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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 164**

Session of  
1983

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INTRODUCED BY LLOYD, KUKOVICH, CIMINI, BELFANTI, PRATT, MORRIS,  
HALUSKA, BLAUM, KOSINSKI, ZWIKL, D. R. WRIGHT AND CARN,  
FEBRUARY 8, 1983

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 8, 1983

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, providing for a tariff calculated to  
3 increase gross annual operating expenses; and prohibiting  
4 multiple filings.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 1308(d) of Title 66 of the Pennsylvania  
8 Consolidated Statutes is amended and a subsection is added to  
9 read:

10 § 1308. Voluntary changes in rates.

11 \* \* \*

12 (d) General rate increases.--Whenever there is filed with  
13 the commission by any public utility described in paragraph  
14 (1)(i), (ii), (vi) or (vii) of the definition of "public  
15 utility" in section 102 (relating to definitions), and such  
16 other public utility as the commission may by rule or regulation  
17 direct, any tariff stating a new rate which constitutes a  
18 general rate increase, the commission shall promptly enter into

1 an investigation and analysis of said tariff filing [and]. If  
2 the tariff states a new rate which is calculated to increase the  
3 public utility's gross annual intrastate operating revenues by  
4 less than \$10,000,000, the commission may by order setting forth  
5 its reasons therefor, upon complaint or upon its own motion,  
6 upon reasonable notice, enter upon a hearing concerning the  
7 lawfulness of such rate, and the commission may, at any time by  
8 vote of a majority of the members of the commission serving in  
9 accordance with law, permit such tariff to become effective,  
10 except that absent such order such tariff shall be suspended for  
11 a period not to exceed seven months from the time such rate  
12 would otherwise become effective. [Before the expiration of such  
13 seven-month period,] If the tariff states a new rate which is  
14 calculated to increase the public utility's gross annual  
15 operating revenues by at least \$10,000,000, the commission  
16 shall, upon reasonable notice, enter upon a hearing concerning  
17 the lawfulness of the rate and the tariff shall be suspended for  
18 a period not to exceed nine months from the date on which the  
19 public utility filed the tariff with the commission. Before the  
20 expiration of the maximum period of suspension of any tariff  
21 stating a new rate which constitutes a general rate increase, a  
22 majority of the members of the commission serving in accordance  
23 with law, acting unanimously, shall make a final decision and  
24 order, setting forth its reasons therefor, granting or denying,  
25 in whole or in part, the general rate increase requested. If,  
26 however, such an order has not been made at the expiration of  
27 [such seven-month period,] the maximum period of suspension, the  
28 proposed general rate increase shall go into effect at the end  
29 of such period, but the commission may by order require the  
30 interested public utility to refund, in accordance with section

1 1312 (relating to refunds), to the persons in whose behalf such  
2 amounts were paid, such portion of such increased rates as by  
3 its decision shall be found not justified, plus interest, which  
4 shall be the average rate of interest specified for residential  
5 mortgage lending by the Secretary of Banking in accordance with  
6 the act of January 30, 1974 (P.L.13, No.6), referred to as the  
7 Loan Interest and Protection Law, during the period or periods  
8 for which the commission orders refunds. The rate in force when  
9 the tariff stating such new rate was filed shall continue in  
10 force during the period of suspension unless the commission  
11 shall grant extraordinary rate relief as prescribed in  
12 subsection (e). The commission shall consider the effect of such  
13 suspension in finally determining and prescribing the rates to  
14 be thereafter charged and collected by such public utility,  
15 except that the commission shall have no authority to prescribe,  
16 determine or fix, at any time during the pendency of a general  
17 rate increase proceeding or prior to a final determination of a  
18 general rate increase request, temporary rates as provided in  
19 section 1310, which rates may provide retroactive increases  
20 through recoupment. As used in this part general rate increase  
21 means a tariff filing which affects more than 5% of the  
22 customers and amounts to in excess of 3% of the total gross  
23 annual intrastate operating revenues of the public utility. If  
24 the public utility furnishes two or more types of service, the  
25 foregoing percentages shall be determined only on the basis of  
26 the customers receiving, and the revenues derived from, the type  
27 of service to which the tariff filing pertains.

28 (d.1) Multiple filings prohibited.--Except as required to  
29 implement an order granting extraordinary rate relief, no public  
30 utility which has filed one tariff, or one supplement to a

1 proposed or existing tariff, stating a new rate which  
2 constitutes a general rate increase shall file an additional  
3 tariff, or supplement, stating a new rate which constitutes a  
4 general rate increase for the same type of service until the  
5 commission has made a final decision and order on the first  
6 tariff or supplement or, if earlier, until the expiration of the  
7 maximum period of suspension of the first tariff or supplement.  
8 Except as required to implement an order granting extraordinary  
9 rate relief, no public utility shall simultaneously file  
10 multiple tariffs, multiple supplements to an existing or a  
11 proposed tariff or tariffs, or a tariff and a supplement to a  
12 proposed or existing tariff stating a new rate which constitutes  
13 a general rate increase for the same type of service.

14 \* \* \*

15 Section 2. This act shall take effect in 60 days.