

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 210 Session of 2009

INTRODUCED BY BARRAR, ADOLPH, GEIST, GEORGE AND SIPTROTH,  
FEBRUARY 2, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 2, 2009

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, further providing for initial  
3 decisions and release of documents.

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

6 Section 1. Section 335 of Title 66 of the Pennsylvania  
7 Consolidated Statutes is amended by adding subsections to read:  
8 § 335. Initial decisions and release of documents.

9 \* \* \*

10 (e) Establishment of funds.--Whenever the commission  
11 approves, as part of a settlement or otherwise, the  
12 establishment of a fund for economic, environmental or any other  
13 purpose using ratepayer or utility moneys, the commission shall  
14 annually review, audit and investigate the fund's management,  
15 operations, finances and disbursements. If the commission finds,  
16 after notice and opportunity to be heard, that the fund is not  
17 properly managed or operated or that the disbursements are not  
18 consistent with the purpose of the fund, the commission shall

1 have authority to order appropriate remedies.

2 (f) Privileged status.--The privileged status otherwise  
3 conferred upon settlement documents, mediation documents and  
4 mediation communications by 42 Pa.C.S. § 5949 (relating to  
5 confidential mediation communications and documents) shall not  
6 be applicable, under the following conditions, in any situation  
7 where a committee of the Senate or the House of Representatives  
8 is investigating a settlement or mediation that was participated  
9 in by the commission or conducted pursuant to this title:

10 (1) The disclosure of such documents and communications  
11 shall be made only to Senators or members of the House of  
12 Representatives and their staff in private meetings or in  
13 executive sessions of the committee.

14 (2) Information so disclosed shall be confidential in  
15 the possession of committee members and staff and shall not  
16 be disclosed publicly unless that action is approved by the  
17 affirmative vote of two-thirds of the entire membership of  
18 the committee.

19 (3) Prior to public disclosure, the parties to the  
20 settlement or mediation must be notified and be given the  
21 opportunity to appear before the committee in executive  
22 session to present testimony regarding why the information  
23 should not be released to the public.

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