
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 287 Session of
2007

INTRODUCED BY FERLO, FONTANA, WASHINGTON, C. WILLIAMS, LOGAN AND
RHOADES, MARCH 9, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 9, 2007

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for termination of
3 utility service.

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

6 Section 1. Section 1406 of Title 66 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1406. Termination of utility service.

9 (a) Authorized termination.--A public utility may notify a
10 customer and terminate service provided to a customer after
11 notice as provided in subsection (b) for any of the following
12 actions by the customer:

13 (1) Nonpayment of an undisputed delinquent account.

14 (2) Failure to comply with the material terms of a
15 payment agreement.

16 (3) Failure to complete payment of a deposit, provide a
17 guarantee of payment or establish credit.

18 (4) Failure to permit access to meters, service

connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.

(b) Notice of termination of service.--

(1) Prior to terminating service under subsection (a), a public utility:

(i) Shall 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.

(ii) Shall attempt to contact the customer or occupant, either in person or by telephone, to provide notice of the proposed termination at least three days prior to the scheduled termination. Phone contact shall be deemed complete upon attempted calls on two separate days to the residence between the hours of 7 a.m. and 9 p.m. if the calls were made at various times each day.

(iii) During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, the public utility shall, within 48 hours of the scheduled date of termination, post a notice of the proposed termination at the service location.

(iv) After complying with paragraphs (ii) and (iii), the public utility shall attempt to make personal contact with the customer or responsible adult at the time service is terminated. Termination of service shall not be delayed for failure to make personal contact.

(2) The public utility shall not be required by the commission to take any additional actions prior to termination.

(c) Grounds for immediate termination.--

(1) A public utility may immediately terminate service for any of the following actions by the customer:

(i) Unauthorized use of the service delivered on or about the affected dwelling.

(ii) Fraud or material misrepresentation of the customer's identity for the purpose of obtaining service.

(iii) Tampering with meters or other public utility's equipment.

(iv) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the public utility's delivery system.

(2) Upon termination, the public utility shall make a good faith attempt to provide a post termination notice to the customer or a responsible person at the affected premises, and, in the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

(d) Timing of termination.--Notwithstanding the provisions of section 1503 (relating to discontinuance of service), a public utility may terminate service for the reasons set forth in subsection (a) from Monday through Friday as long as the public utility can accept payment to restore service on the following day and can restore service consistent with section 1407 (relating to reconnection of service).

(e) Winter termination.--

(1) Unless otherwise authorized by the commission, after November 30 and before April 1, an electric distribution utility or natural gas distribution utility shall not

1 terminate service to customers [with household incomes at or
2 below 250% of the Federal poverty level] except for customers
3 whose actions conform to subsection (c)(1). [The commission
4 shall not prohibit an electric distribution utility or
5 natural gas distribution utility from terminating service in
6 accordance with this section to customers with household
7 incomes exceeding 250% of the Federal poverty level.]

8 (2) In addition to the winter termination authority set
9 forth in paragraph (1), a city natural gas distribution
10 operation may terminate service to a customer whose household
11 income exceeds 250% of the Federal poverty level and to a
12 customer whose income exceeds 150% of the Federal poverty
13 level but does not exceed 250% of the Federal poverty level,
14 and starting January 1, has not paid at least 50% of his
15 charges for each of the prior two months unless the customer
16 has done one of the following:

17 (i) Has proven in accordance with commission rules
18 that his household contains one or more persons who are
19 65 years of age or over.

20 (ii) Has proven in accordance with commission rules
21 that his household contains one or more persons 12 years
22 of age or younger.

23 (iii) Has obtained a medical certification in
24 accordance with commission rules.

25 (iv) Has paid to the city natural gas distribution
26 operation an amount representing at least 15% of the
27 customer's monthly household income for each of the last
28 two months.

29 (3) At the time that the notice of termination required
30 by subsection (b)(1)(i) is provided to the customer, the city

1 natural gas distribution operation shall provide notice to
2 the commission. The commission shall not stay the termination
3 of service unless the commission finds that the customer
4 meets the criteria in paragraph 2(i), (ii), (iii) or (iv).

5 (f) Medical certification.--A public utility shall not
6 terminate service to a premises when a licensed physician or
7 nurse practitioner has certified that the customer or a member
8 of the customer's household is seriously ill or afflicted with a
9 medical condition that will be aggravated by cessation of
10 service. The customer shall obtain a letter from a licensed
11 physician verifying the condition and shall promptly forward it
12 to the public utility. The medical certification procedure shall
13 be implemented in accordance with commission regulations.

14 (g) Qualification for LIHEAP.--A notice of termination to a
15 customer of a public utility shall be sufficient proof of a
16 crisis for a customer with the requisite income level to receive
17 a LIHEAP Crisis Grant from the Department of Public Welfare or
18 its designee.

19 (h) Dishonorable tender of payment after receiving
20 termination notice.--

21 (1) After a public utility has provided a written
22 termination notice under subsection (b)(1)(i) and attempted
23 telephone contact as provided in subsection (b)(1)(ii),
24 termination of service may proceed without additional notice
25 if:

26 (i) a customer tenders payment which is subsequently
27 dishonored under 13 Pa.C.S. § 3502 (relating to
28 dishonor); or

29 (ii) a customer tenders payment with an access
30 device, as defined in 18 Pa.C.S. § 4106(d) (relating to

1 access device fraud), which is unauthorized, revoked or
2 canceled.

3 (2) The public utility shall not be required by the
4 commission to take any additional actions prior to the
5 termination.

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