

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 923

Session of
1975

INTRODUCED BY WAGNER, SHELHAMER, HASAY, TURNER, SPENCER,
SIRIANNI, SALOOM AND RENWICK, MARCH 20, 1975

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, MARCH 20, 1975

AN ACT

1 Amending the act of May 8, 1889 (P.L.136, No.153), entitled "An
2 act to amend an act, entitled 'An act to provide for the
3 incorporation and regulation of certain corporations,'
4 approved the twenty-ninth day of April, Anno Domini one
5 thousand eight hundred and seventy-four, providing for the
6 incorporation and regulation of electric light, heat and
7 power companies," restricting the areas where utility
8 companies may exercise the power of eminent domain and
9 imposing additional duties on the Public Utility Commission.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2, act of May 8, 1889 (P.L.136, No.153),
13 entitled "An act to amend an act, entitled 'An act to provide
14 for the incorporation and regulation of certain corporations,'
15 approved the twenty-ninth day of April, Anno Domini one thousand
16 eight hundred and seventy-four, providing for the incorporation
17 and regulation of electric light, heat and power companies," is
18 amended to read:

19 Section 2. Companies incorporated under the provisions of
20 this act, for the supply of light, heat and power, or any of
21 them, to the public by electricity shall, from the date of the

1 letters patent creating the same, have the powers and be
2 governed, managed and controlled as follows:

3 [Clause 1.] (a) Every such corporation shall have the
4 authority to supply light, heat and power, or any of them, by
5 electricity, to the public in the borough, town, city or
6 district where it may be located, and to such persons,
7 partnerships and corporations, residing therein [or adjacent
8 thereto,] as may desire the same, at such prices as may be
9 agreed upon, and the power also, to make, erect and maintain the
10 necessary buildings, machinery and apparatus for supplying such
11 light, heat and power or any of them, and to distribute the
12 same, with the right to enter upon any public street, lane,
13 alley or highway for such purpose, to alter, inspect and repair
14 its system of distribution: Provided, That no company which may
15 be incorporated under the provisions of this act, shall enter
16 upon any street in any city or borough of this Commonwealth
17 until after the consent to such entry, of the councils of the
18 city or borough in which such street may be located, shall have
19 been obtained.

20 (b) Every such corporation shall have the authority to sell
21 light, heat and power, or any of them to public utilities and
22 sources located outside the power district of such supplying
23 corporation; provided that the sale is to supplement the power
24 supply of the purchasing public utility whose normal output has
25 been reduced because of a power failure or sudden temporary
26 increase in demand.

27 (c) No corporation shall appropriate property by eminent
28 domain outside its own power district unless it files an
29 application with the Public Utility Commission seeking
30 permission to appropriate such property. The corporation must

1 show and prove that it cannot construct facilities within its
2 own district because of the unsuitable or undesirable physical
3 conditions of the land therein.

4 (d) No corporation shall appropriate or acquire property
5 outside its own power district unless it first applies to the
6 Public Utility Commission for permission in accord with the
7 reasons set forth in subsection (c) and in addition securing the
8 approval of the local municipality and county wherein the
9 proposed facility is to be located.

10 Section 2. This act shall take effect immediately.