
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 157 Session of
1991

INTRODUCED BY D. R. WRIGHT, ITKIN, STEIGHNER, MIHALICH, COHEN,
FEE, KOSINSKI, TANGRETTI, F. TAYLOR, TRELLO, FREEMAN, BILLOW,
GIGLIOTTI, PISTELLA, WILLIAMS, LLOYD, McGEEHAN, PERZEL,
COWELL, WAMBACH, HECKLER, DeLUCA, BUNT, JOHNSON, HERMAN,
PRESTON, HAYDEN, SCRIMENTI, MELIO, HALUSKA, FOX, LAUGHLIN,
KUKOVICH, BELFANTI, BLAUM, HERSHEY, KASUNIC, COY, COLAFELLA,
CAPPABIANCA, JOSEPHS, TIGUE, BUTKOVITZ, M. N. WRIGHT, FAJT,
BELARDI, VEON, E. Z. TAYLOR AND JAMES, JANUARY 29, 1991

SENATOR FUMO, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED,
NOVEMBER 24, 1992

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, PROVIDING FOR COMPENSATION OF <—
3 COMMISSIONERS; PROVIDING FOR LANDLORD RATEPAYERS AND TENANTS, <—
4 FOR NOTICE PRIOR TO TERMINATION OF SERVICE, FOR PENALTIES AND
5 FOR REMEDIES; IMPOSING DUTIES UPON OWNERS OF RENTAL PROPERTY;
6 providing protection for public utility employees who report
7 a violation or suspected violation of Federal, State or local
8 law; providing protection for such employees who participate
9 in investigations, hearings, inquiries or court actions; and <—
10 prescribing remedies and penalties; AND REESTABLISHING THE <—
11 PENNSYLVANIA PUBLIC UTILITY COMMISSION.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 SECTION 1. SECTION 301(E) OF TITLE 66 OF THE PENNSYLVANIA <—
15 CONSOLIDATED STATUTES IS AMENDED TO READ:

16 § 301. ESTABLISHMENT, MEMBERS, QUALIFICATIONS AND CHAIRMAN.

17 * * *

18 (E) COMPENSATION.--EACH OF THE COMMISSIONERS SHALL RECEIVE

1 AN ANNUAL SALARY OF [\$55,000] \$78,500, EXCEPT THE CHAIRMAN, WHO
2 SHALL RECEIVE AN ANNUAL SALARY OF [\$57,500] \$80,000.

3 * * *

4 SECTION ~~±~~ 2. THE DEFINITIONS OF "LANDLORD RATEPAYER," <—
5 "RESIDENTIAL BUILDING" AND "TENANT" IN SECTION 1521 OF TITLE 66
6 ~~OF THE PENNSYLVANIA CONSOLIDATED STATUTES~~ ARE AMENDED AND THE <—
7 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

8 § 1521. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "BILLING MONTH." A PERIOD OF TIME NOT TO EXCEED 35 DAYS. THE
13 BILL SHALL NOT INCLUDE ANY PREVIOUSLY BILLED SERVICE FURNISHED
14 DURING A PERIOD OTHER THAN THAT COVERED BY THE CURRENT BILL. IF
15 PREVIOUSLY UNBILLED UTILITY SERVICE IS INCLUDED IN THE CURRENT
16 UTILITY BILL, THE UTILITY SHALL USE AN ESTIMATED BILL FOR THE
17 30-DAY PERIOD.

18 "DISCONTINUANCE." ANY CANCELLATION OF THE SERVICE CONTRACT
19 AT THE REQUEST OF THE RATEPAYER AND IN ACCORDANCE WITH SECTION
20 1523(B) (RELATING TO NOTICES BEFORE SERVICE TO LANDLORD
21 TERMINATED).

22 "LANDLORD RATEPAYER." ONE OR MORE INDIVIDUALS OR AN
23 ORGANIZATION LISTED ON A GAS, ELECTRIC, STEAM, SEWAGE OR WATER
24 UTILITY'S RECORDS AS THE PARTY RESPONSIBLE FOR PAYMENT OF THE
25 GAS, ELECTRIC, STEAM, SEWAGE OR WATER SERVICE PROVIDED TO ONE OR
26 MORE RESIDENTIAL UNITS OF A RESIDENTIAL BUILDING OR MOBILE HOME
27 PARK OF WHICH BUILDING OR MOBILE HOME PARK THE PARTY IS NOT THE
28 SOLE OCCUPANT. IN THE EVENT THE LANDLORD RATEPAYER IS NOT THE
29 PARTY TO A LEASE BETWEEN THE LANDLORD RATEPAYER AND THE TENANT,
30 THE TERM ALSO INCLUDES THE INDIVIDUAL OR ORGANIZATION TO WHOM

1 THE TENANT MAKES RENTAL PAYMENTS PURSUANT TO A RENTAL
2 ARRANGEMENT.

3 * * *

4 "RESIDENTIAL BUILDING." A BUILDING CONTAINING ONE OR MORE
5 DWELLING UNITS OCCUPIED BY ONE OR MORE TENANTS. THE TERM DOES
6 NOT INCLUDE NURSING HOMES, HOTELS AND MOTELS OR ANY DWELLING OF
7 WHICH THE LANDLORD RATEPAYER IS THE ONLY RESIDENT.

8 ["TENANT." ANY PERSON OR GROUP OF PERSONS WHOSE DWELLING
9 UNIT IN A RESIDENTIAL BUILDING OR MOBILE HOME PARK IS PROVIDED
10 GAS, ELECTRICITY, STEAM OR WATER PURSUANT TO A RENTAL
11 ARRANGEMENT FOR THE DWELLING UNIT, MOBILE HOME OR PLOT OF GROUND
12 WITHIN A MOBILE HOME PARK BUT WHO IS NOT THE RATEPAYER OF THE
13 UTILITY WHICH SUPPLIED THE GAS, ELECTRICITY, STEAM OR WATER.]

14 "TENANT." ANY PERSON OR GROUP OF PERSONS WHO ARE
15 CONTRACTUALLY OBLIGATED TO MAKE RENTAL PAYMENTS TO THE LANDLORD
16 RATEPAYER PURSUANT TO A RENTAL ARRANGEMENT, INCLUDING, BUT NOT
17 LIMITED TO, AN ORAL OR WRITTEN LEASE WITH THE LANDLORD RATEPAYER
18 FOR A DWELLING UNIT IN A RESIDENTIAL BUILDING OR MOBILE HOME
19 PARK WHICH IS PROVIDED GAS, ELECTRIC, STEAM, SEWER OR WATER AS
20 AN INCLUDED SERVICE UNDER THE RENTAL AGREEMENT AND WHO ARE NOT
21 THE RATEPAYERS OF THE UTILITY WHICH SUPPLIED THE GAS, ELECTRIC,
22 STEAM, SEWER OR WATER SERVICE.

23 "TERMINATION." THE CESSATION OF SERVICE, WHETHER TEMPORARY
24 OR PERMANENT, WITHOUT THE CONSENT OF THE RATEPAYER. FOR THE
25 PURPOSES OF THIS SUBCHAPTER, THIS TERM SHALL INCLUDE CESSATION
26 OF SERVICE AT THE REQUEST OF THE LANDLORD RATEPAYER WHEN A
27 TENANT DOES NOT AGREE TO THE CESSATION OF SERVICE.

28 SECTION ~~2~~ 3. SECTIONS 1522, 1523 HEADING AND (A), 1524,
29 1525, 1526, 1527(A), (B) AND (C) AND 1528 OF TITLE 66 ARE
30 AMENDED TO READ:

<—

§ 1522. APPLICABILITY OF SUBCHAPTER.

(A) GENERAL RULE.--THIS SUBCHAPTER APPLIES TO PUBLIC UTILITIES AS DEFINED IN PARAGRAPH (1)(I) AND (II) OF THE DEFINITION OF "PUBLIC UTILITY" IN SECTION 102 (RELATING TO DEFINITIONS) AND TO PUBLIC UTILITY SERVICE RENDERED BY THOSE PUBLIC UTILITIES IF THE PREMISES SERVED CONSTITUTE RESIDENTIAL BUILDINGS AS DEFINED IN SECTION 1521 (RELATING TO DEFINITIONS).

(B) MUNICIPAL SERVICE BEYOND CORPORATE LIMITS.--

(1) PUBLIC UTILITY SERVICE BEING FURNISHED OR RENDERED BY A MUNICIPAL CORPORATION, OR BY THE OPERATING AGENCIES OF ANY MUNICIPAL CORPORATION, BEYOND ITS CORPORATE LIMITS SHALL BE SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER ESTABLISHING THE PROCEDURES, RIGHTS, DUTIES AND REMEDIES FOR THE [DISCONTINUANCE] TERMINATION OF SERVICE TO LANDLORD RATEPAYERS.

(2) TENANTS AND LANDLORD RATEPAYERS OF A DWELLING UNIT IN RESIDENTIAL BUILDINGS OR MOBILE HOME PARKS RECEIVING PUBLIC UTILITY SERVICE BEING FURNISHED OR RENDERED BY A MUNICIPAL CORPORATION, OR BY THE OPERATING AGENCIES OF ANY MUNICIPAL CORPORATION, BEYOND ITS CORPORATE LIMITS SHALL BE SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER ESTABLISHING THE PROCEDURES, RIGHTS, DUTIES AND REMEDIES FOR THE [DISCONTINUANCE] TERMINATION OF SERVICE, THE RIGHT OF THE TENANTS TO WITHHOLD RENT, THE PROHIBITION OF WAIVER AND THE PROHIBITION AGAINST RETALIATION BY THE LANDLORD RATEPAYER WITH RESPECT TO THE PUBLIC UTILITY SERVICE.

§ 1523. NOTICES BEFORE SERVICE TO LANDLORD [DISCONTINUED] TERMINATED.

(A) NONPAYMENT OF CHARGES.--EXCEPT WHEN REQUIRED TO PREVENT OR ALLEVIATE AN EMERGENCY AS DEFINED BY THE COMMISSION OR EXCEPT

1 IN THE CASE OF DANGER TO LIFE OR PROPERTY, BEFORE ANY
2 [DISCONTINUANCE] TERMINATION OF SERVICE TO A LANDLORD RATEPAYER
3 FOR NONACCESS AS DEFINED BY THE COMMISSION IN ITS RULES AND
4 REGULATIONS OR NONPAYMENT OF CHARGES, A PUBLIC UTILITY SHALL:

5 (1) NOTIFY THE LANDLORD RATEPAYER OF THE PROPOSED
6 [DISCONTINUANCE] TERMINATION IN WRITING AS PRESCRIBED IN
7 SECTION 1525 (RELATING TO DELIVERY AND CONTENTS OF
8 [DISCONTINUANCE] TERMINATION NOTICE TO LANDLORD) AT LEAST 37
9 DAYS BEFORE THE DATE OF [DISCONTINUANCE] TERMINATION OF
10 SERVICE.

11 (2) NOTIFY THE FOLLOWING AGENCIES WHICH SERVE THE
12 COMMUNITY IN WHICH THE AFFECTED PREMISES ARE LOCATED[,] IN
13 WRITING[, AT THE TIME OF DELIVERY OF NOTICE TO THE TENANTS OF
14 THE PROPOSED DISCONTINUANCE] NOT LESS THAN TEN DAYS BEFORE
15 THE PROPOSED TERMINATION OF SERVICE:

16 (I) THE DEPARTMENT OF LICENSES AND INSPECTIONS OF
17 ANY CITY OF THE FIRST CLASS.

18 (II) THE DEPARTMENT OF PUBLIC SAFETY OF ANY CITY OF
19 THE SECOND CLASS, SECOND CLASS A OR THIRD CLASS.

20 (III) THE CITY OR COUNTY PUBLIC HEALTH DEPARTMENT
21 OR, IN THE EVENT THAT SUCH A DEPARTMENT DOES NOT EXIST,
22 THE DEPARTMENT OF HEALTH OFFICE RESPONSIBLE FOR THAT
23 COUNTY.

24 (3) NOTIFY EACH DWELLING UNIT REASONABLY LIKELY TO BE
25 OCCUPIED BY AN AFFECTED TENANT OF THE PROPOSED
26 [DISCONTINUANCE] TERMINATION IN WRITING AS PRESCRIBED IN
27 SECTION 1526 (RELATING TO DELIVERY AND CONTENTS OF FIRST
28 [DISCONTINUANCE] TERMINATION NOTICE TO TENANTS) AT LEAST
29 SEVEN DAYS AFTER NOTICE TO THE LANDLORD RATEPAYER PURSUANT TO
30 THIS SECTION AND AT LEAST 30 DAYS BEFORE THE [DISCONTINUANCE]

1 TERMINATION OF SERVICE. IF WITHIN SEVEN DAYS OF [RECEIPT OF
2 THE NOTICE] DELIVERY OR MAILING OF THE NOTICE TO THE LANDLORD
3 ISSUED PURSUANT TO THIS SECTION THE LANDLORD RATEPAYER FILES
4 A COMPLAINT WITH THE COMMISSION DISPUTING THE RIGHT OF THE
5 UTILITY TO [DISCONTINUE] TERMINATE SERVICE, THE NOTICE SHALL
6 NOT BE RENDERED UNTIL THE COMPLAINT HAS BEEN ADJUDICATED BY
7 THE COMMISSION, BUT THE LANDLORD RATEPAYER SHALL CONTINUE TO
8 PAY THE UNDISPUTED PORTION OF CURRENT BILLS WHEN DUE PENDING
9 THE FINAL DECISION OF THE COMPLAINT.

10 * * *

11 § 1524. REQUEST TO LANDLORD TO IDENTIFY TENANTS.

12 (A) DUTY OF PUBLIC UTILITY AND LANDLORD.--AT LEAST 37 DAYS
13 BEFORE THE TERMINATION OF SERVICE, IT IS THE DUTY OF ANY PUBLIC
14 UTILITY TO REQUEST FROM THE LANDLORD RATEPAYER THE NAMES AND
15 ADDRESSES OF THE AFFECTED TENANTS. UPON RECEIVING [A LAWFUL]
16 SUCH A REQUEST FOR THE NAMES AND ADDRESSES OF THE AFFECTED
17 TENANTS PURSUANT TO THIS SUBCHAPTER, THE LANDLORD RATEPAYER
18 SHALL PROVIDE THE UTILITY WITH THE NAMES AND ADDRESSES OF EVERY
19 AFFECTED TENANT OF ANY RESIDENTIAL BUILDING OR MOBILE HOME PARK
20 FOR WHICH THE UTILITY IS PROPOSING TO [DISCONTINUE] TERMINATE
21 SERVICE UNLESS WITHIN SEVEN DAYS OF [RECEIPT] DELIVERY OR
22 MAILING OF THE NOTICE THE LANDLORD RATEPAYER PAYS THE AMOUNT DUE
23 THE UTILITY OR MAKES AN ARRANGEMENT WITH THE UTILITY TO PAY THE
24 BALANCE.

25 (B) TIME FOR PROVIDING INFORMATION.--THE INFORMATION SHALL
26 BE PROVIDED BY THE LANDLORD RATEPAYER:

27 (1) WITHIN SEVEN DAYS OF RECEIPT OF A REQUEST FROM A
28 PUBLIC UTILITY FOR TENANTS' NAMES UNDER SUBSECTION (A);

29 (2) WITHIN SEVEN DAYS OF [RECEIPT] DELIVERY OR MAILING
30 OF THE NOTICE TO THE LANDLORD RATEPAYER REQUIRED BY SECTION

1 1523 (RELATING TO NOTICES BEFORE SERVICE TO LANDLORD

2 [DISCONTINUED); OR] TERMINATED);

3 [(2)] (3) WITHIN THREE DAYS OF ANY ADJUDICATION BY THE
4 COMMISSION THAT THE LANDLORD RATEPAYER MUST PROVIDE THE
5 REQUESTED INFORMATION IF THE LANDLORD FILES A COMPLAINT WITH
6 THE COMMISSION WITHIN SEVEN DAYS OF RECEIPT OF THE NOTICE TO
7 THE LANDLORD DISPUTING THE RIGHT OF THE UTILITY TO
8 [DISCONTINUE SERVICE.] TERMINATE SERVICE; OR

9 (4) UPON SUCH TERMS AS MAY BE ORDERED BY A COURT IN AN
10 ACTION BROUGHT BY THE UTILITY UNDER SECTION 1532(B) (RELATING
11 TO PENALTIES).

12 (C) [DUTY OF PUBLIC UTILITY.--IT SHALL BE THE DUTY OF ANY
13 PUBLIC UTILITY TO PURSUE ANY APPROPRIATE LEGAL REMEDY IT HAS IN
14 ORDER TO OBTAIN FROM THE LANDLORD RATEPAYER THE NAMES AND
15 ADDRESSES OF ALL AFFECTED TENANTS OF A RESIDENTIAL BUILDING OR
16 MOBILE HOME PARK FOR WHICH THE UTILITY IS PROPOSING
17 DISCONTINUANCE OF SERVICE TO THE LANDLORD RATEPAYER.] RIGHT OF
18 PUBLIC UTILITY.--IN THE EVENT THE PUBLIC UTILITY IS UNABLE TO
19 OBTAIN THE NAMES AND ADDRESSES OF ALL AFFECTED TENANTS FROM THE
20 LANDLORD RATEPAYER, THE PUBLIC UTILITY MAY PURSUE ANY
21 APPROPRIATE LEGAL OR EQUITABLE REMEDY IT HAS IN ORDER TO OBTAIN
22 FROM THE LANDLORD RATEPAYER THE NAMES AND ADDRESSES OF ALL
23 AFFECTED TENANTS OF A RESIDENTIAL BUILDING OR MOBILE HOME PARK
24 FOR WHICH THE UTILITY IS PROPOSING TERMINATION OF SERVICE TO THE
25 LANDLORD RATEPAYER. THE COMMISSION MAY ORDER THE PUBLIC UTILITY
26 TO OBTAIN THE INFORMATION FROM THE LANDLORD RATEPAYER.

27 § 1525. DELIVERY AND CONTENTS OF [DISCONTINUANCE] TERMINATION
28 NOTICE TO LANDLORD.

29 (A) GENERAL RULE.--THE NOTICE REQUIRED TO BE GIVEN TO A
30 LANDLORD RATEPAYER PURSUANT TO SECTION 1523 (RELATING TO NOTICES

BEFORE SERVICE TO LANDLORD [DISCONTINUED] TERMINATED) SHALL
CONTAIN THE FOLLOWING INFORMATION:

(1) THE AMOUNT OWED THE UTILITY BY THE LANDLORD
RATEPAYER FOR EACH AFFECTED ACCOUNT.

(2) THE DATE ON OR AFTER WHICH SERVICE WILL BE
[DISCONTINUED] TERMINATED.

(3) THE DATE ON OR AFTER WHICH THE COMPANY WILL NOTIFY
TENANTS OF THE PROPOSED [DISCONTINUANCE] TERMINATION OF
SERVICE AND OF THEIR RIGHTS UNDER SECTIONS 1527 (RELATING TO
RIGHT OF TENANTS TO CONTINUED SERVICE), 1529 (RELATING TO
RIGHT OF TENANT TO RECOVER PAYMENTS) AND 1531 (RELATING TO
RETALIATION BY LANDLORD PROHIBITED).

(4) THE OBLIGATION OF THE LANDLORD RATEPAYER UNDER
SECTION 1524 (RELATING TO REQUEST TO LANDLORD TO IDENTIFY
TENANTS) TO PROVIDE THE UTILITY WITH THE NAMES AND ADDRESSES
OF EVERY AFFECTED TENANT OR TO PAY THE AMOUNT DUE THE UTILITY
OR MAKE AN ARRANGEMENT WITH THE UTILITY TO PAY THE BALANCE
INCLUDING A STATEMENT:

(I) THAT THE LIST MUST BE PROVIDED OR PAYMENT OR
ARRANGEMENT MUST BE MADE WITHIN SEVEN DAYS OF RECEIPT OF
THE NOTICE.

(II) OF THE PENALTIES AND LIABILITY WHICH THE
LANDLORD RATEPAYER MAY INCUR UNDER SECTION 1532 (RELATING
TO PENALTIES) BY FAILURE TO COMPLY.

(5) THE RIGHT OF THE LANDLORD RATEPAYER TO STAY THE
NOTIFICATION OF TENANTS BY FILING A COMPLAINT WITH THE
COMMISSION DISPUTING THE RIGHT OF THE UTILITY TO
[DISCONTINUE] TERMINATE SERVICE.

(B) SERVICE OF NOTICE.--ANY ONE OF THE FOLLOWING PROCEDURES
SHALL CONSTITUTE EFFECTIVE NOTICE TO THE LANDLORD UNDER SECTION

1 1523:

2 (1) NOTICE BY CERTIFIED MAIL IF THE UTILITY RECEIVES A
3 RETURN RECEIPT SIGNED BY THE LANDLORD RATEPAYER OR [HIS
4 AGENT] THE AGENT OF THE LANDLORD RATEPAYER.

5 (2) NOTICE BY PERSONAL SERVICE OF THE LANDLORD RATEPAYER
6 OR [HIS AGENT] THE AGENT OF THE LANDLORD RATEPAYER.

7 (3) [AFTER UNSUCCESSFUL ATTEMPTS AT PERSONAL DELIVERY ON
8 TWO SEPARATE DAYS, NOTICE] NOTICE BY FIRST CLASS MAIL AND
9 CONSPICUOUSLY POSTING AT THE LANDLORD RATEPAYER'S PRINCIPAL
10 PLACE OF BUSINESS OR THE BUSINESS ADDRESS WHICH THE LANDLORD
11 PROVIDED THE UTILITY AS HIS ADDRESS FOR RECEIVING
12 COMMUNICATIONS.

13 § 1526. DELIVERY AND CONTENTS OF FIRST [DISCONTINUANCE]

14 TERMINATION NOTICE TO TENANTS.

15 (A) GENERAL RULE.--THE NOTICE REQUIRED TO BE GIVEN TO A
16 TENANT PURSUANT TO SECTION 1523 (RELATING TO NOTICES BEFORE
17 SERVICE TO LANDLORD [DISCONTINUED) SHALL BE MAILED OR OTHERWISE
18 DELIVERED TO THE ADDRESS OF EACH AFFECTED TENANT AND]
19 TERMINATED) SHALL BE SENT BY FIRST CLASS MAIL OR OTHERWISE HAND-
20 DELIVERED TO EACH AFFECTED TENANT BY NAME AT HIS INDIVIDUAL
21 DWELLING UNIT, OR BY UNIT NUMBER OR UNIT DESIGNATION, AND SHALL
22 BE POSTED IN COMMON AREAS. IN ORDER TO OBTAIN THE NAMES AND
23 ADDRESSES OF THE AFFECTED TENANTS AND IN CONJUNCTION WITH
24 SECTION 1524 (RELATING TO REQUEST TO LANDLORD TO IDENTIFY
25 TENANTS), THE UTILITY REPRESENTATIVE SHALL VISIT THE AFFECTED
26 PREMISES WITHIN SEVEN DAYS OF SERVICE OF NOTICE TO THE LANDLORD
27 RATEPAYER, PURSUANT TO SECTION 1525 (RELATING TO DELIVERY AND
28 CONTENTS OF TERMINATION NOTICE TO LANDLORD), AND BY PERSONALLY
29 CONTACTING ONE OR MORE OF THE AFFECTED TENANTS SHALL ATTEMPT TO
30 OBTAIN THE NAMES OF ALL THE TENANTS RESIDING IN THE AFFECTED

1 PREMISES. THE NOTICE FOR EACH AFFECTED TENANT FOR WHOM A NAME
2 HAS BEEN OBTAINED SHALL BE SENT BY FIRST CLASS MAIL OR OTHERWISE
3 HAND-DELIVERED TO EACH AFFECTED TENANT BY NAME AT HIS INDIVIDUAL
4 DWELLING UNIT BY ADDRESS AND BY UNIT NUMBER OR, IF NONE EXISTS,
5 BY UNIT DESIGNATION, AND SHALL ALSO BE CONSPICUOUSLY POSTED IN
6 THE COMMON AREAS. THE NOTICE FOR EACH AFFECTED TENANT FOR WHOM A
7 NAME HAS NOT BEEN OBTAINED SHALL BE HAND-DELIVERED TO EACH
8 INDIVIDUAL DWELLING UNIT BY ADDRESS AND UNIT NUMBER OR, IF NONE
9 EXISTS, BY UNIT DESIGNATION AND SHALL BE CONSPICUOUSLY POSTED IN
10 THE COMMON AREAS. FOR THE PURPOSES OF THIS SECTION, THE TERM
11 "UNIT DESIGNATION" MEANS THE GEOGRAPHIC LOCATION OF A DWELLING
12 UNIT BY FLOOR AND FLOOR AREA. ALL NOTICES SHALL CONTAIN THE
13 FOLLOWING INFORMATION:

14 (1) THE DATE ON WHICH THE NOTICE IS RENDERED.

15 (2) THE DATE ON OR AFTER WHICH SERVICE WILL BE
16 DISCONTINUED.

17 [(3) THE CIRCUMSTANCES UNDER WHICH SERVICE TO THE
18 AFFECTED TENANT MAY BE CONTINUED SPECIFICALLY REFERRING TO
19 THE CONDITIONS SET OUT IN SECTION 1527 (RELATING TO RIGHT OF
20 TENANTS TO CONTINUED SERVICE).

21 (4) THE BILL FOR THE 30-DAY PERIOD PRECEDING THE NOTICE
22 TO THE TENANTS.

23 (5) THE STATUTORY RIGHTS OF A TENANT TO:

24 (I) DEDUCT THE AMOUNT OF ANY DIRECT PAYMENT TO THE
25 UTILITY FROM ANY RENT PAYMENTS THEN OR THEREAFTER DUE.

26 (II) PROTECTION AGAINST ANY RETALIATION BY THE
27 LANDLORD FOR EXERCISING SUCH STATUTORY RIGHT.

28 (III) RECOVER MONEY DAMAGES FROM THE LANDLORD FOR
29 ANY SUCH RETALIATION.

30 (6) THAT TENANTS MAY MAKE PAYMENT TO THE UTILITY ON

ACCOUNT OF NONPAYMENT OF CHARGES BY THE LANDLORD RATEPAYER
ONLY BY CHECK OR MONEY ORDER DRAWN BY THE TENANT TO THE ORDER
OF THE UTILITY.

(7) A TELEPHONE NUMBER AT THE UTILITY AND AT THE
COMMISSION WHICH A TENANT MAY CALL FOR AN EXPLANATION OF HIS
RIGHTS.

(B) INFORMATION POSTED BY UTILITY.--THE INFORMATION IN
SUBSECTION (A) SHALL BE POSTED BY THE UTILITY IN THOSE COMMON
AREAS OF THE RESIDENTIAL BUILDING OR MOBILE HOME PARK WHERE IT
IS REASONABLY LIKELY TO BE SEEN BY THE AFFECTED TENANTS. ANY
OFFICER OR EMPLOYEE OF THE UTILITY MAY AT ANY REASONABLE TIME
ENTER THE COMMON HALLWAYS AND COMMON AREAS OF SUCH BUILDING FOR
THE PURPOSE OF COMPLYING WITH THE PROVISIONS OF THIS SECTION.]

(3) ON EACH ACCOUNT, THE BILL FOR THE BILLING MONTH
PRECEDING THE NOTICE TO THE TENANTS EXCEPT THAT, IN THE CASE
OF WATER AND SEWER SERVICE WHERE THE BILLING PERIOD IS
BIMONTHLY OR QUARTERLY, THE UTILITY SHALL PROVIDE AN ESTIMATE
OF COSTS FOR THE PREVIOUS 30-DAY PERIOD. ESTIMATES SHALL BE
BASED UPON ACTUAL USAGE OR, IF ACTUAL USAGE IS NOT AVAILABLE,
BY DETERMINING ONE-TWELFTH OF THE DWELLING UNIT'S ANNUAL
USAGE.

(4) THE FOLLOWING STATEMENT OF THE TENANT'S RIGHTS, THE
WORDS AND PHRASES OF WHICH APPEAR ALL IN CAPITAL LETTERS TO
BE PRINTED IN 12-POINT BOLD-FACED TYPE WITH THE FIRST LETTER
PRINTED IN UPPER CASE AND THE LETTERS THAT FOLLOW IN LOWER
CASE AND THE WORDS AND PHRASES WHICH DO NOT APPEAR ALL IN
CAPITAL LETTERS TO BE PRINTED IN TEN-POINT TYPE, WITH ANY
LETTER IN UPPER CASE TO REMAIN SO AND THE REST IN LOWER CASE:

IMPORTANT NOTICE TO TENANTS

WARNING: YOUR (UTILITY COMPANY SHALL INSERT COMPANY

1 NAME AND TYPE OF SERVICE) MAY BE SHUT OFF ON OR AFTER
2 (DATE) BECAUSE (UTILITY SHALL FILL IN REASON FOR
3 TERMINATION). TO STOP THE SHUTOFF OF YOUR UTILITY
4 SERVICE, YOU MUST DO ONE OF THE FOLLOWING THINGS:

5 1. YOU CAN JOIN WITH THE OTHER TENANTS TO PAY
6 THE UTILITY BILL FOR THE LAST 30 DAYS PRECEDING THIS
7 NOTICE OR YOU CAN PAY THE TOTAL BILL YOURSELF. EITHER
8 WAY, YOU DO NOT HAVE TO PAY A DEPOSIT OR GET CREDIT
9 GRANTED IN YOUR NAME. YOU WILL NOT HAVE TO PAY YOUR
10 LANDLORD'S OTHER DEBTS OR THE DEBTS OF PRIOR TENANTS
11 AND THE UTILITY SERVICE WILL REMAIN IN THE NAME OF
12 THE LANDLORD.

13 2. YOU MAY DEDUCT YOUR PAYMENT TO THE UTILITY
14 COMPANY FROM YOUR RENT DUE NOW OR FROM FUTURE RENT.
15 THE UTILITY COMPANY WILL TELL YOUR LANDLORD HOW MUCH
16 YOU PAID FOR THAT UTILITY SERVICE.

17 ADDITIONAL INFORMATION

18 1. THE BILL WHICH MUST BE PAID TO CONTINUE
19 SERVICE IS \$(AMOUNT).

20 2. YOUR LANDLORD CANNOT PUNISH YOU IF YOU PAY
21 THE UTILITY BILL. YOUR LANDLORD CANNOT RAISE YOUR
22 RENT, CANNOT EVICT YOU AND CANNOT TAKE ACTION AGAINST
23 YOU IN ANY OTHER WAY FOR PAYING THE UTILITY BILL AND
24 DEDUCTING IT FROM RENT. YOU HAVE A RIGHT TO RECOVER
25 MONEY DAMAGES FROM THE LANDLORD FOR ANY DAMAGES OR
26 INJURY HE CAUSES YOU FOR EXERCISING YOUR RIGHTS AS A
27 RESULT OF THIS NOTICE.

28 3. YOU HAVE THE RIGHT TO DISPUTE THE ACCURACY OF
29 THE BILL AND HAVE CERTAIN OTHER RIGHTS. IF YOU WOULD
30 LIKE FURTHER INFORMATION REGARDING THESE RIGHTS,

1 CONTACT YOUR UTILITY AT (UTILITY SHALL FILL IN A
2 PHONE NUMBER AND ADDRESS WHERE THE TENANT MAY GET
3 FURTHER INFORMATION).

4 DO YOU HAVE ANY QUESTIONS?

5 IF YOU HAVE ANY QUESTIONS ABOUT YOUR UTILITY SERVICE,
6 PLEASE CONTACT THE UTILITY COMPANY AT (TELEPHONE
7 NUMBER AND ADDRESS). IF, AFTER TALKING ABOUT YOUR
8 PROBLEMS WITH THE UTILITY, YOU ARE NOT SATISFIED,
9 THEN CALL THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
10 AT ITS TOLL-FREE NUMBER, WHICH IS 1-800-692-7380, OR
11 WRITE THE RESIDENTIAL TERMINATION UNIT, BUREAU OF
12 CONSUMER SERVICES, PENNSYLVANIA PUBLIC UTILITY
13 COMMISSION, P.O. BOX 3265, HARRISBURG, PENNSYLVANIA
14 17120. YOU SHOULD CALL OR WRITE BEFORE THE SHUTOFF.
15 TO AVOID SHUTOFF, YOUR LETTER MUST BE RECEIVED BEFORE
16 THE SHUTOFF DATE.

17 THE WORDS AND PHRASES OF THE FOREGOING NOTICE TO TENANTS ARE
18 SUBJECT TO REVISIONS DUE TO CHANGES IN THE RULES, REGULATIONS
19 AND LAWS GOVERNING THIS SUBCHAPTER.

20 (5) THAT THE TENANT OR TENANTS MUST MAKE PAYMENT TO THE
21 UTILITY ON ACCOUNT OF NONPAYMENT OF CHARGES BY THE LANDLORD
22 RATEPAYER BY CHECK OR MONEY ORDER DRAWN BY THE TENANT TO THE
23 ORDER OF THE UTILITY OR BY CASH, AND THAT THE TENANT MUST
24 PROVIDE, UPON REQUEST, REASONABLE IDENTIFICATION TO THE
25 UTILITY. REASONABLE IDENTIFICATION SHALL INCLUDE, BUT NOT BE
26 LIMITED TO, A DRIVER'S LICENSE, PHOTO IDENTIFICATION, MEDICAL
27 ASSISTANCE OR FOOD STAMP IDENTIFICATION, OR ANY SIMILAR
28 DOCUMENT ISSUED BY ANY PUBLIC AGENCY WHICH CONTAINS THE NAME
29 AND ADDRESS OF THE TENANT.

30 (B) UNIFORM EXPLANATION OF TENANTS' RIGHTS AND

1 RESPONSIBILITIES.--THE COMMISSION SHALL DIRECT THE AFFECTED
2 UTILITIES TO DEVELOP FOR COMMISSION APPROVAL A UNIFORM
3 EXPLANATION OF ALL RIGHTS AND RESPONSIBILITIES OF TENANTS UNDER
4 THIS SUBCHAPTER. WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS
5 ACT, THE UNIFORM EXPLANATION OF ALL RIGHTS AND RESPONSIBILITIES
6 OF TENANTS SHALL BE AVAILABLE IN A SUITABLE FORMAT FOR
7 DISTRIBUTION BY THE UTILITY COMPANY IN RESPONSE TO REQUESTS BY
8 TENANTS PURSUANT TO SUBSECTION (A).

9 § 1527. RIGHT OF TENANTS TO CONTINUED SERVICE.

10 (A) APPLICATION FOR CONTINUED SERVICE.--AT ANY TIME BEFORE
11 OR AFTER SERVICE IS [DISCONTINUED] TERMINATED BY A PUBLIC
12 UTILITY ON ACCOUNT OF NONPAYMENT OF CHARGES BY THE LANDLORD
13 RATEPAYER, THE AFFECTED TENANTS MAY APPLY TO THE UTILITY TO HAVE
14 SERVICE CONTINUED OR RESUMED.

15 (B) PAYMENT OF CHARGES BY TENANTS.--A PUBLIC UTILITY SHALL
16 NOT [DISCONTINUE] TERMINATE SERVICE OR SHALL PROMPTLY RESUME
17 SERVICE PREVIOUSLY [DISCONTINUED] TERMINATED IF IT RECEIVES FROM
18 THE TENANTS AN AMOUNT EQUAL TO THE BILL FOR THE AFFECTED ACCOUNT
19 OF THE LANDLORD RATEPAYER FOR THE [30-DAY PERIOD] BILLING MONTH
20 PRECEDING THE NOTICE TO THE TENANTS. THEREAFTER, THE UTILITY
21 SHALL NOTIFY EACH TENANT OF THE TOTAL AMOUNT OF THE BILL FOR THE
22 SECOND AND EACH SUCCEEDING [PERIOD OF 30 DAYS OR LESS] BILLING
23 MONTH AND, IF THE TENANTS FAIL TO MAKE PAYMENT OF ANY BILL
24 WITHIN 30 DAYS OF THE DELIVERY OF THE NOTICE TO THE TENANTS, THE
25 UTILITY MAY COMMENCE [DISCONTINUANCE PROCEDURES] TERMINATION OF
26 SERVICE, EXCEPT THAT NO [DISCONTINUANCE] TERMINATION MAY OCCUR
27 UNTIL 30 DAYS AFTER EACH TENANT HAS [RECEIVED WRITTEN] BEEN
28 FURNISHED NOTICE OF THE PROPOSED [DISCONTINUANCE] TERMINATION AS
29 PRESCRIBED IN SECTION 1528 (RELATING TO DELIVERY AND CONTENTS OF
30 SUBSEQUENT [DISCONTINUANCE] TERMINATION NOTICE TO TENANTS). [ALL

1 PAYMENTS OF CHARGES BY TENANTS TO A UTILITY ON ACCOUNT OF
2 NONPAYMENT BY THE LANDLORD RATEPAYER SHALL BE MADE BY A CHECK OR
3 MONEY ORDER DRAWN BY THE TENANT TO THE ORDER OF THE UTILITY.]
4 THE TENANT OR TENANTS SHALL MAKE PAYMENT TO THE UTILITY ON
5 ACCOUNT OF NONPAYMENT OF CHARGES BY THE LANDLORD RATEPAYER BY
6 CHECK OR MONEY ORDER DRAWN BY THE TENANT TO THE ORDER OF THE
7 UTILITY OR BY CASH. IN ALL CASES, THE TENANT SHALL PROVIDE, UPON
8 REQUEST, REASONABLE IDENTIFICATION TO THE UTILITY. FOR THE
9 PURPOSES OF THIS SECTION, "REASONABLE IDENTIFICATION" SHALL
10 INCLUDE, BUT NOT BE LIMITED TO, A DRIVER'S LICENSE, PHOTO
11 IDENTIFICATION, MEDICAL ASSISTANCE OR FOOD STAMP IDENTIFICATION,
12 OR ANY SIMILAR DOCUMENT ISSUED BY ANY PUBLIC AGENCY WHICH
13 CONTAINS THE NAME AND ADDRESS OF THE TENANT.

14 (C) DISPOSITION OF PAYMENT BY UTILITY.--UPON RECEIVING ANY
15 PAYMENT, THE UTILITY SHALL NOTIFY THE LANDLORD RATEPAYER WHO IS
16 LIABLE FOR THE UTILITY SERVICE OF THE AMOUNT OR AMOUNTS PAID BY
17 ANY TENANT AND THE AMOUNT OR AMOUNTS CREDITED TO THE LANDLORD'S
18 BILL FOR EACH TENANT PURSUANT TO THIS SECTION. [IN THE EVENT
19 THAT THE TENANTS FAIL TO SATISFY THE REQUIREMENTS OF THIS
20 SECTION TO MAINTAIN OR RESTORE SERVICE AND SERVICE TO THE
21 AFFECTED DWELLING UNITS IS DISCONTINUED, THE UTILITY SHALL
22 REFUND TO EACH TENANT THE AMOUNT PAID BY THE TENANT TOWARD THE
23 BILL WHICH THE TENANTS FAILED TO PAY EITHER UPON THE REQUEST OF
24 THE TENANT OR AFTER HOLDING THE TENANT'S PAYMENT DURING 60
25 CONSECUTIVE DAYS OF DISCONTINUED SERVICE, WHICHEVER OCCURS
26 FIRST.] TENANTS REQUESTING CONTINUED UTILITY SERVICE UNDER THIS
27 SECTION, EXCEPT THOSE INDIVIDUALLY SUBSCRIBING FOR SERVICE UNDER
28 SUBSECTION (D), SHALL NOT BE CONSIDERED UTILITY CUSTOMERS BUT
29 SHALL BE CONSIDERED TO BE ACTING ON BEHALF OF THE LANDLORD
30 RATEPAYER, WHO SHALL REMAIN LIABLE TO THE UTILITY FOR SERVICE

1 PROVIDED AFTER NOTICE TO TENANTS. IN THE EVENT THAT THE TENANTS
2 FAIL TO SATISFY THE REQUIREMENTS OF SUBSECTION (B) WITH REGARD
3 TO THE FIRST BILLING MONTH PERIOD PRECEDING NOTICE TO THE
4 TENANT, THE UTILITY SHALL REFUND ANY SUCH MONEYS RECEIVED FROM A
5 TENANT TO THAT TENANT. ANY PAYMENTS MADE BY THE TENANTS SHALL BE
6 APPLIED FIRST AGAINST THE BILL FOR THE BILLING MONTH PRECEDING
7 NOTICE TO THE TENANTS AND THEN AGAINST BILLS FOR SERVICE
8 RENDERED SUBSEQUENT TO SUCH BILL. UPON TERMINATION OF SERVICE TO
9 THE TENANTS FOR FAILURE TO PAY THE UTILITY BILL FOR SERVICE IN
10 FULL FOR ANY SUBSEQUENT MONTH, OR UPON VOLUNTARY DISCONTINUANCE
11 OF SERVICE AT THE REQUEST OF THE TENANTS, THE UTILITY SHALL
12 IMMEDIATELY REFUND TO THE TENANTS ANY AMOUNTS PAID TO THE
13 UTILITY FOR THE BILLING PERIOD FOR WHICH PAYMENT IN FULL WAS NOT
14 REMITTED.

15 * * *

16 § 1528. DELIVERY AND CONTENTS OF SUBSEQUENT [DISCONTINUANCE]
17 TERMINATION NOTICE TO TENANTS.

18 SUBSEQUENT NOTICES REQUIRED TO BE GIVEN TO A TENANT PURSUANT
19 TO SECTION 1527 (RELATING TO RIGHT OF TENANTS TO CONTINUED
20 SERVICE) SHALL BE [MAILED OR OTHERWISE DELIVERED TO THE ADDRESS
21 OF] SENT BY FIRST CLASS MAIL OR OTHERWISE HAND-DELIVERED TO EACH
22 AFFECTED TENANT [AND] BY NAME AT HIS INDIVIDUAL DWELLING UNIT,
23 BY UNIT NUMBER OR UNIT DESIGNATION, AND SHALL BE POSTED IN
24 COMMON AREAS. WHENEVER THE UTILITY HAS BEEN UNABLE TO OBTAIN THE
25 NAMES AND ADDRESSES OF THE AFFECTED TENANTS UNDER SECTION 1524
26 (RELATING TO REQUEST TO LANDLORD TO IDENTIFY TENANTS) OR 1526
27 (RELATING TO DELIVERY OF FIRST TERMINATION NOTICE TO TENANTS),
28 THE UTILITY SHALL HAND-DELIVER THE SUBSEQUENT NOTICE OF
29 TERMINATION TO EACH AFFECTED TENANT FOR WHOM A NAME HAS NOT BEEN
30 OBTAINED TO THE TENANT'S INDIVIDUAL DWELLING UNIT BY ADDRESS AND

1 UNIT NUMBER OR, IF NONE EXISTS, BY UNIT DESIGNATION. THE NOTICE
2 SHALL ALSO BE CONSPICUOUSLY POSTED IN THE COMMON AREAS. FOR THE
3 PURPOSES OF THIS SECTION, THE TERM "UNIT DESIGNATION" MEANS THE
4 GEOGRAPHIC LOCATION OF A DWELLING UNIT BY FLOOR AND FLOOR AREAS.

5 ALL NOTICES SHALL CONTAIN THE FOLLOWING INFORMATION:

6 (1) THE DATE ON OR AFTER WHICH SERVICE WILL BE
7 [DISCONTINUED] TERMINATED.

8 (2) THE AMOUNT DUE, WHICH SHALL INCLUDE THE ARREARAGE ON
9 ANY EARLIER BILL DUE FROM TENANTS.

10 (3) A TELEPHONE NUMBER AND AN ADDRESS AT THE UTILITY AND
11 AT THE COMMISSION WHICH A TENANT MAY CALL FOR AN EXPLANATION
12 OF HIS RIGHTS.

13 (4) THE RIGHT OF A TENANT TO FILE A COMPLAINT WITH THE
14 COMMISSION TO ENFORCE ANY LEGAL RIGHT THAT HE MAY HAVE UNDER
15 THIS PART.

16 SECTION 3 4. TITLE 66 IS AMENDED BY ADDING A SECTION TO
17 READ:

18 § 1529.1. DUTY OF OWNERS OF RENTAL PROPERTY.

19 (A) NOTICE TO PUBLIC UTILITY.--IT IS THE DUTY OF EVERY OWNER
20 OF A RESIDENTIAL BUILDING OR MOBILE HOME PARK WHICH CONTAINS ONE
21 OR MORE DWELLING UNITS, NOT INDIVIDUALLY METERED, TO NOTIFY EACH
22 PUBLIC UTILITY FROM WHOM UTILITY SERVICE IS RECEIVED OF THEIR
23 OWNERSHIP AND THE FACT THAT THE PREMISES SERVED ARE USED FOR
24 RENTAL PURPOSES.

25 (B) HISTORY OF ACCOUNT.--UPON RECEIPT OF THE NOTICE PROVIDED
26 IN THIS SECTION, IF THE MOBILE HOME PARK OR RESIDENTIAL BUILDING
27 CONTAINS ONE OR MORE DWELLING UNITS NOT INDIVIDUALLY METERED, AN
28 AFFECTED PUBLIC UTILITY SHALL FORTHWITH LIST THE ACCOUNT FOR THE
29 PREMISES IN QUESTION IN THE NAME OF THE OWNER, AND THE OWNER
30 SHALL THEREAFTER BE RESPONSIBLE FOR THE PAYMENT FOR THE UTILITY

1 SERVICES RENDERED THEREUNTO. IN THE CASE OF INDIVIDUALLY METERED
2 DWELLING UNITS, UNLESS NOTIFIED TO THE CONTRARY BY THE TENANT OR
3 AN AUTHORIZED REPRESENTATIVE, AN AFFECTED PUBLIC UTILITY SHALL
4 LIST THE ACCOUNT FOR THE PREMISES IN QUESTION IN THE NAME OF THE
5 OWNER, AND THE OWNER SHALL BE RESPONSIBLE FOR THE PAYMENT FOR
6 UTILITY SERVICES TO THE PREMISES.

7 (C) FAILURE TO GIVE NOTICE.--ANY OWNER OF A RESIDENTIAL
8 BUILDING OR MOBILE HOME PARK FAILING TO NOTIFY AFFECTED PUBLIC
9 UTILITIES AS REQUIRED BY THIS SECTION SHALL NONETHELESS BE
10 RESPONSIBLE FOR PAYMENT OF THE UTILITY SERVICES AS IF THE
11 REQUIRED NOTICE HAD BEEN GIVEN.

12 SECTION 4 5. SECTIONS 1531(C), 1532 AND 1533 OF TITLE 66 ARE <—
13 AMENDED TO READ:

14 § 1531. RETALIATION BY LANDLORD PROHIBITED.

15 * * *

16 (C) PRESUMPTION OF RETALIATION.--THE RECEIPT OF ANY NOTICE
17 OF TERMINATION OF TENANCY, AN INCREASE IN RENT OR OF ANY
18 SUBSTANTIAL ALTERATION IN THE TERMS OF TENANCY WITHIN SIX MONTHS
19 AFTER THE TENANT HAS ACTED PURSUANT TO SECTION 1527 OR 1529 TO
20 AVOID [DISCONTINUANCE] TERMINATION OF UTILITY SERVICE SHALL
21 CREATE A REBUTTABLE PRESUMPTION THAT THE NOTICE IS A REPRISAL
22 AGAINST THE TENANT FOR EXERCISING HIS RIGHTS UNDER SECTION 1527
23 OR 1529. HOWEVER, THE PRESUMPTION SHALL NOT ARISE IF THE NOTICE
24 OF TERMINATION OF TENANCY IS FOR NONPAYMENT OF RENT NOT WITHHELD
25 UNDER SECTION 1529 OR LAWFULLY WITHHELD UNDER ANY OTHER RIGHT
26 THAT THE TENANT MAY HAVE BY LAW.

27 § 1532. PENALTIES.

28 (A) [FAILURE TO IDENTIFY TENANTS] PER DIEM LIQUIDATED
29 DAMAGES.--ANY LANDLORD RATEPAYER WHO FAILS TO PROVIDE A UTILITY
30 WITH THE NAMES AND ADDRESSES OF AFFECTED TENANTS [PURSUANT TO]

1 IN ACCORDANCE WITH SECTION 1524 (RELATING TO REQUEST TO LANDLORD
2 TO IDENTIFY TENANTS) [SHALL FORFEIT AND PAY TO THE COMMONWEALTH
3 A CIVIL PENALTY OF NOT MORE THAN \$500 FOR EACH DAY OF THE
4 LANDLORD RATEPAYER'S FAILURE TO RESPOND. THE COURT IN ITS
5 DISCRETION MAY AWARD THE UTILITY REASONABLE ATTORNEYS' FEES,
6 FILING FEES AND REASONABLE COSTS OF SUIT FOR ANY ACTION AGAINST
7 THE LANDLORD RATEPAYER WHICH WAS NECESSARY TO OBTAIN THE NAMES
8 AND ADDRESSES OF AFFECTED TENANTS PURSUANT TO SECTION 1524.] OR
9 FAILS TO PROVIDE REASONABLE ACCESS TO THE METER SHALL BE DEEMED
10 TO HAVE CAUSED SUBSTANTIAL DAMAGE TO THE UTILITY BY THUS FORCING
11 A CONTINUATION OF THE EXISTING UTILITY SERVICE AND, AS A
12 CONSEQUENCE, SHALL BE REQUIRED TO PAY, AS LIQUIDATED DAMAGES TO
13 THE UTILITY, A SUM OF NOT LESS THAN \$500 BUT NOT MORE THAN
14 \$1,000 FOR EACH DAY OF THE LANDLORD'S FAILURE TO COMPLY,
15 COMMENCING WITH THE FIRST DAY COMPLETION AND EXHAUSTION OF THE
16 PROCEDURES PROVIDED UNDER SECTION 1524(A) AND (B)(1), (2) AND
17 (3).

18 (B) INJUNCTIVE RELIEF.--THE UTILITY MAY COMMENCE AN ACTION
19 IN EQUITY AGAINST A LANDLORD RATEPAYER TO OBTAIN INJUNCTIVE
20 RELIEF COMPELLING THE LANDLORD TO FURNISH THE NAMES AND
21 ADDRESSES OF AFFECTED TENANTS OR COMPELLING THE LANDLORD TO
22 PROVIDE ACCESS TO THE METER. INTERFERENCE WITH THE UTILITY'S
23 ABILITY TO TERMINATE SERVICE WITHOUT THIS INFORMATION SHALL BE
24 DEEMED SUFFICIENT PROOF OF IMMEDIATE, CONTINUING AND IRREPARABLE
25 INJURY TO SUSTAIN INJUNCTIVE RELIEF. THE COURT SHALL, IN
26 ADDITION TO AWARDING INJUNCTIVE RELIEF, RENDER JUDGMENT IN FAVOR
27 OF THE UTILITY FOR THE TOTAL PER DIEM LIQUIDATED DAMAGES
28 RECOVERABLE UNDER SUBSECTION (A) TOGETHER WITH REASONABLE
29 ATTORNEY FEES AND NECESSARY COSTS OF SUIT.

30 [(B)] (C) TAMPERING WITH POSTED NOTICE.--ANY PERSON WHO

1 REMOVES, INTERFERES OR TAMPERS WITH A NOTICE TO TENANTS OF
2 PROPOSED [DISCONTINUANCE] TERMINATION OF SERVICE, POSTED
3 PURSUANT TO SECTION 1526 (RELATING TO DELIVERY AND CONTENTS OF
4 FIRST [DISCONTINUANCE] TERMINATION NOTICE TO TENANTS) COMMITS A
5 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
6 A FINE NOT EXCEEDING [\$25.] \$300.

7 (D) DENIAL OF ACCESS TO COMMON AREAS.--ANY LANDLORD
8 RATEPAYER WHO WILLFULLY DENIES AN AGENT OR EMPLOYEE OF THE
9 UTILITY ACCESS TO COMMON AREAS OF HIS RESIDENTIAL BUILDING FOR
10 ANY LAWFUL PURPOSE UNDER THIS TITLE, INCLUDING, BUT NOT LIMITED
11 TO, POSTING OR DELIVERING NOTICES TO TENANTS UNDER THIS
12 SUBSECTION, SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN
13 \$500 FOR EACH DAY ACCESS IS DENIED.

14 § 1533. PETITION TO APPOINT RECEIVER.

15 (A) APPOINTMENT OF RECEIVER.--NOTWITHSTANDING THE FOREGOING
16 SECTIONS OF THIS CHAPTER, WHEN A LANDLORD RATEPAYER IS TWO OR
17 MORE MONTHS IN ARREARS IN HIS UTILITY PAYMENTS, THE AFFECTED
18 UTILITY SHALL HAVE THE RIGHT TO PETITION THE COURT OF COMMON
19 PLEAS OF THE COUNTY WHEREIN THE LEASED PREMISES ARE LOCATED TO
20 APPOINT A RECEIVER TO COLLECT RENT PAYMENTS OTHERWISE DUE THE
21 LANDLORD RATEPAYER DIRECTLY FROM THE TENANTS AND TO PAY ALL
22 OVERDUE AND SUBSEQUENT UTILITY BILLS THEREFROM. THE PROVISIONS
23 OF THIS SECTION SHALL NOT BE CONSTRUED TO SUPERSEDE ANY TENANT
24 RIGHTS OR DEFENSES UNDER LAW REGARDING THE PAYMENT OF RENT. THIS
25 RIGHT MAY BE EXERCISED ONLY IN THOSE SITUATIONS THAT INVOLVE [50
26 OR MORE RENTAL UNITS IN WHICH THE] UNITS WHICH ARE NOT
27 INDIVIDUALLY METERED BY THE UTILITY. UPON APPOINTMENT, THE
28 RECEIVER SHALL NOTIFY THE TENANTS OF HIS POWERS AND THEIR RIGHTS
29 UNDER LAW REGARDING PAYMENT OF RENT AND CONTINUED UTILITY
30 SERVICE BY FIRST CLASS MAIL, CERTIFIED MAIL, [OR] PERSONAL

SERVICE OR POSTING NOTICE IN EACH UNIT IN THE LEASED PREMISES.

(B) RIGHT TO CONTINUED SERVICE.--THE AFFECTED UTILITY UNDER THIS SECTION SHALL NOT [DISCONTINUE] TERMINATE UTILITY SERVICE IF IT RECEIVES PAYMENT FROM THE RECEIVER IN THE AMOUNT SPECIFIED IN SUBSECTION (C)(2) WITHIN 60 DAYS FROM THE DATE NOTICE TO THE TENANTS OF THE APPOINTMENT OF THE RECEIVER IS MAILED OR DELIVERED.

(C) DUTY OF RECEIVER.--THE RECEIVER SHALL:

(1) COLLECT ALL RENTS DIRECTLY FROM THE TENANTS;

(2) PAY THE UTILITY BILLS EQUAL TO THE AMOUNT DUE FOR THE [30-DAY PERIOD] BILLING MONTH PRIOR TO THE [TENANT] TENANTS RECEIVING NOTICE OF THE APPOINTMENT OF THE RECEIVER AND ALL FUTURE BILLS AS THEY BECOME DUE;

(3) AFTER PAYMENT OF THE AMOUNTS IN SUBSECTION (C)(2), ANY EXCESS MONEYS SHALL BE APPLIED PURSUANT TO FURTHER ORDER OF COURT; AND

(4) RETURN THE REMAINDER TO THE LANDLORD RATEPAYER, LESS THE COSTS OF THE NOTIFICATION MADE TO THE TENANTS, PLUS A 2% ADMINISTRATIVE FEE.

(D) [DISCONTINUATION] TERMINATION.--THE RECEIVER SHALL CONTINUE TO COLLECT THE RENTS AND MAKE DISBURSEMENTS IN THE MANNER PROVIDED IN SUBSECTION (C) UNTIL THE SECOND RENTAL PERIOD [AFTER] ENDS AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(1) [THE] THE LANDLORD RATEPAYER DEPOSITS IN ESCROW WITH THE UTILITY A SUM EQUAL TO THE UTILITY CHARGES FROM THE TWO HIGHEST MONTHLY PERIODS IN THE PRECEDING 12 MONTHS[; AND]_

(2) [THE] THE LANDLORD RATEPAYER DEMONSTRATES TO THE SATISFACTION OF THE COURT OF COMMON PLEAS THAT IT HAS THE FINANCIAL RECOURSES NECESSARY TO RESUME ITS OBLIGATIONS TO

1 THE UTILITY AND THE TENANTS.

2 (3) THE LANDLORD RATEPAYER PAYS THE UNDISPUTED AMOUNT OF
3 ALL OUTSTANDING UTILITY BILLS.

4 AT SUCH TIME RENTAL PAYMENTS WILL ONCE AGAIN BE MADE TO THE
5 LANDLORD RATEPAYER. NOTICE OF THIS CHANGE SHALL BE MADE TO THE
6 TENANTS BY THE RECEIVER BY MEANS OF FIRST CLASS MAIL, CERTIFIED
7 MAIL, [OR] PERSONAL SERVICE[, WHICH COSTS SHALL] OR POSTING
8 NOTICE IN EACH UNIT IN THE LEASED PREMISES, THE COSTS OF NOTICE
9 TO BE PAID BY THE LANDLORD RATEPAYER.

10 (E) ESCROW FUND.--THE ESCROW FUND ESTABLISHED UNDER
11 SUBSECTION (D)(1) SHALL NOT BE CONSIDERED A PREPAYMENT OF
12 UTILITY COSTS AND SHALL [ONLY] BE APPLIED ONLY AGAINST
13 OUTSTANDING UTILITY BILLS AT THE TIME A NEW RECEIVER IS
14 APPOINTED FOR A SUBSEQUENT FAILURE BY THE LANDLORD RATEPAYER TO
15 PAY UTILITY BILLS FOR A TWO-MONTH PERIOD. [SAID] THE ESCROW FUND
16 SHALL BE RETURNED TO THE LANDLORD RATEPAYER NOT LATER THAN 90
17 DAYS NOR EARLIER THAN 60 DAYS, AFTER THE LANDLORD RATEPAYER
18 OBTAINS A COURT ORDER RELEASING [SUCH FUNDS] THE FUND AND
19 CERTIFYING THAT TIMELY PAYMENT OF UTILITY BILLS HAS BEEN MADE
20 FOR THE IMMEDIATELY PRECEDING 24 CONSECUTIVE MONTHS.

21 (F) INTEREST ON FUNDS.--ANY FUNDS HELD IN ESCROW BY ANY
22 UTILITY SHALL BEAR INTEREST PAYABLE TO THE LANDLORD AT A RATE 1%
23 LOWER THAN [THE MAXIMUM RATE ALLOWED BY THE FEDERAL RESERVE
24 BOARD TO BE PAID ON REGULAR SAVINGS ACCOUNTS AT COMMERCIAL
25 BANKS.] THE RATE ACTUALLY RECEIVED IN A REGULAR SAVINGS ACCOUNT
26 AT A COMMERCIAL BANK WITHIN THE COURT'S JURISDICTION, AND THE
27 REMAINING 1% SHALL BE REMITTED TO THE COURT FOR ADMINISTRATIVE
28 COSTS.

29 (G) NUMBER OF RECEIVERS.--IN THE EVENT MORE THAN ONE UTILITY
30 COMPANY IS AFFECTED BY ANY LANDLORD RATEPAYERS' FAILURE TO PAY

1 UTILITY BILLS, THE COURT SHALL APPOINT THE SAME RECEIVER TO
2 FUNCTION FOR ALL AGGRIEVED UTILITIES.

3 Section ~~1-5~~ 6. Title 66 ~~of the Pennsylvania Consolidated~~ <—
4 ~~Statutes~~ is amended by adding a section to read:

5 § 3316. Protection of public utility employees.

6 (a) Persons not to be discharged.--No employer may
7 discharge, threaten or otherwise discriminate or retaliate
8 against an employee regarding the employee's compensation,
9 terms, conditions, location or privileges of employment because
10 the employee or a person acting on behalf of the employee made
11 or was about to make a good faith report, verbally or in
12 writing, to the employer, the commission, the Office of Consumer
13 Advocate, the Office of Small Business Advocate or the Office of
14 Attorney General on an instance of wrongdoing or waste.

15 (b) Discrimination prohibited.--No employer may discharge,
16 threaten or otherwise discriminate or retaliate against an
17 employee regarding the employee's compensation, terms,
18 conditions, location or privileges of employment because the
19 employee is requested by the commission, the Office of Consumer
20 Advocate, the Office of Small Business Advocate or the Office of
21 Attorney General to participate in an investigation, hearing or
22 inquiry held by the commission or the Office of Attorney General
23 or in a court action relating to the public utility.

24 (c) Civil action.--A person who alleges a violation of this
25 section may bring a civil action in a court of competent
26 jurisdiction for appropriate injunctive relief or damages, or
27 both, within 180 days after the occurrence of the alleged
28 violation.

29 (d) Necessary showing of evidence.--An employee alleging a
30 violation of this section must show by a preponderance of the

evidence that, prior to the alleged reprisal, the employee or a person acting on behalf of the employee had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer, the commission, the Office of Consumer Advocate, the Office of Small Business Advocate or the Office of Attorney General.

(e) Defense.--It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

(f) Enforcement.--A court, in rendering a judgment in an action brought under this section, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these remedies. A court shall also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

(g) Penalties.--A person who, under color of an employer's authority, violates this section shall be liable for a civil fine of not more than \$500. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.

(h) Notice.--An employer shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations under this section.

(i) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

1 "Employee." A person who performs a service for wages or
2 other remuneration under a contract of hire, written or oral,
3 express or implied, for a public utility.

4 "Employer." A person supervising one or more employees,
5 including the employee in question, a superior or an agent of a
6 public utility.

7 "Good faith report." A report which is made without malice
8 or consideration of personal benefit and which is made with
9 reasonable cause to believe in its truth.

10 "Waste." An employer's conduct or omissions which result in
11 substantial abuse, misuse, destruction or loss of funds or
12 resources belonging to or derived from a public utility.

13 "Wrongdoing." A violation which is not of a merely technical
14 or minimal nature of a Federal or State statute or regulation or
15 of a political subdivision ordinance or regulation or of a code
16 of conduct or ethics designed to protect the interest of the
17 public or the employer.

18 SECTION ~~2-6~~ 7. THIS ACT CONSTITUTES THE LEGISLATION REQUIRED <—
19 TO REESTABLISH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

20 SECTION ~~3-7~~ 8. SECTION 15 OF THE ACT OF JULY 10, 1986 <—
21 (P.L.1238, NO.114), ENTITLED "AN ACT AMENDING TITLE 66 (PUBLIC
22 UTILITIES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER
23 PROVIDING FOR THE APPOINTMENT, TERMS, COMPENSATION AND
24 QUALIFICATIONS OF AND RESTRICTIONS ON COMMISSIONERS; PROVIDING
25 FOR A DIRECTOR OF OPERATIONS, THE OFFICE OF TRIAL STAFF, THE
26 OFFICE OF SPECIAL ASSISTANTS AND THE DIRECTOR OF OPERATIONS AND
27 THEIR POWERS AND DUTIES; FURTHER PROVIDING FOR PROCEDURES,
28 REPORTS, BUDGET REQUESTS AND AUDITS AND FOR RATE INCREASE
29 REQUESTS; PROVIDING FOR MANAGEMENT EFFICIENCY INVESTIGATORS AND
30 FOR FUEL PURCHASE AUDITS; LIMITING RECOVERY OF CERTAIN EMPLOYEE

1 MEETING EXPENSES; MAKING PROVISIONS RELATING TO THE SALE OF
2 ELECTRIC GENERATING UNITS; PROVIDING FOR THE REGULATION OF
3 EXCESS CAPACITY COSTS AND NEW ELECTRIC GENERATING UNITS;
4 RESTRICTING RATE SETTING PROCEDURES OF TELEPHONE COMPANIES;
5 REQUIRING THAT CERTAIN DATA BE SUPPLIED BY ELECTRIC UTILITIES;
6 FURTHER REGULATING THE RECOVERY OF ADVERTISING EXPENSES AND THE
7 RECOVERY OF CLUB DUES; AUTHORIZING THE COMMISSION TO ORDER
8 CONSERVATION AND LOAD MANAGEMENT; REGULATING COIN TELEPHONE
9 SERVICE; AND REESTABLISHING THE PENNSYLVANIA PUBLIC UTILITY
10 COMMISSION," IS REPEALED.

11 SECTION ~~4-8~~ 9. THE REPEAL OF SECTION 15 OF THE ACT OF JULY <—
12 10, 1986 (P.L.1238, NO.114), ENTITLED "AN ACT AMENDING TITLE 66
13 (PUBLIC UTILITIES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES,
14 FURTHER PROVIDING FOR THE APPOINTMENT, TERMS, COMPENSATION AND
15 QUALIFICATIONS OF AND RESTRICTIONS ON COMMISSIONERS; PROVIDING
16 FOR A DIRECTOR OF OPERATIONS, THE OFFICE OF TRIAL STAFF, THE
17 OFFICE OF SPECIAL ASSISTANTS AND THE DIRECTOR OF OPERATIONS AND
18 THEIR POWERS AND DUTIES; FURTHER PROVIDING FOR PROCEDURES,
19 REPORTS, BUDGET REQUESTS AND AUDITS AND FOR RATE INCREASE
20 REQUESTS; PROVIDING FOR MANAGEMENT EFFICIENCY INVESTIGATORS AND
21 FOR FUEL PURCHASE AUDITS; LIMITING RECOVERY OF CERTAIN EMPLOYEE
22 MEETING EXPENSES; MAKING PROVISIONS RELATING TO THE SALE OF
23 ELECTRIC GENERATING UNITS; PROVIDING FOR THE REGULATION OF
24 EXCESS CAPACITY COSTS AND NEW ELECTRIC GENERATING UNITS;
25 RESTRICTING RATE SETTING PROCEDURES OF TELEPHONE COMPANIES;
26 REQUIRING THAT CERTAIN DATA BE SUPPLIED BY ELECTRIC UTILITIES;
27 FURTHER REGULATING THE RECOVERY OF ADVERTISING EXPENSES AND THE
28 RECOVERY OF CLUB DUES; AUTHORIZING THE COMMISSION TO ORDER
29 CONSERVATION AND LOAD MANAGEMENT; REGULATING COIN TELEPHONE
30 SERVICE; AND REESTABLISHING THE PENNSYLVANIA PUBLIC UTILITY

1 COMMISSION," SHALL BE RETROACTIVE TO DECEMBER 31, 1991.

2 Section ~~2-5-9~~ 10. This act shall take effect immediately. <—