

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 175

Session of  
1975

INTRODUCED BY MESSRS. SCHMITT, RENNINGER, MRS. GILLETTE, MESSRS. BRUNNER, A. K. HUTCHINSON, ZEARFOSS, MRS. TOLL, MESSRS. MANDERINO, SHANE, FINEMAN, ROMANELLI, LAUGHLIN, COHEN, TRELLO, ROSS, ABRAHAM, SCHEAFFER, IRVIS, SCHWEDER, TAYLOR, WOJDAK, DOYLE, GEORGE, GREENFIELD, MORRIS, BERLIN, PIEVSKY, MUSTO, SHUPNIK, GREEN, O'KEEFE, PERRY, LEDERER, LETTERMAN, MRS. KERNICK, MESSRS. COWELL, ZORD, REED, FEE, MILLIRON, PRATT, MENHORN, ZEARFOSS, BENNETT, KOWALYSHYN, WARGO, RUGGIERO, TADDONIO, O'DONNELL AND MRKONIC, JANUARY 28, 1975

AS REPORTED FROM COMMITTEE ON CONSUMER PROTECTION, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 18, 1975

## AN ACT

1 Creating the Department of Consumer Advocate, establishing its  
2 powers and duties, and providing the method of its financing.

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

5 Section 1. Short Title.--This act shall be known and may be  
6 cited as the "Consumer Advocate Act."

7 Section 2. Definitions.--As used in this act:

8 "COMMISSION" MEANS THE PENNSYLVANIA PUBLIC UTILITY  
9 COMMISSION.

&lt;—

10 "Consumer" means any person (i) who makes a direct use or is  
11 the ultimate recipient of a product or a service supplied by any  
12 person subject to a regulatory agency or (ii) who may be a  
13 direct user or ultimate recipient of a product or service  
14 supplied by any person subject to a regulatory agency and may be

1 affected in any way by any action within the authority of a  
2 regulatory agency. The term "consumer" includes any "consumer"  
3 as defined in the act of April 28, 1937 (P.L.417, No.105), known  
4 as the "Milk Marketing Law," and any "insured" as used in the  
5 act of June 11, 1947 (P.L.538, No.246), known as "The Casualty  
6 and Surety Rate Regulatory Act," AND THE ACT OF JUNE 11, 1947 <—  
7 (P.L.551, NO.247), KNOWN AS "THE FIRE, MARINE AND INLAND MARINE  
8 RATE REGULATORY ACT," and any "person" or "corporation" as  
9 defined in section 2 of the act of May 28, 1937 (P.L.1053,  
10 No.286), known as the "Public Utility Law."

11 "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER ADVOCATE. <—

12 "PUBLIC UTILITY" MEANS PUBLIC UTILITY AS DEFINED IN SECTION  
13 2(17), ACT OF MAY 28, 1937 (P.L.1053, NO.286), KNOWN AS THE  
14 "PUBLIC UTILITY LAW."

15 "Regulatory agencies" means the Milk Marketing Board, the  
16 Pennsylvania Public Utility Commission and the Insurance  
17 Department.

18 Section 3. Department of Consumer Advocate Established.--  
19 There is hereby established the Department of Consumer Advocate  
20 to represent the ~~interests~~ INTEREST of consumers before State <—  
21 Regulatory Agencies of this Commonwealth.

22 Section 4. Department of Consumer Advocate.--The Department  
23 of Consumer Advocate shall be headed by the Consumer Advocate  
24 who shall be appointed by the Governor and shall serve at the  
25 pleasure of the Governor. The Consumer Advocate shall be a  
26 person who by reason of training, experience and attainment is  
27 qualified to represent the ~~interests~~ INTEREST of consumers. His <—  
28 compensation shall be set by the Executive Board AS DEFINED IN <—  
29 SECTIONS 204 AND 709, ACT OF APRIL 9, 1929 (P.L.177, NO.175),  
30 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

1 Section 5. Assistant Consumer Advocates; Employees.--The  
2 Consumer Advocate shall appoint with the approval of the  
3 Governor, attorneys as assistant consumer advocates and such  
4 additional clerical, technical and professional staff as may be  
5 appropriate, and may contract for such additional services as  
6 shall be necessary for the performance of his function. The  
7 compensation of assistant consumer advocates and such  
8 ~~professional and clerical~~ CLERICAL, TECHNICAL AND PROFESSIONAL <—  
9 staff shall be set by the Executive Board.

10 Section 6. Powers and Duties of the Consumer Advocate.--(a)  
11 The Consumer Advocate shall have the power and the duty to  
12 represent the ~~interests~~ INTEREST of consumers before the <—  
13 regulatory agencies in any matter properly before such agencies,  
14 initiating proceedings if in his judgment such may be necessary,  
15 and before any court in connection with any matter involving  
16 regulation by the regulatory agencies, whether on appeal or  
17 otherwise initiated. Specifically and without limitation, the  
18 Consumer Advocate shall be an affected party before each  
19 regulatory agency and an aggrieved party on appeal from any  
20 action or decision by a regulatory agency.

21 (b) The Consumer Advocate may exercise discretion in  
22 DETERMINING THE INTERESTS OF CONSUMERS WHICH WILL BE ADVOCATED <—  
23 IN ANY PARTICULAR PROCEEDING AND IN determining whether or not  
24 to participate in or initiate any particular proceeding and in  
25 so determining, ~~may~~ SHALL consider THE PUBLIC INTEREST, the <—  
26 resources available and the substantiality of the effect of the  
27 proceeding on the interest of consumers. The Consumer Advocate  
28 may refrain from intervening when in the judgment of the  
29 Consumer Advocate such is not necessary to represent adequately  
30 the interest of consumers. UPON PETITION OF 20% OR 2,500 OF THE <—

1 CONSUMERS, WHICHEVER IS LESS, WHO MAKE DIRECT USE OR ARE  
2 ULTIMATE RECIPIENTS OF A PRODUCT OR SERVICE SUPPLIED BY A PERSON  
3 SUBJECT TO A REGULATORY AGENCY, THE CONSUMER ADVOCATE SHALL  
4 PARTICIPATE IN A PROCEEDING INVOLVING SUCH PERSON OR PROVIDE A  
5 WRITTEN STATEMENT OF HIS REASONS FOR REFRAINING FROM  
6 INTERVENING.

7 (c) Any action brought by the Consumer Advocate before a  
8 court or an agency of this Commonwealth shall be brought in the  
9 name of the person serving as Consumer Advocate and shall not be  
10 brought in the name of the Commonwealth. The Consumer Advocate  
11 may name a consumer or group of consumers in whose name the  
12 action may be brought or may join with a consumer or group of  
13 consumers in bringing the action.

14 Section 7. Reports.--The Consumer Advocate shall annually  
15 transmit to the Governor and the General Assembly and shall make  
16 available to the public an annual report on the conduct of the  
17 department. The Consumer Advocate shall make recommendations as  
18 may from time to time be necessary or desirable to protect the  
19 interest of consumers.

20 Section 8. Subpoenas.--(a) Whenever the Consumer Advocate  
21 has reason to believe that any person may have knowledge, or be  
22 in possession, custody or control of any documentary material,  
23 pertinent to a pending proposal or proceeding before a  
24 regulatory agency, the Consumer Advocate may issue in writing  
25 and cause to be served upon the person a subpoena which:

26 (1) compels the attendance of such person and requires that  
27 person to submit to examination and give testimony under oath;

28 (2) requires the production of documentary material  
29 pertinent to the investigation for inspection or copying; and

30 (3) requires answers to written interrogatories to be

1 furnished under oath.

2 (b) The Consumer Advocate may issue successive subpoenas to  
3 the same person in order to obtain additional information  
4 pertinent to an ongoing proceeding.

5 (C) ANY SUBPOENA ISSUED HEREUNDER SHALL BE SUBJECT TO  
6 INVALIDATION BY THE APPROPRIATE REGULATORY AGENCY UPON GOOD AND  
7 PROPER CAUSE SHOWN FILED WITHIN TEN DAYS OF ITS SERVICE, EXCEPT  
8 THAT ANY SUCH INVALIDATION SHALL BE SUBJECT TO IMMEDIATE APPEAL  
9 BY THE DEPARTMENT OF CONSUMER ADVOCATE TO THE COMMONWEALTH  
10 COURT.

<—

11 Section 9. Duties of Regulatory Agencies.--In dealing with  
12 any proposed action which may substantially affect the interest  
13 of consumers, including but not limited to a proposed change of  
14 rates and the adoption of rules, regulations, guidelines,  
15 orders, standards or final policy decisions, each regulatory  
16 agency shall:

17 (1) Notify the Consumer Advocate when notice of the proposed  
18 action is given to the public or at a time fixed by agreement  
19 between the Consumer Advocate and the regulatory agency in a  
20 manner to assure the Consumer Advocate reasonable notice and  
21 adequate time to determine whether to intervene in such matter.

22 (2) Consistent with its other statutory responsibilities,  
23 take such action with due consideration to the interest of  
24 consumers.

25 Section 10. Savings Provision; Construction.--(a) Nothing  
26 contained herein shall in any way limit the right of any  
27 consumer to bring a proceeding before either a regulatory agency  
28 or a court.

29 (b) Nothing contained herein shall be construed to impair  
30 the statutory authority or responsibility of any regulatory

1 agency to protect and promote the interest of consumers.

2 ~~Section 11. Appropriation; Surcharge by Pennsylvania Public~~ <—  
3 ~~Utility Commission. (a) For the administration and performance~~  
4 ~~of the duties of the Consumer Advocate relating to proceedings~~  
5 ~~before the Pennsylvania Public Utility Commission, related~~  
6 ~~judicial proceedings and other such matters handled by the~~  
7 ~~Department of Consumer Advocate, there is hereby appropriated to~~  
8 ~~the Department of Consumer Advocate for each fiscal year, an~~  
9 ~~amount equal to 10% of the budget of the Pennsylvania Public~~  
10 ~~Utility Commission, and such amount shall be added as a~~  
11 ~~surcharge to the regulatory expenses assessed by the~~  
12 ~~Pennsylvania Public Utility Commission pursuant to section 1201~~  
13 ~~of the act of May 28, 1937 (P.L.1053, No.286), known as the~~  
14 ~~"Public Utility Law." Any funds appropriated hereunder that are~~  
15 ~~unexpended or unencumbered at the end of the fiscal year shall~~  
16 ~~be deducted from the appropriation for the succeeding fiscal~~  
17 ~~year.~~

18 ~~(b) The Consumer Advocate shall maintain a record of all~~  
19 ~~expenditures and shall allocate a proportion thereof to reflect~~  
20 ~~on a reasonable basis the cost of proceeding before the~~  
21 ~~Pennsylvania Public Utility Commission and related judicial~~  
22 ~~proceedings and other such matters handled by the Department of~~  
23 ~~Consumer Advocate.~~

24 SECTION 11. ASSESSMENT UPON PUBLIC UTILITIES, DISPOSITION, <—  
25 APPROPRIATION AND DISBURSEMENT OF SUCH ASSESSMENTS.--(A) BEFORE  
26 JULY 1 OF EACH YEAR, THE CONSUMER ADVOCATE SHALL ESTIMATE ITS  
27 TOTAL EXPENDITURES IN THE ADMINISTRATION OF THIS ACT IN SO FAR  
28 AS IT RELATES TO PUBLIC UTILITIES FOR THE FISCAL YEAR BEGINNING  
29 THAT DATE, WHICH ESTIMATE SHALL NOT EXCEED .02% OF THE TOTAL  
30 GROSS INTRASTATE OPERATING REVENUES OF THE PUBLIC UTILITIES

1 UNDER THE JURISDICTION OF THE PENNSYLVANIA PUBLIC UTILITY  
2 COMMISSION FOR THE PRECEDING CALENDAR YEAR. SUCH ESTIMATE SHALL  
3 BE SUBMITTED TO THE GOVERNOR, AND TO THE APPROPRIATION  
4 COMMITTEES OF THE HOUSE AND SENATE THROUGH THEIR RESPECTIVE  
5 CHAIRMEN, FOR THEIR RESPECTIVE APPROVALS OF SUCH ESTIMATE IN THE  
6 AMOUNT SUBMITTED OR SUCH LESSER AMOUNT AS EACH OF THEM MAY  
7 DETERMINE: PROVIDED, THAT IF THE GOVERNOR OR EITHER COMMITTEE,  
8 THROUGH ITS CHAIRMAN, SHALL NOT NOTIFY THE CONSUMER ADVOCATE IN  
9 WRITING OF HIS OR ITS ACTION WITHIN 30 DAYS AFTER SUCH  
10 SUBMISSION, THE ESTIMATE AS SUBMITTED SHALL BE DEEMED APPROVED  
11 BY HIM OR BY SUCH COMMITTEE, AS THE CASE MAY BE. THE LEAST OF  
12 THE AMOUNTS SO APPROVED BY THE THREE APPROVING AUTHORITIES SHALL  
13 BE THE FINAL ESTIMATE; AND APPROVAL OF SUCH LEAST AMOUNT SHALL  
14 CONSTITUTE COMPLIANCE WITH SECTION 604 OF THE ACT OF APRIL 9,  
15 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF  
16 1929." THE DEPARTMENT OF CONSUMER ADVOCATE SHALL SUBTRACT FROM  
17 THE FINAL ESTIMATE, THE ESTIMATED BALANCE OF THE APPROPRIATION  
18 TO BE CARRIED OVER INTO SUCH FISCAL YEAR FROM THE PRECEDING ONE.  
19 THE REMAINDER SO DETERMINED, HEREIN CALLED THE TOTAL ASSESSMENT,  
20 SHALL BE ALLOCATED TO, AND PAID BY, SUCH PUBLIC UTILITIES IN THE  
21 MANNER HEREAFTER PRESCRIBED. THE CONSUMER ADVOCATE OR ITS  
22 DESIGNATED REPRESENTATIVE SHALL, WHEN REQUESTED, APPEAR BEFORE  
23 THE SENATE AND THE HOUSE APPROPRIATION COMMITTEES.

24 (B) FOR EACH FISCAL YEAR BEGINNING WITH THE FISCAL YEAR  
25 FOLLOWING THE FIRST FULL CALENDAR YEAR OF THE OPERATION OF THE  
26 DEPARTMENT OF CONSUMER ADVOCATE, THE ALLOCATION SHALL BE MADE AS  
27 FOLLOWS:

28 (1) THE DEPARTMENT OF CONSUMER ADVOCATE SHALL DETERMINE FOR  
29 THE PRECEDING CALENDAR YEAR THE AMOUNT OF EXPENDITURES DIRECTLY  
30 ATTRIBUTABLE, OR IN ITS JUDGMENT PROPERLY ALLOCABLE TO ITS

1 ACTIVITIES IN CONNECTION WITH EACH GROUP OF UTILITIES FURNISHING  
2 THE SAME KIND OF SERVICE, AND DEBIT THE AMOUNT SO DETERMINED TO  
3 SUCH GROUP. FOR EACH PRIOR FISCAL YEAR THE AFORESAID ALLOCATION  
4 SHALL BE BASED UPON THE EXPENDITURE EXPERIENCE IF ANY OF THE  
5 DEPARTMENT OF CONSUMER ADVOCATE AND ITS EXPENDITURE ESTIMATE FOR  
6 THE BALANCE OF THE FIRST 12 MONTHS OF ITS OPERATION.

7 (2) THE DEPARTMENT OF CONSUMER ADVOCATE SHALL THEN ALLOCATE  
8 THE TOTAL ASSESSMENT PRESCRIBED BY SUBSECTION (A) TO EACH GROUP  
9 IN THE PROPORTION WHICH THE SUM OF THE DEBITS MADE TO IT BEARS  
10 TO THE SUM OF THE DEBITS MADE TO ALL GROUPS. THE DEPARTMENT OF  
11 CONSUMER ADVOCATE SHALL TRANSMIT TO THE PENNSYLVANIA PUBLIC  
12 UTILITY COMMISSION THE RESULT OF THE AFORESAID ALLOCATION.

13 (C) THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL  
14 THEREAFTER COMPLETE THE ASSESSMENT PROCEDURE AND COLLECT THE  
15 ASSESSMENTS AS FOLLOWS: EACH PUBLIC UTILITY WITHIN A GROUP SHALL  
16 THEN BE ASSESSED FOR AND SHALL PAY TO THE PENNSYLVANIA PUBLIC  
17 UTILITY COMMISSION SUCH PROPORTION OF THE AMOUNT ALLOCATED TO  
18 ITS GROUP AS THE GROSS INTRASTATE OPERATING REVENUES OF THE  
19 PUBLIC UTILITY FOR THE PRECEDING CALENDAR YEAR BEAR TO THE TOTAL  
20 GROSS INTRASTATE OPERATING REVENUES OF ITS GROUP FOR THAT YEAR.  
21 THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL GIVE NOTICE BY  
22 REGISTERED OR CERTIFIED MAIL TO EACH PUBLIC UTILITY OF THE  
23 AMOUNT LAWFULLY CHARGED AGAINST IT UNDER THE PROVISIONS OF THIS  
24 SECTION, WHICH AMOUNT SHALL BE PAID BY THE PUBLIC UTILITY WITHIN  
25 30 DAYS OF RECEIPT OF SUCH NOTICE, UNLESS THE COMMISSION  
26 SPECIFIES ON THE NOTICES SENT TO ALL PUBLIC UTILITIES AN  
27 INSTALLMENT PLAN OF PAYMENT, IN WHICH CASE EACH PUBLIC UTILITY  
28 SHALL PAY EACH INSTALLMENT ON OR BEFORE THE DATE SPECIFIED  
29 THEREFOR BY THE COMMISSION. WITHIN 15 DAYS AFTER RECEIPT OF SUCH  
30 NOTICE, THE PUBLIC UTILITY AGAINST WHICH SUCH ASSESSMENT HAS



1 BEEN MADE MAY FILE WITH THE COMMISSION OBJECTIONS SETTING OUT IN  
2 DETAIL THE GROUNDS UPON WHICH THE OBJECTOR REGARDS SUCH  
3 ASSESSMENT TO BE EXCESSIVE, ERRONEOUS, UNLAWFUL OR INVALID. THE  
4 COMMISSION, AFTER NOTICE TO THE OBJECTOR, SHALL HOLD A HEARING  
5 UPON SUCH OBJECTIONS. AFTER SUCH HEARING, THE COMMISSION SHALL  
6 RECORD UPON ITS MINUTES ITS FINDINGS ON THE OBJECTIONS AND SHALL  
7 TRANSMIT TO THE OBJECTOR, BY REGISTERED OR CERTIFIED MAIL,  
8 NOTICE OF THE AMOUNT, IF ANY, CHARGED AGAINST IT IN ACCORDANCE  
9 WITH SUCH FINDINGS, WHICH AMOUNT OR ANY INSTALLMENT THEREOF THEN  
10 DUE, SHALL BE PAID BY THE OBJECTOR WITHIN TEN DAYS AFTER RECEIPT  
11 OF NOTICE OF THE FINDINGS OF THE COMMISSION WITH RESPECT TO SUCH  
12 OBJECTIONS. IF ANY PAYMENT PRESCRIBED BY THIS SUBSECTION IS NOT  
13 MADE AS AFORESAID, THE COMMISSION MAY SUSPEND OR REVOKE  
14 CERTIFICATES OF PUBLIC CONVENIENCE, CERTIFY AUTOMOBILE  
15 REGISTRATIONS TO THE SECRETARY OF TRANSPORTATION FOR SUSPENSION  
16 OR REVOCATION OR, THROUGH THE DEPARTMENT OF JUSTICE, MAY  
17 INSTITUTE AN APPROPRIATE ACTION AT LAW FOR THE AMOUNT LAWFULLY  
18 ASSESSED, TOGETHER WITH ANY ADDITIONAL COST INCURRED BY THE  
19 COMMISSION OR THE DEPARTMENT OF JUSTICE BY VIRTUE OF SUCH  
20 FAILURE TO PAY.

21 (D) NO SUIT OR PROCEEDING SHALL BE MAINTAINED IN ANY COURT  
22 FOR THE PURPOSE OF RESTRAINING OR IN ANYWISE DELAYING THE  
23 COLLECTION OR PAYMENT OF ANY ASSESSMENT MADE UNDER SUBSECTIONS  
24 (A), (B) AND (C), BUT EVERY PUBLIC UTILITY AGAINST WHICH AN  
25 ASSESSMENT IS MADE SHALL PAY THE SAME AS PROVIDED IN SUBSECTION  
26 (C) OF THIS SECTION. ANY PUBLIC UTILITY MAKING ANY SUCH PAYMENT  
27 MAY, AT ANY TIME WITHIN TWO YEARS FROM THE DATE OF PAYMENT, SUE  
28 THE COMMONWEALTH IN AN ACTION AT LAW TO RECOVER THE AMOUNT PAID,  
29 OR ANY PART THEREOF, UPON THE GROUND THAT THE ASSESSMENT WAS  
30 EXCESSIVE, ERRONEOUS, UNLAWFUL, OR INVALID, IN WHOLE OR IN PART,

1 PROVIDED OBJECTIONS, AS HEREINBEFORE PROVIDED, WERE FILED WITH  
2 THE COMMISSION, AND PAYMENT OF THE ASSESSMENT WAS MADE UNDER  
3 PROTEST EITHER AS TO ALL OR PART THEREOF. IN ANY ACTION FOR  
4 RECOVERY OF ANY PAYMENTS MADE UNDER THIS SECTION, THE CLAIMANT  
5 SHALL BE ENTITLED TO RAISE EVERY RELEVANT ISSUE OF LAW, BUT THE  
6 FINDINGS OF FACT MADE BY THE COMMISSION, PURSUANT TO THIS  
7 SECTION, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS THEREIN  
8 STATED. ANY RECORDS, BOOKS, DATA, DOCUMENTS, AND MEMORANDA  
9 RELATING TO THE EXPENSES OF THE COMMISSION SHALL BE ADMISSIBLE  
10 IN EVIDENCE IN ANY COURT, AND SHALL BE PRIMA FACIE EVIDENCE OF  
11 THE TRUTH OF THEIR CONTENTS. IF IT IS FINALLY DETERMINED IN ANY  
12 SUCH ACTION THAT ALL OR ANY PART OF THE ASSESSMENT FOR WHICH  
13 PAYMENT WAS MADE UNDER PROTEST WAS EXCESSIVE, ERRONEOUS,  
14 UNLAWFUL, OR INVALID, THE DEPARTMENT OF CONSUMER ADVOCATE SHALL  
15 MAKE A REFUND TO THE CLAIMANT OUT OF THE APPROPRIATION SPECIFIED  
16 HEREIN AS DIRECTED BY THE COURT.

17 (E) THE PROCEDURE IN THIS SECTION PROVIDING FOR THE  
18 DETERMINATION OF THE LAWFULNESS OF ASSESSMENTS AND THE RECOVERY  
19 BACK OF PAYMENTS MADE PURSUANT TO SUCH ASSESSMENTS SHALL BE  
20 EXCLUSIVE OF ALL OTHER REMEDIES AND PROCEDURES.

21 (F) IT IS THE INTENT AND PURPOSE OF THIS SECTION THAT EACH  
22 PUBLIC UTILITY SHALL ADVANCE TO THE DEPARTMENT OF CONSUMER  
23 ADVOCATE ITS REASONABLE SHARE OF THE COST OF ADMINISTERING THIS  
24 ACT. THE DEPARTMENT OF CONSUMER ADVOCATE SHALL KEEP RECORDS OF  
25 THE COSTS INCURRED IN CONNECTION WITH THE ADMINISTRATION AND  
26 ENFORCEMENT OF THIS ACT, OR ANY OTHER ACT. THE DEPARTMENT OF  
27 CONSUMER ADVOCATE AND THE PENNSYLVANIA PUBLIC UTILITY COMMISSION  
28 SHALL ALSO KEEP A RECORD OF THE MANNER IN WHICH IT SHALL HAVE  
29 COMPUTED THE AMOUNT ASSESSED AGAINST EVERY PUBLIC UTILITY. SUCH  
30 RECORDS SHALL BE OPEN TO INSPECTION BY ALL INTERESTED PARTIES.

1 THE DETERMINATION OF SUCH COSTS AND ASSESSMENTS BY THE  
2 DEPARTMENT OF CONSUMER ADVOCATE AND THE PENNSYLVANIA PUBLIC  
3 UTILITY COMMISSION, AND THE RECORDS AND DATA UPON WHICH THE SAME  
4 ARE MADE, SHALL BE CONSIDERED PRIMA FACIE CORRECT; AND IN ANY  
5 PROCEEDING INSTITUTED TO CHALLENGE THE REASONABLENESS OF  
6 CORRECTNESS OF ANY ASSESSMENT UNDER THIS SECTION, THE PARTY  
7 CHALLENGING THE SAME SHALL HAVE THE BURDEN OF PROOF.

8 (G) ALL ASSESSMENTS RECEIVED, COLLECTED, OR RECOVERED UNDER  
9 THIS ACT SHALL BE PAID BY THE COMMISSION INTO THE GENERAL FUND  
10 OF THE STATE TREASURY THROUGH THE DEPARTMENT OF REVENUE.

11 (H) ALL SUCH ASSESSMENTS HAVING BEEN ADVANCED BY PUBLIC  
12 UTILITIES FOR THE PURPOSE OF DEFRAYING THE COST OF THE  
13 ADMINISTRATION AND PERFORMANCE OF THE DUTIES OF THE CONSUMER  
14 ADVOCATE RELATING TO PROCEEDINGS BEFORE THE PENNSYLVANIA PUBLIC  
15 UTILITY COMMISSION, RELATED JUDICIAL PROCEEDINGS AND OTHER SUCH  
16 MATTERS HANDLED BY THE DEPARTMENT OF CONSUMER ADVOCATE SHALL BE  
17 HELD IN TRUST SOLELY FOR THAT PURPOSE, AND SHALL BE EARMARKED  
18 FOR THE USE OF, AND ARE HEREBY APPROPRIATED TO, THE DEPARTMENT  
19 OF CONSUMER ADVOCATE FOR DISBURSEMENT SOLELY FOR THAT PURPOSE.

20 (I) ALL REQUISITIONS UPON SUCH APPROPRIATION SHALL BE SIGNED  
21 BY THE CONSUMER ADVOCATE OR SUCH DEPUTIES AS HE MAY DESIGNATE IN  
22 WRITING TO THE STATE TREASURER, AND SHALL BE PRESENTED TO THE  
23 STATE TREASURER AND DEALT WITH BY HIM AND THE TREASURY  
24 DEPARTMENT IN THE MANNER PRESCRIBED BY THE FISCAL CODE.

25 ~~(e)~~ SECTION 12. GENERAL FUND APPROPRIATION.--In addition to <—  
26 the moneys appropriated in ~~subsection (a)~~, SECTION 11, the sum <—  
27 of \$1,800,000 is hereby appropriated to the Department of  
28 Consumer Advocate.

29 Section ~~12~~ 13. Effective Date.--This act shall take effect <—  
30 immediately.