

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1590 Session of
1998

INTRODUCED BY SALVATORE, EARLL AND CONTI, NOVEMBER 16, 1998

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
NOVEMBER 16, 1998

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further defining "public utility" to
3 include certain activities of counties of the first class.

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

6 Section 1. The definition of "public utility" in section 102
7 of Title 66 of the Pennsylvania Consolidated Statutes is amended
8 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 "Public utility."

17 (1) Any person [or corporations], corporation or county
18 of the first class now or hereafter owning or operating in

1 this Commonwealth equipment or facilities 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 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 (v) Any building or facility owner/operators who
10 hold ownership over and manage the internal distribution
11 system serving such building or facility and who supply
12 electric power and other related electric power services
13 to occupants of the building or facility.

14 (vi) Electric generation supplier companies, except
15 for the limited purposes as described in sections 2809
16 (relating to requirements for electric generation
17 suppliers) and 2810 (relating to revenue-neutral
18 reconciliation).

19 (3) For the purposes of sections 2702 (relating to
20 construction, relocation, suspension and abolition of
21 crossings), 2703 (relating to ejectment in crossing cases)
22 and 2704 (relating to compensation for damages occasioned by
23 construction, relocation or abolition of crossings) and those
24 portions of sections 1501 (relating to character of service
25 and facilities), 1505 (relating to proper service and
26 facilities established on complaint) and 1508 (relating to
27 reports of accidents), as those sections or portions thereof
28 relate to safety only, a municipal authority or
29 transportation authority organized under the laws of this
30 Commonwealth shall be considered a public utility when it

owns or operates, for the carriage of passengers or goods by
rail, a line of railroad composed of lines formerly owned or
operated by the Pennsylvania Railroad, the Penn-Central
Transportation Company, the Reading Company or the
Consolidated Rail Corporation.

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