
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 164

Session of

INTRODUCED BY LLOYD, KUKOVICH, CIMINI, BELFANTI, PRATT, MORRIS,
HALUSKA, BLAUM, KOSINSKI, ZWIKL, D. R. WRIGHT AND CARN,
FEBRUARY 8, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 31, 1983

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for a tariff calculated to
3 increase gross annual operating expenses; ~~and~~ prohibiting <—
4 multiple filings; AND FURTHER PROVIDING FOR THE METERING OF <—
5 ELECTRICITY SUPPLIED TO CHURCHES AND OTHER PLACES OF WORSHIP
6 AND VOLUNTEER FIRE COMPANIES.

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

9 Section 1. Section 1308(d) of Title 66 of the Pennsylvania
10 Consolidated Statutes is amended and a subsection is added to
11 read:

12 § 1308. Voluntary changes in rates.

13 * * *

14 (d) General rate increases.--Whenever there is filed with
15 the commission by any public utility described in paragraph
16 (1)(i), (ii), (vi) or (vii) of the definition of "public
17 utility" in section 102 (relating to definitions), and such
18 other public utility as the commission may by rule or regulation
19 direct, any tariff stating a new rate which constitutes a

1 general rate increase, the commission shall promptly enter into
2 an investigation and analysis of said tariff filing [and]. If
3 the tariff states a new rate which is calculated to increase the <—
4 public utility's gross annual intrastate operating revenues by
5 less than \$10,000,000, the commission may by order setting forth
6 its reasons therefor, upon complaint or upon its own motion,
7 upon reasonable notice, enter upon a hearing concerning the
8 lawfulness of such rate, and the commission may, at any time by
9 vote of a majority of the members of the commission serving in
10 accordance with law, permit such tariff to become effective,
11 except that absent such order such tariff shall be suspended for
12 a period not to exceed seven months from the time such rate
13 would otherwise become effective. [Before the expiration of such
14 seven-month period,] If the tariff states a new rate which is <—
15 calculated to increase the public utility's gross annual
16 operating revenues by at least \$10,000,000, the commission
17 shall, upon reasonable notice, enter upon a hearing concerning
18 the lawfulness of the rate and the tariff shall be suspended for
19 a period not to exceed nine months from the date on which the
20 public utility filed the tariff with the commission. Before the
21 expiration of the maximum period of suspension of any tariff
22 stating a new rate which constitutes a general rate increase, a <—
23 majority of the members of the commission serving in accordance
24 with law, acting unanimously, shall make a final decision and
25 order, setting forth its reasons therefor, granting or denying,
26 in whole or in part, the general rate increase requested. If,
27 however, such an order has not been made at the expiration of
28 [such seven-month period,] the maximum period of suspension, the
29 proposed general rate increase shall go into effect at the end
30 of such period, but the commission may by order require the

1 interested public utility to refund, in accordance with section
2 1312 (relating to refunds), to the persons in whose behalf such
3 amounts were paid, such portion of such increased rates as by
4 its decision shall be found not justified, plus interest, which
5 shall be the average rate of interest specified for residential
6 mortgage lending by the Secretary of Banking in accordance with
7 the act of January 30, 1974 (P.L.13, No.6), referred to as the
8 Loan Interest and Protection Law, during the period or periods
9 for which the commission orders refunds. The rate in force when
10 the tariff stating such new rate was filed shall continue in
11 force during the period of suspension unless the commission
12 shall grant extraordinary rate relief as prescribed in
13 subsection (e). The commission shall consider the effect of such
14 suspension in finally determining and prescribing the rates to
15 be thereafter charged and collected by such public utility,
16 except that the commission shall have no authority to prescribe,
17 determine or fix, at any time during the pendency of a general
18 rate increase proceeding or prior to a final determination of a
19 general rate increase request, temporary rates as provided in
20 section 1310, which rates may provide retroactive increases
21 through recoupment. As used in this part general rate increase
22 means a tariff filing which affects more than 5% of the
23 customers and amounts to in excess of 3% of the total gross
24 annual intrastate operating revenues of the public utility. If
25 the public utility furnishes two or more types of service, the
26 foregoing percentages shall be determined only on the basis of
27 the customers receiving, and the revenues derived from, the type
28 of service to which the tariff filing pertains.

29 (d.1) Multiple filings prohibited.--Except as required to
30 implement an order granting extraordinary rate relief, no public

1 utility which has filed one tariff, or one supplement to a
2 proposed or existing tariff, ~~stating a new rate which~~ <—
3 constitutes a general rate increase shall file an additional
4 tariff, or supplement, ~~stating a new rate which~~ constitutes a <—
5 GENERAL rate increase, ~~other than a rate increase pursuant to~~ <—
6 ~~section 1307 or subsection (c) of this section,~~ for the same
7 type of service until the commission has made a final decision
8 and order on the first tariff or supplement or, if earlier,
9 until the expiration of the maximum period of suspension of the
10 first tariff or supplement. Except as required to implement an
11 order granting extraordinary rate relief ~~in accordance with~~ <—
12 ~~subsection (c) of this section or to implement a rate increase~~
13 ~~in accordance with section 1307,~~ no public utility shall
14 simultaneously file multiple tariffs, multiple supplements to an
15 existing or a proposed tariff or tariffs, or a tariff and a
16 supplement to a proposed or existing tariff ~~stating a new rate~~ <—
17 which constitutes a GENERAL rate increase for the same type of <—
18 service.

19 * * *

20 SECTION 2. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ: <—

21 § 1510. METERING OF ELECTRICITY SUPPLIED TO PLACES OF WORSHIP <—

22 AND VOLUNTEER FIRE COMPANIES.

23 A PUBLIC UTILITY SUPPLYING ELECTRICITY TO A CHURCH OR OTHER
24 ACTUAL PLACE OF WORSHIP AND VOLUNTEER FIRE COMPANIES SHALL
25 MEASURE THE CONSUMPTION OF ELECTRICITY SUPPLIED THERETO BY THE
26 SAME METHOD THAT ELECTRICITY TO RESIDENTIAL CUSTOMERS IS
27 MEASURED.

28 Section ~~2~~ 3. This act shall take effect in 60 days. <—