

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1796 Session of
2011

INTRODUCED BY MUNDY, BRIGGS, BOBACK, DALEY, FABRIZIO, HORNAMAN,
KORTZ, MIRABITO, MULLERY, MURPHY, PASHINSKI AND SCHRODER,
JULY 26, 2011

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JULY 26, 2011

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions.

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

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

8 § 102. Definitions.

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

14 * * *

15 "Gathering line." A pipe that:

16 (1) Carries uncompressed gas.

17 (2) Is used to gather gas from a producing gas well or

1 production facility for transport to a compressor station,
2 other well sites or to transmission or distribution lines or
3 mains.

4 "Gathering line company." A person or corporation owning or
5 operating equipment or a facility in this Commonwealth that:

6 (1) Carries uncompressed gas.

7 (2) Is used to gather gas from a producing gas well or
8 production facility for transport to a compressor station,
9 other well sites or to transmission or distribution lines or
10 mains.

11 * * *

12 "Public utility."

13 (1) Any person or corporations now or hereafter owning
14 or operating in this Commonwealth equipment or facilities
15 for:

16 (i) Producing, generating, transmitting,
17 distributing or furnishing natural or artificial gas,
18 electricity, or steam for the production of light, heat,
19 or power to or for the public for compensation.

20 (ii) Diverting, developing, pumping, impounding,
21 distributing, or furnishing water to or for the public
22 for compensation.

23 (iii) Transporting passengers or property as a
24 common carrier.

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

27 (v) Transporting or conveying natural or artificial
28 gas, crude oil, gasoline, or petroleum products,
29 materials for refrigeration, or oxygen or nitrogen, or
30 other fluid substance, by pipeline or conduit, for the

1 public for compensation.

2 (vi) Conveying or transmitting messages or
3 communications, except as set forth in paragraph (2)(iv),
4 by telephone or telegraph or domestic public land mobile
5 radio service including, but not limited to, point-to-
6 point microwave radio service for the public for
7 compensation.

8 (vii) Sewage collection, treatment, or disposal for
9 the public for compensation.

10 (viii) Providing limousine service in a county of
11 the second class pursuant to Subchapter B of Chapter 11
12 (relating to limousine service in counties of the second
13 class).

14 (2) The term does not include:

15 (i) Any person or corporation, not otherwise a
16 public utility, who or which furnishes service only to
17 himself or itself.

18 (ii) Any bona fide cooperative association which
19 furnishes service only to its stockholders or members on
20 a nonprofit basis.

21 (iii) Any producer of natural gas not engaged in
22 distributing such gas directly to the public for
23 compensation, including a gathering line company.

24 (iv) Any person or corporation, not otherwise a
25 public utility, who or which furnishes mobile domestic
26 cellular radio telecommunications service.

27 (v) Any building or facility owner/operators who
28 hold ownership over and manage the internal distribution
29 system serving such building or facility and who supply
30 electric power and other related electric power services

1 to occupants of the building or facility.

2 (vi) Electric generation supplier companies, except
3 for the limited purposes as described in sections 2809
4 (relating to requirements for electric generation
5 suppliers) and 2810 (relating to revenue-neutral
6 reconciliation).

7 (3) For the purposes of sections 2702 (relating to
8 construction, relocation, suspension and abolition of
9 crossings), 2703 (relating to ejectment in crossing cases)
10 and 2704 (relating to compensation for damages occasioned by
11 construction, relocation or abolition of crossings) and those
12 portions of sections 1501 (relating to character of service
13 and facilities), 1505 (relating to proper service and
14 facilities established on complaint; authority to order
15 conservation and load management programs) and 1508 (relating
16 to reports of accidents), as those sections or portions
17 thereof relate to safety only, a municipal authority or
18 transportation authority organized under the laws of this
19 Commonwealth shall be considered a public utility when it
20 owns or operates, for the carriage of passengers or goods by
21 rail, a line of railroad composed of lines formerly owned or
22 operated by the Pennsylvania Railroad, the Penn-Central
23 Transportation Company, the Reading Company or the
24 Consolidated Rail Corporation.

25 * * *

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