

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 258

Session of  
1985

INTRODUCED BY LLOYD, KUKOVICH, TIGUE, OLIVER, GREENWOOD,  
J. L. WRIGHT, HALUSKA, FREEMAN, TRELLO, REBER, LINTON,  
AFFLERBACH, CLARK, BLAUM, MORRIS, LUCYK, PERZEL AND BELARDI,  
FEBRUARY 11, 1985

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 11, 1985

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, providing for retirement of electric  
3 generating units.

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

6 Section 1. Title 66 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 520. Retirement of electric generating units.

9 (a) Removal from normal operation.--No public utility shall  
10 discontinue an electric generating unit from normal operation  
11 unless it has petitioned for and obtained the approval of the  
12 commission. The commission may, upon its own motion or upon  
13 complaint, prohibit a public utility from discontinuing an  
14 electric generating unit from normal operation if the commission  
15 determines that it would be more cost-effective for the  
16 utility's ratepayers if the unit were to remain in normal  
17 operation, either with or without capital additions or operating

1 improvements, than if the utility were to implement its plan for  
2 replacing the power which the unit is, or could be made, capable  
3 of producing.

4 (b) Return to normal operation.--The commission may, upon  
5 its own motion or upon complaint, order a public utility to  
6 return an electric generating unit to normal operation if the  
7 commission determines that it would be more cost-effective for  
8 the utility's ratepayers if the unit were to be returned to  
9 normal operation, with or without capital additions or operating  
10 improvements, than if the utility were to implement its plan for  
11 providing the power which the unit is, or could be made, capable  
12 of producing.

13 (c) Procedure.--The commission shall hold such hearings as  
14 it deems necessary in making the determinations required by  
15 subsection (a) or (b). The affected public utility shall have  
16 the burden of proof in any proceeding pursuant to this section.

17 (d) Regulations.--The commission may adopt such regulations  
18 as it deems necessary to carry out its powers and duties under  
19 this section.

20 (e) Exclusion.--This section shall not apply to a nuclear  
21 generating unit which has been discontinued from normal  
22 operation because of the unit's physical malfunctioning or  
23 breakdown.

24 (f) Definition.--As used in this section the term "normal  
25 operation" means the continuing availability of an electric  
26 generating unit to meet consumer demand except during:

27 (1) Scheduled outages for repairs, test, nuclear  
28 refueling or other procedures essential to the unit's further  
29 use.

30 (2) Unscheduled outages caused by the unit's physical

- 1     malfunctioning or breakdown.
- 2     Section 2.   This act shall take effect in 60 days.