

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 1268** Session of  
1978

INTRODUCED BY KURY, JANUARY 31, 1978

SENATOR KURY, CONSUMER AFFAIRS, AS AMENDED, FEBRUARY 28, 1978

## 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," further providing for the  
21 Public Utility Commission to levy limited assessments against  
22 public utilities for funding the Office of Consumer Advocate.

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

25 Section 1. Subsection (a) of section 904-A.1, act of April  
26 9, 1929 (P.L.177, No.175), known as "The Administrative Code of  
27 1929," added June 21, 1977 (No.15), is amended to read:

28 Section 904-A.1. Assessment Upon Public Utilities,

1 Disposition, Appropriation and Disbursement of such  
2 Assessments.--(a) Before July 1 of each year, the Office of  
3 Consumer Advocate shall estimate its total expenditures in the  
4 administration of this act insofar as it relates to public  
5 utilities for the fiscal year beginning that date, which  
6 estimate shall not exceed seven per centum (7%) of the [public  
7 utility's assessment by the Pennsylvania Public Utility  
8 Commission for the preceding calendar year] of the total  
9 assessment of the Public Utility Commission for the same fiscal  
10 year levied pursuant to section 1201 of the act of May 28, 1937  
11 (P.L.1053, No.286), known as "The Public Utility Law. The Public  
12 Utility Commission's total assessment for fiscal 1977-1978 was  
13 twelve million, nine hundred fifty-four thousand five hundred  
14 forty-nine dollars and ninety eight cents (\$12,954,549.98) and  
15 seven per centum (7%) of that figure is equivalent to nine  
16 hundred six thousand eight hundred eighteen dollars (\$906,818)  
17 for the Office of Consumer Advocate. IT IS HEREBY DECLARED THAT ←  
18 THE ASSESSMENT FOR THE OFFICE OF CONSUMER ADVOCATE APPROVED BY  
19 THE APPROPRIATION COMMITTEES OF BOTH THE HOUSE AND SENATE OF  
20 PENNSYLVANIA, AND BY THE GOVERNOR FOR THE FISCAL YEAR 1977-1978  
21 IN THE AMOUNT OF NINE HUNDRED FOUR THOUSAND DOLLARS (\$904,000)  
22 IS WITHIN THE STATUTORY LIMIT OF SEVEN PER CENTUM (7%) OF THE  
23 PUBLIC UTILITY COMMISSION'S TOTAL ASSESSMENT FOR THE FISCAL YEAR  
24 1977-1978. Such estimate shall be submitted to the Governor and  
25 to the Appropriation Committees of the House and Senate through  
26 their respective chairmen for their respective approvals of such  
27 estimate in the amount submitted or such lesser amount as each  
28 of them may determine: Provided, That if the Governor or either  
29 committee, through its chairman, shall fail to notify the Office  
30 of Consumer Advocate in writing of his or its action within

1 thirty (30) days after such submission, the estimate as  
2 submitted shall be deemed approved by him or by such committee,  
3 as the case may be. The least of the amounts so approved by the  
4 three (3) approving authorities shall be the final estimate, and  
5 approval of such least amount shall constitute compliance with  
6 section 604. The Office of Consumer Advocate shall subtract from  
7 the final estimate the estimated balance of the appropriation to  
8 be carried over into such fiscal year from the preceding one.  
9 The remainder so determined, herein called the total assessment,  
10 shall be allocated to, and paid by, such public utilities in the  
11 manner hereafter prescribed. The Office of Consumer Advocate or  
12 its designated representative shall be afforded an opportunity  
13 to appear before the Senate and the House Appropriation  
14 Committees regarding its estimate.

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16 Section 2. This act shall take effect immediately and shall  
17 be retroactive to July 1, 1977.