
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1726 Session of
1975

INTRODUCED BY WOJDAK, SEPTEMBER 23, 1975

REFERRED TO COMMITTEE ON CONSUMER PROTECTION,
SEPTEMBER 23, 1975

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
33 construction or improvement of such crossings, and to award
34 or apportion resultant costs and damages; authorizing owners

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15 penalties; and repealing legislation supplied and superseded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

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 418, act of May 28, 1937 (P.L.1053,
21 No.286), known as the "Public Utility Law," is amended to read:

22 Section 418. Construction, Maintenance and Installation of
23 Cooperative Association Facilities; Limitations; Exceptions.--

24 (a) If a bona fide cooperative association has been organized to
25 furnish light or power service to its stockholders or members
26 only, on a nonprofit basis, and has filed with the commission a
27 map of the territory to be served by such association, and a
28 statement verified by oath or affirmation showing that a
29 majority of the prospective customers in the area are included
30 in the project, no public utility shall begin the construction
31 or installation of any new plant or system, or the construction
32 or installation of any extension, improvement, or addition to
33 its existing plant or system for furnishing light or power
34 service within said territory, until the expiration of six
35 months from the date of the filing of such map and statement. In
36 the event such association has entered into a loan agreement
37 with any Federal agency for the financing of its proposed
38 system, and has given written notice thereof to the commission,

1 no public utility shall begin any such construction or
2 installation within said territory until the expiration of
3 twelve months from the date of said loan agreement.

4 (b) No bona fide cooperative homeowner association nor any
5 of its members shall be required to maintain utility lines,
6 pipes, wires or other facilities, but each member and the
7 association shall be exempt from all maintenance costs to the
8 same extent as any other individual residential owner.

9 Section 2. This act shall take effect immediately.