
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 3024 Session of
1990

INTRODUCED BY FLICK, BUNT, TRELLO, G. SNYDER, HERSHEY, FREEMAN
AND THOMAS, NOVEMBER 19, 1990

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 19, 1990

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further defining "public utility"; and
3 further providing for resale of public utility services.

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

6 Section 1. The definition of "public utility" in section 102
7 of Title 66 of the Pennsylvania Consolidated Statutes is amended
8 to read:

9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this part which are applicable to specific
12 provisions of this part, the following words and phrases when
13 used in this part shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 * * *

16 "Public utility."

17 (1) Any person or corporations now or hereafter owning
18 or operating in this Commonwealth equipment or facilities

1 for:

2 (i) Producing, generating, transmitting,
3 distributing or furnishing natural or artificial gas,
4 electricity, or steam for the production of light, heat,
5 or power to or for the public for compensation.

6 (ii) Diverting, developing, pumping, impounding,
7 distributing, or furnishing water to or for the public
8 for compensation.

9 (iii) Transporting passengers or property as a
10 common carrier.

11 (iv) Use as a canal, turnpike, tunnel, bridge,
12 wharf, and the like for the public for compensation.

13 (v) Transporting or conveying natural or artificial
14 gas, crude oil, gasoline, or petroleum products,
15 materials for refrigeration, or oxygen or nitrogen, or
16 other fluid substance, by pipeline or conduit, for the
17 public for compensation.

18 (vi) Conveying or transmitting messages or
19 communications, except as set forth in paragraph (2)(iv),
20 by telephone or telegraph or domestic public land mobile
21 radio service including, but not limited to, point-to-
22 point microwave radio service for the public for
23 compensation.

24 (vii) Sewage collection, treatment, or disposal for
25 the public for compensation.

26 (viii) Purchasing electric service from another
27 public utility and reselling it to consumers, except as
28 providing in paragraph (2)(v).

29 (2) The term "public utility" does not include:

30 (i) Any person or corporation, not otherwise a

1 public utility, who or which furnishes service only to
2 himself or itself.

3 (ii) Any bona fide cooperative association which
4 furnishes service only to its stockholders or members on
5 a nonprofit basis.

6 (iii) Any producer of natural gas not engaged in
7 distributing such gas directly to the public for
8 compensation.

9 (iv) Any person or corporation, not otherwise a
10 public utility, who or which furnishes mobile domestic
11 cellular radio telecommunications service.

12 (v) Any electric cooperative corporation, municipal
13 authority or municipal corporation that purchases
14 electric service from another public utility and resells
15 it to consumers.

16 (3) For the purposes of sections 2702 (relating to
17 construction, relocation, suspension and abolition of
18 crossings), 2703 (relating to ejectment in crossing cases)
19 and 2704 (relating to compensation for damages occasioned by
20 construction, relocation or abolition of crossings) and those
21 portions of sections 1501 (relating to character of service
22 and facilities), 1505 (relating to proper service and
23 facilities established on complaint) and 1508 (relating to
24 reports of accidents), as those sections or portions thereof
25 relate to safety only, a municipal authority or
26 transportation authority organized under the laws of this
27 Commonwealth shall be considered a public utility when it
28 owns or operates, for the carriage of passengers or goods by
29 rail, a line of railroad composed of lines formerly owned or
30 operated by the Pennsylvania Railroad, the Penn-Central

1 Transportation Company, the Reading Company or the
2 Consolidated Rail Corporation.

3 * * *

4 Section 2. Section 1313 of Title 66 is amended to read:

5 § 1313. Price upon resale of public utility services.

6 Whenever any person, corporation or other entity, not a
7 public utility, [electric cooperative corporation,] municipality
8 authority or municipal corporation, purchases service from a
9 public utility and resells it to consumers, the bill rendered by
10 the reseller to any residential consumer shall not exceed the
11 amount which the public utility would bill its own residential
12 consumers for the same quantity of service under the residential
13 rate of its tariff then currently in effect.

14 Section 3. This act shall take effect in 60 days.