

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1835 Session of 1985

INTRODUCED BY McCALL, LAUGHLIN, BURNS, MARKOSEK, STABACK, COY, WOZNIAK, GRUITZA, PETRARCA, PISTELLA, COLE, BATTISTO, LUCYK, OLASZ, CLARK, COLAFELLA, WAMBACH, KOSINSKI, DeLUCA, FREEMAN, McHALE, TRUMAN, DEAL, LLOYD, KUKOVICH AND STEIGHNER, OCTOBER 22, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 8, 1986

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for exceptions and
3 appeals.

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

6 Section 1. Section 332(h) of Title 66 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 332. Procedures in general.

9 * * *

10 ~~(h) [Exceptions and appeal] Appeal procedure. Any party to~~ <—
11 ~~a proceeding referred to an administrative law judge under~~
12 ~~section 331(b) may [file exceptions to the decision of the~~
13 ~~administrative law judge within 15 days after such decision is~~
14 ~~issued, in a form and manner to be prescribed by the commission.~~
15 ~~The administrative law judge shall rule upon such exceptions~~
16 ~~within 30 days after filing. Any party to the proceeding may]~~

1 ~~appeal to the commission from the [ruling] decision of the~~
2 ~~administrative law judge [on the exceptions] within [15 days~~
3 ~~after such ruling is issued. If no exceptions are filed or if]~~
4 ~~such time as prescribed by the commission. If no appeal is taken~~
5 ~~from the [ruling on the exceptions] decision of the~~
6 ~~administrative law judge within [15 days] the prescribed time~~
7 ~~after any such decision [or ruling] is issued, the decision [or~~
8 ~~ruling] shall become final, without further commission action,~~
9 ~~unless two or more commissioners within 15 days after the~~
10 ~~decision [or ruling on the exceptions] request that the~~
11 ~~commission review the decision and make such other order, within~~
12 ~~90 days of such request, as it shall determine. Prosecutory~~
13 ~~counsel of the Law Bureau shall be deemed to have automatic~~
14 ~~standing as a party to such proceeding and may file [exceptions~~
15 ~~to] an appeal from any decision of the administrative law judge~~
16 ~~under this subsection.~~

17 (H) EXCEPTIONS AND APPEAL PROCEDURE.--ANY PARTY TO A <—
18 PROCEEDING REFERRED TO AN ADMINISTRATIVE LAW JUDGE UNDER SECTION
19 331(B) MAY FILE EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE
20 LAW JUDGE [WITHIN 15 DAYS AFTER SUCH DECISION IS ISSUED] WITH
21 THE COMMISSION, IN A FORM AND MANNER AND WITHIN THE TIME TO BE
22 PRESCRIBED BY THE COMMISSION. THE [ADMINISTRATIVE LAW JUDGE]
23 COMMISSION SHALL RULE UPON SUCH EXCEPTIONS WITHIN [30] 90 DAYS
24 AFTER FILING. [ANY PARTY TO THE PROCEEDING MAY APPEAL TO THE
25 COMMISSION FROM THE RULING OF THE ADMINISTRATIVE LAW JUDGE ON
26 THE EXCEPTIONS WITHIN 15 DAYS AFTER SUCH RULING IS ISSUED.] IF
27 NO EXCEPTIONS ARE FILED [OR IF NO APPEAL IS TAKEN FROM THE
28 RULING ON THE EXCEPTIONS WITHIN 15 DAYS AFTER ANY SUCH DECISION
29 OR RULING IS ISSUED], THE DECISION [OR RULING] SHALL BECOME
30 FINAL, WITHOUT FURTHER COMMISSION ACTION, UNLESS TWO OR MORE

1 COMMISSIONERS WITHIN 15 DAYS AFTER THE DECISION [OR RULING ON
2 THE EXCEPTIONS] REQUEST THAT THE COMMISSION REVIEW THE DECISION
3 AND MAKE SUCH OTHER ORDER, WITHIN 90 DAYS OF SUCH REQUEST, AS IT
4 SHALL DETERMINE. PROSECUTORY COUNSEL OF THE LAW BUREAU SHALL BE
5 DEEMED TO HAVE AUTOMATIC STANDING AS A PARTY TO SUCH PROCEEDING
6 AND MAY FILE EXCEPTIONS TO ANY DECISION OF THE ADMINISTRATIVE
7 LAW JUDGE UNDER THIS SUBSECTION.

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