

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1747 Session of
2009

INTRODUCED BY KOTIK, MUSTIO, DEASY, READSHAW, D. COSTA, KORTZ,
PASHINSKI, FRANKEL, GEIST AND MAHONEY, JUNE 18, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 18, 2009

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for the definition
3 of "public utility"; adding the definition of "common carrier
4 service at airports"; and further providing for certificate
5 of public convenience required.

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

8 Section 1. The definition of "public utility" in section 102
9 of Title 66 of the Pennsylvania Consolidated Statutes is amended
10 to read:

11 § 102. Definitions.

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

17 * * *

18 "Public utility."

19 (1) Any person or corporations now or hereafter owning

1 or operating in this Commonwealth equipment or facilities
2 for:

3 (i) Producing, generating, transmitting,
4 distributing or furnishing natural or artificial gas,
5 electricity, or steam for the production of light, heat,
6 or power to or for the public for compensation.

7 (ii) Diverting, developing, pumping, impounding,
8 distributing, or furnishing water to or for the public
9 for compensation.

10 (iii) Transporting passengers or property as a
11 common carrier.

12 (iv) Use as a canal, turnpike, tunnel, bridge,
13 wharf, and the like for the public for compensation.

14 (v) Transporting or conveying natural or artificial
15 gas, crude oil, gasoline, or petroleum products,
16 materials for refrigeration, or oxygen or nitrogen, or
17 other fluid substance, by pipeline or conduit, for the
18 public for compensation.

19 (vi) Conveying or transmitting messages or
20 communications, except as set forth in paragraph (2)(iv),
21 by telephone or telegraph or domestic public land mobile
22 radio service including, but not limited to, point-to-
23 point microwave radio service for the public for
24 compensation.

25 (vii) Sewage collection, treatment, or disposal for
26 the public for compensation.

27 (viii) Providing limousine service in a county of
28 the second class pursuant to Subchapter B of Chapter 11
29 (relating to common carrier service at airports and
30 limousine service in counties of the second class).

1 (2) The term does not include:

2 (i) Any person or corporation, not otherwise a
3 public utility, who or which furnishes service only to
4 himself or itself.

5 (ii) Any bona fide cooperative association which
6 furnishes service only to its stockholders or members on
7 a nonprofit basis.

8 (iii) Any producer of natural gas not engaged in
9 distributing such gas directly to the public for
10 compensation.

11 (iv) Any person or corporation, not otherwise a
12 public utility, who or which furnishes mobile domestic
13 cellular radio telecommunications service.

14 (v) Any building or facility owner/operators who
15 hold ownership over and manage the internal distribution
16 system serving such building or facility and who supply
17 electric power and other related electric power services
18 to occupants of the building or facility.

19 (vi) Electric generation supplier companies, except
20 for the limited purposes as described in sections 2809
21 (relating to requirements for electric generation
22 suppliers) and 2810 (relating to revenue-neutral
23 reconciliation).

24 (3) For the purposes of sections 2702 (relating to
25 construction, relocation, suspension and abolition of
26 crossings), 2703 (relating to ejectment in crossing cases)
27 and 2704 (relating to compensation for damages occasioned by
28 construction, relocation or abolition of crossings) and those
29 portions of sections 1501 (relating to character of service
30 and facilities), 1505 (relating to proper service and

1 facilities established on complaint) and 1508 (relating to
2 reports of accidents), as those sections or portions thereof
3 relate to safety only, a municipal authority or
4 transportation authority organized under the laws of this
5 Commonwealth shall be considered a public utility when it
6 owns or operates, for the carriage of passengers or goods by
7 rail, a line of railroad composed of lines formerly owned or
8 operated by the Pennsylvania Railroad, the Penn-Central
9 Transportation Company, the Reading Company or the
10 Consolidated Rail Corporation.

11 * * *

12 Section 2. Subchapter B heading of Chapter 11 of Title 66 is
13 amended to read:

14 SUBCHAPTER B

15 COMMON CARRIER SERVICE AT AIRPORTS AND LIMOUSINE SERVICE IN
16 COUNTIES OF THE SECOND CLASS

17 Section 3. Section 1121 of Title 66 is amended by adding a
18 definition to read:

19 § 1121. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Common carrier service at airports." Common carrier service
24 for passengers which originates or terminates at an airport in a
25 county of the second class. The term shall not include the
26 transportation system or transit services authorized under the
27 act of April 6, 1956 (1955 P.L.1414, No.465), known as the
28 Second Class County Port Authority Act.

29 * * *

30 Section 4. Sections 1122(a) and 1124(b) of Title 66 are

1 amended to read:

2 § 1122. Certificate of public convenience required.

3 (a) General rule.--In order to provide common carrier
4 service at airports or to operate limousine service in a county
5 of the second class, a certificate of public convenience must be
6 issued by the commission.

7 * * *

8 § 1124. Miscellaneous provisions.

9 * * *

10 (b) Inconsistent provisions of law.--Any other law of this
11 Commonwealth found to be inconsistent with this subchapter is
12 hereby repealed insofar as it affects the regulation of common
13 carrier service at airports and limousine service in counties of
14 the second class.

15 Section 5. This act shall take effect in 60 days.