

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 689 Session of
2003

INTRODUCED BY CONTI, THOMPSON, ROBBINS, STOUT AND WOZNIAK,
MAY 2, 2003

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 29, 2004

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further regulating duties
21 of Department of Community and Economic Development;
22 PROVIDING FOR DEFINITIONS, FOR COLLECTION OF CASH DEPOSITS BY
23 PUBLIC UTILITIES AS A CONDITION OF PROVISION OR RECONNECTION
24 OF SERVICES AND FOR PROCEDURES FOR NOTICE OF TERMINATION OF
25 UTILITY SERVICE; AUTHORIZING THE PENNSYLVANIA PUBLIC UTILITY
26 COMMISSION TO MEDIATE PAYMENT AGREEMENTS AND ACCEPT CUSTOMER
27 COMPLAINTS; PROVIDING FOR LANDLORD DUTIES, FOR TAX INCREMENT
28 DISTRICTS AND KEYSTONE OPPORTUNITY ZONES, FOR REPORTING OF
29 DELINQUENT CUSTOMERS AND FOR REPORTING OF RECIPIENTS OF
30 PUBLIC ASSISTANCE; AND ABROGATING CERTAIN REGULATIONS AND
31 ORDINANCES OF FIRST CLASS CITIES RELATING TO PUBLIC

<—

1 UTILITIES.

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

4 Section 1. Section 1209 of the act of April 9, 1929
5 (P.L.177, No.175), known as The Administrative Code of 1929,
6 amended February 1, 1966 (1965 P.L.1849, No.582), is amended to
7 read:

8 Section 1209. Local Government [Budget and] Financial
9 Reports; Compilation of Statistics.--The Department of Community
10 [Affairs] and Economic Development shall have power and its duty
11 shall be:

12 [(a) To prepare, in cooperation with duly authorized
13 committees of local government officials, and furnish annually
14 at the expense of the Commonwealth, to the corporate authorities
15 of each county (except counties of the first class), city of the
16 third class, borough, incorporated town, township, school
17 district of the second, third, and fourth class blank forms
18 suitable for the making of budgets by the proper authorities of
19 said local government and for the filing of a copy of the budget
20 after adoption with said department.]

21 (b) To furnish to the corporate authorities of each county
22 (except counties of the first class), city of the third class,
23 borough, incorporated town, township suitable blank forms for
24 the making of annual reports of the financial condition of their
25 respective local governments to the department, which forms for
26 financial report purposes shall be placed by said corporate
27 authorities into the hands of the director, controller or
28 auditors who by law are required to make such financial reports
29 to the department. Such annual financial reports shall be
30 prepared in cooperation with [aforesaid] duly authorized

1 committees of local government officials and shall contain: (1)
2 a statement of the receipts of the unit of local government from
3 all sources [and of all accounts and revenue which may be due
4 and uncollected at the close of the fiscal year]; (2) a
5 statement of the disbursements for all the governmental
6 activities of the unit of local government during the fiscal
7 year; (3) a detailed statement of the indebtedness of the unit
8 of local government at the close of the fiscal year[, the
9 provisions made for the payment thereof, together with the
10 purposes for which it was incurred; (4) a statement of the cost
11 of ownership and operation of each and every public service
12 industry owned, maintained or operated by the unit of local
13 government]; (5) such further or more specific information in
14 relation to the cost of any branch of the local government and
15 improvements therein as may be required by the department.

16 [In the case of blank forms for financial reports by
17 townships of the second class and counties, the same shall be so
18 arranged that corresponding data and information, required to be
19 reported by said units of local government to the Department of
20 Highways or the Department of Public Welfare, may be used for
21 the information required to be furnished to the Department of
22 Community Affairs under this section.]

23 (c) The substance of the annual [budget and] financial
24 reports, required by law to be made to the Department of
25 Community [Affairs] and Economic Development by the corporate
26 officers, directors, controllers, and auditors of units of local
27 government, shall be arranged by said department in such form as
28 shall indicate the comparative receipts from the various sources
29 of revenue and the comparative costs of the several branches of
30 local government in the governments making such reports, shall

1 be published at the cost of the Commonwealth in an annual
2 statement of comparative statistics which shall be issued [for
3 each class of local government] as a public document in printed
4 and electronic form, and shall be submitted by the department to
5 the General Assembly at each regular session. Copies thereof
6 shall also be [furnished] made available by the department to
7 each such local government unit named therein.

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

9 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <—

10 ARTICLE XXVIII-D

11 RESPONSIBLE UTILITY CUSTOMER PROTECTION.

12 SECTION 2801-D. SHORT TITLE.

13 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE RESPONSIBLE
14 UTILITY CUSTOMER PROTECTION ACT.

15 SECTION 2802-D. DECLARATION OF POLICY.

16 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

17 (1) FORMAL SERVICE RULES WERE FIRST ADOPTED BY THE
18 PENNSYLVANIA PUBLIC UTILITY COMMISSION IN 1978 WITH THE
19 STATED GOAL OF ENFORCING UNIFORM, FAIR AND EQUITABLE
20 RESIDENTIAL UTILITY SERVICE STANDARDS GOVERNING ELIGIBILITY
21 CRITERIA, CREDIT AND DEPOSIT PRACTICES, ACCOUNT BILLING,
22 TERMINATION AND RESTORATION OF SERVICE PROCEDURES AND
23 CUSTOMER COMPLAINT PROCEDURES. THESE RULES HAVE NOT
24 SUCCESSFULLY MANAGED THE ISSUE OF BILL PAYMENT. INCREASING
25 AMOUNTS OF UNPAID BILLS NOW THREATEN PAYING CUSTOMERS WITH
26 HIGHER RATES DUE TO OTHER CUSTOMERS' DELINQUENCIES.

27 (2) THE GENERAL ASSEMBLY BELIEVES THAT THE TIME IS NOW
28 TO REVISIT THESE RULES AND PROVIDE PROTECTIONS AGAINST RATE
29 INCREASES FOR TIMELY PAYING CUSTOMERS RESULTING FROM OTHER
30 CUSTOMERS' DELINQUENCIES. THE GENERAL ASSEMBLY SEEKS TO

1 ACHIEVE GREATER EQUITY BY ELIMINATING OPPORTUNITIES FOR
2 CUSTOMERS CAPABLE OF PAYING TO AVOID THE TIMELY PAYMENT OF
3 PUBLIC UTILITY BILLS.

4 (3) THROUGH THIS ACT, THE GENERAL ASSEMBLY SEEKS TO
5 PROVIDE PUBLIC UTILITIES DOING BUSINESS IN THIS COMMONWEALTH
6 WITH AN EQUITABLE MEANS TO REDUCE THEIR UNCOLLECTIBLE
7 ACCOUNTS BY MODIFYING THE PROCEDURES FOR DELINQUENT ACCOUNT
8 COLLECTIONS AND BY INCREASING TIMELY COLLECTIONS. AT THE SAME
9 TIME, THE GENERAL ASSEMBLY SEEKS TO ENSURE THAT PUBLIC
10 UTILITY SERVICE REMAINS AVAILABLE TO ALL CUSTOMERS ON
11 REASONABLE TERMS AND CONDITIONS.

12 SECTION 2803-D. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "AMR." AUTOMATIC METER READ OR READER.

17 "APPLICANT." A PERSON WHO APPLIES FOR RESIDENTIAL SERVICE
18 PROVIDED BY A PUBLIC UTILITY AND ALL ADULT OCCUPANTS OF THE
19 PERSON'S HOUSEHOLD.

20 "CHANGE IN CIRCUMSTANCE." A DECREASE IN TOTAL HOUSEHOLD
21 INCOME RESULTING IN A HOUSEHOLD INCOME LEVEL NOT EXCEEDING 150%
22 OF THE FEDERAL POVERTY LEVEL WHEN THE INCOME LEVEL PRIOR TO THE
23 DECREASE WAS 150% OR MORE OF THE FEDERAL POVERTY LEVEL.

24 "CITY NATURAL GAS DISTRIBUTION OPERATION." A COLLECTION OF
25 REAL AND PERSONAL ASSETS USED FOR DISTRIBUTING NATURAL GAS TO
26 RETAIL GAS CUSTOMERS OWNED BY A CITY OR A MUNICIPAL AUTHORITY,
27 NONPROFIT CORPORATION OR PUBLIC CORPORATION FORMED PURSUANT TO
28 66 PA.C.S. § 2212(M) (RELATING TO CITY NATURAL GAS DISTRIBUTION
29 OPERATIONS).

30 "COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

1 "CUSTOMER." A PERSON IN WHOSE NAME A RESIDENTIAL SERVICE
2 ACCOUNT IS LISTED AND WHO IS PRIMARILY RESPONSIBLE FOR PAYMENT
3 OF BILLS RENDERED FOR THE SERVICE AND ANY ADULT OCCUPANT OF SUCH
4 PERSON'S HOUSEHOLD.

5 "CUSTOMER ASSISTANCE PROGRAM." A PLAN OR PROGRAM SPONSORED
6 BY A PUBLIC UTILITY FOR THE PURPOSE OF PROVIDING UNIVERSAL
7 SERVICE, AS DEFINED BY 66 PA.C.S. § 2202 (RELATING TO
8 DEFINITIONS), IN WHICH CUSTOMERS MAKE MONTHLY PAYMENTS BASED ON
9 GROSS INCOME AND HOUSEHOLD SIZE AND UNDER WHICH CUSTOMERS MUST
10 COMPLY WITH CERTAIN RESPONSIBILITIES AND RESTRICTIONS IN ORDER
11 TO REMAIN ELIGIBLE FOR THE PROGRAM.

12 "ELECTRIC DISTRIBUTION UTILITY." AN ENTITY PROVIDING
13 FACILITIES FOR THE JURISDICTIONAL TRANSMISSION AND DISTRIBUTION
14 OF ELECTRICITY TO RETAIL CUSTOMERS, EXCEPT BUILDING OR FACILITY
15 OWNERS OR OPERATORS THAT MANAGE THE INTERNAL DISTRIBUTION SYSTEM
16 SERVING SUCH BUILDING OR FACILITY AND THAT SUPPLY ELECTRIC POWER
17 AND OTHER RELATED ELECTRIC POWER SERVICES TO OCCUPANTS OF THE
18 BUILDING OR FACILITY.

19 "HOUSEHOLD INCOME." THE COMBINED GROSS INCOME OF ALL ADULTS
20 IN A RESIDENTIAL HOUSEHOLD WHO BENEFIT FROM THE PUBLIC UTILITY
21 SERVICE.

22 "LIHEAP" OR "LOW INCOME HOME ENERGY ASSISTANCE PROGRAM." A
23 FEDERALLY FUNDED PROGRAM THAT PROVIDES FINANCIAL ASSISTANCE IN
24 THE FORM OF CASH AND CRISIS GRANTS TO LOW-INCOME HOUSEHOLDS FOR
25 HOME ENERGY BILLS AND IS ADMINISTERED BY THE DEPARTMENT OF
26 PUBLIC WELFARE.

27 "NATURAL GAS DISTRIBUTION SERVICE." THE DELIVERY OF NATURAL
28 GAS TO RETAIL GAS CUSTOMERS UTILIZING THE JURISDICTIONAL
29 FACILITIES OF A NATURAL GAS DISTRIBUTION UTILITY.

30 "NATURAL GAS DISTRIBUTION UTILITY." A CITY NATURAL GAS

DISTRIBUTION OPERATION OR ENTITY THAT PROVIDES NATURAL GAS
DISTRIBUTION SERVICES AND MAY PROVIDE NATURAL GAS SUPPLY
SERVICES AND OTHER SERVICES. FOR PURPOSES OF THIS ACT, THE TERM
DOES NOT INCLUDE EITHER OF THE FOLLOWING:

(1) ANY PUBLIC UTILITY PROVIDING NATURAL GAS
DISTRIBUTION SERVICES SUBJECT TO THE JURISDICTION OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION THAT HAS ANNUAL GAS
OPERATING REVENUES OF LESS THAN \$6,000,000 PER YEAR, EXCEPT
WHERE THE PUBLIC UTILITY VOLUNTARILY PETITIONS THE COMMISSION
TO BE INCLUDED WITHIN THIS DEFINITION OR WHERE THE PUBLIC
UTILITY SEEKS TO PROVIDE NATURAL GAS SUPPLY SERVICES TO
RETAIL GAS CUSTOMERS OUTSIDE ITS SERVICE TERRITORY.

(2) ANY PUBLIC UTILITY PROVIDING NATURAL GAS
DISTRIBUTION SERVICES SUBJECT TO THE JURISDICTION OF THE
COMMISSION THAT IS NOT CONNECTED TO AN INTERSTATE GAS
PIPELINE BY MEANS OF A DIRECT CONNECTION OR AN INDIRECT
CONNECTION THROUGH THE DISTRIBUTION SYSTEM OF ANOTHER NATURAL
GAS PUBLIC UTILITY OR THROUGH A NATURAL GAS GATHERING SYSTEM.

"NATURAL GAS SUPPLY SERVICES." THE SALE OR ARRANGEMENT OF
THE SALE OF NATURAL GAS TO RETAIL GAS CUSTOMERS AND SERVICES
THAT MAY BE UNBUNDLED BY THE PENNSYLVANIA PUBLIC UTILITY
COMMISSION UNDER 66 PA.C.S. § 2203(3) (RELATING TO STANDARDS FOR
RESTRUCTURING OF NATURAL GAS UTILITY INDUSTRY). THE TERM DOES
NOT INCLUDE NATURAL GAS DISTRIBUTION SERVICE.

"PAYMENT AGREEMENT." AN AGREEMENT WHEREBY A CUSTOMER WHO
ADMITS LIABILITY FOR BILLED SERVICE IS PERMITTED TO AMORTIZE OR
PAY THE UNPAID BALANCE OF THE ACCOUNT IN ONE OR MORE PAYMENTS.

"PUBLIC UTILITY." ANY ELECTRIC DISTRIBUTION UTILITY, NATURAL
GAS DISTRIBUTION UTILITY OR WATER DISTRIBUTION UTILITY IN THIS
COMMONWEALTH THAT IS WITHIN THE JURISDICTION OF THE PENNSYLVANIA

1 PUBLIC UTILITY COMMISSION.

2 "WATER DISTRIBUTION UTILITY." AN ENTITY OWNING OR OPERATING
3 EQUIPMENT OR FACILITIES FOR DIVERTING, DEVELOPING, PUMPING,
4 IMPOUNDING, DISTRIBUTING OR FURNISHING WATER TO OR FOR THE
5 PUBLIC FOR COMPENSATION.

6 SECTION 2804-D. CASH DEPOSITS; HOUSEHOLD INFORMATION
7 REQUIREMENTS.

8 (A) GENERAL RULE.--THE COMMISSION SHALL NOT PROHIBIT A
9 PUBLIC UTILITY, PRIOR TO OR AS A CONDITION OF PROVIDING UTILITY
10 SERVICE, FROM REQUIRING A CASH DEPOSIT IN AN AMOUNT THAT IS THE
11 ESTIMATED AMOUNT OF THE APPLICANT'S BILL FOR TWO MONTHS, PAID IN
12 FULL AT THE TIME THE PUBLIC UTILITY DETERMINES A DEPOSIT IS
13 REQUIRED, FROM THE FOLLOWING:

14 (1) AN APPLICANT REQUESTING UTILITY DISTRIBUTION
15 SERVICES FOR THE FIRST TIME WHO HAS NOT PREVIOUSLY BEEN A
16 CUSTOMER OF THE PUBLIC UTILITY.

17 (2) AN APPLICANT WHO PREVIOUSLY RECEIVED UTILITY
18 DISTRIBUTION SERVICES AND WAS A CUSTOMER OF THE PUBLIC
19 UTILITY AND WHOSE SERVICE WAS TERMINATED FOR ANY OF THE
20 FOLLOWING REASONS:

21 (I) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

22 (II) FAILURE TO POST A DEPOSIT, PROVIDE A GUARANTEE
23 OR ESTABLISH CREDIT.

24 (III) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
25 CONNECTIONS OR OTHER PROPERTY OF THE PUBLIC UTILITY FOR
26 THE PURPOSE OF REPLACEMENT, MAINTENANCE, REPAIR OR METER
27 READING.

28 (IV) UNAUTHORIZED USE OF THE UTILITY SERVICE
29 DELIVERED ON OR ABOUT THE AFFECTED DWELLING.

30 (V) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A

1 SETTLEMENT OR PAYMENT AGREEMENT.

2 (VI) FRAUD OR MATERIAL MISREPRESENTATION OF IDENTITY
3 FOR THE PURPOSE OF OBTAINING UTILITY SERVICE.

4 (VII) TAMPERING WITH METERS, INCLUDING, BUT NOT
5 LIMITED TO, BYPASSING A METER OR REMOVAL OF AN AMR DEVICE
6 OR OTHER PUBLIC UTILITY EQUIPMENT.

7 (VIII) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
8 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR
9 THE INTEGRITY OF THE DELIVERY SYSTEM OF THE PUBLIC
10 UTILITY.

11 (3) A CUSTOMER CURRENTLY RECEIVING UTILITY SERVICES WHO
12 HAS BEEN DELINQUENT IN THE PAYMENT OF ANY TWO CONSECUTIVE
13 BILLS OR THREE OR MORE BILLS WITHIN THE PRECEDING 12 MONTHS.

14 (4) ANY APPLICANT OR CUSTOMER WHO IS UNABLE TO ESTABLISH
15 CREDITWORTHINESS TO THE SATISFACTION OF THE PUBLIC UTILITY.

16 (B) DEPOSIT HOLD PERIOD.--A PUBLIC UTILITY MAY HOLD A
17 DEPOSIT FOR UP TO 36 MONTHS UNTIL A TIMELY PAYMENT HISTORY IS
18 ESTABLISHED. A TIMELY PAYMENT HISTORY IS ESTABLISHED WHEN A
19 CUSTOMER HAS PAID IN FULL AND ON TIME FOR 12 CONSECUTIVE MONTHS.
20 THE PUBLIC UTILITY SHALL PAY AND ACCRUE ON THE DEPOSIT THE LEGAL
21 RATE OF INTEREST PURSUANT TO SECTION 202 OF THE ACT OF JANUARY
22 30, 1974 (P.L.13, NO.6), REFERRED TO AS THE LOAN INTEREST AND
23 PROTECTION LAW.

24 (C) ADULT OCCUPANTS.--PRIOR TO PROVIDING UTILITY SERVICE, A
25 PUBLIC UTILITY MAY REQUIRE AN APPLICANT TO PROVIDE THE NAMES OF
26 ALL ADULT OCCUPANTS RESIDING AT THE LOCATION AND PROOF OF THEIR
27 IDENTITY.

28 (D) THIRD-PARTY GUARANTOR.--NOTHING IN THIS SECTION SHALL BE
29 CONSTRUED TO PRECLUDE AN APPLICANT FROM FURNISHING A THIRD-PARTY
30 GUARANTOR IN LIEU OF A CASH DEPOSIT. THE GUARANTY SHALL BE IN

1 WRITING AND SHALL STATE THE TERMS OF THE GUARANTY. THE GUARANTOR
2 SHALL BE RESPONSIBLE FOR ALL MISSED PAYMENTS OWED TO THE PUBLIC
3 UTILITY.

4 (E) FAILURE TO PAY FULL AMOUNT OF CASH DEPOSIT.--A PUBLIC
5 UTILITY SHALL NOT BE REQUIRED TO PROVIDE SERVICE IF THE
6 APPLICANT FAILS TO PAY THE FULL AMOUNT OF THE CASH DEPOSIT.

7 SECTION 2805-D. PAYMENT AGREEMENTS.

8 (A) GENERAL RULE.--THE COMMISSION IS AUTHORIZED TO MEDIATE
9 PAYMENT DISPUTES BETWEEN PUBLIC UTILITIES AND THEIR CUSTOMERS
10 AND ESTABLISH PAYMENT AGREEMENTS BETWEEN THE PARTIES.

11 (B) LENGTH OF PAYMENT AGREEMENTS.--THE LENGTH OF TIME FOR A
12 DELINQUENT CUSTOMER TO RESOLVE AN UNPAID BALANCE ON AN ACCOUNT
13 THAT IS SUBJECT TO A PAYMENT AGREEMENT THAT IS THE PRODUCT OF A
14 DISPUTE MEDIATED BY THE COMMISSION AND IS ENTERED INTO BY A
15 PUBLIC UTILITY AND A CUSTOMER SHALL NOT EXTEND BEYOND:

16 (1) FIVE YEARS FOR CUSTOMERS WITH A GROSS MONTHLY
17 HOUSEHOLD INCOME LEVEL NOT EXCEEDING 150% OF THE FEDERAL
18 POVERTY LEVEL.

19 (2) TWO YEARS FOR CUSTOMERS WITH A GROSS MONTHLY
20 HOUSEHOLD INCOME LEVEL EXCEEDING 150% AND NOT MORE THAN 300%
21 OF THE FEDERAL POVERTY LEVEL.

22 (3) THREE MONTHS FOR CUSTOMERS WITH A GROSS MONTHLY
23 HOUSEHOLD INCOME LEVEL EXCEEDING 300% OF THE FEDERAL POVERTY
24 LEVEL.

25 (C) ARREARAGE TIME.--NOTWITHSTANDING THE PROVISIONS OF
26 SUBSECTION (B), A PAYMENT AGREEMENT THAT IS THE PRODUCT OF A
27 DISPUTE MEDIATED BY THE COMMISSION AND ENTERED INTO BETWEEN A
28 PUBLIC UTILITY AND A CUSTOMER SHALL NOT EXTEND BEYOND THE LENGTH
29 OF TIME IT TOOK FOR THE ARREARAGE TO ACCUMULATE.

30 (D) CUSTOMER ASSISTANCE PROGRAMS.--CUSTOMER ASSISTANCE

PROGRAM RATES SHALL BE TIMELY PAID AND SHALL NOT BE THE SUBJECT
OF PAYMENT AGREEMENTS NEGOTIATED OR APPROVED BY THE COMMISSION.

(E) NUMBER OF PAYMENT AGREEMENTS.--ABSENT A CHANGE IN
CIRCUMSTANCES, THE COMMISSION SHALL NOT ESTABLISH OR ORDER A
PUBLIC UTILITY TO ESTABLISH A SECOND OR SUBSEQUENT PAYMENT
AGREEMENT IF A CUSTOMER HAS DEFAULTED ON A PREVIOUS PAYMENT
AGREEMENT. A PUBLIC UTILITY MAY, AT ITS DISCRETION, ENTER INTO A
SECOND OR SUBSEQUENT PAYMENT AGREEMENT WITH A CUSTOMER.

(F) FAILURE TO COMPLY WITH PAYMENT AGREEMENT.--FAILURE OF A
CUSTOMER TO COMPLY WITH THE TERMS OF A PAYMENT AGREEMENT SHALL
BE GROUNDS FOR A PUBLIC UTILITY TO TERMINATE THE CUSTOMER'S
SERVICE.

SECTION 2806-D. TERMINATION OF UTILITY SERVICE.

(A) AUTHORIZED TERMINATION.--A PUBLIC UTILITY MAY NOTIFY A
CUSTOMER AND TERMINATE SERVICE PROVIDED TO A CUSTOMER AFTER
NOTICE AS PROVIDED IN SUBSECTION (B) FOR ANY OF THE FOLLOWING
ACTIONS BY THE CUSTOMER:

(1) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

(2) FAILURE TO POST A DEPOSIT, PROVIDE A GUARANTEE OF
PAYMENT OR ESTABLISH CREDIT.

(3) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
CONNECTIONS OR OTHER PROPERTY OF THE UTILITY FOR THE PURPOSE
OF REPLACEMENT, MAINTENANCE, REPAIR OR METER READING.

(B) NOTICE OF TERMINATION OF SERVICE.--PRIOR TO TERMINATING
SERVICE UNDER SUBSECTION (A), A PUBLIC UTILITY SHALL DO ALL OF
THE FOLLOWING:

(1) PROVIDE WRITTEN NOTICE OF THE TERMINATION TO THE
CUSTOMER AT LEAST TEN DAYS PRIOR TO THE DATE OF THE PROPOSED
TERMINATION. THE TERMINATION NOTICE SHALL REMAIN EFFECTIVE
FOR 60 DAYS.

1 (2) ATTEMPT TO CONTACT THE CUSTOMER OR RESPONSIBLE ADULT
2 OCCUPANT, EITHER IN PERSON OR BY TELEPHONE, TO PROVIDE NOTICE
3 OF THE PROPOSED TERMINATION AT LEAST THREE DAYS PRIOR TO THE
4 SCHEDULED TERMINATION. PHONE CONTACT SHALL BE DEEMED COMPLETE
5 UPON TWO ATTEMPTED CALLS TO THE RESIDENCE BETWEEN THE HOURS
6 OF 7 A.M. AND 9 P.M.

7 (3) ATTEMPT TO MAKE PERSONAL CONTACT WITH THE CUSTOMER
8 IN THE RESIDENCE AT THE TIME OF TERMINATION OF SERVICE PRIOR
9 TO DISCONNECTING UTILITY SERVICE, HOWEVER, TERMINATION SHALL
10 NOT BE DELAYED FOR FAILURE TO MAKE PERSONAL CONTACT.

11 THE PUBLIC UTILITY SHALL NOT BE REQUIRED BY THE COMMISSION TO
12 TAKE ANY ADDITIONAL ACTIONS PRIOR TO TERMINATION.

13 (C) GROUNDS FOR IMMEDIATE TERMINATION.--A PUBLIC UTILITY MAY
14 IMMEDIATELY TERMINATE SERVICE FOR ANY OF THE FOLLOWING ACTIONS
15 BY THE CUSTOMER:

16 (1) UNAUTHORIZED USE OF THE UTILITY SERVICE DELIVERED ON
17 OR ABOUT THE AFFECTED DWELLING.

18 (2) FRAUD OR MATERIAL MISREPRESENTATION OF THE
19 CUSTOMER'S IDENTITY FOR THE PURPOSE OF OBTAINING UTILITY
20 SERVICE.

21 (3) TAMPERING WITH METERS OR OTHER UTILITY EQUIPMENT.

22 (4) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
23 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR THE
24 INTEGRITY OF THE UTILITY'S DELIVERY SYSTEM.

25 UPON TERMINATION, THE PUBLIC UTILITY SHALL MAKE A GOOD FAITH
26 ATTEMPT TO DELIVER A NOTICE OF TERMINATION TO THE CUSTOMER OR A
27 RESPONSIBLE PERSON AT THE AFFECTED PREMISES, AND IN THE CASE OF
28 A SINGLE METER, MULTIUNIT DWELLING, THE PUBLIC UTILITY SHALL
29 CONSPICUOUSLY POST THE NOTICE AT THE DWELLING, INCLUDING IN
30 COMMON AREAS WHEN POSSIBLE.

1 (D) ESTIMATED METER READINGS.--A PUBLIC UTILITY MAY
2 TERMINATE SERVICE PROVIDED TO A CUSTOMER BASED ON ESTIMATED
3 METER READINGS FOR ANY OF THE ACTIONS BY THE CUSTOMER SET FORTH
4 IN SUBSECTIONS (A) AND (C).

5 (E) TIMING OF TERMINATION.--A PUBLIC UTILITY MAY TERMINATE
6 UTILITY SERVICE FOR THE REASONS SET FORTH IN SUBSECTION (A) ON
7 ANY DAY OF THE WEEK AS LONG AS THE PUBLIC UTILITY CAN RESTORE
8 UTILITY SERVICE, CONSISTENT WITH SECTION 7.

9 (F) WINTER TERMINATION.--BETWEEN DECEMBER 1 AND MARCH 15, AN
10 ELECTRIC DISTRIBUTION UTILITY OR NATURAL GAS DISTRIBUTION
11 UTILITY MAY TERMINATE SERVICE IN ACCORDANCE WITH THIS SECTION
12 ONLY TO CUSTOMERS WITH A GROSS HOUSEHOLD INCOME EXCEEDING 150%
13 OF THE FEDERAL POVERTY LEVEL.

14 (G) MEDICAL CERTIFICATION.--A PUBLIC UTILITY SHALL NOT
15 TERMINATE SERVICE TO A PREMISES WHEN A PHYSICIAN HAS CERTIFIED
16 THAT THE CUSTOMER OR A MEMBER OF THE CUSTOMER'S HOUSEHOLD IS
17 SERIOUSLY ILL OR AFFLICTED WITH A MEDICAL CONDITION THAT WILL BE
18 AGGRAVATED BY CESSATION OF SERVICE. THE CUSTOMER SHALL OBTAIN A
19 LETTER FROM A LICENSED PHYSICIAN VERIFYING THE CONDITION AND
20 SHALL PROMPTLY FORWARD IT TO THE PUBLIC UTILITY.

21 (H) QUALIFICATION FOR LIHEAP.--A NOTICE OF DELINQUENCY TO A
22 CUSTOMER OF A NATURAL GAS DISTRIBUTION UTILITY OR AN ELECTRIC
23 DISTRIBUTION UTILITY SHALL BE SUFFICIENT PROOF OF A CRISIS FOR A
24 CUSTOMER WITH THE REQUISITE INCOME LEVEL TO RECEIVE A LIHEAP
25 CRISIS GRANT FROM THE DEPARTMENT OF PUBLIC WELFARE OR ITS
26 DESIGNEE.

27 (I) READINGS.--A PUBLIC UTILITY SHALL PROVIDE PROOF OF TWO
28 ATTEMPTS TO OBTAIN AN ACTUAL READING OF THE METER.

29 SECTION 2807-D. RECONNECTION OF UTILITY SERVICE.

30 (A) FEE.--A PUBLIC UTILITY MAY REQUIRE A \$75 RECONNECTION

FEE PRIOR TO RECONNECTION OF UTILITY SERVICE FOLLOWING LAWFUL
TERMINATION OF THE SERVICE.

(B) TIMING.--WHEN SERVICE TO A DWELLING HAS BEEN TERMINATED
AND PROVIDED THE APPLICANT HAS MET ALL APPLICABLE CONDITIONS,
THE PUBLIC UTILITY SHALL RECONNECT SERVICE AS FOLLOWS:

(1) WITHIN 24 HOURS FOR ERRONEOUS TERMINATIONS OR UPON
RECEIPT BY THE PUBLIC UTILITY OF A VALID MEDICAL
CERTIFICATION.

(2) WITHIN 24 HOURS FOR TERMINATIONS OCCURRING FROM
DECEMBER 1 TO MARCH 15.

(3) WITHIN THREE DAYS FOR ERRONEOUS TERMINATIONS
REQUIRING STREET OR SIDEWALK DIGGING.

(4) WITHIN THREE DAYS FROM MARCH 16 TO NOVEMBER 30 FOR
PROPER TERMINATIONS.

(5) WITHIN SEVEN DAYS FOR PROPER TERMINATIONS REQUIRING
STREET OR SIDEWALK DIGGING.

(C) LIABILITY FOR OUTSTANDING BALANCE.--A PUBLIC UTILITY MAY
REQUIRE FULL PAYMENT OF ANY OUTSTANDING BALANCE INCURRED BY A
CUSTOMER, A CUSTOMER'S SPOUSE OR ANY OTHER ADULT RESIDING AT THE
SAME SERVICE LOCATION PRIOR TO RECONNECTION OF UTILITY SERVICE
FOR APPLICANTS WHO HAVE AN INCOME EXCEEDING 150% OF THE FEDERAL
POVERTY LEVEL. A PUBLIC UTILITY MAY REQUIRE A PARTIAL PAYMENT OF
ANY OUTSTANDING BALANCE INCURRED BY A CUSTOMER, A CUSTOMER'S
SPOUSE OR ANY OTHER ADULT OCCUPANT RESIDING AT THE SAME SERVICE
LOCATION PRIOR TO RECONNECTION OF UTILITY SERVICE FOR APPLICANTS
WHO HAVE AN INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY
LEVEL.

(D) METER OR SHUTOFF VALVE.--FOR APPLICANTS SEEKING
RECONNECTION OF SERVICE FOLLOWING TERMINATION WHO HAVE AN INCOME
EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, A PUBLIC UTILITY

1 MAY CHARGE A FEE THAT MUST BE INCLUDED AS A PART OF ITS TARIFF
2 FILED IN ACCORDANCE WITH 66 PA.C.S. § 1302 (RELATING TO TARIFFS;
3 FILING AND INSPECTION) FOR MOVING THE METER OR SHUTOFF VALVE TO
4 AN EXTERNAL LOCATION ON THE PROPERTY.

5 SECTION 2808-D. SERVICE TO A PREVIOUSLY TERMINATED LOCATION OR
6 TO A LOCATION CURRENTLY IN TERMINATION
7 PROCEEDINGS.

8 (A) GENERAL RULE.--A PUBLIC UTILITY SHALL NOT BE REQUIRED TO
9 PROVIDE UTILITY SERVICES FOR A LOCATION WHERE UTILITY SERVICE
10 WAS PREVIOUSLY TERMINATED DUE TO NONPAYMENT FOR THE UTILITY
11 SERVICE OR A LOCATION FOR WHICH THERE IS AN OUTSTANDING PAYMENT
12 BALANCE IF THE APPLICANT FAILS TO ESTABLISH THAT THE APPLICANT
13 DID NOT RESIDE AT THE LOCATION DURING THE TIME THE SERVICES WERE
14 TERMINATED OR UNPAID. PROOF OF THE APPLICANT'S PREVIOUS
15 RESIDENCE AS PROVIDED IN SUBSECTION (B), AS WELL AS PROOF OF THE
16 APPLICANT'S NEW RESIDENCE AT THE LOCATION IN THE FORM OF A
17 TIMELY DATED LEASE, DEED OR MORTGAGE WITH AN EFFECTIVE DATE
18 PRIOR TO MAKING THE APPLICATION SHALL BE SUFFICIENT.

19 (B) PROOF OF PREVIOUS RESIDENCE.--

20 (1) A PHOTO IDENTIFICATION BEARING THE ADDRESS OF THE
21 APPLICANT SHALL BE PROOF OF THE APPLICANT'S PREVIOUS
22 RESIDENCE. ANY OF THE FOLLOWING SHALL BE PROOF OF PREVIOUS
23 RESIDENCE:

24 (I) A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED
25 BY THE DEPARTMENT OF TRANSPORTATION FOR THE PREVIOUS
26 RESIDENCE.

27 (II) A VALID IDENTIFICATION CARD ISSUED BY ANY OTHER
28 AGENCY OF THE COMMONWEALTH FOR THE PREVIOUS RESIDENCE.

29 (III) A VALID IDENTIFICATION CARD ISSUED BY THE
30 UNITED STATES GOVERNMENT FOR THE PREVIOUS RESIDENCE.

1 (2) IF THE APPLICANT DOES NOT POSSESS A FORM OF PHOTO
2 IDENTIFICATION, ANY OF THE FOLLOWING SHALL BE PROOF OF
3 PREVIOUS RESIDENCE:

4 (I) NONPHOTO IDENTIFICATION ISSUED BY THE
5 COMMONWEALTH OR ANY AGENCY THEREOF FOR THE PREVIOUS
6 RESIDENCE;

7 (II) NONPHOTO IDENTIFICATION ISSUED BY THE UNITED
8 STATES GOVERNMENT OR AGENCY THEREOF FOR THE PREVIOUS
9 RESIDENCE; AND

10 (III) OTHER REASONABLE DOCUMENTATION OF PREVIOUS
11 RESIDENCE ACCEPTABLE TO THE PUBLIC UTILITY TO SHOW
12 PREVIOUS RESIDENCE.

13 (C) FAILURE TO PROVIDE PROOF OF RESIDENCE.--A PUBLIC UTILITY
14 IS NOT REQUIRED TO PROVIDE UTILITY SERVICES FOR A LOCATION IF
15 THE APPLICANT FAILS TO PROVIDE ACCEPTABLE PROOF OF THE
16 APPLICANT'S PREVIOUS AND NEW RESIDENCE. IN THE EVENT THAT A
17 PUBLIC UTILITY ELECTS TO PROVIDE SERVICE TO AN APPLICANT WHO
18 FAILS TO PROVIDE ACCEPTABLE PROOF OF RESIDENCE, THE UTILITY MAY
19 REQUIRE PAYMENT OF ANY OUTSTANDING BALANCE, CONSISTENT WITH
20 SECTION 7(D).

21 (D) DOMESTIC VIOLENCE.--THIS SECTION SHALL NOT APPLY TO
22 VICTIMS UNDER A PROTECTION FROM ABUSE ORDER AS PROVIDED BY 23
23 PA.C.S. CH. 61 (RELATING TO PROTECTION FROM ABUSE).
24 SECTION 2809-D. DISHONORED CHECKS.

25 WHEN A CHECK AS DEFINED IN 13 PA.C.S. § 3104 (RELATING TO
26 NEGOTIABLE INSTRUMENT) IS DISHONORED UNDER 13 PA.C.S. § 3502
27 (RELATING TO DISHONOR) A PUBLIC UTILITY MAY TERMINATE UTILITY
28 SERVICE WITHIN 72 HOURS OF PERSONAL CONTACT WITH THE RATEPAYER
29 OR A RESPONSIBLE ADULT OCCUPANT. IF A PUBLIC UTILITY IS UNABLE
30 TO MAKE PERSONAL CONTACT WITH THE RATEPAYER OR A RESPONSIBLE

1 ADULT OCCUPANT AFTER TWO REASONABLE ATTEMPTS, NOTICE OF THE
2 TERMINATION MUST BE POSTED AT THE RESIDENCE 24 HOURS PRIOR TO
3 TERMINATION.

4 SECTION 2810-D. LATE PAYMENT CHARGE WAIVER.

5 A PUBLIC UTILITY MAY WAIVE LATE PAYMENT CHARGES ON ANY
6 CUSTOMER ACCOUNTS. THE COMMISSION MAY ONLY ORDER A WAIVER OF ANY
7 LATE PAYMENT CHARGES LEVIED BY A PUBLIC UTILITY AS A RESULT OF A
8 DELINQUENT ACCOUNT FOR CUSTOMERS WITH A GROSS MONTHLY HOUSEHOLD
9 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL.

10 SECTION 2811-D. COMPLAINTS FILED WITH THE COMMISSION.

11 (A) CERTIFICATION REQUIRED.--THE COMMISSION SHALL ACCEPT
12 COMPLAINTS ONLY FROM PUBLIC UTILITY CUSTOMERS WHO CERTIFY THAT
13 THEY HAVE FIRST CONTACTED THE UTILITY FOR THE PURPOSE OF
14 RESOLVING THE PROBLEM ABOUT WHICH THE CUSTOMER WISHES TO FILE A
15 COMPLAINT. IF THE CUSTOMER HAS NOT CONTACTED THE PUBLIC UTILITY,
16 THE COMMISSION SHALL DIRECT THE CUSTOMER TO THE PUBLIC UTILITY.

17 (B) FILING FEE.--THE COMMISSION SHALL ESTABLISH A FILING FEE
18 OF \$40 THAT SHALL BE LEVIED ON ANY PERSON FILING A FORMAL
19 COMPLAINT WITH THE COMMISSION. THE FILING FEE IS REFUNDABLE TO
20 THE COMPLAINANT UPON A FINAL ORDER OF THE COMMISSION IN FAVOR OF
21 THE COMPLAINANT.

22 SECTION 2812-D. AUTOMATIC METER READINGS.

23 ALL READINGS BY AN AMR SHALL BE DEEMED ACTUAL READINGS FOR
24 THE PURPOSES OF THIS ACT AND THE PURPOSES OF 66 PA.C.S.
25 (RELATING TO PUBLIC UTILITIES).

26 SECTION 2813-D. LANDLORD DUTIES.

27 (A) NOTICE TO CITY NATURAL GAS DISTRIBUTION OPERATION.--A
28 LANDLORD ENTERING INTO AN ORAL OR WRITTEN CONTRACT OR AGREEMENT
29 WITH A TENANT FOR A LEASE OF REAL PROPERTY WITHIN A RESIDENTIAL
30 BUILDING PURSUANT TO THE ACT OF APRIL 6, 1951 (P.L.69, NO.20),

1 KNOWN AS THE LANDLORD AND TENANT ACT OF 1951, IN A CITY OF THE
2 FIRST CLASS SHALL NOTIFY A CITY NATURAL GAS DISTRIBUTION
3 OPERATION OF ALL TENANTS 18 YEARS OF AGE OR OLDER RESIDING IN
4 THE LEASED PROPERTY UPON THE COMMENCEMENT OF ANY NEW LEASE OR
5 THE RENEWAL OF AN EXISTING LEASE AFTER THE EFFECTIVE DATE OF
6 THIS ACT.

7 (B) ACCESS TO DWELLING UNIT.--IN THE CASE OF A RESIDENTIAL
8 BUILDING, IF AFTER TWO ATTEMPTED PERSONAL CONTACTS AT THE
9 TENANT'S DWELLING UNIT A CITY NATURAL GAS DISTRIBUTION OPERATION
10 IS UNABLE TO GAIN ACCESS TO THE DWELLING UNIT FOR THE PURPOSES
11 OF A METER READING, A LANDLORD MAY GRANT ACCESS TO THE DWELLING
12 UNIT UPON NOTIFICATION OF THE TENANT.

13 (C) LIENS.--A RESIDENTIAL BUILDING IS SUBJECT TO A LIEN AS
14 PROVIDED FOR IN THE ACT OF MAY 16, 1923 (P.L.207, NO.153),
15 REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW, OR FOR
16 FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION FOR THE
17 DELINQUENT ACCOUNTS OF TENANTS AT THE RESIDENTIAL BUILDING.
18 SECTION 2814-D. TAX INCREMENT DISTRICTS AND KEYSTONE

19 OPPORTUNITY ZONES.

20 (A) TAX INCREMENT DISTRICTS.--A CITY OF THE FIRST CLASS
21 SHALL NOT OFFER ANY EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR
22 CREDITS AS PROVIDED BY THE ACT OF JULY 11, 1990 (P.L.465,
23 NO.113), KNOWN AS THE TAX INCREMENT FINANCING ACT, TO ANY
24 INDUSTRIAL OR COMMERCIAL ENTITY UNLESS THAT ENTITY HAD FIRST
25 DEMONSTRATED THAT THE ENERGY SOURCE FOR ALL COOKING, HEATING AND
26 AIR CONDITIONING, EACH SUCH USE CONSIDERED INDIVIDUALLY, WOULD
27 PROVIDE THE LOWEST UTILITY BILL TO THE END USER OF THE ENERGY
28 FOR THE PERIOD OF SUCH EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR
29 CREDITS. THE CALCULATION OF ENERGY COST SHALL NOT INCLUDE
30 INCENTIVE PAYMENTS THAT ARE NOT APPLIED DIRECTLY TO THE END

1 USERS' UTILITY BILLS DURING THE PERIOD.

2 (B) KEYSTONE OPPORTUNITY ZONES.--A CITY OF THE FIRST CLASS
3 SHALL NOT OFFER ANY EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR
4 CREDITS AS PROVIDED BY CHAPTER 7 OF THE ACT OF OCTOBER 6, 1998
5 (P.L.705, NO.92), KNOWN AS THE KEYSTONE OPPORTUNITY ZONE,
6 KEYSTONE OPPORTUNITY EXPANSION ZONE AND KEYSTONE OPPORTUNITY
7 IMPROVEMENT ZONE ACT, TO ANY INDUSTRIAL OR COMMERCIAL ENTITY
8 UNLESS THAT ENTITY HAD FIRST DEMONSTRATED THAT THE ENERGY SOURCE
9 FOR ALL COOKING, HEATING AND AIR CONDITIONING, EACH SUCH USE
10 CONSIDERED INDIVIDUALLY, WOULD PROVIDE THE LOWEST UTILITY BILL
11 TO THE END USER OF THE ENERGY FOR THE PERIOD OF SUCH EXEMPTIONS,
12 DEDUCTIONS, ABATEMENTS OR CREDITS. THE CALCULATION OF ENERGY
13 COST SHALL NOT INCLUDE INCENTIVE PAYMENTS THAT ARE NOT APPLIED
14 DIRECTLY TO THE END USERS' UTILITY BILLS DURING THE PERIOD.

15 (C) EXEMPTIONS.--THIS SECTION SHALL NOT APPLY TO AN
16 INDUSTRIAL OR COMMERCIAL CONSUMER RECEIVING SERVICE, AS DEFINED
17 BY 66 PA.C.S. § 102 (RELATING TO DEFINITIONS), ON OR BEFORE THE
18 EFFECTIVE DATE OF THIS SECTION.

19 SECTION 2815-D. REPORTING OF DELINQUENT CUSTOMERS.

20 A CITY NATURAL GAS DISTRIBUTION OPERATION SHALL REPORT TO THE
21 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ESTABLISHED
22 PURSUANT TO THE ACT OF JUNE 5, 1991 (P.L.9, NO.6), KNOWN AS THE
23 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT FOR
24 CITIES OF THE FIRST CLASS, AN ASSISTED CITY OR CORPORATE ENTITY
25 OF AN ASSISTED CITY, AS THOSE TERMS ARE DEFINED IN THE
26 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT THAT
27 HAS NOT PAID IN FULL FOR CHARGES FOR UTILITY SERVICE BY THE DUE
28 DATES STATED ON THE BILL OR OTHERWISE AGREED UPON.

29 SECTION 2816-D. REPORTING OF RECIPIENTS OF PUBLIC ASSISTANCE.

30 THE DEPARTMENT OF PUBLIC WELFARE SHALL ANNUALLY PROVIDE A

1 CITY NATURAL GAS DISTRIBUTION OPERATION AND A JURISDICTIONAL
2 ELECTRIC DISTRIBUTION UTILITY WITH THE LISTING OF RECIPIENTS OF
3 PUBLIC ASSISTANCE IN A CITY OF THE FIRST CLASS UPON THE SIGNING
4 OF A WAIVER BY THE RECIPIENT.

5 SECTION 2817-D. ADDITIONAL DEPOSIT PROVISIONS FOR CITY NATURAL
6 GAS DISTRIBUTION OPERATIONS.

7 THE COMMISSION SHALL NOT PROHIBIT A CITY NATURAL GAS
8 DISTRIBUTION OPERATION, PRIOR TO OR AS A CONDITION OF PROVIDING
9 UTILITY SERVICE FROM REQUIRING A CASH DEPOSIT NOT TO EXCEED AN
10 AMOUNT EQUAL TO TWO MONTHS OF THE PROJECTED AVERAGE MONTHLY
11 WINTER BILL OF THE APPLICANT, PAID IN FULL AT THE TIME THE CITY
12 NATURAL GAS DISTRIBUTION OPERATION DETERMINES A DEPOSIT IS
13 REQUIRED FROM AN APPLICANT WHO SEEKS RESTORATION OF SERVICE FROM
14 OCTOBER 1 THROUGH APRIL 30 WHOSE SERVICE HAS BEEN TERMINATED FOR
15 ANY OF THE FOLLOWING REASONS:

16 (1) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

17 (2) FAILURE TO POST A DEPOSIT, PROVIDE A GUARANTEE OR
18 ESTABLISH CREDIT.

19 (3) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
20 CONNECTIONS OR OTHER PROPERTY OF A PUBLIC UTILITY FOR THE
21 PURPOSE OF REPLACEMENT, MAINTENANCE, REPAIR OR METER READING.

22 (4) UNAUTHORIZED USE OF UTILITY SERVICE DELIVERED ON OR
23 ABOUT THE AFFECTED DWELLING.

24 (5) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A
25 SETTLEMENT OR PAYMENT AGREEMENT.

26 (6) FRAUD OR MATERIAL MISREPRESENTATION OF THE
27 APPLICANT'S IDENTITY FOR THE PURPOSE OF OBTAINING UTILITY
28 SERVICE.

29 (7) TAMPERING WITH METERS, INCLUDING, BUT NOT LIMITED
30 TO, BYPASSING A METER OR REMOVAL OF AN AMR DEVICE OR OTHER

1 PUBLIC UTILITY EQUIPMENT.

2 (8) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
3 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR THE
4 INTEGRITY OF THE DELIVERY SYSTEM OF THE PUBLIC UTILITY.

5 SECTION 2818-D. LIENS BY CITY NATURAL GAS DISTRIBUTION
6 OPERATIONS.

7 A CITY NATURAL GAS DISTRIBUTION OPERATION FURNISHING GAS
8 SERVICE TO A PROPERTY IS ENTITLED TO IMPOSE OR ASSESS A
9 MUNICIPAL CLAIM AGAINST SAID PROPERTY AND FILE AS LIENS OF
10 RECORD CLAIMS FOR UNPAID NATURAL GAS DISTRIBUTION SERVICE AND
11 OTHER RELATED COSTS, INCLUDING NATURAL GAS SUPPLY, IN THE COURT
12 OF COMMON PLEAS OF THE COUNTY IN WHICH THE PROPERTY IS SITUATED
13 OR IF THE CLAIM FOR THE UNPAID NATURAL GAS DISTRIBUTION SERVICE
14 DOES NOT EXCEED THE MAXIMUM AMOUNT OVER WHICH THE MUNICIPAL
15 COURT OF PHILADELPHIA HAS JURISDICTION, IN THE MUNICIPAL COURT
16 OF PHILADELPHIA, PURSUANT TO SECTIONS 3 AND 9 OF THE ACT OF MAY
17 16, 1923 (P.L.207, NO.153), REFERRED TO AS THE MUNICIPAL CLAIM
18 AND TAX LIEN LAW, AND 66 PA.C.S. CH. 22 (RELATING TO NATURAL GAS
19 COMPETITION).

20 SECTION 3. THE FOLLOWING SHALL APPLY:

21 (1) THIS ACT SUPERSEDES ANY INCONSISTENT REQUIREMENTS
22 IMPOSED BY LAW ON PUBLIC UTILITIES, INCLUDING, BUT NOT
23 LIMITED TO, REQUIREMENTS IMPOSED BY 52 PA. CODE §§ 56.32
24 (RELATING TO CREDIT STANDARDS), 56.33 (RELATING TO CASH
25 DEPOSITS; THIRD-PARTY GUARANTORS), 56.35 (RELATING TO PAYMENT
26 OF OUTSTANDING BALANCE), 56.41 (RELATING TO GENERAL RULE),
27 56.51 (RELATING TO AMOUNT OF CASH DEPOSIT), 56.53 (RELATING
28 TO REFUND OF DEPOSIT), 56.81 (RELATING TO AUTHORIZED
29 TERMINATION OF SERVICE), 56.82 (RELATING TO DAYS TERMINATION
30 OF SERVICES IS PROHIBITED), 56.83 (RELATING TO UNAUTHORIZED

1 TERMINATION OF SERVICE), 56.91 (RELATING TO GENERAL NOTICE
2 PROVISIONS), 56.93 (RELATING TO PERSONAL CONTACT), 56.94
3 (RELATING TO PROCEDURES IMMEDIATELY PRIOR TO TERMINATION),
4 56.95 (RELATING TO DEFERRED TERMINATION WHEN NO PRIOR
5 CONTACT), 56.96 (RELATING TO POST-TERMINATION NOTICE), 56.100
6 (RELATING TO WINTER TERMINATION PROCEDURES), 56.101 (RELATING
7 TO LIMITED NOTICE UPON NONCOMPLIANCE WITH REPORT OR ORDER),
8 56.111 (RELATING TO GENERAL PROVISIONS), 56.112 (RELATING TO
9 POSTPONEMENT OF TERMINATION PENDING RECEIPT OF CERTIFICATE),
10 56.113 (RELATING TO MEDICAL CERTIFICATIONS), 56.114 (RELATING
11 TO LENGTH OF POSTPONEMENT; RENEWAL), 56.115 (RELATING TO
12 RESTORATION OF SERVICE), 56.116 (RELATING TO DUTY OF
13 RATEPAYER TO PAY BILLS), 56.117 (RELATING TO TERMINATION UPON
14 EXPIRATION OF MEDICAL CERTIFICATION), 56.118 (RELATING TO
15 RIGHT OF UTILITY TO PETITION THE COMMISSION), 56.131
16 (RELATING TO THIRD-PARTY NOTIFICATION), 56.181 (RELATING TO
17 DUTIES OF PARTIES; DISPUTING PARTY'S DUTY TO PAY UNDISPUTED
18 PORTION OF BILLS; UTILITY'S DUTY TO PAY INTEREST WHENEVER
19 OVERPAYMENT FOUND) AND 56.191 (RELATING TO GENERAL RULE).

20 (2) ALL OTHER REGULATIONS ARE ABROGATED TO THE EXTENT OF
21 ANY INCONSISTENCY WITH ARTICLE XXVIII-D OF THIS ACT.

22 (3) ALL ORDINANCES OF ANY CITY OF THE FIRST CLASS ARE
23 ABROGATED TO THE EXTENT THEY ARE INCONSISTENT WITH ARTICLE
24 XXVIII-D OF THIS ACT.

25 SECTION 4. THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL
26 AMEND THE PROVISIONS OF 52 PA. CODE CH. 56 (RELATING TO
27 STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL UTILITY SERVICE)
28 TO COMPLY WITH THE PROVISIONS OF ARTICLE XXVIII-D OF THIS ACT
29 AND MAY PROMULGATE OTHER RULES AND REGULATIONS TO ADMINISTER AND
30 ENFORCE ARTICLE XXVIII-D OF THIS ACT.

1 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.