

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 338 Session of
2007

INTRODUCED BY BARRAR, THOMAS, CALTAGIRONE, CAPPELLI, GEORGE AND
SCHRODER, FEBRUARY 9, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 9, 2007

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for initial
3 decisions and release of documents.

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

6 Section 1. Section 335 of Title 66 of the Pennsylvania
7 Consolidated Statutes is amended by adding subsections to read:

8 § 335. Initial decisions and release of documents.

9 * * *

10 (e) Establishment of funds.--Whenever the commission
11 approves, as part of a settlement or otherwise, the
12 establishment of a fund for economic, environmental or any other
13 purpose using ratepayer or utility moneys, the commission shall
14 annually review, audit and investigate the fund's management,
15 operations, finances and disbursements. If the commission finds,
16 after notice and opportunity to be heard, that the fund is not
17 properly managed or operated or that the disbursements are not
18 consistent with the purpose of the fund, the commission shall

1 have authority to order appropriate remedies.

2 (f) Privileged status.--The privileged status otherwise
3 conferred upon settlement documents, mediation documents and
4 mediation communications by 42 Pa.C.S. § 5949 (relating to
5 confidential mediation communications and documents) shall not
6 be applicable, under the following conditions, in any situation
7 where a committee of the Senate or the House of Representatives
8 is investigating a settlement or mediation which was
9 participated in by the commission or conducted pursuant to this
10 title:

11 (1) The disclosure of such documents and communications
12 shall be made only to Senators or members of the House of
13 Representatives and their staff in private meetings or in
14 executive sessions of the committee.

15 (2) Information so disclosed shall be confidential in
16 the possession of committee members and staff and same shall
17 not be disclosed publicly unless that action is approved by
18 the affirmative vote of two-thirds of the entire membership
19 to which the committee is entitled.

20 (3) Prior to public disclosure, the parties to the
21 settlement or mediation must be notified and be given the
22 opportunity to come before the committee in executive session
23 to present testimony regarding why the information should not
24 be released to the public.

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