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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2329 Session of  
2014

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INTRODUCED BY BENNINGHOFF, BOBACK, CALTAGIRONE, CONKLIN, COX,  
DAVIS, DeLUCA, DENLINGER, DONATUCCI, EMRICK, FREEMAN, GABLER,  
GINGRICH, HARKINS, HEFFLEY, KORTZ, LAWRENCE, MAJOR, McCARTER,  
McNEILL, MENTZER, MILLARD, MOUL, MUNDY, MURT, PICKETT,  
READSHAW, SAYLOR, THOMAS AND TOOIL, JUNE 9, 2014

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 9, 2014

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, providing for electric generation  
3 supplier.

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

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

8 CHAPTER 28A

9 ELECTRIC GENERATION SUPPLIER

10 Sec.

11 28A01. Definitions.

12 28A02. Customer authorization and receipt of contract.

13 28A03. Variable rate.

14 § 28A01. Definitions.

15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

1 "Contract." The terms and conditions of service provided by  
2 an electric generation supplier.

3 "Electric generation supplier." As defined in section 2803  
4 (relating to definitions). The term shall not include an  
5 electric distribution company providing default service.

6 "Residential customer." A customer, as defined in section  
7 1403 (relating to definitions), who enters into a contract to  
8 receive electric generation service from an electric generation  
9 supplier.

10 "Small commercial customer." A nonresidential customer that  
11 has a peak demand of less than 50 kilowatts during any 12-month  
12 period and enters into a contract to receive electric generation  
13 service from an electric generation supplier.

14 "Variable rate product." A retail generation product for  
15 which the rate may vary based upon fluctuations in wholesale  
16 market prices.

17 § 28A02. Customer authorization and receipt of contract.

18 (a) Authorization.--An electric generation supplier may not  
19 provide electric generation service to a residential or small  
20 commercial customer without a customer's written authorization.  
21 Authorization may be memorialized by the customer's written  
22 signature on a contract or authorization form. Authorization  
23 shall be required to:

24 (1) Initiate service.

25 (2) Switch electric generation suppliers.

26 (3) Renew a contract.

27 (b) Contract.--A contract under this subsection must meet  
28 the requirements of the act of June 23, 1993 (P.L.128, No.29),  
29 known as the Plain Language Consumer Contract Act.

30 § 28A03. Variable rate.

1     (a) Frequency.--The kilowatt hour rate charged to a  
2 residential or small commercial customer under a contract for a  
3 variable rate product may not be increased more frequently than  
4 once per billing cycle.

5     (b) Limit.--The kilowatt hour rate charged to a residential  
6 or small commercial customer under a contract for a variable  
7 rate product may not be increased by more than 20% of the rate  
8 charged during the immediately prior billing cycle.

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