

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 543

Session of 1985

INTRODUCED BY BELL AND STAUFFER, MARCH 12, 1985

SENATOR BELL, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, APRIL 30, 1985

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further defining "public utility."

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

5 Section 1. The definition of "public utility" in section 102
6 of Title 66 of the Pennsylvania Consolidated Statutes, amended
7 December 21, 1984 (P.L.1270, No.241), is amended to read:

8 § 102. Definitions.

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

14 * * *

15 "Public utility."

16 (1) Any person or corporations now or hereafter owning
17 or operating in this Commonwealth equipment or facilities

1 for:

2 (i) Producing, generating, transmitting,
3 distributing or furnishing natural or artificial gas,
4 electricity, or steam for the production of light, heat,
5 or power to or for the public for compensation.

6 (ii) Diverting, developing, pumping, impounding,
7 distributing, or furnishing water to or for the public
8 for compensation.

9 (iii) Transporting passengers or property as a
10 common carrier.

11 (iv) Use as a canal, turnpike, tunnel, bridge,
12 wharf, and the like for the public for compensation.

13 (v) Transporting or conveying natural or artificial
14 gas, crude oil, gasoline, or petroleum products,
15 materials for refrigeration, or oxygen or nitrogen, or
16 other fluid substance, by pipeline or conduit, for the
17 public for compensation.

18 (vi) Conveying or transmitting messages or
19 communications, except as set forth in paragraph (2)(iv),
20 by telephone or telegraph or domestic public land mobile
21 radio service including, but not limited to, point-to-
22 point microwave radio service for the public for
23 compensation.

24 (vii) Sewage collection, treatment, or disposal for
25 the public for compensation.

26 (2) The term "public utility" does not include:

27 (i) Any person or corporation, not otherwise a
28 public utility, who or which furnishes service only to
29 himself or itself.

30 (ii) Any bona fide cooperative association which

1 furnishes service only to its stockholders or members on
2 a nonprofit basis.

3 (iii) Any producer of natural gas not engaged in
4 distributing such gas directly to the public for
5 compensation.

6 (iv) Any person or corporation, not otherwise a
7 public utility, who or which furnishes mobile domestic
8 cellular radio telecommunications service.

9 (3) For the purposes of sections 2702 (relating to
10 construction, relocation, suspension and abolition of
11 crossings), 2703 (relating to ejection in crossing cases),
12 2704 (relating to compensation for damages occasioned by
13 construction, relocation or abolition of crossings), and
14 those portions of sections 1501 (relating to character of
15 service and facilities), 1505 (relating to proper service and
16 facilities established on complaint) and 1508 (relating to
17 reports of accidents), as THOSE SECTIONS OR PORTIONS THEREOF ←
18 relate to safety only, a municipal authority or
19 transportation authority organized under the laws of this
20 Commonwealth shall be considered a public utility when it
21 owns or operates, for the carriage of passengers or goods by
22 rail, a line of railroad composed of lines formerly owned or
23 operated by the Pennsylvania Railroad, the Penn-Central
24 Transportation Company, the Reading Company, the Consolidated
25 Rail Corporation or the Philadelphia Suburban Transportation
26 Company.

27 * * *

28 Section 2. (a) The act of January 22, 1968 (P.L.42, No.8),
29 known as the Pennsylvania Urban Mass Transportation Law, is
30 repealed insofar as it is inconsistent with this act.

1 (b) All other acts and parts of acts are repealed insofar as
2 they are inconsistent with this act.

3 Section 3. This act shall take effect in 60 days.