

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2103

Session of  
1976

INTRODUCED BY SHUPNIK, WARGO, MUSTO, McLANE, WANSACZ, O'BRIEN,  
McCALL, WALSH, KERNICK, GOODMAN, FRYER, GEORGE, SCHWEDER,  
REED, BRADLEY AND SHELHAMER, FEBRUARY 4, 1976

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, FEBRUARY 4, 1976

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  
31 facilities of public utilities, and of such facilities by or  
32 over public highways, to appropriate property for the  
33 construction or improvement of such crossings, and to award

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16 penalties; and repealing legislation supplied and superseded  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

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. The act of May 28, 1937 (P.L.1053, No.286), known  
22 as the "Public Utility Law," is amended by adding a section to  
23 read:

24 Section 301.1. Rate Increases.--The Pennsylvania Public  
25 Utility Commission shall not allow any rate increase to be  
26 granted to any public utility, unless at least three members of  
27 the commission vote in favor of the increase.

28 Section 2. This act shall take effect immediately.