
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 881 Session of
2015

INTRODUCED BY BLAKE, FONTANA, SCAVELLO, BARTOLOTTA, STEFANO AND
YUDICHAK, JUNE 12, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 12, 2015

AN ACT

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

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 an
24 independently owned user premises by a person or
25 corporation that owns and operates, as a primary
26 business, a resort where all of the following apply:

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

1 (B) The service is verified by the resort, in a
2 form and manner required 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 gross
7 annual revenues of the primary resort business.

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

14 (D) The service will not be terminated to any
15 independently owned user premises in the resort,
16 unless termination:

17 (I) is requested by the user;

18 (II) is necessary due to nonpayment of
19 rates;

20 (III) is necessary to prevent misuse of the
21 system by a user which impairs or jeopardizes
22 service to other users and the resort; or

23 (IV) is directed by law, regulation or by a
24 Federal or State agency or governmental body.

25 (E) The water and sewer service provided to the
26 independently owned user premises is the same service
27 that the resort owner provides to itself or its
28 affiliates.

29 (F) The resort adopts a resolution providing
30 that it will not serve any additional independently

1 owned user premises except if lawfully directed by
2 any Federal or State agency or governmental body to
3 protect public health and safety due to an emergency,
4 such as contamination or failure of existing supply,
5 and does not revoke or amend the resolution without
6 first notifying the commission's secretary, in
7 writing, 30 days in advance of such proposed
8 revocation or amendment.

9 (G) For purposes of this subparagraph "resort"
10 means 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
14 conferees, guests, members or residents.

15 (H) For purposes of this subparagraph
16 "independently owned user premises" means any
17 structure not owned by the resort or its affiliates,
18 including a structure intended to be used as a
19 seasonal residence, located within the boundaries of
20 a resort and to which a resort owner or its
21 affiliates provide water or sewer service.

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

29 (A) Provides it will not, after the effective
30 date of this clause, serve any additional user

1 premises outside of its corporate boundaries except
2 if lawfully directed by any Federal or State agency
3 or governmental body to protect public health and
4 safety due to an emergency, such as contamination or
5 failure of existing supply.

6 (B) Provides water or sewer to user premises
7 beyond its corporate boundaries at the same rates and
8 service as it does to user premises inside its
9 corporate boundaries.

10 (C) Provides it will not revoke or amend the
11 resolution without prior commission approval.

12 (3) For the purposes of sections 2702 (relating to
13 construction, relocation, suspension and abolition of
14 crossings), 2703 (relating to ejectment in crossing cases)
15 and 2704 (relating to compensation for damages occasioned by
16 construction, relocation or abolition of crossings) and those
17 portions of sections 1501 (relating to character of service
18 and facilities), 1505 (relating to proper service and
19 facilities established on complaint) and 1508 (relating to
20 reports of accidents), as those sections or portions thereof
21 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. The amendment of the definition of "public

1 utility" in 66 Pa.C.S. § 102 shall apply retroactively to
2 January 1, 2009.

3 Section 3. This act shall take effect in 60 days.