

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1506

Session of
1977

INTRODUCED BY MESSRS. SCHMITT, COHEN, STAPLETON, GIAMMARCO,
GARZIA, TAYLOR, PIEVSKY, BORSKI, GRAY, WHITE, ZELLER, ZWIKL,
RIEGER, MCINTYRE, RICHARDSON, ZITTERMAN, LAUGHLIN, JONES,
BARBER, BENNETT, RUGGIERO, MRS. KELLY, MESSRS. REED,
KOWALYSHYN, BRANDT, BITTINGER AND STEWART, JULY 19, 1977

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 20, 1977

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," granting additional powers
21 to the Office of Consumer Advocate; and creating the Consumer
22 Advocate Federal Grant Fund.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Sections 901-A and 904-A, act of April 9, 1929
26 (P.L.177, No.175), known as "The Administrative Code of 1929,"

1 added July 9, 1976 (P.L.903, No.161), are amended by adding
2 definitions and subsections to read:

3 Section 901-A. Definitions.--As used in this article:

4 * * *

5 "Consumer group" means any association of persons whether
6 formal or otherwise, or any corporation, association,
7 partnership, or other legal entity consisting of more than two
8 individuals, which has as its primary purpose the promotion of
9 consumer interests.

10 "Electric utility" means any person, corporation, or
11 municipal corporation which sells electric energy for purposes
12 other than resale.

13 * * *

14 Section 904-A. Powers and Duties of the Consumer Advocate.--

15 * * *

16 (f) The Consumer Advocate shall have the power to apply for
17 and receive, subject to any applicable laws or regulations of
18 the Federal Government or any agency thereof, any Federal
19 grants, appropriations, allocations and programs for which it
20 may be eligible. THE CONSUMER ADVOCATE SHALL HAVE THE POWER TO <—
21 EXPEND ANY MONEYS SO RECEIVED FROM THE FEDERAL GOVERNMENT TO
22 EXERCISE ANY POWER OR PERFORM ANY DUTY PROVIDED IN SECTION 904-
23 A.

24 (g) The Consumer Advocate shall have the power in his
25 discretion to make assistance grants to consumer groups from
26 funds received from the Federal Government pursuant to Public
27 Law 94-385, 90 Stat. 1125.

28 ~~(h) The Consumer Advocate shall distribute the assistance~~ <—
29 ~~grants to the consumer groups~~ WHENEVER THE CONSUMER ADVOCATE <—
30 MAKES AN ASSISTANCE GRANT TO A CONSUMER GROUP, WHICH MAY ONLY BE

1 MADE FROM FEDERAL MONEYS, SUCH GRANT SHALL BE based on the
2 following guidelines:

3 (1) the consumer group represents an interest the
4 representation of which would contribute to a fair determination
5 of the issues in a proceeding before the commission or a Federal
6 regulatory authority;

7 (2) the proceeding is of such a nature that its outcome will
8 have a significant impact on consumer interests; and

9 (3) such other guidelines as the Consumer Advocate may
10 determine necessary and proper and which shall be published
11 pursuant to the act of July 31, 1968 (P.L.769, No.240), known as
12 the "Commonwealth Documents Law."

13 (i) The assistance grants specified in subsections (g) and
14 (h) shall be used by the consumer groups for the preparation of
15 testimony, preparation of written submissions, payment for legal
16 counsel and the payment of expert witnesses in any proceeding
17 concerning an electric utility before the commission or a
18 Federal regulatory authority. In connection with any such
19 proceeding, the Consumer Advocate may in addition provide
20 technical assistance in the form of staff assistance or by
21 consultant retained by the Consumer Advocate to prepare lasting
22 or written submissions and to provide data, technical analyses
23 and other information to consumer groups.

24 Section 2. The act is amended by adding a section to read:

25 Section 908-A. Consumer Advocate Federal Grant Fund.--(a)
26 The Consumer Advocate Federal Grant Fund is hereby created in
27 the State Treasury to constitute a fund separate and apart from
28 all other funds of the Commonwealth.

29 (b) The purpose of the fund shall be to receive and provide
30 operating funds for the Consumer Advocate from moneys granted to

1 the Commonwealth by the United States under the Energy
2 Conservation and Production Act, Public Law 94-385, 90 Stat.
3 1125, to be used pursuant to this act.

4 (c) All grants of moneys received by the Commonwealth from
5 the United States under the provisions of the Energy
6 Conservation and Production Act, Public Law 94-385, 90 Stat.
7 1125, shall be paid into the fund.

8 (d) The fund shall be administered by the State Treasurer
9 who shall pay out of the fund upon requisition of the Consumer
10 Advocate without further appropriation.

11 (e) The assistance authorized by subsections (g), (h) and
12 (i) of section 904-A shall be extended only upon receipt of
13 funds from the Federal Government.

14 Section 3. This act shall take effect immediately.