
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2932 Session of
2020

INTRODUCED BY HOWARD, DELLOSO, ROZZI, MADDEN, SANCHEZ, SAPPEY,
HILL-EVANS, CIRESI, McCLINTON, INNAMORATO, DRISCOLL AND
GREEN, OCTOBER 15, 2020

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 15, 2020

AN ACT

1 Providing for public utility credit reporting; and imposing
2 duties on public utilities.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Public
7 Utility Credit Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Public utility." Any of the following:

13 (1) A person or corporation owning or operating in this
14 Commonwealth equipment or facilities for:

15 (i) Producing, generating, transmitting,
16 distributing or furnishing natural or artificial gas,
17 electricity or steam for the production of light, heat or

1 power to or for the public for compensation.

2 (ii) Diverting, developing, pumping, impounding,
3 distributing or furnishing water to or for the public for
4 compensation.

5 (iii) Transporting passengers or property as a
6 common carrier.

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

9 (v) Transporting or conveying natural or artificial
10 gas, crude oil, gasoline or petroleum products, materials
11 for refrigeration or oxygen or nitrogen, or other fluid
12 substance, by pipeline or conduit, for the public for
13 compensation.

14 (vi) Conveying or transmitting messages or
15 communications, except as stated in paragraph (2)(iv), by
16 telephone or telegraph or domestic public land mobile
17 radio service, including, but not limited to, point-to-
18 point microwave radio service for the public for
19 compensation.

20 (vii) Wastewater collection, treatment or disposal
21 for the public for compensation.

22 (viii) Providing limousine service in a county of
23 the second class under 66 Pa.C.S. Ch. 11 Subch. B
24 (relating to limousine service in counties of the second
25 class).

26 (2) The term does not include:

27 (i) An individual or corporation, not otherwise a
28 public utility, who or which furnishes service only to
29 the individual or itself.

30 (ii) A bona fide cooperative association which

1 furnishes service only to its stockholders or members on
2 a nonprofit basis.

3 (iii) A producer of natural gas not engaged in
4 distributing the gas directly to the public for
5 compensation.

6 (iv) A person or corporation, not otherwise a public
7 utility, who or which furnishes mobile domestic cellular
8 radio telecommunications service.

9 (v) A building or facility owner/operator who holds
10 ownership over and manages the internal distribution
11 system serving the building or facility and who supplies
12 electric power and other related electric power services
13 to occupants of the building or facility.

14 (vi) An electric generation supplier company, except
15 for the limited purposes as described in 66 Pa.C.S. §§
16 2809 (relating to requirements for electric generation
17 suppliers) and 2810 (relating to revenue-neutral
18 reconciliation).

19 (vii) Service as follows:

20 (A) A water or sewer service provided to
21 independently owned user premises by an individual or
22 corporation that owns and operates as a primary
23 business a resort where:

24 (I) the service provided is from a point
25 within the boundaries of the resort's property
26 and is provided to no more than 100 independently
27 owned user premises for each type of service;

28 (II) the service is verified by the resort,
29 in a form and manner prescribed by the
30 Pennsylvania Public Utility Commission, to be

1 incidental to the supplier's primary resort
2 business as evidenced by the gross annual
3 revenues derived from each type of service
4 provided to independently owned user premises
5 being less than 1% of the annual gross revenues
6 of the primary resort business;

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

14 (IV) 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
18 of the system by a user which impairs or
19 jeopardizes service to other users and the
20 resort, or if termination is directed by law,
21 regulation or by a Federal or State agency or
22 governmental body;

23 (V) the water and sewer service provided to
24 the independently owned user premises is the same
25 service that the resort owner provides to
26 themselves or their affiliates;

27 (VI) the resort adopts a resolution
28 providing that it will not serve any additional
29 independently owned user premises except if
30 lawfully directed by any Federal or State agency

1 or governmental body to protect public health and
2 safety due to an emergency such as contamination
3 or failure of existing supply, and does not
4 revoke or amend such resolution without first
5 notifying the secretary of the Pennsylvania
6 Public Utility Commission in writing 30 days in
7 advance of such proposed revocation or amendment;
8 and

9 (VII) disputes between an independently
10 owned user premises and the resort are resolved
11 by the applicable court system.

12 (B) For purposes of this subparagraph:

13 (I) The term "resort" means a place or
14 business visited primarily for leisure or
15 vacation that offers or provides lodging,
16 entertainment, hospitality, dining, recreational
17 facilities or activities for guests, business
18 conferees, members or residents.

19 (II) The term "independently owned user
20 premises" means a structure not owned by the
21 resort or its affiliates, including a structure
22 intended to be used as a seasonal residence,
23 served from a point within the boundaries of a
24 resort and to which a resort owner or their
25 affiliates provides water or sewer service.

26 (3) For the purposes of 66 Pa.C.S. §§ 2702 (relating to
27 construction, relocation, suspension and abolition of
28 crossings), 2703 (relating to ejectment in crossing cases)
29 and 2704 (relating to compensation for damages occasioned by
30 construction, relocation or abolition of crossings), and

1 those portions of 66 Pa.C.S. §§ 1501 (relating to character
2 of service and facilities), 1505 (relating to proper service
3 and facilities established on complaint; authority to order
4 conservation and load management programs) and 1508 (relating
5 to reports of accidents), as those sections or portions
6 relate to safety only, a municipal authority or
7 transportation authority organized under the laws of this
8 Commonwealth is considered a public utility when it owns or
9 operates, for the carriage of passengers or goods by rail, a
10 line of railroad composed of lines formerly owned or operated
11 by the Pennsylvania Railroad, the Penn-Central Transportation
12 Company, the Reading Company or the Consolidated Rail
13 Corporation.

14 Section 3. Public utility payments reported to credit agencies.

15 (a) General rule.--Public utilities shall provide customers
16 the opportunity to opt-in to having the public utility payments
17 of the customers reported to credit agencies, including, but not
18 limited to, Experian, Equifax and TransUnion.

19 (b) New customers.--Persons who become customers of a public
20 utility after the effective date of this section shall be
21 notified by the public utility of the opportunity to opt-in to
22 having their payments reported to credit reporting agencies when
23 establishing their public utility account with the public
24 utility.

25 (c) Existing customers.--Persons who are customers of a
26 public utility on the effective date of this section shall be
27 notified in writing by the public utility of the opportunity to
28 opt-in to having their payments reported to credit reporting
29 agencies within 45 days of the effective date of this section.

30 (d) Time limit to opt-in.--

1 (1) New and existing public utility customers may
2 register to opt-in to public utility payment credit reporting
3 at any time after notification of the availability of this
4 option.

5 (2) A public utility may not set a time limit or
6 expiration date on the credit reporting option nor may this
7 option be rescinded at any time in the future.

8 (e) Costs and fees.--A public utility may not pass on the
9 cost or charge a fee to a consumer who chooses to opt-in to the
10 credit reporting under this section.

11 Section 4. Effective date.

12 This act shall take effect in 60 days.