

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2114 Session of
2012

INTRODUCED BY PETRI, JANUARY 10, 2012

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JANUARY 10, 2012

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in responsible utility customer
3 protection, further providing for termination of utility
4 service; repealing provisions relating to liens by city
5 natural gas distribution operations; in natural gas
6 competition, further providing for city natural gas
7 distribution operations; and making related repeals.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1406 of Title 66 of the Pennsylvania
11 Consolidated Statutes is amended by adding a subsection to read:
12 § 1406. Termination of utility service.

13 * * *

14 (i) Residential field visit charge.--A city natural gas
15 distribution operation is authorized to charge a minimum fee of
16 \$10 for each instance in which its representative is required to
17 visit the residence of a customer in the process of attempting
18 to complete required service termination steps.

19 Section 2. Section 1414 of Title 66 is repealed:
20 [§ 1414. Liens by city natural gas distribution operations.

21 (a) General rule.--A city natural gas distribution operation

1 furnishing gas service to a property is entitled to impose or
2 assess a municipal claim against the property and file as liens
3 of record claims for unpaid natural gas distribution service and
4 other related costs, including natural gas supply, in the court
5 of common pleas of the county in which the property is situated
6 or, if the claim for the unpaid natural gas distribution service
7 does not exceed the maximum amount over which the Municipal
8 Court of Philadelphia has jurisdiction, in the Municipal Court
9 of Philadelphia, pursuant to sections 3 and 9 of the act of May
10 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim
11 and Tax Lien Law, and Chapter 22 (relating to natural gas
12 competition).

13 (b) Residential field visit charge.--A city natural gas
14 distribution operation is authorized to charge a minimum fee of
15 \$10 for each instance in which its representative is required to
16 visit the residence of a customer in the process of attempting
17 to complete required service termination steps.

18 (c) Refusal of service.--The commission shall permit a city
19 natural gas distribution operation to refuse to provide service
20 to an applicant if the applicant has a pending lien or civil
21 judgment by the city natural gas distribution operation
22 outstanding against the applicant or against property owned in
23 whole or in part by the applicant unless the applicant enters
24 into a payment arrangement for the payment of the amount
25 associated with the lien or judgment that remains outstanding at
26 the time of the application.]

27 Section 3. Section 2212(n) and (s) of Title 66 are amended
28 to read:

29 § 2212. City natural gas distribution operations.

30 * * *

(n) Collections.--[Nothing contained in this title shall abrogate the power of a city natural gas distribution operation to collect delinquent receivables through the imposition of liens pursuant to] Notwithstanding section 3 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, or [otherwise] any other provision of law, a city natural gas distribution operation shall not have the power to collect delinquent receivables through the imposition of liens.

* * *

(s) Powers preserved.--Nothing contained in this title shall be construed to abrogate or limit the executive or legislative powers of a city that owns a city natural gas distribution operation to [legislate or otherwise] determine the [powers, functions, budgets, activities and mission of the city natural gas distribution operation or any related entity created under subsection (m), including, but not limited to, the] ownership, governance, management or control [thereof] of the city natural gas distribution operation or any related entity created under subsection (m). Nothing in this title shall limit or prevent the proper city officials and agencies from conducting audits and examinations of the financial affairs of the city natural gas distribution operation in accordance with their official duties.

* * *

Section 4. Sections 3 and 9 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, are repealed insofar as they apply to city natural gas distribution operations as defined in 66 Pa.C.S. § 102.

Section 5. This act shall take effect in 60 days.