
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 311

Session of
1985

INTRODUCED BY BURNS AND GREENWOOD, FEBRUARY 13, 1985

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 13, 1985

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for adjustment of rates in
3 certain circumstances.

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 § 1320. Adjustment of rates in case of extraordinary
9 outages of electric utility facilities.

10 (a) Commission powers.--In the event of an extraordinary
11 outage, the commission shall, immediately on the 120th day of
12 the outage, notify the utility of its intention to remove the
13 facility from the rate base within 30 days.

14 (b) Objection by utility.--If a utility objects to the
15 procedures of subsection (a), it may petition the commission for
16 a hearing on the removal matter. In granting the requested
17 hearing, the commission may, at its discretion, stay or suspend
18 the removal of the facility from the utility's rate base. At the

1 hearing, the burden of proof shall rest upon the utility to
2 rebut the presumption that the utility was operating the
3 facility or facilities in an imprudent and unreasonable manner.
4 Failure of the utility to rebut the presumption shall result in
5 removal of the facility from the rate base until such time as
6 the facility or facilities are returned to full operating
7 capacity.

8 (c) Rules and regulations.--The commission shall promptly
9 promulgate rules and regulations for the implementation of this
10 section. The regulations shall include the requirement that each
11 electric utility notify the commission when a facility has been
12 inoperative for a period of seven days and whether the utility
13 has reason to believe that the inoperative period shall continue
14 for at least 30 days.

15 (d) Definition.--As used in this section the term
16 "extraordinary outage" means an event or occurrence which
17 renders inoperative for a period of at least 120 days any
18 electrical generating or transmitting facility.

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