

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 959 Session of
2009

INTRODUCED BY O'PAKE, WASHINGTON, FONTANA, RAFFERTY, BOSCOLA,
COSTA, KITCHEN, WARD, FERLO AND EARLL, JUNE 12, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JUNE
12, 2009

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for the definition
3 of "public utility."

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) Providing limousine service in a county of
27 the second class pursuant to Subchapter B of Chapter 11
28 (relating to limousine service in counties of the second
29 class).

30 (2) The term does not include:

1 (i) Any person or corporation, not otherwise a
2 public utility, who or which furnishes service only to
3 himself or itself, except that a municipal authority
4 providing public water or sewer services shall be deemed
5 a public utility fully subject to the provisions
6 hereafter applicable to rates and ratemaking and
7 Responsible Utility Customer Protection.

8 (ii) Any bona fide cooperative association which
9 furnishes service only to its stockholders or members on
10 a nonprofit basis.

11 (iii) Any producer of natural gas not engaged in
12 distributing such gas directly to the public for
13 compensation.

14 (iv) Any person or corporation, not otherwise a
15 public utility, who or which furnishes mobile domestic
16 cellular radio telecommunications service.

17 (v) Any building or facility owner/operators who
18 hold ownership over and manage the internal distribution
19 system serving such building or facility and who supply
20 electric power and other related electric power services
21 to occupants of the building or facility.

22 (vi) Electric generation supplier companies, except
23 for the limited purposes as described in sections 2809
24 (relating to requirements for electric generation
25 suppliers) and 2810 (relating to revenue-neutral
26 reconciliation).

27 (3) For the purposes of sections 2702 (relating to
28 construction, relocation, suspension and abolition of
29 crossings), 2703 (relating to ejectment in crossing cases)
30 and 2704 (relating to compensation for damages occasioned by

1 construction, relocation or abolition of crossings) and those
2 portions of sections 1501 (relating to character of service
3 and facilities), 1505 (relating to proper service and
4 facilities established on complaint) and 1508 (relating to
5 reports of accidents), as those sections or portions thereof
6 relate to safety only, a municipal authority or
7 transportation authority organized under the laws of this
8 Commonwealth shall be considered a public utility when it
9 owns or operates, for the carriage of passengers or goods by
10 rail, a line of railroad composed of lines formerly owned or
11 operated by the Pennsylvania Railroad, the Penn-Central
12 Transportation Company, the Reading Company or the
13 Consolidated Rail Corporation.

14 * * *

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