

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 191

Session of
1977

INTRODUCED BY MESSRS. TAYLOR, L. E. SMITH, BENNETT, GARZIA,
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A. C. FOSTER, DOMBROWSKI, PYLES AND DeWEESE, FEBRUARY 9, 1977

SENATOR KURY, CONSUMER AFFAIRS, IN SENATE, RE-REPORTED AS
AMENDED, MAY 22, 1978

AN ACT

1 ~~Creating the Pennsylvania Energy Council; prescribing its duties~~ <—
2 ~~and powers; providing for the payment of its expenses;~~
3 ~~imposing duties upon Commonwealth departments, commissions~~
4 ~~and other agencies and making an appropriation.~~
5 AMENDING TITLE 66 (PUBLIC UTILITIES) OF THE PENNSYLVANIA <—
6 CONSOLIDATED STATUTES, ADDING PROVISIONS RELATING TO ENERGY
7 CONSERVATION AND CONTROL.
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5 § 4132. CIVIL PENALTIES.
6 § 4133. CRIMINAL PENALTIES.
7 § 4134. RECOMMENDING LICENSE SUSPENSION OR REVOCATION.

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

10 ~~Section 1. Findings and declaration of policy.~~ <—

11 ~~The General Assembly finds as a fact that there is in~~
12 ~~prospect for the indefinite future a shortage of all forms of~~
13 ~~energy, including oil, natural gas and other fuels and the~~
14 ~~electricity into which such fuels are sometimes converted; and~~
15 ~~that such shortage is likely to curtail industrial activity,~~
16 ~~increase unemployment and threaten the health, welfare and~~
17 ~~comfort of citizens of the Commonwealth.~~

18 ~~The future well being of Pennsylvania makes it imperative~~
19 ~~that the Commonwealth pursue a policy that will result in an~~
20 ~~energy program that will provide adequate supply of power for~~
21 ~~Pennsylvania.~~

22 ~~The General Assembly declares that it is the policy of the~~
23 ~~Commonwealth of Pennsylvania to make plans that will encourage~~
24 ~~the future growth of power supplies and the development of our~~
25 ~~natural resources so that the Commonwealth will progress~~
26 ~~economically, ecologically and socially.~~

27 ~~Because of the complexity of the problem, the diverse factors~~
28 ~~that make up the solution and the need for a coordinated policy~~
29 ~~that crosses departmental authority and local government~~
30 ~~boundary lines, the General Assembly creates the Pennsylvania~~
31 ~~Energy Council as the one authority that has jurisdiction over~~
32 ~~the study of the development and growth of energy resources.~~

33 ~~The council has authority to predict future energy needs of~~

~~the Commonwealth, to outline the course that needs to be pursued to keep needs and available supply in balance, to enlist the aid of the most competent persons in the energy field and maintain continuous surveillance of energy conditions and to make recommendations for legislation that would ameliorate or avert future energy shortages.~~

~~The Pennsylvania Energy Council shall formulate a comprehensive, integrated, long range energy plan for the Commonwealth and a program for the utilization of the Commonwealth's fuel supplies that will meet the present and future energy needs of the people of the Commonwealth.~~

~~Further, it is the policy of the Commonwealth of Pennsylvania that individuals, interested groups, representatives of governmental bodies, utility representatives and experts in the field of energy participate in timely and meaningful public hearings as part of the decision making process in the formation of such a program and in the selection of sites for facilities and transmission routes.~~

~~It is further the policy of the Commonwealth of Pennsylvania that every effort be made to make coal the primary source of energy in Pennsylvania.~~

~~Section 2. Council established.~~

~~There is hereby created as an arm of the General Assembly a Pennsylvania Energy Council composed of 15 members, consisting of the Secretary of Commerce, the Secretary of Environmental Resources, the Chairman of the Public Utility Commission or their respective designees, two members of the State Senate who shall be from different political parties and appointed by the President pro tempore of the Senate, two members of the House of Representatives, who shall be from different political parties~~

1 ~~and appointed by the Speaker of the House and the following to~~
2 ~~be appointed by the Governor: eight citizens, at least two of~~
3 ~~which must be members of consumer or environmental groups and~~
4 ~~four who shall be persons possessing knowledge and experience in~~
5 ~~the supply and use of oil, gas, coal and electricity~~
6 ~~respectively and two from the academic community who have~~
7 ~~expertise in energy related fields. The terms of the members~~
8 ~~appointed by the Governor shall be for three years each. Terms~~
9 ~~of members of the General Assembly will be for two years each,~~
10 ~~except that they shall not serve on the council if their term of~~
11 ~~office has expired.~~

12 ~~The Secretary of Commerce shall serve as temporary chairman~~
13 ~~of the council and shall call the first meeting within 30 days~~
14 ~~after this legislation shall become law. At the initial meeting~~
15 ~~and at the first meeting each year thereafter the commission~~
16 ~~shall elect one of its members as chairman, another as vice~~
17 ~~chairman and a third as secretary. Members shall be reimbursed~~
18 ~~for actual and necessary expenses. The commission may retain and~~
19 ~~fix the salary and compensation for an executive director and~~
20 ~~such professional, clerical and stenographic personnel as it may~~
21 ~~require in accordance with the act of April 9, 1929 (P.L.177,~~
22 ~~No.175), known as "The Administrative Code of 1929" and within~~
23 ~~budgetary limitations.~~

24 ~~Vacancies shall be filled for unexpired terms in the same~~
25 ~~manner as original appointments.~~

26 ~~Section 3.— Compensation.~~

27 ~~None of the members of the council shall receive a salary.~~
28 ~~Expenses actually incurred shall be reimbursed by warrant,~~
29 ~~signed by the executive director or the chairman of the council.~~

30 ~~Section 4.— Planning requirements.~~

1 ~~(a) The council shall prepare, maintain and publish a~~
2 ~~comprehensive, long range and integrated energy resources plan~~
3 ~~for the Commonwealth designed to meet the present and future~~
4 ~~energy needs of the Commonwealth pursuant to this act, as~~
5 ~~follows:~~

6 ~~(1) The council shall deliver such a plan annually to~~
7 ~~the General Assembly of the Commonwealth with the first such~~
8 ~~plan being presented not more than one year from the~~
9 ~~effective date of this act and such additional plans being~~
10 ~~presented on or before the anniversary date of the first~~
11 ~~plan.~~

12 ~~(2) The plan shall include energy supply projections,~~
13 ~~fuel supply projections, fuel supply locations and the need~~
14 ~~for development of energy and fuel supplies in a timely,~~
15 ~~efficient, ecological and economical manner.~~

16 ~~(3) The plan shall include an inventory of potential~~
17 ~~energy sites.~~

18 ~~(4) The council shall, as part of its annual report,~~
19 ~~recommend such legislation to the General Assembly as it~~
20 ~~deems necessary.~~

21 ~~(5) In order to formulate the plan the council may~~
22 ~~require such information as necessary from such corporations,~~
23 ~~cooperatives and municipal corporations as are active in the~~
24 ~~field of power supply, energy or supply of fuel for power~~
25 ~~supply as it may deem necessary and that the office may~~
26 ~~prepare and distribute forms upon which such information~~
27 ~~shall be produced.~~

28 ~~(6) In order to formulate the plan, the council may~~
29 ~~order such public hearings as it may deem necessary, but not~~
30 ~~less than three in different parts of the Commonwealth each~~

1 ~~year, take testimony, issue subpoenas under the seal of the~~
2 ~~director commanding any person to appear at the hearings and~~
3 ~~answer questions touching matters properly being inquired~~
4 ~~into and to produce such books, papers, records and documents~~
5 ~~as deemed necessary.~~

6 ~~(7) In recognition of the diverse factors that enter~~
7 ~~into the public hearings, the council shall invite all~~
8 ~~interested citizens, groups and representatives of political~~
9 ~~subdivisions and others interested to participate in the~~
10 ~~public hearings.~~

11 ~~(8) The council may request and shall receive from any~~
12 ~~unit of local government or any department, board, bureau,~~
13 ~~commission, office or other instrumentality of this~~
14 ~~Commonwealth such assistance and data as it determines is~~
15 ~~necessary or desirable in carrying out this act.~~

16 ~~(9) In order to formulate such plan, the council shall~~
17 ~~be authorized and empowered to undertake any studies,~~
18 ~~inquiries or analysis as it may deem necessary through its~~
19 ~~own personnel, in cooperation with any other private agency~~
20 ~~or through such contracts with such outside experts as it may~~
21 ~~deem necessary, provided that such contracts are made in~~
22 ~~accordance with the act of April 9, 1929 (P.L.177, No.175),~~
23 ~~known as "The Administrative Code of 1929" and within~~
24 ~~budgetary limitations.~~

25 ~~(b) The council may assist in the development of new methods~~
26 ~~of using the energy and fuel resources available within the~~
27 ~~Commonwealth. Special emphasis shall be placed on the~~
28 ~~development of coal as a fuel supply.~~

29 ~~(c) The council shall coordinate programs and plans of~~
30 ~~corporations, cooperatives and municipal authorities in~~

1 ~~conjunction with power supplies and fuel resources.~~

2 ~~(d) The council shall receive from the Council of Civil~~
3 ~~Defense plans to distribute emergency fuel supplies in the case~~
4 ~~of emergency with special emphasis on plans to supply hard to~~
5 ~~reach areas. In the event of such an emergency, the Council of~~
6 ~~Civil Defense, under the direction and control of the council,~~
7 ~~shall distribute emergency fuel supplies in accordance with said~~
8 ~~plan.~~

9 ~~(e) The council is authorized to receive, expend and~~
10 ~~distribute all energy related grants and funds.~~

11 ~~(f) The council is authorized to administer all Federal and~~
12 ~~State energy programs.~~

13 ~~Section 5. Federal coordination.~~

14 ~~The council shall cooperate with Federal and interstate~~
15 ~~authorities and is empowered to act as a coordinating agency~~
16 ~~with Federal and interstate authorities in planning for the~~
17 ~~future energy needs of the Commonwealth.~~

18 ~~In the formulation of the plan, the council shall meet the~~
19 ~~requirements of the Federal Energy Policy and Conservation Act~~
20 ~~(Public Law 94 163), and the Energy Conservation and Production~~
21 ~~Act (Public Law 94 385), including the following:~~

22 ~~(1) Programs to promote carpools and public~~
23 ~~transportation.~~

24 ~~(2) Mandatory lighting efficiency standards for public~~
25 ~~buildings.~~

26 ~~(3) Mandatory thermal efficiency standards and~~
27 ~~insulation requirements on all buildings.~~

28 ~~(4) Mandatory energy efficiency standards.~~

29 ~~(5) Programs for energy conservation.~~

30 ~~Section 6. Abolition.~~

~~The General Assembly hereby abolishes the Governor's Energy Council and all other such organizations within the government of the Commonwealth of Pennsylvania and transfers remaining appropriations from the Governor's Energy Council to the Pennsylvania Energy Council, along with all records, contracts, documents and similar material. All Federal Funds allocated to the Governor's Energy Council shall also be transferred.~~

~~Section 7. Appropriation.~~

~~All money previously appropriated to the Governor's Energy Council from all sources for the fiscal year 1977-1978 and remaining unspent shall be lapsed by the Budget Secretary on the effective date of this act and is hereby specifically reappropriated to the Pennsylvania Energy Council for the remainder of the fiscal year 1977-1978.~~

~~Section 8. Effective date.~~

~~This act shall take effect immediately.~~

SECTION 1. PART II OF TITLE 66, ACT OF NOVEMBER 25, 1970
(P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED
STATUTES, IS AMENDED BY ADDING A CHAPTER TO READ:

TITLE 66

PUBLIC UTILITIES

PART

II. OTHER PROVISIONS

PART II

OTHER PROVISIONS

CHAPTER

41. ENERGY CONSERVATION AND CONTROL

CHAPTER 41

ENERGY CONSERVATION AND CONTROL

SUBCHAPTER

1 A. PRELIMINARY PROVISIONS

2 B. PENNSYLVANIA ENERGY COUNCIL

3 C. ENERGY INFORMATION, PLANNING AND ALLOCATION

4 D. VIOLATIONS AND PENALTIES

5 SUBCHAPTER A

6 PRELIMINARY PROVISIONS

7 SEC.

8 4101. SHORT TITLE OF CHAPTER.

9 4102. FINDINGS AND DECLARATION OF POLICY.

10 4103. DEFINITIONS.

11 § 4101. SHORT TITLE OF CHAPTER.

12 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE "ENERGY
13 CONSERVATION AND CONTROL LAW."

14 § 4102. FINDINGS AND DECLARATION OF POLICY.

15 THE GENERAL ASSEMBLY FINDS AS A FACT THAT THERE IS IN
16 PROSPECT FOR THE INDEFINITE FUTURE A SHORTAGE OF ALL FORMS OF
17 ENERGY, INCLUDING OIL, NATURAL GAS AND OTHER FUELS AND THE
18 ELECTRICITY INTO WHICH SUCH FUELS ARE SOMETIMES CONVERTED; AND
19 THAT SUCH SHORTAGE IS LIKELY TO CURTAIL INDUSTRIAL ACTIVITY,
20 INCREASE UNEMPLOYMENT AND THREATEN THE HEALTH, WELFARE AND
21 COMFORT OF CITIZENS OF THE COMMONWEALTH.

22 THE FUTURE WELL-BEING OF PENNSYLVANIA MAKES IT IMPERATIVE
23 THAT THE COMMONWEALTH PURSUE A POLICY THAT WILL RESULT IN AN
24 ENERGY PROGRAM THAT WILL PROVIDE ADEQUATE SUPPLY OF ENERGY FOR
25 PENNSYLVANIA.

26 THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE
27 COMMONWEALTH OF PENNSYLVANIA TO MAKE PLANS THAT WILL ENCOURAGE
28 THE FUTURE GROWTH OF ENERGY SUPPLIES AND THE DEVELOPMENT OF OUR
29 NATURAL RESOURCES SO THAT THE COMMONWEALTH WILL PROGRESS
30 ECONOMICALLY, ECOLOGICALLY AND SOCIALLY.

1 THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE
2 COMMONWEALTH OF PENNSYLVANIA TO ENCOURAGE INDUSTRIAL DEVELOPMENT
3 OF SELF-SUFFICIENT MEANS OF ENERGY USAGE TO AVERT UNEMPLOYMENT
4 AND ITS EFFECTS UPON THE WELL-BEING OF THE CITIZENS OF THE
5 COMMONWEALTH WHICH WOULD LIKELY BE THE RESULT OF CURTAILING
6 INDUSTRIAL ACTIVITY DURING SHORTAGES OF ENERGY. THE DEVELOPMENT
7 OF WASTE HEAT AS AN ENERGY SOURCE FOR INDUSTRIAL CUSTOMERS SHALL
8 BE ENCOURAGED.

9 BECAUSE OF THE COMPLEXITY OF THE PROBLEM, THE DIVERSE FACTORS
10 THAT MAKE UP THE SOLUTION AND THE NEED FOR A COORDINATED POLICY
11 THAT CROSSES DEPARTMENTAL AUTHORITY AND LOCAL GOVERNMENT
12 BOUNDARY LINES, THE GENERAL ASSEMBLY CREATES THE PENNSYLVANIA
13 ENERGY COUNCIL TO OVERSEE THE DEVELOPMENT AND GROWTH OF ENERGY
14 RESOURCES IN THE COMMONWEALTH.

15 FURTHER, IT IS THE POLICY OF THE COMMONWEALTH OF PENNSYLVANIA
16 THAT INDIVIDUALS, INTERESTED GROUPS, REPRESENTATIVES OF
17 GOVERNMENTAL BODIES, UTILITY REPRESENTATIVES AND EXPERTS IN THE
18 FIELD OF ENERGY PARTICIPATE IN THE DECISION-MAKING PROCESS OF
19 THE COUNCIL.

20 IT IS FURTHER THE POLICY OF THE COMMONWEALTH OF PENNSYLVANIA
21 THAT EVERY EFFORT BE MADE TO MAKE COAL THE PRIMARY SOURCE OF
22 ENERGY IN PENNSYLVANIA.

23 § 4103. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
25 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
26 MEANINGS GIVEN TO THEM IN THIS SECTION:

27 "COUNCIL." THE PENNSYLVANIA ENERGY COUNCIL.

28 "DISASTER." A MAN-MADE DISASTER, NATURAL DISASTER OR WAR-
29 CAUSED DISASTER.

30 "DISTRIBUTOR." A PERSON WHO:

1 (1) IMPORTS INTO THIS COMMONWEALTH FUELS FOR USE,
2 DISTRIBUTION, STORAGE OR SALE IN THIS COMMONWEALTH; OR

3 (2) PRODUCES, REFINES, MANUFACTURES, BLENDS OR COMPOUNDS
4 FUELS AND SELLS, USES, STORES OR DISTRIBUTES FUELS WITHIN
5 THIS COMMONWEALTH.

6 "ENERGY FORM." ELECTRICITY HOWEVER GENERATED, FUELS, <—
7 PETROLEUM PRODUCTS AND GASES, AND ALL POWER DERIVED FROM, OR
8 GENERATED BY, ANY NATURAL OR MAN-MADE AGENT, INCLUDING, BUT NOT
9 LIMITED TO, PETROLEUM PRODUCTS, GASES, SOLAR RADIATION, ATOMIC
10 FISSION OR FUSION, MINERAL FORMATIONS, THERMAL GRADIENTS, WIND
11 OR WATER.

12 ~~"ENERGY FACILITY." ANY PLANT OR OPERATION WHICH PRODUCES,~~ <—
13 ~~CONVERTS, DISTRIBUTES OR STORES, EXCEPT STORAGE FOR ITS OWN USE,~~
14 ~~ENERGY OR CONVERTS ONE FORM OF ENERGY TO ANOTHER. THE TERM DOES~~
15 ~~NOT INCLUDE AN OPERATION CONDUCTED BY A PERSON ACTING ONLY AS A~~
16 ~~RETAIL DEALER, NOR DOES THE TERM INCLUDE ANY PLANT OR OPERATION~~
17 ~~WHICH MINES OR PRODUCES ENERGY STRICTLY FOR ITS OWN~~
18 ~~MANUFACTURING PROCESSES, OR ANY FACILITY UTILIZING WASTE PROCESS~~
19 ~~HEAT AS AN ENERGY EFFICIENCY MEASURE.~~

20 "ENERGY INDUSTRY." A PERSON ENGAGED IN THE EXPLORATION,
21 EXTRACTION, TRANSPORTATION, TRANSMISSION, REFINING, PROCESSING,
22 GENERATION, DISTRIBUTION, SALE OR STORAGE OF ENERGY FOR THE <—
23 PRODUCTION OF LIGHT, HEAT OR POWER.

24 "EXECUTIVE DIRECTOR." THE DIRECTOR OF THE PENNSYLVANIA
25 ENERGY COUNCIL.

26 "FUEL." COAL, PETROLEUM PRODUCTS, GASES AND NUCLEAR FUEL,
27 INCLUDING ENRICHED URANIUM, U235 AND U238, AND PLUTONIUM, U239.

28 "GASES." NATURAL GAS, METHANE, LIQUIFIED NATURAL GAS,
29 SYNTHETIC NATURAL GAS, COAL GAS AND OTHER MANUFACTURED GASES.

30 "MAN-MADE DISASTER." ANY INDUSTRIAL, NUCLEAR OR

1 TRANSPORTATION ACCIDENT, EXPLOSION, CONFLAGRATION, POWER
2 FAILURE, NATURAL RESOURCE SHORTAGE OR OTHER CONDITION, EXCEPT
3 ENEMY ACTION, RESULTING FROM MAN-MADE CAUSES, SUCH AS OIL SPILLS
4 AND OTHER INJURIOUS ENVIRONMENTAL CONTAMINATION, WHICH THREATENS
5 OR CAUSES DAMAGE TO PROPERTY, HUMAN SUFFERING, HARDSHIP OR LOSS
6 OF LIFE.

7 "NATURAL DISASTER." ANY HURRICANE, TORNADO, STORM, FLOOD,
8 HIGH WATER, WIND-DRIVEN WATER, TIDAL WAVE, EARTHQUAKE,
9 LANDSLIDE, MUDSLIDE, SNOWSTORM, DROUGHT, FIRE, EXPLOSION, OTHER
10 SEVERE WEATHER CONDITION OR OTHER CATASTROPHE WHICH RESULTS IN
11 SUBSTANTIAL DAMAGE TO PROPERTY, HARDSHIP, SUFFERING OR POSSIBLE <—
12 LOSS OF LIFE.

13 "PERSON." <—

14 (1) INDIVIDUALS, PARTNERSHIPS, OR ASSOCIATIONS OTHER
15 THAN CORPORATIONS, AND INCLUDES THEIR LESSEES, ASSIGNEES,
16 TRUSTEES, RECEIVERS, EXECUTORS, ADMINISTRATORS, OR OTHER
17 SUCCESSORS IN INTEREST.

18 (2) ALL BODIES CORPORATE, JOINT-STOCK COMPANIES, OR
19 ASSOCIATIONS, DOMESTIC OR FOREIGN, THEIR LESSEES, ASSIGNEES,
20 TRUSTEES, RECEIVERS OR OTHER SUCCESSORS IN INTEREST HAVING
21 ANY OF THE POWERS OR PRIVILEGES OF CORPORATIONS NOT POSSESSED
22 BY INDIVIDUALS OR PARTNERSHIPS AND SHALL INCLUDE BONA FIDE
23 COOPERATIVE ASSOCIATIONS WHICH FURNISH SERVICE ON A NONPROFIT
24 BASIS ONLY TO THEIR STOCK HOLDERS OR MEMBERS.

25 (3) ALL CITIES, BOROUGHs, TOWNS, TOWNSHIPS, OR COUNTIES
26 OF THIS COMMONWEALTH AND ALSO ANY PUBLIC CORPORATION,
27 AUTHORITY OR BODY WHATSOEVER CREATED OR ORGANIZED UNDER ANY
28 LAW OF THIS COMMONWEALTH FOR THE PURPOSE OF RENDERING ANY
29 SERVICE SIMILAR TO THAT OF A PUBLIC UTILITY.

30 NOTHING CONTAINED IN THIS ACT IS INTENDED TO AND NOTHING

1 CONTAINED IN THIS ACT SHALL BE CONSTRUED TO INCREASE THE
2 JURISDICTION OF THE PUBLIC UTILITY COMMISSION OF THE
3 COMMONWEALTH OF PENNSYLVANIA.

4 "PETROLEUM PRODUCTS." INCLUDES MOTOR GASOLINE, MIDDLE
5 DISTILLATE OILS, RESIDUAL FUEL OILS, AVIATION FUEL, PROPANE,
6 BUTANE, NATURAL GASOLINE, NAPHTHA, GAS OILS, LUBRICATING OILS
7 AND ANY OTHER SIMILAR OR DISSIMILAR LIQUID HYDROCARBONS.

8 "PURCHASE." INCLUDES, IN ADDITION TO ITS ORDINARY MEANING,
9 ANY ACQUISITION OF OWNERSHIP OR POSSESSION INCLUDING BUT NOT
10 LIMITED TO CONDEMNATION BY EMINENT DOMAIN PROCEEDINGS.

11 "RETAIL DEALER." A PERSON WHO ENGAGES IN THE BUSINESS OF
12 SELLING FUELS FROM A FIXED LOCATION INCLUDING BUT NOT LIMITED TO
13 A SERVICE STATION, FILLING STATION, STORE OR GARAGE DIRECTLY TO
14 THE ULTIMATE USERS OF THE FUEL.

15 "SALE." INCLUDES, IN ADDITION TO ITS ORDINARY MEANING, ANY
16 EXCHANGE, GIFT, THEFT OR OTHER DISPOSITION. IN CASES WHERE FUELS
17 ARE EXCHANGED, GIVEN, STOLEN OR OTHERWISE DISPOSED OF, THEY
18 SHALL BE DEEMED TO HAVE BEEN SOLD.

19 "TRADE SECRET." THE WHOLE OR ANY PORTION OR PHASE OF ANY
20 SCIENTIFIC, TECHNICAL, CONFIDENTIAL BUSINESS OR FINANCIAL OR <—
21 OTHERWISE PROPRIETARY INFORMATION, DESIGN, PROCESS, PROCEDURE,
22 FORMULA OR IMPROVEMENT WHICH IS USED IN ONE'S BUSINESS AND IS
23 SECRET AND OF VALUE; AND A TRADE SECRET SHALL BE PRESUMED TO BE
24 SECRET WHEN THE OWNER TAKES MEASURES TO PREVENT IT FROM BECOMING
25 AVAILABLE TO PERSONS OTHER THAN THOSE SELECTED BY THE OWNER TO
26 HAVE ACCESS THERETO FOR LIMITED PURPOSES.

27 "WAR-CAUSED DISASTER." ANY CONDITION FOLLOWING AN ATTACK
28 UPON THE UNITED STATES RESULTING IN SUBSTANTIAL DAMAGE TO
29 PROPERTY OR INJURY TO PERSONS IN THE UNITED STATES CAUSED BY USE
30 OF BOMBS, MISSILES, SHELLFIRE, NUCLEAR, RADIOLOGICAL, CHEMICAL

1 OR BIOLOGICAL MEANS, OR OTHER WEAPONS OR OVERT PARAMILITARY
2 ACTIONS, OR OTHER CONDITIONS SUCH AS SABOTAGE.

3 "WHOLESALE DEALER." A PERSON WHO ENGAGES IN THE BUSINESS OF
4 SELLING FUELS TO OTHER PERSONS WHO RESELL THE FUEL.

5 SUBCHAPTER B

6 PENNSYLVANIA ENERGY COUNCIL

7 SEC.

8 4111. ESTABLISHMENT OF COUNCIL.

9 4112. ORGANIZATION OF COUNCIL.

10 4113. POWERS AND DUTIES.

11 4114. UTILIZATION OF EXISTING SERVICES AND FACILITIES.

12 ~~4115. ACCESS TO FACILITIES AND RECORDS OF ENERGY INDUSTRIES.~~ <—

13 ~~4116. SUBPOENA AND EXAMINATION OF WITNESSES AND DOCUMENTS.~~

14 ~~4117. ENFORCEMENT OF SUBPOENA AND ACCESS POWERS.~~ <—

15 § 4111. ESTABLISHMENT OF COUNCIL.

16 THERE IS HEREBY ESTABLISHED THE PENNSYLVANIA ENERGY COUNCIL
17 TO ASSIST IN THE DIRECTION, CONTROL AND COORDINATION OF ENERGY
18 RESOURCES.

19 § 4112. ORGANIZATION OF COUNCIL.

20 (A) COMPOSITION.--THE COUNCIL SHALL CONSIST OF THE GOVERNOR
21 EX OFFICIO, LIEUTENANT GOVERNOR, ADJUTANT GENERAL, CHAIRMAN OF
22 THE OFFICE OF EMERGENCY PREPAREDNESS, CHAIRMAN OF THE PUBLIC
23 UTILITY COMMISSION, SECRETARY OF ENVIRONMENTAL RESOURCES,
24 SECRETARY OF TRANSPORTATION, SECRETARY OF COMMERCE, SECRETARY OF
25 COMMUNITY AFFAIRS OR THEIR DESIGNEES, TWO MEMBERS OF THE SENATE,
26 WHO SHALL BE FROM DIFFERENT POLITICAL PARTIES AND WHO SHALL BE
27 APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, TWO
28 MEMBERS OF THE HOUSE OF REPRESENTATIVES, WHO SHALL BE FROM
29 DIFFERENT POLITICAL PARTIES AND WHO SHALL BE APPOINTED BY THE
30 SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES AND

1 EIGHT CITIZENS, TO BE APPOINTED FOR TERMS OF THREE YEARS BY THE
2 GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE
3 MEMBERS ELECTED TO THE SENATE, TWO OF WHOM SHALL BE MEMBERS OF
4 THE GENERAL PUBLIC, TWO OF WHOM SHALL BE ELECTED MUNICIPAL
5 GOVERNMENT OFFICIALS AND FOUR OF WHOM SHALL ~~EITHER BE PERSONS~~ <—
6 INDIVIDUALS POSSESSING KNOWLEDGE AND EXPERIENCE IN THE FIELDS OF
7 OIL, GAS, COAL ~~OR~~ AND ELECTRICITY, RESPECTIVELY. TERMS OF <—
8 MEMBERS OF THE GENERAL ASSEMBLY WILL BE FOR TWO YEARS EACH,
9 EXCEPT THAT THEY SHALL NOT SERVE ON THE COUNCIL IF THEIR TERM OF
10 OFFICE HAS EXPIRED. VACANCIES SHALL BE FILLED FOR UNEXPIRED
11 TERMS IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

12 (B) OFFICERS, QUORUM AND MEETINGS.--THE LIEUTENANT GOVERNOR
13 SHALL BE THE CHAIRMAN AND THE COUNCIL SHALL AT THE INITIAL
14 MEETING AND AT THE FIRST MEETING EACH YEAR THEREAFTER ELECT A
15 VICE CHAIRMAN AND A SECRETARY FROM THE MEMBERSHIP. ELEVEN <—
16 MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM. THE COUNCIL
17 SHALL MEET WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT AND
18 THEREAFTER AT THE CALL OF THE CHAIRMAN OR A MAJORITY OF ITS
19 MEMBERS.

20 (C) EMPLOYEES AND EXPENDITURES.--THE COUNCIL MAY EMPLOY AN
21 EXECUTIVE DIRECTOR AND SUCH TECHNICAL, CLERICAL, STENOGRAPHIC
22 AND OTHER PERSONNEL, ~~FIX THEIR COMPENSATION~~ WHOSE COMPENSATION <—
23 SHALL BE FIXED BY THE EXECUTIVE BOARD AND MAY MAKE SUCH
24 EXPENDITURES WITHIN THE APPROPRIATION THEREFOR OR OTHER FUNDS
25 MADE AVAILABLE TO IT AS ARE NECESSARY TO CARRY OUT THE PURPOSES
26 OF THIS CHAPTER.

27 (D) COMPENSATION AND EXPENSES.--THE MEMBERS OF THE COUNCIL
28 SHALL SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR THEIR
29 ACTUAL AND NECESSARY TRAVELING AND OTHER EXPENSES INCURRED IN
30 CONNECTION WITH ATTENDANCE UPON MEETINGS OF THE COUNCIL.

1 (E) OFFICES, EQUIPMENT AND SUPPLIES.--THE COUNCIL SHALL BE
2 PROVIDED WITH APPROPRIATE OFFICE SPACE, FURNITURE, EQUIPMENT,
3 SUPPLIES, STATIONERY AND PRINTING IN THE SAME MANNER AS OTHER
4 COMMONWEALTH AGENCIES ARE SUPPLIED.

5 (F) CONFLICT OF INTEREST.--NO ~~PERSON~~ INDIVIDUAL WHO IS AN <—
6 OFFICIAL OR EMPLOYEE OF THE COUNCIL SHALL PARTICIPATE IN ANY
7 MANNER IN ANY DECISION OR ACTION OF THE COUNCIL WHEREIN THE
8 OFFICIAL OR EMPLOYEE HAS A DIRECT OR INDIRECT FINANCIAL
9 INTEREST.

10 (G) APPLICABILITY OF OTHER LAW.--THE COUNCIL SHALL BE
11 SUBJECT TO THE PROVISIONS OF THE ACT OF APRIL 9, 1929 (P.L.177,
12 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," EXCEPT AS
13 ~~IN THIS PART~~ OTHERWISE PROVIDED IN THIS CHAPTER. <—

14 § 4113. POWERS AND DUTIES.

15 THE COUNCIL SHALL:

16 (1) BE THE CENTRAL REPOSITORY WITHIN THIS COMMONWEALTH
17 FOR THE COLLECTION OF ENERGY INFORMATION.

18 (2) COLLECT AND ANALYZE DATA RELATING TO PRESENT AND
19 FUTURE DEMANDS AND RESOURCES FOR ALL FORMS OF ENERGY.

20 ~~(3) HAVE AUTHORITY TO REQUIRE ANY ENERGY INDUSTRY WITHIN <—~~
21 ~~THIS COMMONWEALTH TO SUBMIT SUCH INFORMATION AS SHALL BE~~
22 ~~REQUIRED TO CARRY OUT THE PROVISIONS OF THIS CHAPTER~~
23 ~~INCLUDING BUT NOT LIMITED TO INFORMATION NECESSARY FOR~~
24 ~~DETERMINING THE IMPACT OF ANY CONSTRUCTION OR DEVELOPMENT ON~~
25 ~~THE PRODUCTION, DISTRIBUTION, CONSUMPTION OR CONSERVATION OF~~
26 ~~ENERGY WITHIN THIS COMMONWEALTH.~~

27 (3) HAVE AUTHORITY TO REQUIRE ANY ENERGY INDUSTRY WITHIN <—
28 THIS COMMONWEALTH TO SUBMIT SUCH INFORMATION AS SHALL BE
29 REASONABLY REQUIRED TO ASCERTAIN THE PROSPECT AND IMPACT OF
30 AN ENERGY SHORTAGE, INCLUDING BUT NOT LIMITED TO FIGURES WITH

1 REGARD TO CURRENT AND PROJECTED CONSUMPTION, AVAILABILITY,
2 ALTERNATE SOURCES, RESERVES, DEMAND AND SUCH OTHER
3 INFORMATION AS MAY BE REASONABLY NECESSARY TO FULFILL THE
4 PURPOSES OF THIS PARAGRAPH.

5 (4) ESTABLISH AN ENERGY INFORMATION SYSTEM WHICH WILL
6 PROVIDE FOR THE FORECASTING AND PUBLISHING OF ANTICIPATED
7 ENERGY SHORTAGES AND WHICH WILL PROVIDE ALL DATA NECESSARY TO
8 INSURE A FAIR AND EQUITABLE DISTRIBUTION OF AVAILABLE ENERGY,
9 PERMIT A MORE EFFICIENT AND EFFECTIVE USE OF AVAILABLE ENERGY
10 AND PROVIDE THE BASIS FOR LONG-TERM PLANNING RELATED TO
11 ENERGY NEEDS.

12 (5) INFORM AND EDUCATE THE PUBLIC ABOUT THE WAYS IN
13 WHICH ENERGY CAN BE CONSERVED.

14 (6) MONITOR PRICES CHARGED FOR ENERGY WITHIN THIS
15 COMMONWEALTH, EVALUATE POLICIES GOVERNING THE ESTABLISHMENT
16 OF RATES AND PRICES FOR ENERGY AND MAKE RECOMMENDATIONS FOR
17 NECESSARY CHANGES IN THESE POLICIES TO OTHER CONCERNED
18 FEDERAL AND COMMONWEALTH AGENCIES AND TO THE GENERAL
19 ASSEMBLY.

20 (7) HAVE AUTHORITY TO CONDUCT AND SUPERVISE RESEARCH
21 PROJECTS AND PROGRAMS FOR THE PURPOSE OF INCREASING THE
22 EFFICIENCY OF ENERGY USE, DEVELOPING NEW SOURCES OF ENERGY,
23 EVALUATING ENERGY CONSERVATION MEASURES AND MEETING OTHER
24 GOALS CONSISTENT WITH THE INTENT OF THIS CHAPTER, AND IT MAY
25 DO SO IN COOPERATION WITH ANY OTHER PUBLIC OR PRIVATE AGENCY
26 OR THROUGH SUCH CONTRACTS WITH SUCH OUTSIDE EXPERTS AS IT MAY
27 DEEM NECESSARY, PROVIDED THAT SUCH CONTRACTS ARE MADE IN
28 ACCORDANCE WITH THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
29 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," AND WITHIN
30 BUDGETARY LIMITATIONS. THE COUNCIL SHALL PLACE SPECIAL

1 EMPHASIS ON THE DEVELOPMENT OF ENERGY AND FUEL RESOURCES
2 AVAILABLE WITHIN THE COMMONWEALTH, ESPECIALLY COAL.

3 (8) HAVE AUTHORITY TO DISTRIBUTE AND EXPEND FUNDS MADE
4 AVAILABLE FOR THE PURPOSE OF RESEARCH PROJECTS AND PROGRAMS
5 AND FOR THE CONVERSION OF WASTE HEAT INTO USABLE ENERGY. <—

6 (9) HAVE AUTHORITY TO ENTER INTO INTERSTATE COMPACTS IN
7 ORDER TO CARRY OUT ENERGY RESEARCH AND PLANNING WITH OTHER
8 STATES OR THE FEDERAL GOVERNMENT WHERE APPROPRIATE.

9 (10) HAVE AUTHORITY TO APPLY FOR, ACCEPT AND EXPEND
10 GRANTS-IN-AID AND ASSISTANCE FROM PRIVATE AND PUBLIC SOURCES
11 FOR ENERGY PROGRAMS. NOTWITHSTANDING ANY OTHER LAW TO THE
12 CONTRARY, THE COUNCIL IS DESIGNATED AS THE COMMONWEALTH
13 AGENCY TO APPLY FOR, RECEIVE AND EXPEND FEDERAL AND OTHER
14 FUNDING MADE AVAILABLE TO THE COMMONWEALTH FOR THE PURPOSES
15 OF THIS CHAPTER SUBJECT TO APPROPRIATION BY THE GENERAL
16 ASSEMBLY.

17 (11) HAVE AUTHORITY TO ADOPT AND PROMULGATE RULES AND
18 REGULATIONS NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF
19 THIS CHAPTER AS SPECIFICALLY SET FORTH IN THIS SECTION. <—

20 (12) ADMINISTER SUCH REGULATIONS OF AGENCIES OF THE
21 FEDERAL GOVERNMENT AS ARE APPLICABLE TO THE STATES INCLUDING
22 BUT NOT LIMITED TO STATE ENERGY CONSERVATION PLANS.

23 § 4114. UTILIZATION OF EXISTING SERVICES, ~~AND~~ FACILITIES <—
24 AND RECORDS. <—

25 IN ORDER TO AVOID DUPLICATION OF SERVICES AND FACILITIES, THE
26 COUNCIL SHALL UTILIZE THE SERVICES AND FACILITIES OF EXISTING
27 OFFICERS AND AGENCIES OF THE COMMONWEALTH AND THE POLITICAL
28 SUBDIVISIONS THEREOF. THESE OFFICERS AND AGENCIES SHALL
29 COOPERATE WITH AND EXTEND THEIR SERVICES AND FACILITIES TO THE
30 COUNCIL AS IT SHALL REQUEST. THE COUNCIL SHALL HAVE ACCESS TO <—

1 AND USE ANY BOOKS, RECORDS OR DOCUMENTS IN THE POSSESSION OF ANY
2 AGENCY OF THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF.

3 ~~§ 4115. ACCESS TO FACILITIES AND RECORDS OF ENERGY INDUSTRIES.~~ <—

4 ~~THE COUNCIL SHALL HAVE FULL POWER AND AUTHORITY WHENEVER IT~~
5 ~~SHALL DEEM IT NECESSARY OR PROPER IN CARRYING OUT ANY OF THE~~
6 ~~PROVISIONS OF THIS CHAPTER TO ENTER UPON THE PREMISES,~~
7 ~~BUILDINGS, MACHINERY, SYSTEM, PLANT OR EQUIPMENT AND MAKE ANY~~
8 ~~INSPECTION, VALUATION, PHYSICAL EXAMINATION, INQUIRY OR~~
9 ~~INVESTIGATION OF ANY AND ALL PLANT AND EQUIPMENT, FACILITIES,~~
10 ~~PROPERTY AND PERTINENT RECORDS, BOOKS, PAPERS, MEMORANDA,~~
11 ~~DOCUMENTS OR EFFECTS WHATSOEVER OF ANY ENERGY INDUSTRY, AND TO~~
12 ~~HOLD ANY HEARING FOR SUCH PURPOSES. IN THE EXERCISE OF THESE~~
13 ~~POWERS, THE COUNCIL MAY HAVE ACCESS TO AND USE ANY BOOKS,~~
14 ~~RECORDS OR DOCUMENTS IN THE POSSESSION OF ANY AGENCY OF THE~~
15 ~~COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF. THE COUNCIL~~
16 ~~SHALL PRESERVE THE CONFIDENTIALITY OF ANY TRADE SECRETS OF WHICH~~
17 ~~IT LEARNS IN THE EXERCISE OF THE POWERS GRANTED BY THIS SECTION.~~

18 ~~§ 4116. SUBPOENA AND EXAMINATION OF WITNESSES AND DOCUMENTS.~~

19 ~~(A) GENERAL RULE. THE COUNCIL SHALL HAVE THE POWER, IN ANY~~
20 ~~PART OF THIS COMMONWEALTH, TO SUBPOENA WITNESSES, ADMINISTER~~
21 ~~OATHS, EXAMINE WITNESSES OR TAKE SUCH TESTIMONY, OR COMPEL THE~~
22 ~~PRODUCTION OF SUCH BOOKS, RECORDS, PAPERS AND DOCUMENTS AS IT~~
23 ~~MAY DEEM NECESSARY OR PROPER IN AND PERTINENT TO ANY PROCEEDING,~~
24 ~~INVESTIGATION OR HEARING HELD OR HAD BY IT AND TO DO ALL~~
25 ~~NECESSARY AND PROPER THINGS AND ACTS IN THE LAWFUL EXERCISE OF~~
26 ~~ITS POWERS OR THE PERFORMANCE OF ITS DUTIES. THE COUNCIL SHALL~~
27 ~~PRESERVE THE CONFIDENTIALITY OF ANY TRADE SECRETS OF WHICH IT~~
28 ~~LEARNS IN THE EXERCISE OF THE POWERS GRANTED BY THIS SECTION.~~

29 ~~(B) FEES FOR SERVING SUBPOENA. THE FEES FOR SERVING A~~
30 ~~SUBPOENA SHALL BE THE SAME AS THOSE PAID SHERIFFS FOR SIMILAR~~

1 ~~SERVICES.~~

2 ~~(C) PENALTY. IT IS A SUMMARY OFFENSE FOR ANY INDIVIDUAL~~
3 ~~SUBPOENAED TO ATTEND BEFORE THE COUNCIL, OR ITS REPRESENTATIVE~~
4 ~~TO FAIL TO OBEY THE COMMAND OF THE SUBPOENA, OR FOR ANY~~
5 ~~INDIVIDUAL IN ATTENDANCE BEFORE THE COUNCIL OR ITS~~
6 ~~REPRESENTATIVE TO REFUSE TO BE SWORN OR TO BE EXAMINED, OR TO~~
7 ~~ANSWER ANY RELEVANT QUESTION, OR TO PRODUCE ANY RELEVANT DATA,~~
8 ~~BOOK, RECORD, PAPER OR DOCUMENT WHEN ORDERED SO TO DO BY THE~~
9 ~~COUNCIL OR ITS REPRESENTATIVE.~~

10 ~~§ 4117. ENFORCEMENT OF SUBPOENA AND ACCESS POWERS.~~

<—

11 ~~WHENEVER AN ENERGY INDUSTRY REFUSES TO GRANT OR RAISES~~
12 ~~OBJECTIONS TO THE COUNCIL'S POWER OF ACCESS OR SUBPOENA~~
13 ~~AUTHORIZED PURSUANT TO SECTION 4115 (RELATING TO ACCESS TO~~
14 ~~FACILITIES AND RECORDS OF ENERGY INDUSTRIES) OR SECTION 4116~~
15 ~~(RELATING TO SUBPOENA AND EXAMINATION OF WITNESSES AND~~
16 ~~DOCUMENTS), THE COUNCIL MAY PETITION THE COMMONWEALTH COURT FOR~~
17 ~~AN IMMEDIATE HEARING TO DETERMINE WHETHER THE REQUEST FOR ACCESS~~
18 ~~OR SUBPOENA OF THE COUNCIL SHALL BE UPHELD. UPON A SHOWING BY~~
19 ~~THE COUNCIL THAT THE REQUESTED ACCESS OR SUBPOENA IS NECESSARY~~
20 ~~TO IMPLEMENT THIS ACT, THE COURT SHALL UPHOLD THE COUNCIL UNDER~~
21 ~~SUCH CONDITIONS AS IT DEEMS APPROPRIATE.~~

22 SUBCHAPTER C

23 ENERGY INFORMATION, PLANNING AND ALLOCATION
24 SEC.

25 4121. PERIODIC REPORTS FROM ENERGY INDUSTRIES.

26 4122. UTILIZATION OF PREVIOUSLY SUPPLIED INFORMATION.

27 4123. MASTER ENERGY PLAN.

28 4124. EMERGENCY ENERGY ALLOCATION PLAN.

29 4125. DECLARATION BY GOVERNOR OF DISASTER EMERGENCY.

30 4126. POWERS DURING DISASTER EMERGENCY.

§ 4121. PERIODIC REPORTS FROM ENERGY INDUSTRIES.

(A) GENERAL RULE.--THE COUNCIL SHALL ADOPT RULES AND REGULATIONS REQUIRING THE PERIODIC REPORTING BY ENERGY INDUSTRIES OF ENERGY INFORMATION WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(1) ELECTRICAL GENERATING CAPACITY IN THIS COMMONWEALTH; LONG-RANGE PLANS FOR ADDITIONS TO THAT CAPACITY; EFFICIENCY OF ELECTRICAL GENERATION; PRICE AND COST FACTORS IN ELECTRICAL GENERATION; TYPES AND QUANTITIES OF FUELS USED; PROJECTIONS OF FUTURE DEMAND, CONSUMPTION OF ELECTRICITY BY SECTORS; AND TIMES, DURATION AND LEVELS OF PEAK DEMAND.

(2) PETROLEUM REFINING CAPACITY; AMOUNT AND TYPE OF FUEL PRODUCED; AMOUNT AND TYPE OF FUEL SOLD; INTERSTATE TRANSFERS OF FUEL; PRICE AND COST FACTORS IN REFINING, PRODUCTION AND SALE; LONG-TERM PLANS FOR ALTERATIONS OR ADDITIONS TO REFINING CAPACITY; AND LOCATION, AMOUNT AND TYPE OF FUEL STORAGE.

(3) STORAGE CAPACITY FOR GASES; AMOUNT AND END USES OF GASES SOLD; AND PRICE AND COST FACTORS IN THE SALE AND USE OF GASES.

(4) PRICE AND COST FACTORS IN THE SALE AND USE OF FUEL OIL; INTERSTATE TRANSFERS OF FUEL OIL; AMOUNT AND TYPE OF FUEL OIL SOLD; LONG-TERM PLANS FOR ALTERATIONS OR ADDITIONS TO STORAGE CAPACITY; AND LOCATION, AMOUNT AND TYPE OF FUEL OIL STORAGE.

(5) SUCH OTHER INFORMATION AS THE COUNCIL MAY DETERMINE NECESSARY FOR CARRYING OUT THE PURPOSES OF THIS CHAPTER.

(B) FILING COPIES OF REPORTS TO FEDERAL AGENCIES.--THE COUNCIL MAY REQUIRE THE ENERGY INDUSTRY OR PERSON TO FILE WITH IT A COPY OF ANY REPORT FILED BY THE ENERGY INDUSTRY OR PERSON

1 WITH ANY FEDERAL AGENCY.

2 (C) OATH OR AFFIRMATION.--ALL INFORMATION SUBMITTED SHALL BE
3 UNDER OATH OR AFFIRMATION WHEN REQUIRED BY THE COUNCIL.

4 (D) ANNUAL REPORT ANALYZING INFORMATION.--THE COUNCIL SHALL
5 AT LEAST ANNUALLY PUBLISH A REPORT ANALYZING ALL ENERGY
6 INFORMATION COLLECTED, BUT SHALL NOT EXPLICITLY PUBLISH ANY
7 TRADE SECRET OR PUBLISH ANY INFORMATION WHICH COULD HAVE THE
8 EFFECT OF DISCLOSING A TRADE SECRET.

9 (E) TRADE SECRETS.--THE COUNCIL AND ALL PERSONS SHALL
10 PRESERVE THE CONFIDENTIALITY OF ANY TRADE SECRETS OF WHICH IT OR
11 THEY LEARN IN THE EXERCISE OF THE POWERS GRANTED BY THIS
12 CHAPTER.

13 (F) SUBPOENA.--

14 (1) COUNCIL, UPON THE OCCURRENCE OF ANY OF THE
15 CONDITIONS SPECIFIED IN PARAGRAPH (2) AND UPON GOOD CAUSE
16 SHOWN, MAY:

17 (I) PETITION THE COMMONWEALTH COURT TO AUTHORIZE THE
18 COUNCIL TO ISSUE A SUBPOENA FOR THOSE PERIODIC REPORTS
19 WHICH COMMONWEALTH COURT FINDS THE ENERGY INDUSTRY HAS
20 FAILED TO PROVIDE;

21 (II) PETITION THE COMMONWEALTH COURT TO AUTHORIZE
22 THE COUNCIL TO ISSUE A SUBPOENA FOR THOSE SPECIFIC BOOKS
23 AND RECORDS WHICH COMMONWEALTH COURT FINDS THAT COUNCIL
24 REQUIRES TO COMPILE A COMPLETE AND ACCURATE ENERGY
25 REPORT; OR

26 (III) PETITION THE COMMONWEALTH COURT TO ISSUE A
27 SUBPOENA AUTHORIZING COUNCIL TO ENTER UPON THE PREMISES,
28 BUILDINGS, MACHINERY, SYSTEM, EQUIPMENT OF ANY ENERGY
29 INDUSTRY TO MAKE AN INSPECTION, VALUATION, PHYSICAL
30 EXAMINATION, INQUIRY, OR INVESTIGATION TO VERIFY ANY

1 PERIODIC REPORTS OF ENERGY INFORMATION REQUIRED UNDER
2 THIS SECTION, WHICH COMMONWEALTH COURT FINDS ARE
3 INACCURATE OR INCOMPLETE.

4 (2) THE PROVISIONS OF PARAGRAPH (1) SHALL APPLY WHENEVER
5 ANY ENERGY INDUSTRY:

6 (I) HAS FAILED TO PROVIDE THE PERIODIC REPORTS OF
7 ENERGY INFORMATION REQUIRED UNDER THIS SECTION, AND
8 CONTINUES TO REFUSE TO PROVIDE SUCH INFORMATION FOR A
9 PERIOD OF 30 DAYS AFTER WRITTEN NOTICE FROM THE COUNCIL;

10 (II) HAS PROVIDED A PERIODIC REPORT OF ENERGY
11 INFORMATION REQUIRED UNDER THIS SECTION WHICH THE COUNCIL
12 HAS REASON TO BELIEVE IS INACCURATE OR INCOMPLETE, AND
13 SAID ENERGY INDUSTRY REFUSES TO PROVIDE THE ADDITIONAL OR
14 CORRECTED INFORMATION WHICH THE COUNCIL BELIEVES IS
15 REQUIRED FOR A PERIOD OF 30 DAYS AFTER WRITTEN NOTICE
16 FROM THE COUNCIL; OR

17 (III) HAS REFUSED PERMISSION TO THE COUNCIL TO ENTER
18 UPON THE PREMISES, BUILDINGS, MACHINERY, SYSTEM, PLANT OR
19 EQUIPMENT OF ANY ENERGY INDUSTRY TO MAKE AN INSPECTION,
20 VALUATION, PHYSICAL EXAMINATION, INQUIRY, OR
21 INVESTIGATION TO VERIFY ANY PERIODIC REPORTS OF ENERGY
22 INFORMATION REQUIRED UNDER THIS SECTION, WHERE COUNCIL
23 HAS REASON TO BELIEVE SUCH REPORTS ARE INACCURATE OR
24 INCOMPLETE, AND SUCH REFUSAL CONTINUES FOR A PERIOD OF 30
25 DAYS AFTER WRITTEN NOTICE FROM THE COUNCIL.

26 (3) NOTWITHSTANDING ANY PROVISION IN THIS SUBSECTION TO
27 THE CONTRARY, WHENEVER THE GOVERNOR HAS DECLARED A DISASTER
28 EMERGENCY PURSUANT TO SECTION 4125 (RELATING TO DECLARATION
29 BY GOVERNOR OF DISASTER EMERGENCY), THE COUNCIL MAY, AT ANY
30 TIME DURING THE EMERGENCY, PETITION THE COMMONWEALTH COURT TO

1 ISSUE ANY SUBPOENA PROVIDED FOR IN THIS SUBSECTION.

2 (G) PENALTY.--IT SHALL BE A SUMMARY OFFENSE FOR ANY
3 INDIVIDUAL OR ANY ENERGY INDUSTRY TO FAIL TO OBEY THE COMMAND OF
4 A SUBPOENA ISSUED BY THE COUNCIL PURSUANT TO SUBSECTION (F).

5 § 4122. UTILIZATION OF PREVIOUSLY SUPPLIED INFORMATION.

6 IN ORDER TO AVOID DUPLICATION OF REPORTING BY THE ENERGY
7 INDUSTRY, THE ~~COUNCIL SHALL UTILIZE ANY INFORMATION PREVIOUSLY~~ <—
8 ENERGY INDUSTRY SHALL SUPPLY TO THE COUNCIL ANY INFORMATION <—
9 SUPPLIED TO OFFICERS AND AGENCIES OF THE FEDERAL GOVERNMENT AND <—
10 OF THIS COMMONWEALTH AND POLITICAL SUBDIVISIONS THEREOF. ~~THESE~~ <—
11 COMMONWEALTH OFFICERS AND AGENCIES AND OFFICERS OF POLITICAL <—
12 SUBDIVISIONS THEREOF SHALL COOPERATE WITH AND SUPPLY TO THE
13 COUNCIL SUCH INFORMATION AS THE COUNCIL SHALL REQUEST.

14 § 4123. MASTER ENERGY PLAN.

15 (A) GENERAL RULE.--THE COUNCIL SHALL PREPARE AND, AFTER
16 PUBLIC HEARING, ADOPT WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF
17 THIS ACT A MASTER PLAN FOR A PERIOD OF TEN YEARS ON THE
18 PRODUCTION, DISTRIBUTION, CONSUMPTION AND CONSERVATION OF ENERGY
19 IN THIS COMMONWEALTH AND SHALL DELIVER THE PLAN AND ANY
20 AMENDMENTS THERETO TO THE GENERAL ASSEMBLY.

21 (B) CONTENTS, AMENDMENTS AND PREPARING PLAN.--THE PLAN SHALL
22 INCLUDE LONG-TERM OBJECTIVES BUT SHALL PROVIDE FOR THE INTERIM
23 IMPLEMENTATION OF MEASURES CONSISTENT WITH THESE OBJECTIVES. THE
24 PLAN SHALL ALSO INCLUDE ENERGY AND FUEL SUPPLY PROJECTIONS,
25 ENERGY AND FUEL SUPPLY LOCATIONS AND DETERMINATION OF THE NEED
26 FOR AND WAYS OF ATTAINING DEVELOPMENT OF ENERGY AND FUEL
27 SUPPLIES IN A TIMELY, EFFICIENT, ECOLOGICAL AND ECONOMICAL
28 MANNER. THE COUNCIL MAY FROM TIME TO TIME AND AFTER PUBLIC
29 HEARING AMEND THE MASTER PLAN TO MAINTAIN AND KEEP THE PLAN
30 CURRENT. IN PREPARING THE MASTER PLAN OR ANY PORTION THEREOF OR

1 AMENDMENT THERETO THE COUNCIL SHALL GIVE DUE CONSIDERATION TO
2 THE ENERGY NEEDS AND SUPPLIES IN THE SEVERAL GEOGRAPHIC AREAS OF
3 THIS COMMONWEALTH AND TO THE DESIRABILITY OF ANY INDUSTRIAL <—
4 USAGE OF ENERGY RESOURCES BEING SELF-SUFFICIENT OF PUBLIC
5 UTILITY SERVICE, AND SHALL HOLD A PUBLIC HEARING IN NOT LESS
6 THAN THREE DIFFERENT PARTS OF THE COMMONWEALTH EACH YEAR FOR
7 SUCH PURPOSE.

8 (C) COOPERATION AND COMPLIANCE WITH OTHER AGENCIES AND
9 FEDERAL LAW.--THE COUNCIL SHALL CONSULT AND COOPERATE WITH ANY
10 FEDERAL OR COMMONWEALTH AGENCY HAVING AN INTEREST IN THE
11 PRODUCTION, DISTRIBUTION, CONSUMPTION OR CONSERVATION OF ENERGY.
12 IN THE FORMULATION OF THE MASTER PLAN, THE COUNCIL SHALL MEET
13 THE REQUIREMENTS OF THE FEDERAL ENERGY POLICY AND CONSERVATION
14 ACT (PUBLIC LAW 94-163), AND THE ENERGY CONSERVATION AND
15 PRODUCTION ACT (PUBLIC LAW 94-385), INCLUDING THE FOLLOWING:

16 (1) PROGRAMS TO PROMOTE CARPOOLS AND PUBLIC
17 TRANSPORTATION.

18 (2) MANDATORY LIGHTING EFFICIENCY STANDARDS FOR PUBLIC
19 BUILDINGS.

20 (3) MANDATORY THERMAL EFFICIENCY STANDARDS AND
21 INSULATION REQUIREMENTS ON ALL BUILDINGS.

22 (4) MANDATORY ENERGY EFFICIENCY STANDARDS.

23 (5) PROGRAMS FOR ENERGY CONSERVATION.

24 § 4124. EMERGENCY ENERGY ALLOCATION PLAN.

25 THE COUNCIL SHALL PREPARE AND ADOPT, IN CONJUNCTION WITH THE
26 PUBLIC UTILITY COMMISSION AND THE OFFICE OF EMERGENCY
27 PREPAREDNESS, AN EMERGENCY ALLOCATION PLAN, INCLUDING A SCHEDULE
28 OF EMERGENCY ENERGY CURTAILMENT BASED ON A UNIFORM
29 CLASSIFICATION OF ENERGY CUSTOMERS, SPECIFYING ACTIONS TO BE
30 TAKEN IN THE EVENT OF A DISASTER EMERGENCY AS PROCLAIMED BY THE

1 GOVERNOR PURSUANT TO SECTION 4125 (RELATING TO DECLARATION BY
2 GOVERNOR OF DISASTER EMERGENCY) AND FURTHER SPECIFYING WHAT
3 ACTIONS AN ENERGY INDUSTRY AND ITS CUSTOMERS MUST HAVE TAKEN
4 WITH REGARD TO THE USE AND CONSERVATION OF ENERGY FORMS IN ORDER
5 TO BE ELIGIBLE FOR ASSISTANCE IN THE EVENT OF A DISASTER
6 EMERGENCY AS PROCLAIMED BY THE GOVERNOR PURSUANT TO SECTION 4125
7 (RELATING TO DECLARATION BY GOVERNOR OF DISASTER EMERGENCY). THE
8 COUNCIL SHALL DIRECT ALL COMMONWEALTH AGENCIES TO DEVELOP,
9 SUBJECT TO APPROVAL BY THE COUNCIL, CONTINGENCY PLANS FOR
10 DEALING WITH THESE EMERGENCIES. IN ANY EVENT, THOSE PORTIONS OF
11 SUCH EMERGENCY ALLOCATION PLANS OR CONTINGENCY PLANS
12 SPECIFICALLY PERTAINING TO ENERGY INDUSTRIES REGULATED BY THE
13 PUBLIC UTILITY COMMISSION SHALL BE INITIALLY PREPARED AND
14 THEREAFTER REVISED BY THE PUBLIC UTILITY COMMISSION, AT THE
15 REQUEST OF AN WITH THE APPROVAL OF THE COUNCIL IN SUCH TIME
16 PERIOD AS THE COUNCIL SHALL DIRECT.

17 § 4125. DECLARATION BY GOVERNOR OF DISASTER EMERGENCY.

18 (A) RESPONSIBILITY TO MEET DISASTERS.--THE GOVERNOR IS
19 RESPONSIBLE FOR MEETING THE DANGERS TO THIS COMMONWEALTH AND
20 PEOPLE PRESENTED BY DISASTERS.

21 (B) EXECUTIVE ORDERS, PROCLAMATIONS AND REGULATIONS.--UNDER
22 THIS CHAPTER, THE GOVERNOR MAY ISSUE, AMEND AND RESCIND
23 EXECUTIVE ORDERS, PROCLAMATIONS AND REGULATIONS WHICH SHALL HAVE
24 THE FORCE AND EFFECT OF LAW.

25 (C) DECLARATION OF DISASTER EMERGENCY.--A DISASTER EMERGENCY
26 SHALL BE DECLARED BY EXECUTIVE ORDER OR PROCLAMATION OF THE
27 GOVERNOR UPON FINDING THAT A DISASTER HAS OCCURRED OR THAT THE
28 OCCURRENCE OR THE THREAT OF A DISASTER IS IMMINENT. THE STATE OF
29 DISASTER EMERGENCY SHALL CONTINUE UNTIL THE GOVERNOR FINDS THAT
30 THE THREAT OR DANGER HAS PASSED OR THE DISASTER HAS BEEN DEALT

1 WITH TO THE EXTENT THAT EMERGENCY CONDITIONS NO LONGER EXIST AND
2 TERMINATES THE STATE OF DISASTER EMERGENCY BY EXECUTIVE ORDER OR
3 PROCLAMATION, BUT NO STATE OF DISASTER EMERGENCY MAY CONTINUE
4 FOR LONGER THAN 30 DAYS UNLESS RENEWED BY THE GOVERNOR. THE
5 GENERAL ASSEMBLY BY CONCURRENT RESOLUTION MAY TERMINATE A STATE
6 OF DISASTER EMERGENCY AT ANY TIME. THEREUPON, THE GOVERNOR SHALL
7 ISSUE AN EXECUTIVE ORDER OR PROCLAMATION ENDING THE STATE OF
8 DISASTER EMERGENCY. ALL EXECUTIVE ORDERS OR PROCLAMATIONS ISSUED
9 UNDER THIS SUBSECTION SHALL INDICATE THE NATURE OF THE DISASTER,
10 THE AREA OR AREAS THREATENED AND THE CONDITIONS WHICH HAVE
11 BROUGHT THE DISASTER ABOUT OR WHICH MAKE POSSIBLE TERMINATION OF
12 THE STATE OF DISASTER EMERGENCY. AN EXECUTIVE ORDER OR
13 PROCLAMATION SHALL BE DISSEMINATED PROMPTLY BY MEANS CALCULATED
14 TO BRING ITS CONTENTS TO THE ATTENTION OF THE GENERAL PUBLIC
15 AND, UNLESS THE CIRCUMSTANCES ATTENDANT UPON THE DISASTER
16 PREVENT OR IMPEDE, SHALL BE PROMPTLY FILED WITH THE COUNCIL.
17 § 4126. POWERS DURING DISASTER EMERGENCY.

18 (A) GENERAL RULE.--THE COUNCIL IS AUTHORIZED, IN THE EVENT
19 OF A DISASTER EMERGENCY AS PROCLAIMED BY THE GOVERNOR PURSUANT
20 TO SECTION 4125 (RELATING TO DECLARATION BY GOVERNOR OF DISASTER
21 EMERGENCY), TO THE EXTENT NOT IN CONFLICT WITH APPLICABLE
22 FEDERAL LAW OR REGULATION BUT NOTWITHSTANDING ANY STATE OR LOCAL
23 LAW OR CONTRACTUAL AGREEMENT, TO:

24 (1) ORDER ANY PERSON TO REDUCE BY A SPECIFIED AMOUNT THE
25 USE OF ANY ENERGY FORM; TO MAKE USE OF AN ALTERNATE ENERGY
26 FORM, WHERE POSSIBLE; OR TO CEASE THE USE OF ANY ENERGY FORM.

27 (2) ORDER ANY PERSON ENGAGED IN THE DISTRIBUTION OF ANY
28 ENERGY FORM TO REDUCE OR INCREASE BY A SPECIFIED AMOUNT OR TO
29 CEASE THE DISTRIBUTION OF THE ENERGY FORM; TO DISTRIBUTE A
30 SPECIFIED AMOUNT AND TYPE OF ENERGY FORM TO CERTAIN USERS OF

<—

1 THAT ENERGY FORM AS SPECIFIED BY THE COUNCIL; OR TO SHARE
2 SUPPLIES OF ANY ENERGY FORM WITH OTHER DISTRIBUTORS THEREOF;
3 PROVIDED, HOWEVER, EVERY EFFORT SHALL BE MADE BY THE COUNCIL
4 TO INSURE THAT NO ONE FUEL DISTRIBUTOR IS REQUIRED TO
5 RELINQUISH HIS ENERGY INVENTORY DISPROPORTIONATELY TO ONE OR
6 MORE OTHER FUEL DISTRIBUTORS IN THE SAME OR SIMILAR
7 CIRCUMSTANCES.

8 (3) ESTABLISH PRIORITIES FOR THE DISTRIBUTION OF ANY
9 ENERGY FORM.

10 (4) REGULATE AND CONTROL THE DISTRIBUTION AND SALE OF
11 ANY ENERGY FORM BY:

12 (I) ESTABLISHING SUCH LIMITATIONS, PRIORITIES OR
13 RATIONING PROCEDURES AS SHALL BE NECESSARY TO INSURE A
14 FAIR AND EQUITABLE DISTRIBUTION OF AVAILABLE SUPPLIES.

15 (II) ESTABLISHING MINIMUM AND MAXIMUM QUANTITIES TO
16 BE SOLD TO ANY PURCHASER.

17 (III) FIXING THE DAYS AND HOURS OF ACCESS TO RETAIL
18 DEALERS.

19 (IV) COMPELLING SALES TO MEMBERS OF THE GENERAL
20 PUBLIC DURING TIMES WHEN A RETAIL DEALER IS OPEN FOR THE
21 SALE OF AN ENERGY FORM.

22 (V) ESTABLISHING METHODS FOR NOTIFYING THE PUBLIC BY
23 FLAGS, SYMBOLS OR OTHER APPROPRIATE MEANS WHETHER RETAIL
24 DEALERS ARE OPEN AND SELLING THE SUBJECT ENERGY FORM.

25 (5) ORDER COMPENSATION TO BE PAID DIRECTLY TO ANY PERSON <—
26 ENGAGED IN THE DISTRIBUTION OF THE ENERGY FORM "GASES" WHO IS
27 REQUIRED BY COUNCIL ORDER UNDER PARAGRAPH (2), EITHER TO
28 DISTRIBUTE A SPECIFIED AMOUNT AND TYPE OF ENERGY FORM TO
29 CERTAIN USERS AS SPECIFIED BY THE COUNCIL, OR TO SHARE
30 SUPPLIES WITH OTHER DISTRIBUTORS THEREOF, IN THE FOLLOWING

1 MANNER:

2 (I) FOR THE FIRST 24 MONTHS SUBSEQUENT TO THE
3 ENACTMENT OF THIS CHAPTER, THE RECIPIENT OF THE SHARED OR
4 DISTRIBUTED GAS SHALL PAY TO THE PROVIDER OF THE SHARED
5 OR DISTRIBUTED GAS, THE FULL COST OF THE HIGHEST PRICE
6 GAS UTILIZED BY THE PROVIDER TO REPLACE THE GAS SHARED OR
7 DISTRIBUTED PURSUANT TO AN ORDER OF THE COUNCIL.

8 (II) TO FURTHER ENCOURAGE THE FUTURE GROWTH OF
9 ENERGY SUPPLIES: BEGINNING WITH THE 25TH MONTH SUBSEQUENT
10 TO THE ENACTMENT OF THIS CHAPTER, THE RECIPIENT OF THE
11 SHARED OR DISTRIBUTED GAS SHALL PAY TO THE PROVIDER OF
12 THE SHARED OR DISTRIBUTED GAS, THE FULL COST OF THE
13 HIGHEST PRICE GAS UTILIZED BY THE PROVIDER TO REPLACE THE
14 GAS SHARED OR DISTRIBUTED PURSUANT TO AN ORDER OF THE
15 COUNCIL, AND IN ADDITION THERETO, THE RECIPIENT SHALL PAY
16 TO THE PROVIDER 15% OF SAID FULL COSTS, WHICH SAID 15% OF
17 SAID FULL COSTS SHALL BE REFUNDED IN FULL BY THE PROVIDER
18 TO THE CUSTOMERS OF THE PROVIDER.

19 (III) THE TERM "FULL COST" AS USED IN SUBPARAGRAPHS
20 (I) AND (II) SHALL MEAN THE SUM OF ALL OPERATING AND
21 MAINTENANCE COSTS INCURRED BY THE PROVIDER IN
22 DISTRIBUTING OR SHARING GAS, AND SHALL INCLUDE BUT NOT BE
23 LIMITED TO, THE COST OF RAW MATERIALS, FUELS, FEEDSTOCK,
24 CATALYSTS, CHEMICALS, UTILITIES, RENTALS, SALES, REVENUE
25 AND SIMILAR TAXES (IF ANY), LABOR AND OTHER OPERATION AND
26 MAINTENANCE EXPENSES. WHERE THE COMPENSATION PROVISIONS
27 OF THIS PARAGRAPH ARE INVOKED, AND GAS IS IN FACT SHARED
28 OR DISTRIBUTED, THEN THE COUNCIL SHALL HAVE THE AUTHORITY
29 TO AUDIT THOSE BOOKS AND RECORDS OF THE PROVIDER RELEVANT
30 TO THE PROVIDER'S DETERMINATION OF "FULL COST" IN

1 CONNECTION WITH THE SPECIFIC SHARING OR DISTRIBUTION OF
2 THE GAS INVOLVED.

3 ~~(5)~~ (6) DIRECT THE HEADS OF THOSE COMMONWEALTH AGENCIES <—
4 THAT WERE ORDERED TO DEVELOP CONTINGENCY PLANS PURSUANT TO
5 SECTION 4124 (RELATING TO EMERGENCY ENERGY ALLOCATION PLAN)
6 TO IMPLEMENT THE PLANS.

7 ~~(6)~~ (7) ORDER THE TEMPORARY CLOSING OF PUBLIC OR PRIVATE <—
8 FACILITIES BY CLASS INCLUDING BUT NOT LIMITED TO ANY
9 BUSINESS, SCHOOL OR SPORTS FACILITY.

10 ~~(7)~~ (8) ADOPT AND PROMULGATE SUCH RULES AND REGULATIONS <—
11 AS ARE NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS
12 SECTION.

13 (B) POWER OF GOVERNOR TO SUSPEND LAWS, ETC.--DURING THE
14 EXISTENCE OF A DISASTER EMERGENCY, THE GOVERNOR MAY ORDER THE
15 SUSPENSION OF ANY LAWS, RULES, REGULATIONS OR ORDERS OF ANY
16 AGENCY OF THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION WHICH
17 DEAL WITH OR AFFECT ENERGY AND WHICH IMPEDE THE ABILITY OF THE
18 GOVERNOR TO ALLEVIATE OR TERMINATE A DISASTER EMERGENCY. UPON
19 DECLARING A DISASTER EMERGENCY, THE GOVERNOR MAY SUPERSEDE ANY
20 OTHER SUCH EMERGENCY POWERS.

21 (C) REVIEW OF ORDERS OF COUNCIL.--ANY AGGRIEVED PERSON, UPON
22 APPLICATION TO THE COUNCIL, SHALL BE GRANTED A REVIEW OF WHETHER
23 THE CONTINUANCE OF ANY ORDER ISSUED BY THE COUNCIL PURSUANT TO
24 THIS SECTION IS UNREASONABLE IN LIGHT OF THEN PREVAILING
25 CONDITIONS OF EMERGENCY.

26 (D) COMPELLING ASSISTANCE FROM COMMONWEALTH AGENCIES.--
27 DURING A DISASTER EMERGENCY THE COUNCIL MAY REQUIRE ANY OTHER
28 COMMONWEALTH AGENCY TO PROVIDE SUCH INFORMATION, ASSISTANCE,
29 RESOURCES AND PERSONNEL AS SHALL BE NECESSARY TO DISCHARGE THE
30 FUNCTIONS AND RESPONSIBILITIES OF THE COUNCIL UNDER THIS

CHAPTER, RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER OR
APPLICABLE FEDERAL LAWS AND REGULATIONS.

(E) POWERS OF GOVERNOR AND COUNCIL CUMULATIVE.--THE POWERS
GRANTED TO THE GOVERNOR AND THE COUNCIL UNDER THIS SECTION SHALL
BE IN ADDITION TO AND NOT IN LIMITATION OF ANY EMERGENCY POWERS
NOW OR HEREAFTER VESTED IN THE GOVERNOR, THE COUNCIL OR ANY
OTHER COMMONWEALTH AGENCY PURSUANT TO ANY OTHER LAWS, INCLUDING
BUT NOT LIMITED TO ANY POWER NOW VESTED IN THE PUBLIC UTILITY
COMMISSION TO REQUIRE UTILITY COMPANIES TO ALLOCATE AVAILABLE
SUPPLIES OF ENERGY.

SUBCHAPTER D

VIOLATIONS AND PENALTIES

SEC.

4131. ACTIONS FOR INJUNCTIVE RELIEF.

4132. CIVIL PENALTIES.

4133. CRIMINAL PENALTIES.

4134. RECOMMENDING LICENSE SUSPENSION OR REVOCATION.

§ 4131. ACTIONS FOR INJUNCTIVE RELIEF.

UPON A VIOLATION OF THIS CHAPTER OR OF ANY RULES, REGULATIONS
OR ORDERS ISSUED UNDER THIS CHAPTER, THE COUNCIL MAY INSTITUTE A
CIVIL ACTION IN THE COMMONWEALTH COURT OR IN THE COURT OF COMMON
PLEAS OF THE JUDICIAL DISTRICT IN WHICH THE VIOLATION OCCURS FOR
INJUNCTIVE RELIEF TO RESTRAIN THE VIOLATION AND FOR SUCH OTHER
RELIEF AS THE COURT SHALL DEEM PROPER. NEITHER THE INSTITUTION
OF THIS ACTION NOR ANY OF THE PROCEEDINGS THEREIN SHALL RELIEVE
ANY PARTY TO THE PROCEEDINGS FROM OTHER FINES OR PENALTIES
PRESCRIBED FOR THE VIOLATION BY THIS CHAPTER OR BY ANY RULE,
REGULATION OR ORDER ISSUED UNDER THIS CHAPTER.

§ 4132. CIVIL PENALTIES.

(A) PENALTY.--ANY PERSON WHO FAILS TO PROVIDE ENERGY

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1 INFORMATION WHEN SO REQUIRED BY THE COUNCIL SHALL BE LIABLE FOR
2 A CIVIL PENALTY OF NOT MORE THAN \$3,000 FOR EACH OFFENSE. IF THE
3 VIOLATION IS OF A CONTINUING NATURE, EACH DAY DURING WHICH IT
4 CONTINUES SHALL CONSTITUTE AN ADDITIONAL AND SEPARATE OFFENSE.

5 (B) TRADE SECRETS.--ANY PERSON WHO MAKES AN UNAUTHORIZED <—
6 DISCLOSURE OF A TRADE SECRET OR OTHER CONFIDENTIAL INFORMATION
7 IN VIOLATION OF THIS CHAPTER OR THE REGULATIONS PROMULGATED
8 HEREUNDER SHALL BE LIABLE TO THE PERSON OWNING SUCH TRADE SECRET
9 FOR TREBLE THE ACTUAL DAMAGES SUSTAINED BY SUCH PERSON BY REASON
10 OF SUCH DISCLOSURE. ANY PERSON TO WHOM ANY TRADE SECRET IS
11 DISCLOSED IN VIOLATION OF THIS CHAPTER OR THE REGULATIONS
12 PROMULGATED HEREUNDER AND WHO MAKES ANY USE OF SUCH INFORMATION
13 SHALL BE LIABLE FOR TREBLE THE ACTUAL DAMAGES SUSTAINED BY THE
14 PERSON WHOSE TRADE SECRET IS DISCLOSED IN VIOLATION OF THIS
15 CHAPTER OR THE REGULATIONS PROMULGATED HEREUNDER.

16 § 4133. CRIMINAL PENALTIES.

17 (A) PURCHASERS.--ANY PERSON PURCHASING OR ATTEMPTING TO
18 PURCHASE ENERGY IN VIOLATION OF SECTION 4126 (RELATING TO POWERS
19 DURING DISASTER EMERGENCY) OR ANY RULES, REGULATIONS OR ORDERS
20 ISSUED THEREUNDER COMMITS A SUMMARY OFFENSE.

21 (B) RETAIL DEALERS.--ANY RETAIL DEALER WHO VIOLATES SECTION
22 4126 OR ANY RULES, REGULATIONS OR ORDERS ISSUED THEREUNDER
23 COMMITS A SUMMARY OFFENSE.

24 (C) SUPPLIERS.--ANY DISTRIBUTOR OR ANY OTHER SUPPLIER OF
25 ENERGY WHO VIOLATES ANY OF THE PROVISIONS OF SECTION 4126 OR OF
26 ANY RULES, REGULATIONS OR ORDERS ISSUED THEREUNDER COMMITS A
27 MISDEMEANOR OF THE FIRST DEGREE.

28 § 4134. RECOMMENDING LICENSE SUSPENSION OR REVOCATION.

29 IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS
30 CHAPTER OR OTHER STATUTE, THE COUNCIL MAY RECOMMEND TO THE

1 APPROPRIATE AGENCY THE SUSPENSION OR REVOCATION OF THE LICENSE
2 OF ANY RETAIL DEALER, GASOLINE JOBBER, WHOLESALE DEALER,
3 DISTRIBUTOR OR SUPPLIER OF FUEL WHO HAS VIOLATED THIS CHAPTER OR
4 ANY RULES, REGULATIONS OR ORDERS ISSUED UNDER THIS CHAPTER.

5 SECTION 2. GOVERNOR'S ENERGY COUNCIL ABOLISHED.

6 (A) GENERAL RULE.--THE GOVERNOR'S ENERGY COUNCIL IS HEREBY
7 ABOLISHED AND, EXCEPT AS OTHERWISE PROVIDED BY THIS ACT, ALL THE
8 FUNCTIONS, POWERS AND DUTIES OF THE EXISTING GOVERNOR'S ENERGY
9 COUNCIL ARE HEREBY CONTINUED IN THE PENNSYLVANIA ENERGY COUNCIL.

10 (B) TRANSFER OF FUNDS.--ALL APPROPRIATIONS, GRANTS AND OTHER
11 MONEYS AVAILABLE TO THE GOVERNOR'S ENERGY COUNCIL ARE HEREBY
12 TRANSFERRED TO THE PENNSYLVANIA ENERGY COUNCIL CREATED BY THIS
13 ACT AND SHALL REMAIN AVAILABLE FOR THE OBJECTS AND PURPOSES FOR
14 WHICH APPROPRIATED, SUBJECT TO ANY TERMS, RESTRICTIONS,
15 LIMITATIONS OR OTHER REQUIREMENTS IMPOSED BY FEDERAL OR STATE
16 LAW.

17 (C) TRANSFER OF EMPLOYEES.--THE EMPLOYEES OF THE GOVERNOR'S
18 ENERGY COUNCIL ARE HEREBY TRANSFERRED TO THE PENNSYLVANIA ENERGY
19 COUNCIL. NOTHING IN THIS ACT SHALL BE CONSTRUED TO DEPRIVE THE
20 EMPLOYEES OF ANY RIGHTS OR PROTECTIONS PROVIDED THEM BY THE
21 CIVIL SERVICE, PENSION OR RETIREMENT LAWS OF THIS COMMONWEALTH.

22 (D) TRANSFER OF PROPERTY.--ALL FILES, BOOKS, PAPERS,
23 RECORDS, EQUIPMENT AND OTHER PROPERTY OF THE GOVERNOR'S ENERGY
24 COUNCIL ARE HEREBY TRANSFERRED TO THE PENNSYLVANIA ENERGY
25 COUNCIL.

26 (E) EXISTING RULES, REGULATIONS AND ORDERS.--THE RULES,
27 REGULATIONS AND ORDERS OF THE GOVERNOR'S ENERGY COUNCIL SHALL
28 CONTINUE WITH FULL FORCE AND EFFECT AS THE RULES, REGULATIONS
29 AND ORDERS OF THE PENNSYLVANIA ENERGY COUNCIL UNTIL FURTHER
30 AMENDED OR REPEALED.

1 (F) CONSTRUCTION OF REFERENCES.--WHENEVER IN ANY LAW, RULE,
2 REGULATION, ORDER, CONTRACT, DOCUMENT, JUDICIAL OR
3 ADMINISTRATIVE PROCEEDINGS, OR OTHERWISE, REFERENCE IS MADE TO
4 THE GOVERNOR'S ENERGY COUNCIL, THE REFERENCE SHALL BE CONSIDERED
5 TO MEAN AND REFER TO THE PENNSYLVANIA ENERGY COUNCIL.

6 SECTION 3. EXPIRATION OF PENNSYLVANIA ENERGY COUNCIL.

7 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE
8 PROVISIONS OF 66 PA.C.S. CHAP. 41 (RELATING TO ENERGY
9 CONSERVATION AND CONTROL) AND THE PENNSYLVANIA ENERGY COUNCIL
10 SHALL EXPIRE ON JUNE 30, ~~1978~~ 1979. <—

11 (B) EXTENSION BY GENERAL ASSEMBLY.--THE GENERAL ASSEMBLY, BY
12 CONCURRENT RESOLUTION ADOPTED PRIOR TO THE THEN CURRENT
13 EXPIRATION DATE, MAY EXTEND THE DATE OF EXPIRATION FOR SUCH
14 ADDITIONAL PERIOD AND FOR AS MANY TIMES AS THE GENERAL ASSEMBLY
15 DETERMINES.

16 SECTION 4. EFFECTIVE DATE.

17 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.