
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1409 Session of
2021

INTRODUCED BY QUINN, HILL-EVANS, FREEMAN, GUENST AND HOHENSTEIN,
MAY 14, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 14, 2021

AN ACT

1 Amending Title 15 (Corporations and Unincorporated Associations)
2 of the Pennsylvania Consolidated Statutes, in corporate
3 powers, duties and safeguards, further providing for
4 additional powers of certain public utility corporations.

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

7 Section 1. Section 1511(b)(1)(i) and (c) of Title 15 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 1511. Additional powers of certain public utility
10 corporations.

11 * * *

12 (b) Restrictions.--The powers conferred by subsection (a)
13 shall not be exercised:

14 (1) To condemn for the purpose of constructing any
15 street railway, trackless-trolley omnibus, petroleum or
16 petroleum products transportation or aerial electric
17 transmission, aerial telephone or aerial telegraph lines:

18 (i) Any dwelling house or[, except in the case of
19 any condemnation for petroleum or petroleum products

1 transportation lines,] any part of the reasonable
2 curtilage of a dwelling house within 100 meters therefrom
3 and not within the limits of any street, highway, water
4 or other public way or place.

5 * * *

6 (c) Public Utility Commission approval.--The powers
7 conferred by subsection (a) may be exercised to condemn property
8 outside the limits of any street, highway, water or other public
9 way or place for the purpose of erecting poles or running wires
10 or other aerial electric, intrastate aerial telephone or
11 intrastate aerial telegraph facilities or for the transportation
12 of petroleum or petroleum products only after the Pennsylvania
13 Public Utility Commission, upon application of the public
14 utility corporation, has found and determined, after notice and
15 opportunity for hearing, that the service to be furnished by the
16 corporation through the exercise of those powers is necessary or
17 proper for the service, accommodation, convenience or safety of
18 the public. The power of the public utility corporation to
19 condemn the subject property or the procedure followed by it
20 shall not be an issue in the commission proceedings held under
21 this subsection, and no court shall entertain any proceeding
22 questioning the jurisdiction of the commission under this
23 subsection. A final order of the commission approving or denying
24 an application under this subsection, including an order
25 involving a question of jurisdiction under this subsection, may
26 be made the subject of any appeal in the manner provided or
27 prescribed by law.

28 * * *

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