

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 258

Session of
1985

INTRODUCED BY LLOYD, KUKOVICH, TIGUE, OLIVER, GREENWOOD,
J. L. WRIGHT, HALUSKA, FREEMAN, TRELLO, REBER, LINTON,
AFFLERBACH, CLARK, BLAUM, MORRIS, LUCYK, PERZEL, BELARDI AND
CAWLEY, FEBRUARY 6, 1985

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 18, 1985

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for retirement of electric
3 generating units.

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

6 Section 1. Title 66 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 520. Retirement of electric generating units.

9 (a) Removal from normal operation.--No public utility shall
10 discontinue an electric generating unit from normal operation
11 unless it has petitioned for and obtained the approval of the
12 commission. The commission may, upon its own motion or upon
13 complaint, prohibit a public utility from discontinuing an
14 electric generating unit from normal operation if the commission
15 determines that it would be more cost-effective for the
16 utility's ratepayers if the unit were to remain in normal
17 operation, either with or without capital additions or operating

1 improvements, than if the utility were to implement its plan for
2 replacing the power which the unit is, or could be made, capable
3 of producing.

4 (b) Return to normal operation.--The commission may, upon
5 its own motion or upon complaint, order a public utility to
6 return an electric generating unit to normal operation if the
7 commission determines that it would be more cost-effective for
8 the utility's ratepayers if the unit were to be returned to
9 normal operation, with or without capital additions or operating
10 improvements, than if the utility were to implement its plan for
11 providing the power which the unit is, or could be made, capable
12 of producing.

13 (c) Procedure.--The commission ~~shall~~ MAY hold such hearings <—
14 as it deems necessary in making the determinations required by
15 subsection (a) or (b). The affected public utility shall have
16 the burden of proof in any proceeding pursuant to this section.

17 (d) Regulations.--The commission may adopt such regulations
18 as it deems necessary to carry out its powers and duties under
19 this section.

20 (e) Exclusion.--This section shall not apply to a nuclear
21 generating unit. ~~which has been discontinued from normal~~ <—
22 ~~operation because of the unit's physical malfunctioning or~~
23 ~~breakdown.~~

24 (f) Definition.--As used in this section the term "normal
25 operation" means the continuing availability of an electric
26 generating unit to meet consumer demand except during:

27 (1) Scheduled outages for repairs, test, ~~nuclear~~ <—
28 ~~refueling~~ or other procedures essential to the unit's further
29 use.

30 (2) Unscheduled outages caused by the unit's physical

- 1 malfunctioning or breakdown.
- 2 Section 2. This act shall take effect in 60 days.