

AMENDMENTS TO HOUSE BILL NO. 939

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 2150

1 Amend Bill, page 4, line 22, by inserting after "(F)"

2 and 1406

3 Amend Bill, page 8, by inserting between lines 7 and 8

4 § 1406. Termination of utility service.

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

9 (1) Nonpayment of an undisputed delinquent account.

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

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

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

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

19 (1) Prior to terminating service under subsection (a), a
20 public utility:

21 (i) Shall provide written notice of the termination
22 to the customer at least ten days prior to the date of
23 the proposed termination. The termination notice shall
24 remain effective for [60] 30 days.

25 (ii) Shall attempt to contact the customer or
26 occupant[, either in person or by telephone, to provide
27 notice of the proposed termination at least three days
28 prior to the scheduled termination. Phone contact shall
29 be deemed complete upon attempted calls on two separate
30 days to the residence between the hours of 7 a.m. and 9
31 p.m. if the calls were made at various times each day.]
32 to provide notice of the proposed termination at least
33 three days prior to the scheduled termination using one
34 or more of the following methods:

35 (A) in person; or

36 (B) by telephone.

37 (iii) [During the months of December through March,

1 unless] After complying with subparagraphs (i) and (ii),
2 the public utility shall make in-person contact with the
3 customer or responsible adult at the time service is
4 terminated. If personal contact has not been made with
5 the customer or responsible adult by personally visiting
6 the customer's residence, the public utility shall,
7 within 48 hours of the scheduled date of termination,
8 post a notice of the proposed termination at the service
9 location.

10 [(iv) After complying with paragraphs (ii) and
11 (iii), the public utility shall attempt to make personal
12 contact with the customer or responsible adult at the
13 time service is terminated. Termination of service shall
14 not be delayed for failure to make personal contact.

15 (2) The public utility shall not be required by the
16 commission to take any additional actions prior to
17 termination.]

18 (2.1) For each of the above notices and contacts under
19 paragraph (1), and when the customer contacts the utility
20 prior to termination, the public utility shall notify the
21 customer verbally and in writing about the public utility's
22 customer assistance program, inquire about the customer's
23 eligibility and enroll eligible customers into the customer
24 assistance program, with the customer's consent.

25 (3) An application for a public utility's customer
26 assistance program shall stay termination of service for
27 nonpayment until a decision has been made on the application,
28 and the utility shall cancel the termination of service upon
29 approval for enrollment in the customer assistance program.

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

35 (c) Grounds for immediate termination.--

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

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

40 (ii) Fraud or material misrepresentation of the
41 customer's identity for the purpose of obtaining
42 service.]

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

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

48 (2) Upon termination, the public utility shall [make a
49 good faith attempt to] provide a post termination notice to
50 the customer or a responsible person at the affected
51 premises, [and, in] which shall state with specificity the

1 facts underlying the grounds for the immediate termination.

2 In the case of a single meter, multiunit dwelling, the public
3 utility shall conspicuously post the notice at the dwelling,
4 including in common areas when possible.

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

11 (d) Timing of termination.--[Notwithstanding the provisions
12 of section 1503 (relating to discontinuance of service), a
13 public utility may terminate service for the reasons set forth
14 in subsection (a) from Monday through Friday as long as the
15 public utility can accept payment to restore service on the
16 following day and can restore service consistent with section
17 1407 (relating to reconnection of service).] A public utility
18 may not terminate service on a Friday, Saturday, Sunday, Federal
19 or State holiday or on any day before such holiday.

20 (e) Winter termination.--

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

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

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

40 (i) Has proven in accordance with commission rules
41 that his household contains one or more persons who are
42 65 years of age or over.

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

46 (iii) Has obtained a medical certification in
47 accordance with commission rules.

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

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

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

24 (g) Qualification for LIHEAP.--A notice of termination to a
25 customer of a public utility shall be sufficient proof of a
26 crisis for a customer with the requisite income level to receive
27 a LIHEAP Crisis Grant from the Department of Public Welfare or
28 its designee[.] as soon as practicable after the date of the
29 notice. Termination of service is not necessary to demonstrate
30 sufficient proof of crisis. A public utility shall accept
31 assignment of a LIHEAP Crisis Grant from the Department of
32 Public Welfare or its designee on behalf of a customer enrolled
33 in the utility's customer assistance program.

34 (h) Dishonorable tender of payment after receiving
35 termination notice.--

36 (1) After a public utility has provided [a written]
37 termination notice under subsection (b)(1)(i) [and attempted
38 telephone contact as provided in subsection (b)(1)(ii)], (ii)
39 and (iii), termination of service may proceed without
40 additional notice if:

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

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

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

51 [(2) The public utility shall not be required by the

1 commission to take any additional actions prior to the
2 termination.]

3 (i) Commission public health and safety authority.--
4 Notwithstanding the provisions of this section and section
5 1405(f), the commission may temporarily prohibit termination or
6 order the restoration of previously terminated services for
7 public health and safety reasons and other extenuating
8 circumstances.

9 Amend Bill, page 8, lines 8 through 30; pages 9 and 10, lines
10 1 through 30; page 11, lines 1 through 7, by striking out all of
11 said lines on said pages

12 Amend Bill, page 11, line 8, by striking out "4" and
13 inserting

14 3

15 Amend Bill, page 12, line 15, by striking out "5" and
16 inserting

17 4

18 Amend Bill, page 13, line 12, by striking out "6" and
19 inserting

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21 Amend Bill, page 13, line 24, by striking out "7" and
22 inserting

23 6

24 Amend Bill, page 14, line 23, by striking out "8" and
25 inserting

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