

AMENDMENTS TO HOUSE BILL NO. 939

Sponsor: REPRESENTATIVE THOMAS

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1 Amend Bill, page 1, lines 1 through 11, by striking out all
2 of said lines and inserting

3 Amending Title 66 (Public Utilities) of the Pennsylvania
4 Consolidated Statutes, in responsible utility customer
5 protection, further providing for declaration of policy, for
6 definitions, for cash deposits and household information
7 requirements, for payment agreements, for termination of
8 utility service, for reconnection of service, for complaints
9 filed with commission and for automatic meter readings;
10 repealing provisions relating to liens; further providing for
11 reporting to General Assembly and Governor, for
12 nonapplicability and for construction; and providing for
13 expiration of chapter.

14 Amend Bill, page 2, lines 11 through 30; pages 3 through 13,
15 lines 1 through 30; page 14, lines 1 through 23, by striking out
16 all of said lines on said pages and inserting

17 Section 1. Section 1402 of Title 66 of the Pennsylvania
18 Consolidated Statutes is amended to read:
19 § 1402. Declaration of policy.

20 The General Assembly finds and declares as follows:

21 (1) Formal service rules were first adopted by the
22 Pennsylvania Public Utility Commission in 1978 with the
23 stated goal of enforcing uniform, fair and equitable
24 residential utility service standards governing eligibility
25 criteria, credit and deposit practices, account billing,
26 termination and restoration of service procedures and
27 customer complaint procedures. [These rules have not
28 successfully managed the issue of bill payment. Increasing
29 amounts of unpaid bills now threaten paying customers with
30 higher rates due to other customers' delinquencies.] These
31 rules were revised with the addition of this chapter in 2005,
32 and 52 Pa. Code Ch. 56 (relating to standards and billing
33 practices for residential utility service) was amended
34 accordingly in 2011. Increasing numbers of service
35 terminations and customers entering the winter without heat-

1 related service threatens the health and safety of
2 Pennsylvania residents.

3 (2) The General Assembly believes that it is now time to
4 revisit these rules and provide protections against [rate
5 increases for timely paying customers resulting from other
6 customers' delinquencies] premature service terminations. The
7 General Assembly seeks to achieve greater equity by
8 [eliminating opportunities for customers capable of paying to
9 avoid the timely payment of public utility bills] providing
10 fair opportunities to customers to bring their public utility
11 bills current.

12 (3) Through this chapter, the General Assembly seeks to
13 provide public utilities with an equitable means to reduce
14 their uncollectible accounts by modifying the procedures for
15 delinquent account collections and by increasing timely
16 collections. At the same time, the General Assembly seeks to
17 ensure that service remains available to all customers on
18 reasonable terms and conditions.

19 (4) The General Assembly believes that it is appropriate
20 to [provide] eliminate the most unused additional collection
21 tools to city natural gas distribution operations [to
22 recognize the financial circumstances of the operations and
23 protect their ability to provide natural gas for the benefit
24 of the residents of the city].

25 Section 2. The definitions of "applicant," "change in
26 income," "customer," "customer assistance program," "informal
27 complaint," "payment agreement," "public utility" and
28 "significant change in circumstance" in section 1403 of Title 66
29 are amended and the section is amended by adding definitions to
30 read:

31 § 1403. Definitions.

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

35 "Applicant." A natural person not currently receiving
36 service who applies for residential service provided by a public
37 utility or any adult occupant whose name appears on the
38 mortgage, deed or lease of the property for which the
39 residential utility service is requested. The term does not
40 include a person who, within 60 days after service termination
41 or discontinuance of service, seeks to have service reconnected
42 at the same location or transferred to another location within
43 the service territory of the public utility.

44 "Change in income." A decrease in household income of 20% or
45 more if the customer's or applicant's household income level
46 exceeds 200% of the Federal poverty level or a decrease in
47 household income of 10% or more if the customer's or applicant's
48 household income level is 200% or less of the Federal poverty
49 level.

50 "Customer." A natural person in whose name a residential
51 service account is listed and who is primarily responsible for

1 payment of bills rendered for the service, including the period
2 60 days after discontinuance or termination of services, or any
3 adult occupant whose name appears on the mortgage, deed or lease
4 of the property for which the residential utility service is
5 requested.

6 "Customer assistance program." A plan or program sponsored
7 by a public utility for the purpose of providing universal
8 service and energy conservation, as defined by section 2202
9 (relating to definitions) or 2803 (relating to definitions), in
10 which customers make monthly payments based on household income
11 and household size, not to exceed maximum energy burdens
12 established by the Pennsylvania Public Utility Commission, and
13 under which customers or applicants must comply with certain
14 responsibilities and restrictions in order to remain eligible
15 for the program. Enrollment of a customer or applicant into a
16 customer assistance program or the provision of customer
17 assistance program benefits to a customer does not constitute a
18 payment arrangement.

19 * * *

20 "Informal complaint." A complaint filed with the
21 Pennsylvania Public Utility Commission by a customer or
22 applicant that does not involve a legal proceeding before a
23 Pennsylvania Public Utility Commission administrative law judge
24 or a mediation under the management of a Pennsylvania Public
25 Utility Commission administrative law judge.

26 * * *

27 "Medical Certificate." A written document:

28 (1) certifying that a customer or member of the
29 customer's household is seriously ill or afflicted with a
30 medical condition which will be aggravated by cessation of
31 service; and

32 (2) signed by a licensed physician, nurse practitioner,
33 midwife, physician's assistant or other licensed or certified
34 nurse.

35 * * *

36 "Payment [agreement] arrangement." An agreement whereby a
37 customer who admits liability for billed service is permitted to
38 amortize or pay the unpaid balance of the account [in one or
39 more payments] over a period of at least six months.

40 "Public utility." Any electric distribution utility, natural
41 gas distribution utility, small natural gas distribution
42 utility, steam heat utility, wastewater utility or water
43 distribution utility in this Commonwealth that is within the
44 jurisdiction of the Pennsylvania Public Utility Commission.

45 "Significant change in circumstance." Any of the following
46 criteria when verified by the public utility and experienced by
47 customers or applicants with household income less than 300% of
48 the Federal poverty level:

49 (1) The onset of a chronic or acute illness resulting in
50 a significant loss in the customer's household income.

51 (2) Catastrophic damage to the customer's residence

1 resulting in a significant net cost to the customer's
2 household.

3 (3) Loss of the customer's residence.

4 (4) Increase in the customer's number of dependents in
5 the household.

6 (5) Loss of employment.

7 (6) Death of primary income provider.

8 (7) Lack of service for 30 days or more.

9 (8) The onset of the cold weather period commencing
10 October 15 through March 31.

11 (9) Unforeseeable increase in household expenses.

12 (10) Other individual factors deemed appropriate by the
13 Pennsylvania Public Utility Commission.

14 "Small natural gas distribution utility." A public utility
15 providing natural gas distribution services subject to the
16 jurisdiction of the commission that:

17 (1) has annual gas operating revenues of less than
18 \$6,000,000 per year; or

19 (2) is not connected to an interstate gas pipeline by
20 means of a direct connection or any indirect connection
21 through the distribution system of another natural gas public
22 utility or through a natural gas gathering system.

23 "Steam heat utility." An entity producing, generating,
24 distributing or furnishing steam for the production of heat or
25 to or for the public for compensation.

26 "Unauthorized use of utility service." Unreasonable
27 interference or diversion of service, including any act that
28 affects the proper registration of service through a meter or
29 unmetered service that flows through a device connected between
30 a service line and customer-owned facilities and unauthorized
31 service restoration.

32 "Wastewater utility." An entity owning or operating
33 equipment or facilities for the collection, treatment or
34 disposal of sewage to or for the public for compensation. The
35 term includes separate companies that individually provide water
36 or wastewater service so long as the separate companies are
37 wholly owned by a common parent company.

38 * * *

39 Section 3. Sections 1404, 1405, 1406, 1407, 1410 and 1411 of
40 Title 66 are amended to read:

41 § 1404. Cash deposits and household information requirements.

42 (a) General rule.--In addition to the right to collect a
43 deposit under any commission regulation or order, [the
44 commission shall not prohibit] a public utility, [prior to or as
45 a condition of providing utility service, from requiring] may
46 require a cash deposit, payable during a 90-day period, 50% with
47 the first bill, 25% with the second bill and 25% with the third
48 bill, in an amount that is equal to [one-sixth] one-twelfth of
49 the applicant's estimated annual bill[, at the time the public
50 utility determines a deposit is required,] from the following:

51 (1) An applicant who previously received utility

1 distribution services and was a customer of the public
2 utility and whose service was terminated for any of the
3 following reasons:

4 (i) Nonpayment of an undisputed delinquent account.

5 (ii) Failure to complete payment of a deposit,
6 provide a guarantee or establish credit in accordance
7 with a generally accepted method approved by the
8 commission.

9 (iii) Failure to permit access to meters, service
10 connections or other property of the public utility for
11 the purpose of replacement, maintenance, repair or meter
12 reading.

13 (iv) Unauthorized use of the utility service
14 delivered on or about the affected dwelling.

15 (v) Failure to comply with the material terms of a
16 settlement or payment [agreement] arrangement.

17 (vi) Fraud or material misrepresentation of identity
18 for the purpose of obtaining utility service.

19 (vii) Tampering with meters, including, but not
20 limited to, bypassing a meter or removal of an automatic
21 meter reading device or other public utility equipment.

22 (viii) Violating tariff provisions on file with the
23 commission so as to endanger the safety of a person or
24 the integrity of the delivery system of the public
25 utility.

26 (2) Any applicant or customer who is unable to establish
27 creditworthiness [to the satisfaction of the public utility]
28 through the use of a generally accepted credit scoring
29 methodology [which employs standards for using the
30 methodology that fall within the range of general industry
31 practice], as provided in a commission-approved tariff.

32 (3) A customer who fails to comply with a material term
33 or condition of a settlement or payment [agreement]
34 arrangement.

35 (b) Third-party guarantor.--Nothing in this section shall be
36 construed to preclude an applicant from furnishing a third-party
37 guarantor in lieu of a cash deposit. The guaranty shall be in
38 writing and shall state the terms of the guaranty. The guarantor
39 shall be responsible for [all missed payments owed to the public
40 utility] the amount of the deposit that would otherwise be
41 required under this section.

42 (c) Deposit hold period.--

43 (1) A public utility may hold a deposit until a timely
44 payment history is established [or for a maximum period of 24
45 months]. The period shall not exceed 18 months.

46 (2) A timely payment history is established when a
47 customer has paid in full and on time for twelve consecutive
48 months.

49 (3) At the end of the deposit holding period as
50 established in paragraph (1), the public utility shall deduct
51 the outstanding balance from the deposit and return or credit

1 any positive difference to the customer.

2 (4) If service is terminated before the end of the
3 deposit holding period as established in paragraph (1), the
4 public utility shall deduct the outstanding balance from the
5 deposit and return any positive difference to the customer
6 within 60 days of the termination.

7 (5) If a customer becomes delinquent before the end of
8 the deposit holding period as established in paragraph (1),
9 the public utility may deduct the outstanding balance from
10 the deposit.

11 (6) The public utility shall accrue interest on the
12 deposit until it is returned or credited [the legal rate of
13 interest pursuant to section 202 of the act of January 30,
14 1974 (P.L.13, No.6), referred to as the Loan Interest and
15 Protection Law, and return such interest with the deposit].

16 (i) Interest shall be computed at the simple annual
17 interest rate determined by the Secretary of Revenue for
18 interest on the underpayment of tax under section 806 of
19 the act of April 9, 1929 (P.L.343, No.176), known as The
20 Fiscal Code.

21 (ii) The interest rate in effect when deposit is
22 required to be paid shall remain in effect until the
23 later of:

24 (A) the date the deposit is refunded or
25 credited; or

26 (B) December 31.

27 (iii) On January 1 of each year, the new interest
28 rate for that year will apply to the deposit.

29 [(d) Adult occupants.--Prior to providing utility service, a
30 public utility may require the applicant to provide the names of
31 each adult occupant residing at the location and proof of their
32 identity.]

33 (e) Failure to pay full amount of cash deposit.--A public
34 utility[shall not be required to provide service] may terminate
35 service, following notice pursuant to commission regulations, if
36 the applicant or customer fails to pay the full amount of the
37 cash deposit by the end of the 90-day payment period.

38 [(f) City natural gas distribution operation; additional
39 deposit rules for city natural gas distribution operations.--
40 Except for applicants who are subject to a deposit under
41 subsection (a), a city natural gas distribution operation may
42 require a deposit from the applicant as follows:

43 (1) If an applicant has household income above 300% of
44 the Federal poverty level, one-sixth of the applicant's
45 estimated annual bill paid in full at the time the city
46 natural gas distribution operation determines a deposit is
47 required; or

48 (2) If an applicant has household income no greater than
49 300% of the Federal poverty level, one-twelfth of the
50 applicant's estimated annual bill paid in full at the time
51 the city natural gas distribution operation determines a

1 deposit is required. Applicants who enroll into the Customer
2 Assistance Program made available by the city natural gas
3 distribution operation are not subject to this paragraph.]

4 (g) Estimated annual bill.--When used in this section, an
5 estimated annual bill shall be calculated on the basis of the
6 annual bill to the dwelling at which service is being requested
7 for the prior 12 months or, if unavailable, a similar dwelling
8 in close proximity. In cases in which customers and applicants
9 are newly enrolled in a customer assistance program, any
10 deposits will be waived. In other instances when a customer or
11 applicant previously enrolled in a customer assistance program
12 is required to pay a deposit, that deposit shall be limited to
13 no more than the amount of one month's bill under the customer
14 assistance program.

15 (h) Time for paying deposits upon reconnection.--Applicants
16 and customers required to pay a deposit upon reconnection under
17 subsection (a)(1) shall have up to 90 days to pay the deposit in
18 accordance with commission regulations.

19 § 1405. Payment [agreements] arrangements.

20 (a) General rule.--The commission is authorized to
21 investigate complaints regarding payment disputes between a
22 public utility, applicants and customers. The commission is
23 authorized to establish payment [agreements] arrangements
24 between a public utility, customers and applicants within the
25 limits established by this chapter.

26 (b) Length of payment [agreements] arrangements.--The length
27 of time for a customer to resolve an unpaid balance on an
28 account that is subject to a payment [agreement] arrangement
29 that is investigated by the commission and is entered into by a
30 public utility and a customer shall not extend beyond:

31 (1) Five years for customers with a gross monthly
32 household income level not exceeding 150% of the Federal
33 poverty level.

34 (2) [Two] Four years for customers with a gross monthly
35 household income level exceeding 150% and not more than 250%
36 of the Federal poverty level.

37 (3) [One year] Three years for customers with a gross
38 monthly household income level exceeding 250% of the Federal
39 poverty level and not more than 300% of the Federal poverty
40 level.

41 (4) [Six months] One year for customers with a gross
42 monthly household income level exceeding 300% of the Federal
43 poverty level.

44 (c) Customer assistance programs.--[Customer assistance
45 program rates shall be timely paid and shall not be the subject
46 of payment agreements negotiated or approved by the commission.]
47 When a customer or applicant contacts a public utility to make
48 payment arrangements, the public utility shall notify the
49 customer or applicant verbally and in writing about the public
50 utility's customer assistance program, inquire about the
51 customer's or applicant's eligibility for a customer assistance

1 program, and enroll an eligible customer into the customer
2 assistance program, with the customer's consent.

3 (d) Number of payment [agreements] arrangements.--Absent a
4 change in income, the commission shall not establish or order a
5 public utility to establish a second or subsequent payment
6 [agreement] arrangement if a customer has defaulted on a
7 previous payment [agreement. A] arrangement established by a
8 commission order or decision. In addition, a public utility may,
9 at its discretion, enter into [a second or subsequent payment
10 agreement with a customer] payment arrangements, not established
11 or ordered by the commission, in accordance with regulations
12 established by the commission.

13 (e) Extension of payment [agreements] arrangements.--If the
14 customer defaults on a payment [agreement] arrangement
15 established under subsections (a) and (b) as a result of a
16 significant change in circumstance, the commission may reinstate
17 the payment [agreement] arrangement and extend the remaining
18 term for an initial period of six months. The initial extension
19 period may be extended for an additional six months for good
20 cause shown.

21 (f) Failure to comply with payment [agreement]
22 arrangement.--Failure of a customer to comply with the terms of
23 a commission-ordered payment [agreement] arrangement shall be
24 grounds for a public utility to terminate the customer's
25 service. Pending the outcome of a complaint filed with the
26 commission, a customer shall be obligated to pay that portion of
27 the bill which is not in dispute and subsequent bills which are
28 not in dispute.

29 § 1406. Termination of utility service.

30 (a) Authorized termination.--A public utility may notify a
31 customer and terminate service provided to a customer after
32 notice as provided in subsection (b) for any of the following
33 actions by the customer:

34 (1) Nonpayment of an undisputed delinquent account.

35 (2) Failure to comply with the material terms of a
36 payment [agreement] arrangement.

37 (3) Failure to complete payment of a deposit, provide a
38 guarantee of payment or establish credit.

39 (4) Failure to permit access to meters, service
40 connections or other property of the public utility for the
41 purpose of replacement, maintenance, repair or meter reading.

42 (b) [Notice of termination of service] Predetermination
43 notices, contacts and duties.--

44 (1) Prior to terminating service under subsection (a), a
45 public utility:

46 (i) Shall provide written notice of the termination
47 to the customer at least ten days prior to the date of
48 the proposed termination. The termination notice shall
49 remain effective for [60] 30 days.

50 (ii) Shall attempt to contact the customer or
51 occupant[, either in person or by telephone, to provide

1 notice of the proposed termination at least three days
2 prior to the scheduled termination. Phone contact shall
3 be deemed complete upon attempted calls on two separate
4 days to the residence between the hours of 7 a.m. and 9
5 p.m. if the calls were made at various times each day.]
6 to provide notice of the proposed termination at least
7 three days prior to the scheduled termination using one
8 or more of the following methods:

9 (A) in person; or

10 (B) by telephone.

11 (iii) [During the months of December through March,
12 unless] After complying with subparagraphs (i) and (ii),
13 the public utility shall make in-person contact with the
14 customer or responsible adult at the time service is
15 terminated. If personal contact has not been made with
16 the customer or responsible adult by personally visiting
17 the customer's residence, the public utility shall,
18 within 48 hours of the scheduled date of termination,
19 post a notice of the proposed termination at the service
20 location.

21 [(iv) After complying with paragraphs (ii) and
22 (iii), the public utility shall attempt to make personal
23 contact with the customer or responsible adult at the
24 time service is terminated. Termination of service shall
25 not be delayed for failure to make personal contact.

26 (2) The public utility shall not be required by the
27 commission to take any additional actions prior to
28 termination.]

29 (2.1) For each of the above notices and contacts under
30 paragraph (1), and when the customer contacts the utility
31 prior to termination, the public utility shall notify the
32 customer verbally and in writing about the public utility's
33 customer assistance program, inquire about the customer's
34 eligibility and enroll eligible customers into the customer
35 assistance program, with the customer's consent.

36 (3) An application for a public utility's customer
37 assistance program shall stay termination of service for
38 nonpayment until a decision has been made on the application,
39 and the utility shall cancel the termination of service upon
40 approval for enrollment in the customer assistance program.

41 (4) Termination may not occur if evidence is presented
42 that indicates that payment has been made, a serious illness
43 or medical condition exists, a dispute or complaint is
44 pending or if the employee is authorized to receive payment
45 and payment in full is tendered in any reasonable manner.

46 (c) Grounds for immediate termination.--

47 (1) A public utility may immediately terminate service
48 for any of the following actions by the customer:

49 [(i) Unauthorized use of the service delivered on or
50 about the affected dwelling.

51 (ii) Fraud or material misrepresentation of the

customer's identity for the purpose of obtaining service.]

(iii) Tampering with meters or other public utility's equipment.

(iv) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the public utility's delivery system.

(2) Upon termination, the public utility shall [make a good faith attempt to] provide a post termination notice to the customer or a responsible person at the affected premises, [and, in] which shall state with specificity the facts underlying the grounds for the immediate termination. In the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

(3) Occupants of premises affected by an immediate termination may dispute the termination with the public utility, and the public utility shall provide expedited review of the disputes, or the occupant may seek immediate review with the commission through an informal complaint or formal complaint.

(d) Timing of termination.--[Notwithstanding the provisions of section 1503 (relating to discontinuance of service), a public utility may terminate service for the reasons set forth in subsection (a) from Monday through Friday as long as the public utility can accept payment to restore service on the following day and can restore service consistent with section 1407 (relating to reconnection of service).] A public utility may not terminate service on a Friday, Saturday, Sunday, Federal or State holiday or on any day before such holiday.

(e) Winter termination.--

(1) Unless otherwise authorized by the commission, after November 30 and before April 1, [an electric distribution utility or natural gas distribution utility] a public utility shall not terminate service to customers [with household incomes at or below 250% of the Federal poverty level] except for those customers whose actions conform to subsection (c)

(1). [The commission shall not prohibit an electric distribution utility or natural gas distribution utility from terminating service in accordance with this section to customers with household incomes exceeding 250% of the Federal poverty level.]

(2) In addition to the winter termination authority set forth in paragraph (1), a city natural gas distribution operation may terminate service to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of his charges for each of the prior two months unless the customer has done one of the following:

(i) Has proven in accordance with commission rules

1 that his household contains one or more persons who are
2 65 years of age or over.

3 (ii) Has proven in accordance with commission rules
4 that his household contains one or more persons 12 years
5 of age or younger.

6 (iii) Has obtained a medical certification in
7 accordance with commission rules.

8 (iv) Has paid to the city natural gas distribution
9 operation an amount representing at least 15% of the
10 customer's monthly household income for each of the last
11 two months.

12 (3) At the time that the notice of termination required
13 by subsection (b)(1)(i) is provided to the customer, the city
14 natural gas distribution operation shall provide notice to
15 the commission. The commission shall not stay the termination
16 of service unless the commission finds that the customer
17 meets the criteria in paragraph (2)(i), (ii), (iii) or (iv).]

18 (f) Medical certification.--A public utility shall not
19 terminate or refuse to reconnect service to a premises when a
20 licensed physician [or], nurse practitioner [has certified that
21 the customer or a member of the customer's household], midwife,
22 physician's assistant or other licensed or certified nurse has
23 certified that an occupant of the household is seriously ill or
24 afflicted with a medical condition that will be aggravated by
25 cessation of service. The customer shall obtain a [letter from a
26 licensed physician] medical certificate verifying the condition
27 and shall promptly forward it to the public utility. If, prior
28 to termination of service, a public utility employee is informed
29 that an occupant is seriously ill or is afflicted with a medical
30 condition that will be aggravated by the cessation of service
31 and that a medical certification will be procured, termination
32 may not occur for at least three days. The medical certification
33 procedure shall be implemented in accordance with commission
34 regulations.

35 (g) Qualification for LIHEAP.--A notice of termination to a
36 customer of a public utility shall be sufficient proof of a
37 crisis for a customer with the requisite income level to receive
38 a LIHEAP Crisis Grant from the Department of Public Welfare or
39 its designee[.] as soon as practicable after the date of the
40 notice. Termination of service is not necessary to demonstrate
41 sufficient proof of crisis. A public utility shall accept
42 assignment of a LIHEAP Crisis Grant from the Department of
43 Public Welfare or its designee on behalf of a customer enrolled
44 in the utility's customer assistance program.

45 (h) Dishonorable tender of payment after receiving
46 termination notice.--

47 (1) After a public utility has provided [a written]
48 termination notice under subsection (b)(1)(i) [and attempted
49 telephone contact as provided in subsection (b)(1)(ii)], (ii)
50 and (iii), termination of service may proceed without
51 additional notice if:

(i) a customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor); [or]

(ii) a customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled[.]; or

(iii) a customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized.

(i) Commission public health and safety authority.--
Notwithstanding the provisions of this section and section 1405(f) (relating to payment arrangements), the commission may temporarily prohibit termination or order the restoration of previously terminated services for public health and safety reasons and other extenuating circumstances.

§ 1407. Reconnection of service.

(a) Fee.--A public utility may require a reconnection fee based upon the public utility's cost as approved by the commission prior to reconnection of service following lawful termination of the service.

(b) Timing.--When service to a dwelling has been terminated and provided the applicant has met all applicable conditions, the public utility shall reconnect service as follows:

(1) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification.

(2) Within 24 hours for terminations occurring after November 30 and before April 1.

(3) Within [three days] 48 hours for erroneous terminations requiring street or sidewalk digging.

(4) Within [three days] 24 hours from April 1 to November 30 for proper terminations.

(5) Within [seven days] 72 hours for proper terminations requiring street or sidewalk digging.

(c) Payment to restore service.--

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. When there is contact between a public utility and an applicant or customer concerning restoration of service, the utility shall also notify the applicant or customer verbally and in writing about the public utility's customer assistance program, inquire about the person's eligibility and enroll those eligible into the customer assistance program, with the customer's consent.

(2) A public utility may require:

(i) Full payment of any [outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service] reconnection fees together with repayment over 12 months

1 of any outstanding balance incurred by the customer or
2 applicant if the customer or applicant has an income
3 exceeding 300% of the Federal poverty level. [or has
4 defaulted on two or more payment agreements. If a
5 customer or applicant with household income exceeding
6 300% of the Federal poverty level experiences a life
7 event, the customer shall be permitted a period of not
8 more than three months to pay the outstanding balance
9 required for reconnection. For purposes of this
10 subparagraph, a life event is:

11 (A) A job loss that extended beyond nine months.

12 (B) A serious illness that extended beyond nine
13 months.

14 (C) Death of the primary wage earner.]

15 (ii) Full payment of any reconnection fees together
16 with repayment over [12] 36 months of any outstanding
17 balance incurred by the customer or applicant if the
18 customer or applicant has an income exceeding [150%] 250%
19 of the Federal poverty level but not greater than 300% of
20 the Federal poverty level.

21 (ii.1) Full payment of any reconnection fees
22 together with repayment over 48 months of any outstanding
23 balance incurred by the customer or applicant if the
24 customer or applicant has an income exceeding 150% of the
25 Federal poverty level but not greater than 250% of the
26 Federal poverty level.

27 (iii) Full payment of any reconnection fees together
28 with payment over [24] 60 months of any outstanding
29 balance incurred by the customer or applicant if the
30 customer or applicant has an income not exceeding 150% of
31 the Federal poverty level. A customer or applicant of a
32 [city natural gas distribution operation] public utility
33 whose household income does not exceed [135%] 150% of the
34 Federal poverty level shall be reinstated pursuant to
35 this subsection only if the customer or applicant enrolls
36 in the customer assistance program of the [city natural
37 gas distribution operation] public utility except that
38 this requirement shall not apply if the financial
39 benefits to such customer or applicant are greater if
40 served outside of that assistance program.

41 (iv) For customers enrolled in a public utility's
42 customer assistance program at the time of termination,
43 full payment of any reconnection fees together with a
44 portion of their unpaid customer assistance program
45 payments, to be determined according to standards
46 established by the commission.

47 (3) A public utility shall accept assignment of a LIHEAP
48 Crisis Grant from the Department of Public Welfare or its
49 designee and restore service to a customer enrolled in the
50 utility's customer assistance program.

51 (d) Payment of outstanding balance at premises.--A public

1 utility may also require the payment of any outstanding balance
2 or portion of an outstanding balance if the applicant [resided]
3 was a customer at the property for which service is requested
4 during the time the outstanding balance accrued and for the time
5 the applicant [resided there] was a customer.

6 (e) Approval.--A public utility may establish that an
7 applicant previously [resided] was a customer at a property for
8 which residential service is requested through the use of
9 mortgage, deed or lease information, a commercially available
10 consumer credit reporting service or other methods approved as
11 valid by the commission.

12 § 1410. Complaints filed with commission.

13 The following apply:

14 (1) The commission shall accept formal and informal
15 complaints only from customers or applicants who affirm that
16 they have first contacted the public utility for the purpose
17 of resolving the problem about which the customer wishes to
18 file a complaint. If the customer has not contacted the
19 public utility, the commission shall direct the customer to
20 the public utility.

21 (2) Pending the outcome of a formal or informal
22 complaint filed with the commission, the customer shall be
23 obligated to pay that portion of the bill which is not in
24 dispute and subsequent bills which are not in dispute.

25 (3) For a formal complaint filing to be valid, the
26 customer [needs to] or applicant must provide a statement
27 attesting to the truth as to the facts alleged in the
28 complaint. All testimony in formal complaint proceedings must
29 be under oath.

30 (4) The commission shall provide for expedited review of
31 informal complaints and formal complaints by customers,
32 applicants and occupants of premises affected by an immediate
33 termination, pursuant to section 1406(c) (relating to
34 termination of utility service).

35 § 1411. Automatic meter readings.

36 All readings by an automatic meter reader device shall be
37 deemed actual readings for the purposes of this title. Upon a
38 customer request, the public utility shall secure an in-person
39 meter reading to confirm the accuracy of an automatic meter
40 reading device. A public utility shall secure an in-person meter
41 reading to confirm the accuracy of an automatic meter reading
42 device when a customer disconnects service or a new service is
43 requested. A public utility may not charge a fee for such in-
44 person meter readings.

45 Section 4. Section 1414 of Title 66 is repealed:

46 [§ 1414. Liens by city natural gas distribution operations.

47 (a) General rule.--A city natural gas distribution operation
48 furnishing gas service to a property is entitled to impose or
49 assess a municipal claim against the property and file as liens
50 of record claims for unpaid natural gas distribution service and
51 other related costs, including natural gas supply, in the court

1 of common pleas of the county in which the property is situated
2 or, if the claim for the unpaid natural gas distribution service
3 does not exceed the maximum amount over which the Municipal
4 Court of Philadelphia has jurisdiction, in the Municipal Court
5 of Philadelphia, pursuant to sections 3 and 9 of the act of May
6 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim
7 and Tax Lien Law, and Chapter 22 (relating to natural gas
8 competition).

9 (b) Residential field visit charge.--A city natural gas
10 distribution operation is authorized to charge a minimum fee of
11 \$10 for each instance in which its representative is required to
12 visit the residence of a customer in the process of attempting
13 to complete required service termination steps.

14 (c) Refusal of service.--The commission shall permit a city
15 natural gas distribution operation to refuse to provide service
16 to an applicant if the applicant has a pending lien or civil
17 judgment by the city natural gas distribution operation
18 outstanding against the applicant or against property owned in
19 whole or in part by the applicant unless the applicant enters
20 into a payment arrangement for the payment of the amount
21 associated with the lien or judgment that remains outstanding at
22 the time of the application.]

23 Section 5. Sections 1415, 1417 and 1418 of Title 66 are
24 amended to read:

25 § 1415. Reporting to General Assembly and Governor.

26 (a) General rule.--No later than two years following the
27 effective date of this chapter and every two years thereafter,
28 the commission shall submit a report to the Governor, the Chief
29 Clerk of the House of Representatives and the Secretary of the
30 Senate reviewing the implementation of the provisions of this
31 chapter. The report shall include, but not be limited to:

32 (1) The degree to which the chapter's requirements have
33 been successfully implemented.

34 (2) The effect upon the cash working capital or cash
35 flow, uncollectible levels and collections of the affected
36 public utilities.

37 (3) The level of access to utility services by
38 residential customers, including low-income customers. The
39 data collected to assess the level of access to utility
40 services shall include, but not be limited to, a direct
41 survey of customers.

42 (4) The effect upon the level of consumer complaints and
43 mediations filed with and adjudicated by the commission.

44 (b) Additional reporting.--The commission shall report
45 to the General Assembly, the Governor, and the public through
46 the commission's Internet website, the following:

47 (1) Termination of service data, aggregated by income
48 groups of each utility, on a monthly basis.

49 (2) When, in the normal course of business, public
50 utilities become aware of a household fire, incident of
51 hypothermia or carbon monoxide poisoning or other event that

1 resulted in a death and that the utility service was off at
2 the time of the incident. Within one business day of becoming
3 aware of an incident, the public utility shall submit a
4 telephone or electronic report to the Director of the Bureau
5 of Consumer Services.

6 (3) Numbers of customers eligible for a public utility's
7 customer assistance program and actual numbers enrolled in
8 the assistance program, for each public utility, on a monthly
9 basis.

10 (4) Length of time, in ten-day increments, for
11 individuals to have service connected or reconnected after
12 the initial application or contact with the utility following
13 termination of service.

14 (c) Data.--Public utilities affected by this chapter shall
15 provide data required by the commission to complete [this
16 report] these reports. In its recommendations, the commission
17 may also propose any legislative or other changes which it deems
18 appropriate to the Governor and the General Assembly.

19 § 1417. Nonapplicability.

20 This chapter shall not apply to victims [under a protection
21 from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to
22 protection from abuse)] of domestic violence.

23 § 1418. Construction.

24 Nothing in this chapter shall affect any rights or procedure
25 under the act of November 26, 1978 (P.L.1255, No.299), known as
26 the Utility Service Tenants Rights Act or the provisions of
27 Subchapter B of Chapter 15 (relating to discontinuance of
28 service to leased premises).

29 Section 6. Title 66 is amended by adding a section to read:
30 § 1419. Expiration.

31 The provisions of this chapter shall expire on December 31,
32 2019.

33 Section 7. This act shall take effect in 60 days.