

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1926 Session of
2011

INTRODUCED BY PRESTON, GODSHALL, CALTAGIRONE, D. COSTA, DALEY,
GEORGE, GOODMAN, HORNAMAN, JOSEPHS, MAHONEY, MUNDY, MURPHY,
M. O'BRIEN, READSHAW AND YOUNGBLOOD, OCTOBER 24, 2011

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 24, 2011

AN ACT

1 Amending Titles 15 (Corporations and Unincorporated
2 Associations) and 66 (Public Utilities) of the Pennsylvania
3 Consolidated Statutes, further providing for the definition
4 of "public utility corporation" and for certain
5 appropriations by right of eminent domain prohibited.

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

8 Section 1. The definition of "public utility corporation" in
9 section 1103 of Title 15 of the Pennsylvania Consolidated
10 Statutes is amended to read:

11 § 1103. Definitions.

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

17 * * *

18 "Public utility corporation." Any domestic or foreign
19 corporation for profit that:

1 (1) is subject to regulation as a public utility by the
2 Pennsylvania Public Utility Commission or an officer or
3 agency of the United States; or

4 (2) was subject to such regulation on December 31, 1980,
5 or would have been so subject if it had been then existing.

6 The term shall not include a natural gas pipeline corporation
7 that is not regulated by the Pennsylvania Public Utility
8 Commission or an officer or agency of the United States, or a
9 natural gas gathering line corporation or its affiliates.

10 * * *

11 Section 2. Section 1104 of Title 66 is amended to read:

12 § 1104. Certain appropriations by right of eminent domain
13 prohibited and eligibility for certificate.

14 (a) Prohibition.--Unless its power of eminent domain existed
15 under prior law, no domestic public utility or foreign public
16 utility authorized to do business in this Commonwealth shall
17 exercise any power of eminent domain within this Commonwealth
18 until it shall have received the certificate of public
19 convenience required by section 1101 (relating to organization
20 of public utilities and beginning of service).

21 (b) Eligibility for certificate.--The following shall not be
22 eligible to receive a certificate of public convenience:

23 (1) A natural gas pipeline corporation that is not
24 regulated by the commission or an officer or agency of the
25 United States.

26 (2) A natural gas gathering line corporation or its
27 affiliates.

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