

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 265

Session of
1987

INTRODUCED BY CAPPABIANCA, MANDERINO, DORR, F. TAYLOR, GALLEN, DOMBROWSKI, HALUSKA, COWELL, COY, KOSINSKI, HERSHEY, LANGTRY, VEON, DeWEESE, FREEMAN, STABACK, CARLSON, MORRIS, JOHNSON, SWEET, BOYES, MAIALE, BLAUM, EVANS, MERRY, McHALE, WOGAN, STEIGHNER, McCALL, KENNEY, G. SNYDER, LIVENGOOD, TRELLO, BUSH, LASHINGER, CARN, PETRONE, VAN HORNE, McVERRY, CAWLEY, TIGUE, PUNT, PISTELLA, BELARDI, PRESSMANN, BALDWIN, ITKIN, GANNON, COLAFELLA, DUFFY, GRUPPO, WILSON, HERMAN, KUKOVICH, LaGROTTA, HARPER, DeLUCA, JOSEPHS, FARGO, BOWSER, BLACK, E. Z. TAYLOR, DISTLER, MARKOSEK, HECKLER, YANDRISEVITS, BURD, RITTER, HUGHES, BROUJOS AND PHILLIPS, FEBRUARY 9, 1987

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 24, 1987

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for the representation of
3 small business ratepayers in proceedings involving general
4 rate increases; and making an appropriation.

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

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

9 § 306.1. Representation of small businesses.

10 (a) General rule.--When members of the Office of Trial Staff
11 participate in the prosecution of a proceeding involving a
12 general rate increase under section 1308 (relating to voluntary
13 changes in rates), at least one of those staff members shall
14 represent the interests of small business ratepayers on issues

1 involving rate structure unless the Director of Trial Staff
2 determines that representing small business ratepayers in the
3 proceeding is not necessary because those ratepayers are
4 otherwise adequately represented or that the resources available
5 are not adequate.

6 (b) Petitions.--In determining if and in what way it will
7 represent the interests of small business ratepayers in
8 accordance with subsection (a), the Office of Trial Staff, in a
9 proceeding involving a general rate increase, may consider
10 petitions presented in writing by small business ratepayers.
11 Within a reasonable time after receipt of a petition, the Office
12 of Trial Staff shall notify the petitioners, or the principal
13 sponsors of the petition, of the action taken or intended to be
14 taken with respect to the matters presented in the petition and
15 the reasons for such action.

16 (c) Report.--The commission shall annually submit a report
17 to the General Assembly containing a review of the general rate
18 increase proceedings in which small business ratepayers were
19 represented by the Office of Trial Staff as required by this
20 section and of the general rate increase proceedings in which
21 small business ratepayers were not represented by the Office of
22 Trial Staff, including the reasons for not providing
23 representation in those proceedings.

24 (d) Repayment of appropriation.--Any funds appropriated from
25 the General Fund for the purposes of this section shall be
26 repaid to the General Fund in the next fiscal year from the
27 funds assessed for the operation of the commission under section
28 510 (relating to assessment for regulatory expenses upon public
29 utilities).

30 (e) Definition.--As used in this section, the term "small

1 business ratepayer" means a commercial or industrial customer
2 which is a sole proprietorship, partnership, corporation,
3 association or other business entity, and which has fewer than
4 250 employees or a net worth of not more than \$2,000,000.

5 ~~Section 2. The sum of \$200,000, or as much thereof as may be~~ <—
6 ~~necessary, is hereby appropriated from the General Fund to the~~
7 ~~Pennsylvania Public Utility Commission for the fiscal year July~~
8 ~~1, 1987, to June 30, 1988, for providing staff and outside~~
9 ~~experts to carry out the provisions of 66 Pa.C.S. § 306.1.~~

10 Section 3 2. This act shall take effect July 1, 1987, or <—
11 immediately, whichever is later.