrogen, or  
18 other fluid substance, by pipeline or conduit, for the  
19 public for compensation.

20           (vi) Conveying or transmitting messages or  
21 communications, except as set forth in paragraph (2)(iv),  
22 by telephone [or], telegraph, television or domestic  
23 public land mobile radio service including, but not  
24 limited to, point-to-point microwave radio service for  
25 the public for compensation or cable television service  
26 for the public consumption.

27           (vii) Sewage collection, treatment, or disposal for  
28 the public for compensation.

29           (2) The term "public utility" does not include:

30           (i) Any person or corporation, not otherwise a

1 public utility, who or which furnishes service only to  
2 himself or itself.

3 (ii) Any bona fide cooperative association which  
4 furnishes service only to its stockholders or members on  
5 a nonprofit basis.

6 (iii) Any producer of natural gas not engaged in  
7 distributing such gas directly to the public for  
8 compensation.

9 (iv) Any person or corporation, not otherwise a  
10 public utility, who or which furnishes mobile domestic  
11 cellular radio telecommunications service.

12 (3) For the purposes of sections 2702 (relating to  
13 construction, relocation, suspension and abolition of  
14 crossings), 2703 (relating to ejectment in crossing cases)  
15 and 2704 (relating to compensation for damages occasioned by  
16 construction, relocation or abolition of crossings) and those  
17 portions of sections 1501 (relating to character of service  
18 and facilities), 1505 (relating to proper service and  
19 facilities established on complaint) and 1508 (relating to  
20 reports of accidents), as those sections or portions thereof  
21 relate to safety only, a municipal authority or  
22 transportation authority organized under the laws of this  
23 Commonwealth shall be considered a public utility when it  
24 owns or operates, for the carriage of passengers or goods by  
25 rail, a line of railroad composed of lines formerly owned or  
26 operated by the Pennsylvania Railroad, the Penn-Central  
27 Transportation Company, the Reading Company or the  
28 Consolidated Rail Corporation.

29 \* \* \*

30 Section 2. This act shall take effect in one year.