

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 SECOND CONSIDERATION, IN SENATE,
NOVEMBER 14, 1978

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,~~

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20 penalties; and repealing legislation supplied and superseded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

24 AMENDING TITLE 66 (PUBLIC UTILITIES) OF THE PENNSYLVANIA <—
25 CONSOLIDATED STATUTES, ADDING PROVISIONS RELATING TO THE
26 DISCONTINUANCE OF UTILITY SERVICE TO LEASED PREMISES AND
27 LIMITING THE AMOUNT PAID BY UTILITIES FOR PROPERTY AND FUEL.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 Section 1. ~~Section 2, act of May 28, 1937 (P.L.1053,~~ <—
31 ~~No.286), known as the "Public Utility Law," is amended by adding~~
32 ~~clauses to read:~~

33 Section 2. ~~Definitions. The following words, terms and~~
34 ~~phrases shall have the meanings ascribed to them in this~~
35 ~~section, unless the context clearly indicates otherwise:~~

36 * * *

37 ~~(12.1) "Landlord ratepayer" means one or more individuals or~~
38 ~~an organization listed on a gas, electric, steam or water~~
39 ~~utility's records as the party responsible for payment of the~~
40 ~~gas, electric, steam or water service provided to one or more~~
41 ~~residential units of a residential building or mobile home park~~
42 ~~of which building or mobile home park such party is not the sole~~
43 ~~occupant.~~

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

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

~~* * *~~

~~(19.1) "Residential building" means a building containing one or more dwelling units occupied by one or more tenants, but excluding nursing homes, hotels and motels.~~

~~* * *~~

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

~~* * *~~

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

~~Section 402.3. Notices Before Service to Landlord Ratepayer Discontinued. (a) Except when required to prevent or alleviate an emergency as defined by the commission or except in the case of danger to life or property, before any discontinuance of~~

~~service to a landlord ratepayer for nonpayment, a public utility as defined in section 2(17)(a) or (b) shall:~~

~~(1) notify the landlord ratepayer of the proposed discontinuance in writing as prescribed in section 402.5 at least thirty seven (37) days before the date of discontinuance of service;~~

~~(2) notify the following agencies which serve the community in which the affected premises are located, in writing at the time of delivery of notice to the tenants of the proposed discontinuance of service:~~

~~(i) the Department of Licenses and Inspections of any city 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~~

~~(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 ratepayer pursuant to this section, and at least thirty (30) days before any such discontinuance of service. However, if within seven (7) days of receipt of the notice issued pursuant to this section, the landlord ratepayer files a complaint with the commission 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
relied upon by the commission in administering a system of
uniform service standards for public utilities, and that false
statements are punishable criminally; or~~

~~(ii) all of the tenants affected by the proposed
discontinuance shall inform the utility orally or in writing of
their consent to the discontinuance; or~~

~~(iii) the landlord ratepayer shall provide the utility with
the names and addresses of the affected tenants pursuant to
section 402.4 and the utility shall notify the community service
agencies, and each residential unit pursuant to sections 402.3
and 402.6. Under the voluntary relinquishment discontinuance
procedures of this subparagraph the tenants shall have all of
the rights provided in sections 402.7 through 402.11.~~

~~Section 402.4. Identifying Tenants. (a) Upon receiving a
lawful request for the names and addresses of the affected
tenants pursuant to this act, it shall be the duty of the
landlord ratepayer to provide the utility with the names and
addresses of every affected tenant of any building or mobile
home park for which the utility is proposing to discontinue
service unless within seven (7) days of receipt of the notice,
the landlord ratepayer pays the amount due the utility or makes
an arrangement with the utility to pay the balance.~~

~~(b) Such information shall be provided by the landlord
ratepayer:~~

~~(i) within seven (7) days of receipt of the notice to the
landlord ratepayer required by section 402.3; or~~

~~(ii) within three (3) days of any adjudication by the
commission that the landlord ratepayer must provide the
requested information if the landlord files a complaint 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 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 ratepayer. The
commission is authorized to order such a public utility to
obtain such information from the landlord ratepayer.~~

~~Section 402.5. Delivery and Contents of Discontinuance
Notice to Landlord Ratepayer. (a) The notice required to be
given to a landlord ratepayer pursuant to section 402.3 shall
contain the following information:~~

~~(1) the amount owed the utility by the landlord 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 402.11;~~

~~(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
(2) separate days, notice by first class mail and conspicuously
posting at the landlord ratepayer's principal place of business
or the business address which the landlord provided the utility
as his address for receiving communications.~~

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

~~(1) the date on which the notice is rendered;~~

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

~~(3) the circumstances under which service to the affected tenant may be continued, specifically referring to the conditions set out in section 402.7;~~

~~(4) the bill for the thirty (30) day period preceding the notice to the tenants;~~

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

~~(6) that tenants may make payment to the utility on account of nonpayment by the landlord ratepayer only by check or money order drawn by the tenant to the order of the utility; and~~

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

~~(b) The information in clauses (1) through (7) of subsection (a) shall be posted by the utility in those common areas of the building or mobile home park where it is reasonably likely to be seen by the affected tenants. Any officer or employe of the utility may at any reasonable time, enter the common hallways and common areas of such building for the purpose of complying with the provisions of this section.~~

~~Section 402.7. Rights of Tenants to Continued Service. (a) At any time before or after service is discontinued by a public utility as defined in section 2(17)(a) or (b), on account of nonpayment by the landlord ratepayer, the affected tenants may apply to the utility to have service continued or resumed. A public utility as defined in section 2(17)(a) or (b), shall not discontinue service or shall promptly resume service previously discontinued if it receives from the tenants an amount equal to~~

~~the bill of the landlord ratepayer for the thirty (30) day period preceding the notice to the tenants. Thereafter, such utility shall notify each tenant of the total amount of the bill for the second and each succeeding period of thirty (30) days or less and if the tenants fail to make payment of any such bill within thirty (30) days of the delivery of the notice to the tenants, the utility may commence discontinuance procedures; provided that no such discontinuance may occur until thirty (30) days after each tenant has received written notice of the proposed discontinuance as prescribed in section 402.8. All payments by tenants to a utility on account of nonpayment by the landlord ratepayer shall be made by a check or money order drawn by the tenant to the order of the utility. Upon receiving any such payment, the utility shall notify the landlord ratepayer who is liable for the utility service of the amount or amounts paid by any tenant and the amount or amounts credited to the landlord's bill for each tenant pursuant to the provisions of this section. In the event that the tenants fail to satisfy the requirements of this section to maintain or restore service, and service to the affected dwelling units is discontinued, the utility shall refund to each tenant the amount paid by such tenant toward the bill which the tenants failed to pay, upon the request of the tenant or after holding the tenant's payment during sixty (60) consecutive days of discontinued service, whichever occurs first.~~

~~(b) Any tenant of a residential building or mobile home park who has been notified of a proposed discontinuance of utility service pursuant to section 402.3 shall have the right to agree to subscribe for future service individually if this can be accomplished without a major revision of distribution facilities~~

~~or additional right of way acquisitions.~~

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

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

~~(2) the amount due, which shall include the arrearage on any earlier bill due from tenants;~~

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

~~(4) the right of a tenant to file a complaint with the commission to enforce any legal right that he may have under the Public Utility Law.~~

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

~~Section 402.10. Waiver Prohibited. Any waiver of the tenant's rights under sections 402.3 through 402.11 shall be void and unenforceable.~~

~~Section 402.11. Retaliation by Landlord Ratepayer Prohibited. It shall be unlawful for any landlord ratepayer or agent or employe thereof to threaten or take reprisals against a tenant because the tenant exercised his rights under sections 402.7 or 402.9. Any landlord ratepayer, or agent or employe~~

~~thereof who threatens or takes such reprisals against any tenant shall be liable for damages which shall be two (2) months rent or the actual damages sustained by the tenant, whichever is greater, and the costs of suit and reasonable attorney's fees.~~

~~The receipt of any notice of termination of tenancy, an increase in rent or of any substantial alteration in the terms of tenancy within six (6) months after the tenant has acted pursuant to sections 402.7 or 402.9 to avoid discontinuance of utility service, shall create a rebuttable presumption that such notice is a reprisal against the tenant for exercising his rights under sections 402.7 or 402.9. However, the presumption shall not arise if the notice of termination of tenancy is for nonpayment of rent not withheld under section 402.9 or lawfully withheld under any other right that the tenant may have under law.~~

~~Section 402.12. Application. (a) Public utility service described in section 2(17)(a) or (b) being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to the provisions of this act establishing the procedures, rights, duties and remedies for the discontinuance of service to landlord ratepayers.~~

~~(b) Tenants and landlord ratepayers of residential buildings receiving public utility service described in section 2(17)(a) or (b) being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to the provisions of this act establishing the procedures, rights, duties and remedies for the discontinuance of service, the right of the tenants to withhold rent, the prohibition of waiver, and the~~

~~prohibition against retaliation by the landlord ratepayer, with respect to such public utility service.~~

~~Section 402.13. Penalties. (a) Any landlord ratepayer who fails to provide a utility with the names and addresses of affected tenants pursuant to section 402.4 shall forfeit and pay to the Commonwealth a civil penalty of not more than five hundred dollars for each day of the landlord ratepayer's failure to respond. The court in its discretion may award the utility reasonable attorney's fees, filing fees and reasonable costs of suit for any action against the landlord ratepayer which was necessary to obtain the names and addresses of affected tenants pursuant to section 402.4.~~

~~(b) Any person who removes, interferes, or tampers with a notice to tenants of proposed discontinuance of service, posted pursuant to section 402.6 shall be guilty of a violation of this section and shall be punished by a fine not to exceed twenty five dollars.~~

~~Section 3. This act shall take effect immediately.~~

SECTION 1. TITLE 66, ACT OF NOVEMBER 25, 1970 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, ADDED JULY 1, 1978 (NO.116), IS AMENDED BY ADDING A SECTION AND BY ADDING A SUBCHAPTER HEADING AND SUBCHAPTER TO CHAPTER 15 TO READ:

§ 1314. LIMITATION ON PRICES PAID FOR PROPERTY AND FUEL.

THE COMMISSION SHALL ADOPT REGULATIONS PROHIBITING PUBLIC UTILITIES SUBJECT TO ITS JURISDICTION FROM PAYING FOR OR AGREEING TO PAY FOR GOODS, SERVICES, EQUIPMENT OR FUELS AT PRICES IN EXCESS OF THOSE CONTAINED IN CONTRACTS EXISTING BETWEEN THE UTILITIES AND PROVIDERS OF SUCH GOODS, SERVICES, EQUIPMENT OR FUEL SERVICES.

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CHAPTER 15
SERVICE AND FACILITIES
SUBCHAPTER A
GENERAL PROVISIONS

* * *

SUBCHAPTER B
DISCONTINUANCE OF SERVICE TO LEASED PREMISES
SEC.

1521. DEFINITIONS.
1522. APPLICABILITY OF SUBCHAPTER.
1523. NOTICES BEFORE SERVICE TO LANDLORD DISCONTINUED.
1524. REQUEST TO LANDLORD TO IDENTIFY TENANTS.
1525. DELIVERY AND CONTENTS OF DISCONTINUANCE NOTICE TO
LANDLORD.
1526. DELIVERY AND CONTENTS OF FIRST DISCONTINUANCE NOTICE TO
TENANTS.
1527. RIGHT OF TENANTS TO CONTINUED SERVICE.
1528. DELIVERY AND CONTENTS OF SUBSEQUENT DISCONTINUANCE
NOTICE TO TENANTS.
1529. RIGHT OF TENANT TO RECOVER PAYMENTS.
1530. WAIVER OF SUBCHAPTER PROHIBITED.
1531. RETALIATION BY LANDLORD PROHIBITED.
1532. PENALTIES.

§ 1521. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
CONTEXT CLEARLY INDICATES OTHERWISE:

"LANDLORD RATEPAYER." ONE OR MORE INDIVIDUALS OR AN
ORGANIZATION LISTED ON A GAS, ELECTRIC, STEAM OR WATER UTILITY'S
RECORDS AS THE PARTY RESPONSIBLE FOR PAYMENT OF THE GAS,

1 ELECTRIC, STEAM OR WATER SERVICE PROVIDED TO ONE OR MORE
2 RESIDENTIAL UNITS OF A RESIDENTIAL BUILDING OR MOBILE HOME PARK
3 OF WHICH BUILDING OR MOBILE HOME PARK THE PARTY IS NOT THE SOLE
4 OCCUPANT.

5 "MOBILE HOME." A TRANSPORTABLE, SINGLE-FAMILY DWELLING UNIT
6 INTENDED FOR PERMANENT OCCUPANCY AND CONSTRUCTED AS A SINGLE
7 UNIT, OR AS TWO OR MORE UNITS DESIGNED TO BE JOINED INTO ONE
8 INTEGRAL UNIT CAPABLE OF AGAIN BEING SEPARATED FOR REPEATED
9 TOWING, WHICH ARRIVES AT A SITE COMPLETE AND READY FOR OCCUPANCY
10 EXCEPT FOR MINOR AND INCIDENTAL UNPACKING AND ASSEMBLY
11 OPERATIONS AND CONSTRUCTED SO THAT IT MAY BE USED WITHOUT A
12 PERMANENT FOUNDATION.

13 "MOBILE HOME PARK." ANY SITE, LOT, FIELD OR TRACT OF LAND,
14 PRIVATELY OR PUBLICLY OWNED OR OPERATED, UPON WHICH THREE OR
15 MORE MOBILE HOMES, OCCUPIED FOR DWELLING OR SLEEPING PURPOSES,
16 ARE OR ARE INTENDED TO BE LOCATED.

17 "RESIDENTIAL BUILDING." A BUILDING CONTAINING ONE OR MORE
18 DWELLING UNITS OCCUPIED BY ONE OR MORE TENANTS. THE TERM DOES
19 NOT INCLUDE NURSING HOMES, HOTELS AND MOTELS.

20 "TENANT." ANY PERSON OR GROUP OF PERSONS WHOSE DWELLING UNIT
21 IN A RESIDENTIAL BUILDING OR MOBILE HOME PARK IS PROVIDED GAS,
22 ELECTRICITY, STEAM OR WATER PURSUANT TO A RENTAL ARRANGEMENT FOR
23 THE DWELLING UNIT, MOBILE HOME OR PLOT OF GROUND WITHIN A MOBILE
24 HOME PARK BUT WHO IS NOT THE RATEPAYER OF THE UTILITY WHICH
25 SUPPLIED THE GAS, ELECTRICITY, STEAM OR WATER.

26 § 1522. APPLICABILITY OF SUBCHAPTER.

27 (A) GENERAL RULE.--THIS SUBCHAPTER APPLIES TO PUBLIC
28 UTILITIES AS DEFINED IN PARAGRAPH (1)(I) AND (II) OF THE
29 DEFINITION OF "PUBLIC UTILITY" IN SECTION 102 (RELATING TO
30 DEFINITIONS) AND TO PUBLIC UTILITY SERVICE RENDERED BY THOSE

1 PUBLIC UTILITIES.

2 (B) MUNICIPAL SERVICE BEYOND CORPORATE LIMITS.--

3 (1) PUBLIC UTILITY SERVICE BEING FURNISHED OR RENDERED
4 BY A MUNICIPAL CORPORATION, OR BY THE OPERATING AGENCIES OF
5 ANY MUNICIPAL CORPORATION, BEYOND ITS CORPORATE LIMITS SHALL
6 BE SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER ESTABLISHING
7 THE PROCEDURES, RIGHTS, DUTIES AND REMEDIES FOR THE
8 DISCONTINUANCE OF SERVICE TO LANDLORD RATEPAYERS.

9 (2) TENANTS AND LANDLORD RATEPAYERS OF A DWELLING UNIT
10 IN RESIDENTIAL BUILDINGS OR MOBILE HOME PARKS RECEIVING
11 PUBLIC UTILITY SERVICE BEING FURNISHED OR RENDERED BY A
12 MUNICIPAL CORPORATION, OR BY THE OPERATING AGENCIES OF ANY
13 MUNICIPAL CORPORATION, BEYOND ITS CORPORATE LIMITS SHALL BE
14 SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER ESTABLISHING THE
15 PROCEDURES, RIGHTS, DUTIES AND REMEDIES FOR THE
16 DISCONTINUANCE OF SERVICE, THE RIGHT OF THE TENANTS TO
17 WITHHOLD RENT, THE PROHIBITION OF WAIVER AND THE PROHIBITION
18 AGAINST RETALIATION BY THE LANDLORD RATEPAYER WITH RESPECT TO
19 THE PUBLIC UTILITY SERVICE.

20 § 1523. NOTICES BEFORE SERVICE TO LANDLORD DISCONTINUED.

21 (A) NONPAYMENT OF CHARGES.--EXCEPT WHEN REQUIRED TO PREVENT
22 OR ALLEVIATE AN EMERGENCY AS DEFINED BY THE COMMISSION OR EXCEPT
23 IN THE CASE OF DANGER TO LIFE OR PROPERTY, BEFORE ANY
24 DISCONTINUANCE OF SERVICE TO A LANDLORD RATEPAYER FOR NONPAYMENT
25 OF CHARGES, A PUBLIC UTILITY SHALL:

26 (1) NOTIFY THE LANDLORD RATEPAYER OF THE PROPOSED
27 DISCONTINUANCE IN WRITING AS PRESCRIBED IN SECTION 1525
28 (RELATING TO DELIVERY AND CONTENTS OF DISCONTINUANCE NOTICE
29 TO LANDLORD) AT LEAST 37 DAYS BEFORE THE DATE OF
30 DISCONTINUANCE OF SERVICE.

1 (2) NOTIFY THE FOLLOWING AGENCIES WHICH SERVE THE
2 COMMUNITY IN WHICH THE AFFECTED PREMISES ARE LOCATED, IN
3 WRITING, AT THE TIME OF DELIVERY OF NOTICE TO THE TENANTS OF
4 THE PROPOSED DISCONTINUANCE OF SERVICE:

5 (I) THE DEPARTMENT OF LICENSES AND INSPECTIONS OF
6 ANY CITY OF THE FIRST CLASS.

7 (II) THE DEPARTMENT OF PUBLIC SAFETY OF ANY CITY OF
8 THE SECOND CLASS, SECOND CLASS A OR THIRD CLASS.

9 (III) THE CITY OR COUNTY PUBLIC HEALTH DEPARTMENT
10 OR, IN THE EVENT THAT SUCH A DEPARTMENT DOES NOT EXIST,
11 THE DEPARTMENT OF HEALTH OFFICE RESPONSIBLE FOR THAT
12 COUNTY.

13 (3) NOTIFY EACH DWELLING UNIT REASONABLY LIKELY TO BE
14 OCCUPIED BY AN AFFECTED TENANT OF THE PROPOSED DISCONTINUANCE
15 IN WRITING AS PRESCRIBED IN SECTION 1526 (RELATING TO
16 DELIVERY AND CONTENTS OF FIRST DISCONTINUANCE NOTICE TO
17 TENANTS) AT LEAST SEVEN DAYS AFTER NOTICE TO THE LANDLORD
18 RATEPAYER PURSUANT TO THIS SECTION AND AT LEAST 30 DAYS
19 BEFORE THE DISCONTINUANCE OF SERVICE. IF WITHIN SEVEN DAYS OF
20 RECEIPT OF THE NOTICE ISSUED PURSUANT TO THIS SECTION THE
21 LANDLORD RATEPAYER FILES A COMPLAINT WITH THE COMMISSION
22 DISPUTING THE RIGHT OF THE UTILITY TO DISCONTINUE SERVICE,
23 THE NOTICE SHALL NOT BE RENDERED UNTIL THE COMPLAINT HAS BEEN
24 ADJUDICATED BY THE COMMISSION.

25 (B) VOLUNTARY RELINQUISHMENT OF SERVICE.--BEFORE ANY
26 DISCONTINUANCE OF SERVICE BY A PUBLIC UTILITY TO A LANDLORD
27 RATEPAYER DUE TO A REQUEST FOR VOLUNTARY RELINQUISHMENT OF
28 SERVICE BY THE LANDLORD RATEPAYER:

29 (1) THE LANDLORD RATEPAYER SHALL STATE IN A FORM BEARING
30 HIS NOTARIZED SIGNATURE THAT ALL OF THE AFFECTED DWELLING

1 UNITS ARE EITHER UNOCCUPIED OR THE TENANTS AFFECTED BY THE
2 PROPOSED DISCONTINUANCE HAVE CONSENTED IN WRITING TO THE
3 PROPOSED DISCONTINUANCE, WHICH FORM SHALL CONSPICUOUSLY BEAR
4 A NOTICE THAT THE INFORMATION PROVIDED BY THE LANDLORD
5 RATEPAYER WILL BE RELIED UPON BY THE COMMISSION IN
6 ADMINISTERING A SYSTEM OF UNIFORM SERVICE STANDARDS FOR
7 PUBLIC UTILITIES, AND THAT FALSE STATEMENTS ARE PUNISHABLE
8 CRIMINALLY;

9 (2) ALL OF THE TENANTS AFFECTED BY THE PROPOSED
10 DISCONTINUANCE SHALL INFORM THE UTILITY ORALLY OR IN WRITING
11 OF THEIR CONSENT TO THE DISCONTINUANCE; OR

12 (3) THE LANDLORD RATEPAYER SHALL PROVIDE THE UTILITY
13 WITH THE NAMES AND ADDRESSES OF THE AFFECTED TENANTS PURSUANT
14 TO SECTION 1524 (RELATING TO REQUEST TO LANDLORD TO IDENTIFY
15 TENANTS) AND THE UTILITY SHALL NOTIFY THE COMMUNITY SERVICE
16 AGENCIES AND EACH DWELLING UNIT PURSUANT TO SECTION 1523
17 (RELATING TO NOTICES BEFORE SERVICE TO LANDLORD DISCONTINUED)
18 AND SECTION 1526 (RELATING TO DELIVERY AND CONTENTS OF FIRST
19 DISCONTINUATION NOTICE TO TENANTS).

20 (C) RIGHTS OF TENANTS.--UNDER THE VOLUNTARY RELINQUISHMENT
21 DISCONTINUANCE PROCEDURES OF SUBSECTION (B)(3) THE TENANTS SHALL
22 HAVE ALL OF THE RIGHTS PROVIDED IN SECTION 1527 (RELATING TO
23 RIGHT OF TENANTS TO CONTINUED SERVICE) THROUGH SECTION 1531
24 (RELATING TO RETALIATION BY LANDLORD PROHIBITED).

25 § 1524. REQUEST TO LANDLORD TO IDENTIFY TENANTS.

26 (A) DUTY OF LANDLORD.--UPON RECEIVING A LAWFUL REQUEST FOR
27 THE NAMES AND ADDRESSES OF THE AFFECTED TENANTS PURSUANT TO THIS
28 SUBCHAPTER, THE LANDLORD RATEPAYER SHALL PROVIDE THE UTILITY
29 WITH THE NAMES AND ADDRESSES OF EVERY AFFECTED TENANT OF ANY
30 RESIDENTIAL BUILDING OR MOBILE HOME PARK FOR WHICH THE UTILITY

1 IS PROPOSING TO DISCONTINUE SERVICE UNLESS WITHIN SEVEN DAYS OF
2 RECEIPT OF THE NOTICE THE LANDLORD RATEPAYER PAYS THE AMOUNT DUE
3 THE UTILITY OR MAKES AN ARRANGEMENT WITH THE UTILITY TO PAY THE
4 BALANCE.

5 (B) TIME FOR PROVIDING INFORMATION.--THE INFORMATION SHALL
6 BE PROVIDED BY THE LANDLORD RATEPAYER:

7 (1) WITHIN SEVEN DAYS OF RECEIPT OF THE NOTICE TO THE
8 LANDLORD RATEPAYER REQUIRED BY SECTION 1523 (RELATING TO
9 NOTICES BEFORE SERVICE TO LANDLORD DISCONTINUED); OR

10 (2) WITHIN THREE DAYS OF ANY ADJUDICATION BY THE
11 COMMISSION THAT THE LANDLORD RATEPAYER MUST PROVIDE THE
12 REQUESTED INFORMATION IF THE LANDLORD FILES A COMPLAINT WITH
13 THE COMMISSION WITHIN SEVEN DAYS OF RECEIPT OF THE NOTICE TO
14 THE LANDLORD DISPUTING THE RIGHT OF THE UTILITY TO
15 DISCONTINUE SERVICE.

16 (C) DUTY OF PUBLIC UTILITY.--IT SHALL BE THE DUTY OF ANY
17 PUBLIC UTILITY TO PURSUE ANY APPROPRIATE LEGAL REMEDY IT HAS IN
18 ORDER TO OBTAIN FROM THE LANDLORD RATEPAYER THE NAMES AND
19 ADDRESSES OF ALL AFFECTED TENANTS OF A RESIDENTIAL BUILDING OR
20 MOBILE HOME PARK FOR WHICH THE UTILITY IS PROPOSING
21 DISCONTINUANCE OF SERVICE TO THE LANDLORD RATEPAYER. THE
22 COMMISSION MAY ORDER THE PUBLIC UTILITY TO OBTAIN THE
23 INFORMATION FROM THE LANDLORD RATEPAYER.

24 § 1525. DELIVERY AND CONTENTS OF DISCONTINUANCE NOTICE TO
25 LANDLORD.

26 (A) GENERAL RULE.--THE NOTICE REQUIRED TO BE GIVEN TO A
27 LANDLORD RATEPAYER PURSUANT TO SECTION 1523 (RELATING TO NOTICES
28 BEFORE SERVICE TO LANDLORD DISCONTINUED) SHALL CONTAIN THE
29 FOLLOWING INFORMATION:

30 (1) THE AMOUNT OWED THE UTILITY BY THE LANDLORD

1 RATEPAYER FOR EACH AFFECTED ACCOUNT.

2 (2) THE DATE ON OR AFTER WHICH SERVICE WILL BE
3 DISCONTINUED.

4 (3) THE DATE ON OR AFTER WHICH THE COMPANY WILL NOTIFY
5 TENANTS OF THE PROPOSED DISCONTINUANCE OF SERVICE AND OF
6 THEIR RIGHTS UNDER SECTIONS 1527 (RELATING TO RIGHT OF
7 TENANTS TO CONTINUED SERVICE), 1529 (RELATING TO RIGHT OF
8 TENANT TO RECEIVE PAYMENTS) AND 1531 (RELATING TO RETALIATION
9 BY LANDLORD PROHIBITED).

10 (4) THE OBLIGATION OF THE LANDLORD RATEPAYER UNDER
11 SECTION 1524 (RELATING TO REQUEST TO LANDLORD TO IDENTIFY
12 TENANTS) TO PROVIDE THE UTILITY WITH THE NAMES AND ADDRESSES
13 OF EVERY AFFECTED TENANT OR TO PAY THE AMOUNT DUE THE UTILITY
14 OR MAKE AN ARRANGEMENT WITH THE UTILITY TO PAY THE BALANCE
15 INCLUDING A STATEMENT:

16 (I) THAT THE LIST MUST BE PROVIDED OR PAYMENT OR
17 ARRANGEMENT MUST BE MADE WITHIN SEVEN DAYS OF RECEIPT OF
18 THE NOTICE.

19 (II) OF THE PENALTIES AND LIABILITY WHICH THE
20 LANDLORD RATEPAYER MAY INCUR UNDER SECTION 1532 (RELATING
21 TO PENALTIES) BY FAILURE TO COMPLY.

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

26 (B) SERVICE OF NOTICE.--ANY ONE OF THE FOLLOWING PROCEDURES
27 SHALL CONSTITUTE EFFECTIVE NOTICE TO THE LANDLORD UNDER SECTION
28 1523 (RELATING TO NOTICES BEFORE SERVICE TO LANDLORD
29 DISCONTINUED):

30 (1) NOTICE BY CERTIFIED MAIL IF THE UTILITY RECEIVES A

1 RETURN RECEIPT SIGNED BY THE LANDLORD RATEPAYER OR HIS AGENT.

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

4 (3) AFTER UNSUCCESSFUL ATTEMPTS AT PERSONAL DELIVERY ON
5 TWO SEPARATE DAYS, NOTICE BY FIRST CLASS MAIL AND
6 CONSPICUOUSLY POSTING AT THE LANDLORD RATEPAYER'S PRINCIPAL
7 PLACE OF BUSINESS OR THE BUSINESS ADDRESS WHICH THE LANDLORD
8 PROVIDED THE UTILITY AS HIS ADDRESS FOR RECEIVING
9 COMMUNICATIONS.

10 § 1526. DELIVERY AND CONTENTS OF FIRST DISCONTINUANCE NOTICE
11 TO TENANTS.

12 (A) GENERAL RULE.--THE NOTICE REQUIRED TO BE GIVEN TO A
13 TENANT PURSUANT TO SECTION 1523 (RELATING TO NOTICES BEFORE
14 SERVICE TO LANDLORD DISCONTINUED) SHALL BE MAILED OR OTHERWISE
15 DELIVERED TO THE ADDRESS OF EACH AFFECTED TENANT AND SHALL
16 CONTAIN THE FOLLOWING INFORMATION:

17 (1) THE DATE ON WHICH THE NOTICE IS RENDERED.

18 (2) THE DATE ON OR AFTER WHICH SERVICE WILL BE
19 DISCONTINUED.

20 (3) THE CIRCUMSTANCES UNDER WHICH SERVICE TO THE
21 AFFECTED TENANT MAY BE CONTINUED SPECIFICALLY REFERRING TO
22 THE CONDITIONS SET OUT IN SECTION 1527 (RELATING TO RIGHT OF
23 TENANTS TO CONTINUED SERVICE).

24 (4) THE BILL FOR THE 30-DAY PERIOD PRECEDING THE NOTICE
25 TO THE TENANTS.

26 (5) THE STATUTORY RIGHTS OF A TENANT TO:

27 (I) DEDUCT THE AMOUNT OF ANY DIRECT PAYMENT TO THE
28 UTILITY FROM ANY RENT PAYMENTS THEN OR THEREAFTER DUE.

29 (II) PROTECTION AGAINST ANY RETALIATION BY THE
30 LANDLORD FOR EXERCISING SUCH STATUTORY RIGHT.

(III) RECOVER MONEY DAMAGES FROM THE LANDLORD FOR
ANY SUCH RETALIATION.

(6) THAT TENANTS MAY MAKE PAYMENT TO THE UTILITY ON
ACCOUNT OF NONPAYMENT OF CHARGES BY THE LANDLORD RATEPAYER
ONLY BY CHECK OR MONEY ORDER DRAWN BY THE TENANT TO THE ORDER
OF THE UTILITY.

(7) A TELEPHONE NUMBER AT THE UTILITY AND AT THE
COMMISSION WHICH A TENANT MAY CALL FOR AN EXPLANATION OF HIS
RIGHTS.

(B) INFORMATION POSTED BY UTILITY.--THE INFORMATION IN
SUBSECTION (A) SHALL BE POSTED BY THE UTILITY IN THOSE COMMON
AREAS OF THE RESIDENTIAL BUILDING OR MOBILE HOME PARK WHERE IT
IS REASONABLY LIKELY TO BE SEEN BY THE AFFECTED TENANTS. ANY
OFFICER OR EMPLOYEE OF THE UTILITY MAY AT ANY REASONABLE TIME
ENTER THE COMMON HALLWAYS AND COMMON AREAS OF SUCH BUILDING FOR
THE PURPOSE OF COMPLYING WITH THE PROVISIONS OF THIS SECTION.

§ 1527. RIGHT OF TENANTS TO CONTINUED SERVICE.

(A) APPLICATION FOR CONTINUED SERVICE.--AT ANY TIME BEFORE
OR AFTER SERVICE IS DISCONTINUED BY A PUBLIC UTILITY ON ACCOUNT
OF NONPAYMENT OF CHARGES BY THE LANDLORD RATEPAYER, THE AFFECTED
TENANTS MAY APPLY TO THE UTILITY TO HAVE SERVICE CONTINUED OR
RESUMED.

(B) PAYMENT OF CHARGES BY TENANTS.--A PUBLIC UTILITY SHALL
NOT DISCONTINUE SERVICE OR SHALL PROMPTLY RESUME SERVICE
PREVIOUSLY DISCONTINUED IF IT RECEIVES FROM THE TENANTS AN
AMOUNT EQUAL TO THE BILL OF THE LANDLORD RATEPAYER FOR THE 30-
DAY PERIOD PRECEDING THE NOTICE TO THE TENANTS. THEREAFTER, THE
UTILITY SHALL NOTIFY EACH TENANT OF THE TOTAL AMOUNT OF THE BILL
FOR THE SECOND AND EACH SUCCEEDING PERIOD OF 30 DAYS OR LESS
AND, IF THE TENANTS FAIL TO MAKE PAYMENT OF ANY BILL WITHIN 30

1 DAYS OF THE DELIVERY OF THE NOTICE TO THE TENANTS, THE UTILITY
2 MAY COMMENCE DISCONTINUANCE PROCEDURES EXCEPT THAT NO
3 DISCONTINUANCE MAY OCCUR UNTIL 30 DAYS AFTER EACH TENANT HAS
4 RECEIVED WRITTEN NOTICE OF THE PROPOSED DISCONTINUANCE AS
5 PRESCRIBED IN SECTION 1528 (RELATING TO DELIVERY AND CONTENTS OF
6 SUBSEQUENT DISCONTINUANCE NOTICE TO TENANTS). ALL PAYMENTS OF
7 CHARGES BY TENANTS TO A UTILITY ON ACCOUNT OF NONPAYMENT BY THE
8 LANDLORD RATEPAYER SHALL BE MADE BY A CHECK OR MONEY ORDER DRAWN
9 BY THE TENANT TO THE ORDER OF THE UTILITY.

10 (C) DISPOSITION OF PAYMENT BY UTILITY.--UPON RECEIVING ANY
11 PAYMENT, THE UTILITY SHALL NOTIFY THE LANDLORD RATEPAYER WHO IS
12 LIABLE FOR THE UTILITY SERVICE OF THE AMOUNT OR AMOUNTS PAID BY
13 ANY TENANT AND THE AMOUNT OR AMOUNTS CREDITED TO THE LANDLORD'S
14 BILL FOR EACH TENANT PURSUANT TO THIS SECTION. IN THE EVENT THAT
15 THE TENANTS FAIL TO SATISFY THE REQUIREMENTS OF THIS SECTION TO
16 MAINTAIN OR RESTORE SERVICE AND SERVICE TO THE AFFECTED DWELLING
17 UNITS IS DISCONTINUED, THE UTILITY SHALL REFUND TO EACH TENANT
18 THE AMOUNT PAID BY THE TENANT TOWARD THE BILL WHICH THE TENANTS
19 FAILED TO PAY EITHER UPON THE REQUEST OF THE TENANT OR AFTER
20 HOLDING THE TENANT'S PAYMENT DURING 60 CONSECUTIVE DAYS OF
21 DISCONTINUED SERVICE, WHICHEVER OCCURS FIRST.

22 (D) AGREEMENT FOR INDIVIDUAL SERVICE.--ANY TENANT OF A
23 RESIDENTIAL BUILDING OR MOBILE HOME PARK WHO HAS BEEN NOTIFIED
24 OF A PROPOSED DISCONTINUANCE OF UTILITY SERVICE PURSUANT TO
25 SECTION 1523 (RELATING TO NOTICES BEFORE SERVICE TO LANDLORD
26 DISCONTINUED) SHALL HAVE THE RIGHT TO AGREE TO SUBSCRIBE FOR
27 FUTURE SERVICE INDIVIDUALLY IF THIS CAN BE ACCOMPLISHED WITHOUT
28 A MAJOR REVISION OF DISTRIBUTION FACILITIES OR ADDITIONAL RIGHT-
29 OF-WAY ACQUISITIONS.

30 § 1528. DELIVERY AND CONTENTS OF SUBSEQUENT DISCONTINUANCE

1 NOTICE TO TENANTS.

2 SUBSEQUENT NOTICES REQUIRED TO BE GIVEN TO A TENANT PURSUANT
3 TO SECTION 1527 (RELATING TO RIGHT OF TENANTS TO CONTINUED
4 SERVICE) SHALL BE MAILED OR OTHERWISE DELIVERED TO THE ADDRESS
5 OF EACH AFFECTED TENANT AND SHALL CONTAIN THE FOLLOWING
6 INFORMATION:

7 (1) THE DATE ON OR AFTER WHICH SERVICE WILL BE
8 DISCONTINUED.

9 (2) THE AMOUNT DUE WHICH SHALL INCLUDE THE ARREARAGE ON
10 ANY EARLIER BILL DUE FROM TENANTS.

11 (3) A TELEPHONE NUMBER AT THE UTILITY AND AT THE
12 COMMISSION WHICH A TENANT MAY CALL FOR AN EXPLANATION OF HIS
13 RIGHTS.

14 (4) THE RIGHT OF A TENANT TO FILE A COMPLAINT WITH THE
15 COMMISSION TO ENFORCE ANY LEGAL RIGHT THAT HE MAY HAVE UNDER
16 THIS PART.

17 § 1529. RIGHT OF TENANT TO RECOVER PAYMENTS.

18 ANY TENANT WHO HAS MADE A PAYMENT TO A UTILITY ON ACCOUNT OF
19 NONPAYMENT OF CHARGES BY THE LANDLORD RATEPAYER PURSUANT TO THIS
20 SUBCHAPTER MAY SUBSEQUENTLY RECOVER THE AMOUNT PAID TO THE
21 UTILITY EITHER BY DEDUCTING THE AMOUNT FROM ANY RENT OR PAYMENT
22 ON ACCOUNT OF TAXES OR OPERATING EXPENSES THEN OR THEREAFTER DUE
23 FROM THE TENANT TO THE PERSON TO WHOM HE WOULD OTHERWISE PAY HIS
24 RENT OR BY OBTAINING REIMBURSEMENT FROM THE LANDLORD RATEPAYER.

25 § 1530. WAIVER OF SUBCHAPTER PROHIBITED.

26 ANY WAIVER OF A TENANT'S RIGHTS UNDER THIS SUBCHAPTER SHALL
27 BE VOID AND UNENFORCEABLE.

28 § 1531. RETALIATION BY LANDLORD PROHIBITED.

29 (A) GENERAL RULE.--IT IS UNLAWFUL FOR ANY LANDLORD RATEPAYER
30 OR AGENT OR EMPLOYEE THEREOF TO THREATEN OR TAKE REPRISALS

1 AGAINST A TENANT BECAUSE THE TENANT EXERCISED HIS RIGHTS UNDER
2 SECTION 1527 (RELATING TO RIGHT OF TENANTS TO CONTINUED SERVICE)
3 OR SECTION 1529 (RELATING TO RIGHT OF TENANT TO RECOVER
4 PAYMENTS).

5 (B) LIABILITY OF LANDLORD FOR DAMAGES.--ANY LANDLORD
6 RATEPAYER OR AGENT OR EMPLOYEE THEREOF WHO THREATENS OR TAKES
7 SUCH REPRISALS AGAINST ANY TENANT SHALL BE LIABLE FOR DAMAGES
8 WHICH SHALL BE TWO MONTHS RENT OR THE ACTUAL DAMAGES SUSTAINED
9 BY THE TENANT, WHICHEVER IS GREATER, AND THE COSTS OF SUIT AND
10 REASONABLE ATTORNEYS' FEES.

11 (C) PRESUMPTION OF RETALIATION.--THE RECEIPT OF ANY NOTICE
12 OF TERMINATION OF TENANCY, AN INCREASE IN RENT OR OF ANY
13 SUBSTANTIAL ALTERATION IN THE TERMS OF TENANCY WITHIN SIX MONTHS
14 AFTER THE TENANT HAS ACTED PURSUANT TO SECTION 1527 OR 1529 TO
15 AVOID DISCONTINUANCE OF UTILITY SERVICE SHALL CREATE A
16 REBUTTABLE PRESUMPTION THAT THE NOTICE IS A REPRISAL AGAINST THE
17 TENANT FOR EXERCISING HIS RIGHTS UNDER SECTION 1527 OR 1529.
18 HOWEVER, THE PRESUMPTION SHALL NOT ARISE IF THE NOTICE OF
19 TERMINATION OF TENANCY IS FOR NONPAYMENT OF RENT NOT WITHHELD
20 UNDER SECTION 1529 OR LAWFULLY WITHHELD UNDER ANY OTHER RIGHT
21 THAT THE TENANT MAY HAVE BY LAW.

22 § 1532. PENALTIES.

23 (A) FAILURE TO IDENTIFY TENANTS.--ANY LANDLORD RATEPAYER WHO
24 FAILS TO PROVIDE A UTILITY WITH THE NAMES AND ADDRESSES OF
25 AFFECTED TENANTS PURSUANT TO SECTION 1524 (RELATING TO REQUEST
26 TO LANDLORD TO IDENTIFY TENANTS) SHALL FORFEIT AND PAY TO THE
27 COMMONWEALTH A CIVIL PENALTY OF NOT MORE THAN \$500 FOR EACH DAY
28 OF THE LANDLORD RATEPAYER'S FAILURE TO RESPOND. THE COURT IN ITS
29 DISCRETION MAY AWARD THE UTILITY REASONABLE ATTORNEYS' FEES,
30 FILING FEES AND REASONABLE COSTS OF SUIT FOR ANY ACTION AGAINST

1 THE LANDLORD RATEPAYER WHICH WAS NECESSARY TO OBTAIN THE NAMES
2 AND ADDRESSES OF AFFECTED TENANTS PURSUANT TO SECTION 1524.

3 (B) TAMPERING WITH POSTED NOTICE.--ANY PERSON WHO REMOVES,
4 INTERFERES OR TAMPERS WITH A NOTICE TO TENANTS OF PROPOSED
5 DISCONTINUANCE OF SERVICE, POSTED PURSUANT TO SECTION 1526
6 (RELATING TO DELIVERY AND CONTENTS OF FIRST DISCONTINUANCE
7 NOTICE TO TENANTS) COMMITS A SUMMARY OFFENSE AND SHALL, UPON
8 CONVICTION, BE SENTENCED TO PAY A FINE NOT EXCEEDING \$25.

9 SECTION 2. THE ACT OF OCTOBER 7, 1976 (P.L.1108, NO.226),
10 ENTITLED "AN ACT MANDATING THE PUBLIC UTILITY COMMISSION TO
11 REQUIRE CERTAIN UTILITIES TO REFUND TO CONSUMERS CERTAIN SUMS OF
12 MONEYS," IS REPEALED.

13 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

2 66 PA.C.S. § 1314: SUBSTANTIAL REENACTMENT OF ACT OF OCTOBER
3 7, 1976 (P.L.1108, NO.226), § 2 (66 P.S. § 1762).

4 66 PA.C.S. §§ 1521-1532: NEW.