

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1160 Session of
1977

INTRODUCED BY J. L. WRIGHT JR., O'CONNELL, KNEPPER, FISCHER,
WAGNER, SALVATORE, HOPKINS, W. D. HUTCHINSON, NOYE, BERLIN,
HALVERSON, McCLATCHY AND GEESEY, MAY 25, 1977

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
MAY 25, 1977

AN ACT

1 Amending the act of May 28, 1937 (P.L.1053, No.286), entitled
2 "An act relating to the regulation of public utilities;
3 defining as public utilities certain corporations, companies,
4 associations, and persons; providing for the regulation of
5 public utilities, including, to a limited extent,
6 municipalities engaging in public utility business, by
7 prescribing, defining, and limiting their duties, powers, and
8 liabilities, and regulating the exercise, surrender or
9 abandonment of their powers, privileges, and franchises;
10 defining and regulating contract carriers by motor vehicle
11 and brokers in order to regulate effectively common carriers
12 by motor vehicle; conferring upon the Pennsylvania Public
13 Utility Commission the power and duty of supervising and
14 regulating persons, associations, companies, and
15 corporations, including, to a limited extent, municipal
16 corporations subject to this act, and administering the
17 provisions of this act; authorizing the commission to fix
18 temporary rates; placing the burden of proof on public
19 utilities to sustain their rates and certain other matters;
20 authorizing a permissive or mandatory sliding scale method of
21 regulating rates; providing for the supervision of financial
22 and contractual relations between public utilities and
23 affiliated interests, and supervision and regulation of
24 accounts and securities or obligations issued, assumed, or
25 kept by persons, associations, companies, corporations or
26 municipal corporations subject to this act; conferring upon
27 the commission power to vary, reform, or revise certain
28 contracts; conferring upon the commission the exclusive power
29 to regulate or order the construction, alteration,
30 relocation, protection, or abolition of crossings of
31 facilities of public utilities, and of such facilities by or
32 over public highways, to appropriate property for the

1 construction or improvement of such crossings, and to award
2 or apportion resultant costs and damages; authorizing owners
3 of such property to sue the Commonwealth for such damages;
4 providing for ejectment proceedings in connection with the
5 appropriation of property for crossings; conferring upon the
6 commission power to control and regulate budgets of public
7 utilities; imposing upon persons, associations, companies,
8 and corporations (except municipal corporations) subject to
9 regulation, the cost of administering this act; prescribing
10 and regulating practice and procedure before the commission
11 and procedure for review by the courts of commission action;
12 giving the court of common pleas of Dauphin County exclusive
13 original jurisdiction over certain proceedings; prescribing
14 penalties, fines, and imprisonment for violations of the
15 provisions of this act and regulations and orders of the
16 commission, and the procedure for enforcing such fines and
17 penalties; and repealing legislation supplied and superseded
18 by or inconsistent with this act," conferring certain powers
19 on the Public Utility Commission in times of declared
20 emergency.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The act of May 28, 1937 (P.L.1053, No.286), known
24 as the "Public Utility Law," is amended by adding a section to
25 read:

26 Section 923. Powers in Times of Declared Emergency.--(a)
27 The Public Utility Commission shall, in times of declared
28 emergency, have the power to close businesses, schools, and
29 other energy users. The Public Utility Commission shall
30 promulgate rules and regulations including a priority of
31 closings to effectuate the purposes of this section.

32 (b) In times of declared emergency, the Public Utility
33 Commission shall take into account, in all administrative
34 actions, whether establishments are making good faith efforts to
35 comply with law before penalizing these establishments for
36 noncompliance.

37 Section 2. This act shall take effect immediately.