

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1328 Session of  
2014

INTRODUCED BY HUGHES, KASUNIC, SCHWANK, BREWSTER, RAFFERTY,  
FONTANA AND SOLOBAY, APRIL 4, 2014

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 4, 2014

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in restructuring of electric utility  
3 industry, providing for electric generation supply service at  
4 variable rate.

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 § 2809.1. Electric generation supply service at variable rate.

10 (a) Variable rate prohibited.--An electric generation  
11 supplier may not contract with a retail customer who  
12 participates in universal service and energy conservation for  
13 electric generation supply service at a variable rate.

14 (b) Variable rate permitted.--An electric generation  
15 supplier may contract with a retail customer who does not  
16 participate in universal service and energy conservation for  
17 electric generation supply service at a variable rate if the  
18 commission approves of the terms and conditions of the contract

1 under subsection (c).

2 (c) Language authorization.--

3 (1) Before contracting with a retail customer under  
4 subsection (b), an electric generation supplier shall submit  
5 the terms and conditions of the contract to the commission.  
6 The commission shall approve or deny the terms and conditions  
7 of the contract based on the following:

8 (i) Whether the terms and conditions are printed in  
9 large font on a document that is detached from the  
10 customer's bill.

11 (ii) Whether the contract length, pricing and  
12 renewal terms are prominently displayed.

13 (iii) Whether the terms and conditions are in plain  
14 language and describe what service the customer will  
15 receive upon agreeing to service at a variable rate.

16 (2) The commission shall provide notice to the electric  
17 generation supplier of the commission's approval or denial of  
18 the terms and conditions of the contract under paragraph (1).

19 (d) Penalties.--In addition to the penalties authorized  
20 under section 3301 (relating to civil penalties for violations),  
21 an electric generation supplier that violates this section shall  
22 be subject to sections 3, 3.1, 4, 4.1, 5, 8 and 9.2 of the act  
23 of December 17, 1968 (P.L.1224, No.387), known as the Unfair  
24 Trade Practices and Consumer Protection Law.

25 (e) Applicability.--This section shall apply to contracts  
26 for electric generation supply service executed on or after the  
27 effective date of this section.

28 (f) Definition.--As used in this section, the term "variable  
29 rate" means an all-inclusive per kilowatt rate that may  
30 fluctuate based on changes in electric market conditions.

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