

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1801 Session of
1977

INTRODUCED BY PICCOLA, OCTOBER 26, 1977

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 26, 1977

AN ACT

1 Amending the act of May 28, 1937 (P.L.1053, No.286), entitled
2 "An act relating to the regulation of public utilities;
3 defining as public utilities certain corporations, companies,
4 associations, and persons; providing for the regulation of
5 public utilities, including, to a limited extent,
6 municipalities engaging in public utility business, by
7 prescribing, defining, and limiting their duties, powers, and
8 liabilities, and regulating the exercise, surrender or
9 abandonment of their powers, privileges, and franchises;
10 defining and regulating contract carriers by motor vehicle
11 and brokers in order to regulate effectively common carriers
12 by motor vehicle; conferring upon the Pennsylvania Public
13 Utility Commission the power and duty of supervising and
14 regulating persons, associations, companies, and
15 corporations, including, to a limited extent, municipal
16 corporations subject to this act, and administering the
17 provisions of this act; authorizing the commission to fix
18 temporary rates; placing the burden of proof on public
19 utilities to sustain their rates and certain other matters;
20 authorizing a permissive or mandatory sliding scale method of
21 regulating rates; providing for the supervision of financial
22 and contractual relations between public utilities and
23 affiliated interests, and supervision and regulation of
24 accounts and securities or obligations issued, assumed, or
25 kept by persons, associations, companies, corporations or
26 municipal corporations subject to this act; conferring upon
27 the commission power to vary, reform, or revise certain
28 contracts; conferring upon the commission the exclusive power
29 to regulate or order the construction, alteration,
30 relocation, protection, or abolition of crossings of
31 facilities of public utilities, and of such facilities by or
32 over public highways, to appropriate property for the
33 construction or improvement of such crossings, and to award
34 or apportion resultant costs and damages; authorizing owners
35 of such property to sue the Commonwealth for such damages;

1 providing for ejectment proceedings in connection with the
2 appropriation of property for crossings; conferring upon the
3 commission power to control and regulate budgets of public
4 utilities; imposing upon persons, associations, companies,
5 and corporations (except municipal corporations) subject to
6 regulation, the cost of administering this act; prescribing
7 and regulating practice and procedure before the commission
8 and procedure for review by the courts of commission action;
9 giving the court of common pleas of Dauphin County exclusive
10 original jurisdiction over certain proceedings; prescribing
11 penalties, fines, and imprisonment for violations of the
12 provisions of this act and regulations and orders of the
13 commission, and the procedure for enforcing such fines and
14 penalties; and repealing legislation supplied and superseded
15 by or inconsistent with this act," further providing for the
16 coverage of certain municipal or municipal authority
17 functions.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 301, act of May 28, 1937 (P.L.1053,
21 No.286), known as the "Public Utility Law," amended March 21,
22 1939 (P.L.10, No.11), is amended to read:

23 Section 301. Rates to Be Just and Reasonable.--Every rate
24 made, demanded, or received by any public utility, or by any two
25 or more public utilities jointly, or by any municipal
26 corporation or its operating agencies or any municipal authority
27 furnishing or rendering electric, gas or water service, shall be
28 just and reasonable, and in conformity with regulations or
29 orders of the commission: Provided, That [only] any public
30 utility service being furnished or rendered by a municipal
31 corporation, or by the operating agencies of any municipal
32 corporation, beyond its corporate limits or by a municipal
33 authority beyond the corporate limits of the municipalities at
34 whose instance the authority was created, shall be subject to
35 regulation and control by the commission as to rates, with the
36 same force, and in like manner, as if such service were rendered
37 by a public utility.

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