

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 845

Session of  
1979

INTRODUCED BY HAGER, STAUFFER, JUBELIRER, ANDREWS, MOORE,  
HOWARD, CORMAN, PRICE, LOEPER, TILGHMAN, MANBECK, O'CONNELL,  
KUSSE AND DWYER, JUNE 20, 1979

REFERRED TO CONSUMER AFFAIRS, JUNE 20, 1979

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, by providing for the Office of Public  
3 Counsel and making repeals.

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

6 Section 1. Section 102 of Title 66, act of November 25, 1970  
7 (P.L.707, No.230), known as the Pennsylvania Consolidated  
8 Statutes, is amended by adding a definition to read:

9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent  
11 provisions of this part which are applicable to specific  
12 provisions of this part, the following words and phrases when  
13 used in this part shall have, unless the context clearly  
14 indicates otherwise, the meanings given to them in this section:

15 \* \* \*

16 "Using and consuming public." Any person:

17 (1) who makes a direct use or is the ultimate recipient  
18 of a product or a service supplied by any person or public

1 utility subject to the authority of the commission; or  
2 (2) who may be a direct user or ultimate recipient of a  
3 product or service supplied by any person or public utility  
4 subject to the authority of the commission and may be  
5 affected in any way or by any action within the authority of  
6 the commission and includes any person, corporation or  
7 municipal corporation.

8 \* \* \*

9 Section 2. Section 308 and subsection (a) of section 510 of  
10 Title 66 are amended to read:

11 § 308. Bureaus.

12 (a) Enumeration.--There shall be established within the  
13 commission the following bureaus and functions:

14 (1) Law Bureau.

15 (2) Bureau of Conservation, Economics and Energy  
16 Planning.

17 (3) Bureau of Consumer Services.

18 (b) Law Bureau.--The Law Bureau shall be a [multifunction]  
19 legal staff, [consisting of a prosecutory function and]  
20 providing an advisory function. [Prosecutory counsel shall be  
21 responsible for and shall assist in the development of,  
22 challenge of, and representation on the record of all matters in  
23 the public's interest.] Advisory counsel shall advise the  
24 commission on any and all matters. The counsel shall appear on  
25 behalf of the commission in all courts of record and before  
26 district magistrates. [No counsel shall in the same case or a  
27 factually related case perform duties in the prosecutory and  
28 advisory functions, if such performance would represent a  
29 conflict of interest.]

30 (c) Bureau of Conservation, Economics and Energy Planning.--

1 The Bureau of Conservation, Economics and Energy Planning shall  
2 conduct studies and research all matters within the commission's  
3 jurisdiction and advise the commission of the results thereof in  
4 order to enable the commission to provide prospective regulation  
5 in the best interest of all parties concerned. Such studies and  
6 research shall include long-range forecasting of energy needs  
7 and development; research into the use of new, efficient and  
8 economic methods of energy production; the review of the  
9 efficiency of the present generating systems operated within  
10 this Commonwealth; and the development of an effective program  
11 of energy conservation. The commission shall require all  
12 electric and gas public utilities subject to its jurisdiction to  
13 file with it an annual conservation report which shows the plans  
14 and progress achieved on programs of energy conservation. The  
15 commission shall, by rule, prescribe guidelines for the form and  
16 manner of such annual conservation report which report shall  
17 describe the current and proposed programs of each such utility  
18 designed to educate and encourage its customers in the optimum,  
19 effective and efficient use by them of electric and gas energy.  
20 The report shall include an accounting of the monetary and  
21 personnel resources actually or proposed to be expended or  
22 devoted to and the actual or anticipated results of such  
23 programs. The bureau shall review all proposals for electric and  
24 gas public utility plant expansion and shall submit for  
25 consideration of the commission its findings on what impact, if  
26 any, the electric and gas public utility plant expansion will  
27 have on rates charged by the public utility.

28 [(d) Bureau of Consumer Services.--The Bureau of Consumer  
29 Services shall investigate and have prepared replies to all  
30 informal consumer complaints and shall advise the commission as

1 to the need for formal commission action on any matters brought  
2 to its attention by the complaints. The bureau shall on behalf  
3 of the commission keep records of all complaints received, the  
4 matter complained of, the utility involved, and the disposition  
5 thereof and shall at least annually report to the commission on  
6 such matters. The commission may take official notice of all  
7 complaints and the nature thereof in any proceeding before the  
8 commission in which the utility is a party. The commission shall  
9 adopt, publish and generally make available rules by which a  
10 consumer may make informal complaints. The bureau shall also  
11 assist and advise the commission on matters of safety compliance  
12 by public utilities.]

13 (e) Other bureaus.--The commission shall establish such  
14 bureau or bureaus to perform such duties as the commission may  
15 prescribe regarding all matters respecting rates of public  
16 utilities and all matters respecting common carriers and  
17 contract carriers. The establishment of these bureaus shall not  
18 be construed to prohibit the commission from establishing any  
19 additional bureaus which the commission finds necessary to  
20 protect the interests of the people of this Commonwealth. The  
21 bureaus may perform such other duties not inconsistent with law  
22 as the commission may direct.

23 [(f) Staff testimony.--Members of the staff of the  
24 commission shall appear and present testimony in any proceeding  
25 before the commission when called by the commission or any of  
26 the parties to the proceeding. In addition to any cross-  
27 examination by counsel as provided in section 306 (relating to  
28 counsel), any member of the commission staff who participates in  
29 the analysis, review and conclusions in any proceedings before  
30 the commission may, in the discretion of commission counsel and

1 with the consent of the presiding officer, cross-examine any  
2 witness presented by the parties to the proceeding at the public  
3 hearing.]

4 § 510. Assessment for regulatory expenses upon public  
5 utilities.

6 (a) Determination of assessment.--Before March 1 of each  
7 year, the commission shall estimate its total expenditures in  
8 the administration of this part for the fiscal year beginning  
9 July of that year, which estimate shall not exceed [three-  
10 tenths] one and one-fourth tenths of 1% of the total gross  
11 intrastate operating revenues of the public utilities under its  
12 jurisdiction for the preceding calendar year. [Such estimate  
13 shall be submitted to the Governor, and to the appropriation  
14 committees of the House and Senate through their respective  
15 chairmen, for their respective approvals of such estimate in the  
16 amount submitted or such lesser amount as each of them may  
17 determine. Unless the Governor, or either committee through its  
18 chairman, shall notify the commission in writing of his or its  
19 action within 30 days after such submission, the estimate as  
20 submitted shall be deemed approved by him or by the committee.  
21 The least of the amounts so approved by the three approving  
22 authorities shall be the final estimate; and approval of such  
23 least amount shall constitute compliance with section 604 of the  
24 act of April 9, 1929 (P.L.177, No.175), known as "The  
25 Administrative Code of 1929." The commission or its designated  
26 representatives shall be afforded an opportunity to appear  
27 before the Senate and House Appropriations Committees regarding  
28 their estimates.] The commission shall subtract from the [final]  
29 estimate:

30 (1) the estimated fees to be collected pursuant to

1 section 317 (relating to fees for services rendered by  
2 commission); and

3 (2) the estimated balance of the appropriation,  
4 specified in section 511 (relating to disposition,  
5 appropriation and disbursement of assessments and fees), to  
6 be carried over into such fiscal year from the preceding one.

7 The remainder so determined, herein called the total assessment,  
8 shall be allocated to, and paid by, such public utilities in the  
9 manner prescribed in this part. A proposed budget shall be  
10 submitted to the General Assembly. If the General Assembly fails  
11 to approve the commission's budget for the purposes of this  
12 part, by June 1, the commission shall assess public utilities on  
13 the basis of the last approved operating budget. At such time as  
14 the General Assembly approves the proposed budget the commission  
15 shall have the authority to make an adjustment in the  
16 assessments to reflect the approved budget.

17 \* \* \*

18 Section 3. Part I of Title 66 is amended by adding a chapter  
19 to read:

#### 20 CHAPTER 35

#### 21 OFFICE OF PUBLIC COUNSEL

22 Sec.

23 3501. Office of Public Counsel.

24 3502. Public Counsel; appointment and office.

25 3503. Assistant counsel and staff.

26 3504. Authority and duty of the Public Counsel.

27 3505. Authority and duty of the commission.

28 3506. Complaints and prosecutions.

29 3607. Actions brought by Public Counsel.

30 3508. Proposed guidelines, rules, regulations and

1 guidelines of the commission.

2 3509. Public interest.

3 3510. Annual report by Public Counsel.

4 3511. Assessment of regulatory expenses upon public utilities.

5 § 3501. Office of Public Counsel.

6 There is hereby established within the Governor's Office the  
7 Office of Public Counsel to represent the interest of the using  
8 and consuming public before the commission.

9 § 3502. Public Counsel; appointment and office.

10 (a) Appointment.--The Office of Public Counsel shall be  
11 headed by a Public Counsel who shall be appointed by the  
12 Governor, which appointment shall be subject to the approval of  
13 a majority of the members elected to the Senate. The Public  
14 Counsel shall be an attorney who by reason of training,  
15 experience and attainment is qualified to represent the  
16 interests of the using and consuming public. The salary of the  
17 Public Counsel shall be set by the Executive Board.

18 (b) Office of Public Counsel.--No individual who serves as a  
19 Public Counsel shall, while serving in such position, engage in  
20 any business, vocation, other employment or have other  
21 interests, inconsistent with his official responsibilities, nor  
22 shall be seek or accept employment nor render beneficial  
23 services for compensation with any person or corporation,  
24 subject to the authority of the commission during the tenure of  
25 the appointment and for a period of two years after the  
26 appointment is served or terminated.

27 § 3503. Assistant counsel and staff.

28 The Public Counsel shall appoint attorneys as assistant  
29 counsels and such additional clerical, technical and  
30 professional staff as may be appropriate and may contract for

1 such additional services as shall be necessary for the  
2 performance of his function. The compensation of assistant  
3 counsels and such clerical, technical and professional staff  
4 shall be set by the Executive Board. No assistant counsel or  
5 other staff employee shall, while serving in such position,  
6 engage in any business, vocation, other employment or have other  
7 interests, inconsistent with his official responsibilities.

8 § 3504. Authority and duty of the Public Counsel.

9 (a) Authority of Public Counsel.--In addition to any other  
10 authority conferred upon him by this chapter, the Public Counsel  
11 is authorized and it shall be his duty, in carrying out his  
12 responsibilities under this chapter, to protect the interests of  
13 the using and consuming public before the commission in any  
14 matter properly before the commission and before any court or  
15 agency, initiating proceedings if in his judgment such may be  
16 necessary, in connection with any matter involving regulation by  
17 the commission or the corresponding regulatory agency of the  
18 United States whether on appeal or otherwise initiated.

19 (b) Duty and responsibility.--When deemed necessary by the  
20 Public Counsel in the interest of the using and consuming  
21 public, the Public Counsel may:

22 (1) Initiate and prosecute complaints involving the  
23 reasonableness of all rates charged or proposed to be charged  
24 by a public utility, the service furnished or proposed to be  
25 furnished by a public utility or any other matter over which  
26 the commission has jurisdiction.

27 (2) Intervene in any proceeding brought before or  
28 initiated by the commission.

29 (3) Review, investigate, make studies and make  
30 appropriate recommendations to the commission with respect to

1 any matter over which the commission has jurisdiction.

2 (4) Investigate complaints affecting the using and  
3 consuming public generally which are directed to the  
4 commission, members of the commission, or the Public Counsel  
5 and take such action or make such recommendations as may be  
6 appropriate with respect to such complaints.

7 (5) Assist, advise and cooperate with Federal, State and  
8 local agencies, officials and groups to protect and promote  
9 the interests of the using and consuming public.

10 (6) Study the operation of laws affecting the using and  
11 consuming public and recommend to the Governor and the  
12 General Assembly such new laws or revisions as may be  
13 desirable.

14 (7) Organize and hold conferences on problems affecting  
15 the using and consuming public.

16 (8) Perform such other acts as may be incidental to the  
17 exercise of the functions, powers and duties set forth in  
18 this section.

19 (c) Limitations.--The Public Counsel shall have no authority  
20 to exercise those rights reserved to the commission in sections  
21 501 (relating to general powers), 502 (relating to enforcement  
22 proceedings by commission) and 503 (relating to enforcement  
23 proceedings by Attorney General). This section shall not be  
24 construed to limit any other rights or remedies he may have  
25 under this chapter.

26 (d) Other limitations.--The Public Counsel shall have no  
27 duty, responsibility or authority with respect to the laws,  
28 rules or regulations pertaining to the physical facilities or  
29 equipment of common, contract and exempt carriers, the  
30 registration of vehicles or of insurance coverage of vehicles of

1 common, contract and exempt carriers; the licensing, training or  
2 qualifications of drivers or other persons employed by common,  
3 contract and exempt carriers or the operation of motor vehicle  
4 equipment by common, contract and exempt carriers in the State.

5 (e) Exercise discretion.--The Public Counsel may exercise  
6 discretion in determining the interest which will be advocated  
7 in any particular proceeding and in determining whether or not  
8 to participate in or initiate any particular proceeding and in  
9 so determining, shall consider the interest of all consumers,  
10 the resources available, the substantiality of the effect of the  
11 proceeding on the interest of the using and consuming public and  
12 the extent to which other interests are represented in the  
13 proceeding. The Public Counsel may refrain from intervening when  
14 in the judgment of the Public Counsel such is not necessary to  
15 represent adequately the using and consuming public.

16 (f) Petitioning.--In addition to any other authority  
17 conferred upon him by this act, the Public Counsel is authorized  
18 to represent an interest of consumers which is presented to him  
19 for his consideration upon petition in writing by a substantial  
20 number of persons, who make direct use or are ultimate  
21 recipients of a product or service supplied by a person,  
22 corporation or municipal corporation subject to regulation by  
23 the commission. The Public Counsel shall notify the principal  
24 sponsors of any such petition of the action taken or intended to  
25 be taken by him with respect to the interest of consumers  
26 presented in such petition. If the Public Counsel declines or is  
27 unable to represent such interest, he shall notify such sponsors  
28 and shall state his reasons therefor.

29 § 3505. Authority and duty of the commission.

30 (a) Duty and responsibility.--It shall be the duty and

1 responsibility of the commission, commission staff and all other  
2 bureaus and divisions of the commission to advance and protect  
3 the public interest.

4 (b) Procedure.--In any commission initiated proceeding in  
5 which the Public Counsel is not required to participate, the  
6 commission may request that the Public Counsel intervene  
7 pursuant to section 3504 (relating to authority and duty of the  
8 Public Counsel). If the Public Counsel determines, in his  
9 discretion, to refuse to so act he shall provide the commission  
10 a written statement of his reasons which shall be made public.  
11 Whenever the Public Counsel declines a commission request to  
12 participate, the commission may direct the commission staff to  
13 participate in the proceeding in order to advance the interests  
14 of the public.

15 § 3506. Complaints and prosecutions.

16 The Public Counsel shall have final authority in respect of  
17 all actions initiated by him or in which he elects to  
18 participate.

19 § 3507. Actions brought by Public Counsel.

20 (a) Actions generally.--Any action brought by the Public  
21 Counsel before a court or an agency of this Commonwealth may be  
22 brought in the name of the Public Counsel. The Public Counsel  
23 may name a consumer or group of consumers in whose name the  
24 action may be brought or may join with a consumer or group of  
25 consumers in bringing the action.

26 (b) Written statement.--At such time as the Public Counsel  
27 determines, in accordance with applicable time limitations, to  
28 initiate, intervene or otherwise participate in any commission,  
29 agency or court proceeding, he shall issue publicly a written  
30 statement, a copy of which he shall file in the proceeding in

1 addition to any required entry of his appearance, stating  
2 concisely the specific interest to be protected.

3 (c) In any proceeding before the commission the Public  
4 Counsel shall possess the same rights and privileges as any  
5 other party to such proceeding, including the right of appeal of  
6 any otherwise appealable decision of the commission. The Public  
7 Counsel shall have no duty, responsibility or authority to  
8 represent the commission on appeal.

9 § 3508. Proposed guidelines, rules, regulations and guidelines  
10 of the commission.

11 In dealing with any proposed action which may substantially  
12 affect the interest of the using and consuming public, including  
13 but not limited to a proposed change of rates and the adoption  
14 of rules, regulations, guidelines, orders, standards or final  
15 policy decisions, the commission shall:

16 (1) notify the Public Counsel when notice of the  
17 proposed action is given to the public or at a time fixed by  
18 agreement between the Public Counsel and the commission in a  
19 manner to assure the Public Counsel reasonable notice and  
20 adequate time to determine whether to intervene in such  
21 matter; and

22 (2) provide copies of all supporting information,  
23 filings and other material supplied to the commission by the  
24 public utility in support of its request, when requested by  
25 the Public Counsel.

26 § 3509. Public interest.

27 (a) Rights of consumers.--Nothing contained in this chapter  
28 shall in any way limit the right of any consumer to bring a  
29 proceeding before either the commission or a court.

30 (b) Rights of the commission.--Nothing contained in this

1 chapter shall be construed to impair the statutory adjudicatory  
2 authority or responsibility of the commission to regulate public  
3 utilities to the public interest.

4 § 3510. Annual report by Public Counsel.

5 The Public Counsel shall annually transmit to the Governor  
6 and the Attorney General and to the General Assembly and shall  
7 make available to the public an annual report on the conduct of  
8 the Office of Public Counsel. The Public Counsel shall make  
9 recommendations as may from time to time be necessary or  
10 desirable to protect the interest of consumers.

11 § 3511. Assessment of regulatory expenses upon public  
12 utilities.

13 (a) Computation of total assessment.--Before March 1 of each  
14 year, Public Counsel shall estimate its total expenditures in  
15 the administration of this act for the fiscal year beginning  
16 July of that year, which estimate shall not exceed one and one-  
17 fourth tenths of 1% of the total gross intrastate operating  
18 revenues of the public utilities under its jurisdiction for the  
19 preceding calendar year. The Public Counsel shall subtract from  
20 the estimate the estimated balance of the appropriation  
21 specified in section 511 (relating to disposition, appropriation  
22 and disbursement of assessments and fees).

23 The remainder so determined, herein called the total assessment,  
24 shall be allocated to, and paid by, such public utilities in the  
25 manner hereafter prescribed. A proposed budget shall be  
26 submitted to the General Assembly. If the General Assembly fails  
27 to approve the Public Counsel's budget for the purpose of this  
28 act, by June 1, the Public Counsel shall assess public utilities  
29 on the basis of the last approved operation budget. At such time  
30 as the General Assembly approves the proposed budget the Public

1 Counsel shall have the authority to make an adjustment in the  
2 assessments to reflect the approved budget.

3 (b) Allocation of total assessment among groups of  
4 utilities.--

5 (1) The Office of Public Counsel shall determine for the  
6 preceding fiscal year the amount of its expenditures directly  
7 attributable, or in its judgment properly allocable, to its  
8 activities in connection with each group of utilities  
9 furnishing the same kind of service and debit the amount so  
10 determined to such group.

11 (2) The Office of Public Counsel shall then allocate the  
12 total assessment prescribed by subsection (a) to each group  
13 in the proportion which the sum of the debits made to it  
14 bears the sum of the debits made to all groups.

15 (c) Assessment of each public utility.--Each public utility  
16 within a group shall then be assessed for and shall pay to the  
17 Public Counsel such proportion of the amount allocated to its  
18 group as the gross intrastate operating revenues of the public  
19 utility for the preceding calendar year bear the total gross  
20 intrastate operating revenues of its group for that year. The  
21 Public Counsel shall give notice by registered or certified mail  
22 to each public utility of the amount lawfully charged against it  
23 under the provisions of this section, which amount shall be paid  
24 by the public utility within 30 days of receipt of such notice,  
25 unless the Public Counsel specifies on the notices sent to all  
26 public utilities an installment plan of payment, in which case  
27 each public utility shall pay each installment on or before the  
28 date specified therefor by the Public Counsel. Within 15 days  
29 after receipt of such notice, the public utility against which  
30 such assessment has been made may file with the Public Counsel

1 objections setting out in detail the grounds upon which the  
2 objector regards such assessment to be excessive, erroneous,  
3 unlawful or invalid. The Public Counsel after notice to the  
4 objector, shall hold a hearing upon such objections. After such  
5 hearing, the Public Counsel shall record upon its minutes its  
6 findings on the objections and shall transmit to the objector,  
7 by registered or certified mail, notice of the amount, if any,  
8 charged against it in accordance with such findings, which  
9 amount, or any installment thereof, then due shall be paid by  
10 the objector within ten days after receipt of notice of the  
11 findings of the Public Counsel with respect to such objections.  
12 If any payment prescribed by this subsection is not made as  
13 aforesaid, the Public Counsel may institute an appropriate  
14 action at law for the amount lawfully assessed, together with  
15 any additional cost incurred by the Public Counsel by virtue of  
16 such failure to pay.

17 (d) Suits relating to collections and payments prohibited.--  
18 No suit or proceeding shall be maintained in any court for the  
19 purpose of restraining or in anywise delaying the collection or  
20 payment of any assessment made under subsections (a), (b) and  
21 (c), but every public utility against which an assessment is  
22 made shall pay the same as provided in subsection (c). Any  
23 public utility making any such payment may, at any time within  
24 two years from the date of payment, sue the Commonwealth in an  
25 action at law to recover the amount paid, or any part thereof,  
26 upon the ground that the assessment was excessive, erroneous,  
27 unlawful or invalid, in whole or in part, provided objections as  
28 hereinbefore provided, were filed with the Public Counsel and  
29 payment of the assessment was made under protest either as to  
30 all or part thereof. In any action for recovery of any payments

1 made under this section, the claimant shall be entitled to raise  
2 every relevant issue of law, but the findings of fact made by  
3 the Public Counsel, pursuant to this section, shall be prima  
4 facie evidence of the facts therein stated. Any records, books,  
5 data, documents and memoranda relating to the expenses of the  
6 Office of Public Counsel shall be admissible in evidence in any  
7 court and shall be prima facie evidence of the truth of their  
8 contents. If it is finally determined in any such action that  
9 all or any part of the assessment for which payment was made  
10 under protest was excessive, erroneous, unlawful or invalid, the  
11 Office of Public Counsel shall make a refund to the claimant out  
12 of the appropriation specified in this chapter as directed by  
13 the court.

14 (e) Exclusive remedy.--The procedure in this section  
15 providing for the determination of the lawfulness of assessments  
16 and the recovery back of payments made pursuant to such  
17 assessments shall be exclusive of all other remedies and  
18 procedures.

19 (f) Records of Office of Public Counsel.--It is the intent  
20 and purpose of this section that each public utility shall  
21 advance to the Office of Public Counsel its reasonable share of  
22 the cost of administering this act. The Office of Public Counsel  
23 shall keep records of the costs incurred in connection with the  
24 administration and enforcement of this act or any other act. The  
25 Office of Public Counsel shall also keep a record of the manner  
26 in which it shall have computed the amount assessed against  
27 every public utility. Such records shall be open to inspection  
28 by all interested parties. The determination of such costs and  
29 assessments by the Office of Public Counsel and the records and  
30 data upon which the same are made, shall be considered prima

1 facie correct. In any proceeding instituted to challenge the  
2 reasonableness or correctness of any assessment under this  
3 section, the party challenging the same shall have the burden of  
4 proof.

5 (g) Assessments paid into General Fund.--All assessments  
6 received, collected or recovered under this act shall be paid  
7 into the General Fund of the State Treasury through the  
8 Department of Revenue.

9 (h) Appropriation of assessments.--All such assessments,  
10 having been advanced by public utilities for the purpose of  
11 defraying the cost of the administration and performance of the  
12 duties of the Office of Public Counsel relating to proceedings  
13 before the commission, related judicial proceedings and other  
14 such matters within the jurisdiction of the Office of Public  
15 Counsel shall be held in trust solely for that purpose and shall  
16 be earmarked for the use of and are hereby appropriated to the  
17 Office of Public Counsel for disbursement solely for that  
18 purpose.

19 (i) Requisitions.--All requisitions upon such appropriation  
20 shall be signed by the Public Counsel or such deputies as he may  
21 designate in writing to the State Treasurer and shall be  
22 presented to the State Treasurer and dealt with by him and the  
23 Treasury Department in the manner prescribed by the act of April  
24 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."  
25 Section 4. Legislative intent.

26 It is the intent of the General Assembly that the provisions  
27 of this act be implemented during the 1980-1981 fiscal year by  
28 the transfer of previously appropriated sums to the Public  
29 Utility Commission and the Office of Consumer Advocate.

30 Section 5. Severability provision.

1 If any provision of this act is declared unconstitutional or  
2 the applicability thereof to any person or circumstance is held  
3 invalid, the constitutionality and effectiveness of the  
4 remainder of this act and the applicability thereof to any  
5 persons and circumstances shall not be affected thereby.

6 Section 6. Transfers relating to the Office of Consumer  
7 Advocate.

8 All allocations, appropriations, equipment, files, records  
9 and other material which are used, employed or expended in  
10 connection with participating as an adversary in rate  
11 proceedings by the Public Utility Commission and, in connection  
12 with the powers, duties or functions of the Office of Consumer  
13 Advocate are thereby transferred to the Office of Public Counsel  
14 with the same force and effect as if the appropriations had been  
15 made to and the items had been the property of the Office of  
16 Public Counsel in the first instance. Any personnel employed  
17 with the Public Utility Commission or the Office of Consumer  
18 Advocate in connection with the powers, duties or functions of  
19 this act may be transferred to the Office of Public Counsel.

20 Section 7. Repeals.

21 (1) Section 305 (relating to secretary, employees and  
22 consultants) of Title 66 is repealed to the extent inconsistent  
23 with this act.

24 (2) Article IX-A, act of April 9, 1929 (P.L.177, No.175),  
25 known as "The Administrative Code of 1929," is repealed.

26 Section 8. Effective date.

27 This act shall take effect January 1, 1980.