
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 844 Session of
2009

INTRODUCED BY BOSCOLA, MAY 5, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, MAY
5, 2009

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for the Law Bureau
3 and for functions of other bureaus, offices and positions.

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

6 Section 1. Sections 308(b) and 308.2(a) of Title 66 of the
7 Pennsylvania Consolidated Statutes, amended or added October 15,
8 2008 (P.L.1592, No.129), are amended to read:

9 § 308. Bureaus and offices.

10 * * *

11 (b) Law Bureau.--The Law Bureau shall be a multifunction
12 legal staff, consisting of a prosecutory function, an advisory
13 function, a representational function and an enforcement
14 function. The Director of the Law Bureau shall be the chief
15 counsel of the commission and shall serve at the pleasure of the
16 commission. The commission may also, from time to time, appoint
17 such assistant counsel to the commission as may be required for
18 the proper conduct of the work of the Law Bureau. Assistant

1 counsel may be removed by the commission only for good cause.
2 The Law Bureau shall advise the commission on any and all
3 matters. No counsel shall in the same case or a factually
4 related case perform duties in the prosecutory and advisory
5 functions, if such performance would represent a conflict of
6 interest. Except for litigation referred to the Attorney General
7 or other appropriate outside counsel, the Law Bureau solely
8 shall be responsible to represent the commission upon appeals
9 and other hearings in the courts of common pleas and in the
10 Commonwealth Court, Supreme Court or other courts of this
11 Commonwealth or in any Federal court or agency and in actions
12 instituted to recover penalties and to enforce regulations and
13 orders of the commission. If necessary to protect the public
14 interest, the Law Bureau, pursuant to its prosecutorial
15 function, may initiate and participate in proceedings before the
16 commission [unless directed by the commission to do so in a
17 proceeding involving transportation, safety, eminent domain,
18 siting, service issues having no impact on rates or ability to
19 pay or assist the Office of Trial Staff in carrying out the
20 duties of the Office of Trial Staff, nor shall any member of the
21 Law Bureau receive assistance from the Office of Trial Staff in
22 the performance of his duties. Except as provided in this
23 section, the Law Bureau may receive assistance from any other
24 bureau or office of the commission as determined to be
25 necessary].

26 * * *

27 § 308.2. Other bureaus, offices and positions.

28 (a) Establishment of other bureaus, offices and positions.--
29 In addition to the specific bureaus established in this part,
30 the commission may establish other bureaus, offices and

1 positions to perform the following functions:

2 (1) Review and provide advice regarding applications,
3 petitions, tariff filings and other matters filed with the
4 commission.

5 (2) Provide advice, review exceptions and prepare orders
6 regarding matters to be adjudicated.

7 (3) Conduct financial reviews, earnings analyses and
8 other financial studies.

9 (4) Conduct economic research, forecasting, energy
10 conservation studies, cost studies and other economic studies
11 related to public utilities.

12 (5) Monitor industry markets to detect anticompetitive,
13 discriminatory or other unlawful conduct.

14 (6) Insure adequate maintenance, safety and reliability
15 of utility networks.

16 (7) Insure adequate service quality, efficiency and
17 availability at just and reasonable rates.

18 (8) Conduct financial, management, operational and
19 special audits.

20 (9) Provide consumer information, consumer protection
21 and informal resolution of complaints.

22 (10) Insure adequate safety, insurance, fitness and
23 other requirements relevant to transportation utilities.

24 (11) Take appropriate enforcement actions, including
25 rate proceedings, service proceedings and [allocation]
26 application proceedings, necessary to insure compliance with
27 this title, commission regulations and orders.

28 (12) Perform other functions the commission deems
29 necessary for the proper work of the commission.

30 * * *

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