
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1241 Session of
2015

INTRODUCED BY R. BROWN, ELLIS, GODSHALL, JOZWIAK, MILLARD,
D. PARKER AND TOPPER, MAY 28, 2015

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 28, 2015

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in general provisions, further
3 providing for the definition of public utility.

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

6 Section 1. The definition of "public utility" in section 102
7 of Title 66 of the Pennsylvania Consolidated Statutes is amended
8 to read:

9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this part which are applicable to specific
12 provisions of this part, the following words and phrases when
13 used in this part shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 * * *

16 "Public utility."

17 (1) Any person or corporations now or hereafter owning
18 or operating in this Commonwealth equipment or facilities

1 for:

2 (i) Producing, generating, transmitting,
3 distributing or furnishing natural or artificial gas,
4 electricity, or steam for the production of light, heat,
5 or power to or for the public for compensation.

6 (ii) Diverting, developing, pumping, impounding,
7 distributing, or furnishing water to or for the public
8 for compensation.

9 (iii) Transporting passengers or property as a
10 common carrier.

11 (iv) Use as a canal, turnpike, tunnel, bridge,
12 wharf, and the like for the public for compensation.

13 (v) Transporting or conveying natural or artificial
14 gas, crude oil, gasoline, or petroleum products,
15 materials for refrigeration, or oxygen or nitrogen, or
16 other fluid substance, by pipeline or conduit, for the
17 public for compensation.

18 (vi) Conveying or transmitting messages or
19 communications, except as set forth in paragraph (2)(iv),
20 by telephone or telegraph or domestic public land mobile
21 radio service including, but not limited to, point-to-
22 point microwave radio service for the public for
23 compensation.

24 (vii) Sewage collection, treatment, or disposal for
25 the public for compensation.

26 (viii) Providing limousine service in a county of
27 the second class pursuant to Subchapter B of Chapter 11
28 (relating to limousine service in counties of the second
29 class).

30 (2) The term does not include:

1 (i) Any person or corporation, not otherwise a
2 public utility, who or which furnishes service only to
3 himself or itself.

4 (ii) Any bona fide cooperative association which
5 furnishes service only to its stockholders or members on
6 a nonprofit basis.

7 (iii) Any producer of natural gas not engaged in
8 distributing such gas directly to the public for
9 compensation.

10 (iv) Any person or corporation, not otherwise a
11 public utility, who or which furnishes mobile domestic
12 cellular radio telecommunications service.

13 (v) Any building or facility owner/operators who
14 hold ownership over and manage the internal distribution
15 system serving such building or facility and who supply
16 electric power and other related electric power services
17 to occupants of the building or facility.

18 (vi) Electric generation supplier companies, except
19 for the limited purposes as described in sections 2809
20 (relating to requirements for electric generation
21 suppliers) and 2810 (relating to revenue-neutral
22 reconciliation).

23 (vii) Any water or sewer service provided to
24 independently owned user premises by a person or
25 corporation that owns and operates as a primary business
26 a resort where:

27 (A) the service provided is from a point within
28 the boundaries of the resort's property and is
29 provided to no more than 100 independently owned user
30 premises for each type of service;

1 (B) the service is verified by the resort, in a
2 form and manner prescribed by the commission, to be
3 incidental to the supplier's primary resort business
4 as evidenced by the gross annual revenues derived
5 from each type of service provided to independently
6 owned user premises being less than 1% of the annual
7 gross revenues of the primary resort business;

8 (C) rates to independently owned user premises
9 do not exceed the average of the rates for comparable
10 service provided by two municipal corporations or
11 municipal authorities or any combination of the two
12 that are reasonably proximate to the resort or within
13 the same county if rural;

14 (D) service will not be terminated to any
15 independently owned user premises in the resort,
16 unless termination is requested by the user, is
17 necessary due to nonpayment or to prevent misuse of
18 the system by a user which impairs or jeopardizes
19 service to other users and the resort, or if
20 termination is directed by law, regulation or by a
21 Federal or State agency or governmental body;

22 (E) the water and sewer service provided to the
23 independently owned user premises is the same service
24 that the resort owner provides to itself or its
25 affiliates; and,

26 (F) the resort adopts a resolution providing
27 that it will not serve any additional independently
28 owned user premises except if lawfully directed by
29 any Federal or State agency or governmental body to
30 protect public health and safety due to an emergency

1 such as contamination or failure of existing supply,
2 and does not revoke or amend such resolution without
3 first notifying the Secretary of the Commission in
4 writing 30 days in advance of such proposed
5 revocation or amendment.

6 As used in this section, the following words and
7 phrases shall have the meanings given to them in this
8 subparagraph unless the context clearly indicates
9 otherwise:

10 "Resort." A place or business visited, primarily for
11 leisure or vacation, that offers or provides lodging,
12 entertainment, hospitality, dining, recreational
13 facilities or activities for guests, business conferees,
14 members or residents.

15 "Independently owned user premises." Any structure
16 not owned by the resort or its affiliates, including a
17 structure intended to be used as a seasonal residence,
18 located within the boundaries of a resort and to which a
19 resort owner or its affiliates provides water or sewer
20 service.

21 (viii) Any water or sewer service provided by a
22 municipal corporation to user premises at a point beyond
23 its corporate limits due to historical accident,
24 necessity or absence of other water supply or sewer
25 service, direction of a Federal or State agency or
26 municipal body, where the municipal corporation by
27 resolution or ordinance:

28 (A) provides it will not, after the effective
29 date of this paragraph, serve any additional user
30 premises outside of its corporate boundaries except

1 if lawfully directed by any Federal or State agency
2 or governmental body to protect public health and
3 safety due to an emergency such as contamination or
4 failure of existing supply;

5 (B) provides water or sewer services to user
6 premises beyond its corporate boundaries at the same
7 rates and service as it does to user premises inside
8 its corporate boundaries; and

9 (C) will not revoke or amend such resolution
10 without prior commission approval.

11 (3) For the purposes of sections 2702 (relating to
12 construction, relocation, suspension and abolition of
13 crossings), 2703 (relating to ejection in crossing cases)
14 and 2704 (relating to compensation for damages occasioned by
15 construction, relocation or abolition of crossings) and those
16 portions of sections 1501 (relating to character of service
17 and facilities), 1505 (relating to proper service and
18 facilities established on complaint); authority to order
19 conservation and load management programs and 1508 (relating
20 to reports of accidents), as those sections or portions
21 thereof relate to safety only, a municipal authority or
22 transportation authority organized under the laws of this
23 Commonwealth shall be considered a public utility when it
24 owns or operates, for the carriage of passengers or goods by
25 rail, a line of railroad composed of lines formerly owned or
26 operated by the Pennsylvania Railroad, the Penn-Central
27 Transportation Company, the Reading Company or the
28 Consolidated Rail Corporation.

29 * * *

30 Section 2. This act shall apply retroactively to January 1,

1 2009.

2 Section 3. This act shall take effect immediately.