

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 677 Session of
2003

INTRODUCED BY TOMLINSON, M. WHITE, RHOADES, MOWERY, CORMAN,
ERICKSON, WOZNIAK, ARMSTRONG AND WONDERLING, APRIL 25, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 19, 2004

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, ~~further providing for the Office of~~ <—
3 ~~Trial Staff and for bureaus and offices; providing for~~
4 ~~consumer protection and information and for expiration of~~
5 ~~alternative telecommunications services; and making a repeal.~~
6 FURTHER DEFINING "COMMON CARRIER BY MOTOR VEHICLE"; PROVIDING <—
7 FOR CONSUMER PROTECTION AND INFORMATION AND FOR THE
8 PROTECTION OF RESPONSIBLE CUSTOMER OF PUBLIC UTILITIES;
9 ABROGATING REGULATIONS; AND PREEMPTING LOCAL REGULATION.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Sections 306 and 308 of Title 66 of the~~ <—
13 ~~Pennsylvania Consolidated Statutes are amended to read:~~
14 ~~{§ 306. Office of Trial Staff.~~

15 ~~(a) General rule. The Office of Trial Staff to the~~
16 ~~Pennsylvania Public Utility Commission is hereby created. The~~
17 ~~Director of Trial Staff, who shall be the chief prosecutor of~~
18 ~~the commission, shall be appointed by the commission and hold~~
19 ~~office at its pleasure. The commission shall assign a permanent~~
20 ~~staff of such legal, technical and other employees of the~~

1 ~~commission as may be required for the proper conduct of the work~~
2 ~~of the Office of Trial Staff. Employees assigned to the Office~~
3 ~~of Trial Staff shall be under the supervision of the Director of~~
4 ~~Trial Staff and shall not be assigned to any duties other than~~
5 ~~with the Office of Trial Staff, except as the commission may on~~
6 ~~a temporary case by case basis permit where the performance of~~
7 ~~such other duties will not represent, or create the appearance~~
8 ~~of, a conflict of interest. The commission may designate~~
9 ~~employees of the Office of Trial Staff to serve as deputies to~~
10 ~~the Director of Trial Staff. The Director of Trial Staff may~~
11 ~~recommend persons for consideration by the commission as~~
12 ~~employees under his supervision. Attorneys assigned to the~~
13 ~~Office of Trial Staff may be removed by the commission only for~~
14 ~~good cause. The compensation of the Director of Trial Staff and~~
15 ~~the employees under his supervision shall be fixed by the~~
16 ~~commission. The Director of Trial Staff shall report and be~~
17 ~~responsible directly to the commission, provided that the~~
18 ~~Director of Trial Staff shall be responsible to the commission~~
19 ~~through the Director of Operations only for purposes of~~
20 ~~administrative matters.~~

21 ~~(b) Power and duties.—~~

22 ~~(1) The Office of Trial Staff shall be responsible for~~
23 ~~and shall assist in the development of, challenge of and~~
24 ~~representation on the record of all matters in the public~~
25 ~~interest in all commission proceedings except those involving~~
26 ~~transportation, safety, eminent domain, siting, service~~
27 ~~issues having no impact on rates and ability to pay, provided~~
28 ~~that the Director of Trial Staff may petition the commission~~
29 ~~or may be directed by the commission to intervene to protect~~
30 ~~the public interest in any proceeding involving~~

1 ~~transportation, safety, eminent domain, siting, service~~
2 ~~issues having no impact on rates and ability to pay. To~~
3 ~~assist in carrying out his powers and duties under this~~
4 ~~section, the Director of Trial Staff shall supervise the~~
5 ~~activities of the Office of Trial Staff in all commission~~
6 ~~proceedings in which he participates. If the Director of~~
7 ~~Trial Staff is of the opinion that the initiation of a~~
8 ~~proceeding is necessary to protect the public interest, he~~
9 ~~shall request that the commission initiate the appropriate~~
10 ~~proceeding. When he participates in a commission proceeding,~~
11 ~~it shall be the duty and responsibility of the Director of~~
12 ~~Trial Staff to prosecute in that proceeding.~~

13 ~~(2) In addition to any other responsibility conveyed~~
14 ~~upon it by the commission, the Office of Trial Staff shall~~
15 ~~submit a report to the commission recommending whether the~~
16 ~~commission should enter upon a hearing in order to~~
17 ~~investigate the justness and reasonableness of a tariff filed~~
18 ~~pursuant to section 1308 (relating to voluntary changes in~~
19 ~~rates), to suspend the effectiveness of such tariff, to allow~~
20 ~~such tariff to be suspended by operation of law or to allow~~
21 ~~temporary rates pursuant to section 1310 (relating to~~
22 ~~temporary rates). The report:~~

23 ~~(i) shall recommend only the initial action which~~
24 ~~the commission should take and shall not contain an~~
25 ~~opinion as to the portion of a proposed rate increase~~
26 ~~which appears to be just and reasonable, unless the~~
27 ~~report includes a finding that the proposed rate increase~~
28 ~~appears to be just and reasonable in its entirety;~~

29 ~~(ii) shall be released to the public if the report~~
30 ~~recommends that no hearings need to be held regarding the~~

1 ~~proposed tariff or that the proposed tariff should not be~~
2 ~~suspended, and may be released to the public in other~~
3 ~~circumstances when, in the opinion of the commission,~~
4 ~~such release would be in the public interest;~~

5 ~~(iii) shall be considered only as an indication of~~
6 ~~the Office of Trial Staff's opinion regarding whether~~
7 ~~there should be a hearing on the proposed tariff or~~
8 ~~whether the proposed tariff should be suspended; and~~

9 ~~(iv) shall not be considered as evidence of the~~
10 ~~Office of Trial Staff's opinion regarding the justness~~
11 ~~and reasonableness of any proposed tariff in any~~
12 ~~subsequent commission proceeding.~~

13 ~~(3) Except for the duties set out in paragraph (2),~~
14 ~~neither the Director of Trial Staff nor any employee whom the~~
15 ~~Director of Trial Staff supervises shall communicate with the~~
16 ~~commission, an administrative law judge or any other employee~~
17 ~~of the commission who is deciding or advising in the decision~~
18 ~~in an on the record proceeding, whether contested or~~
19 ~~uncontested, as defined in section 332(c) (relating to~~
20 ~~procedures in general), except through the practice and~~
21 ~~procedure available to all parties to commission~~
22 ~~proceedings.]~~

23 ~~§ 308. Bureaus and offices.~~

24 ~~[(a) Enumeration. There shall be established within the~~
25 ~~commission the following bureaus and functions:~~

26 ~~(1) Law Bureau.~~

27 ~~(2) Bureau of Conservation, Economics and Energy~~
28 ~~Planning.~~

29 ~~(3) Bureau of Consumer Services.~~

30 ~~(4) Office of Special Assistants.~~

1 ~~(b) Law Bureau.]The Law Bureau shall be a multifunction~~
2 ~~legal staff, consisting of a prosecutory function, an advisory~~
3 ~~function, a representational function and an enforcement~~
4 ~~function. The Director of the Law Bureau shall be the chief~~
5 ~~counsel of the commission and shall serve at the pleasure of the~~
6 ~~commission. The commission may also, from time to time, appoint~~
7 ~~such assistant counsel to the commission as may be required for~~
8 ~~the proper conduct of the work of the Law Bureau. Assistant~~
9 ~~counsel may be removed by the commission only for good cause.~~
10 ~~The Law Bureau shall advise the commission on any and all~~
11 ~~matters. No counsel shall in the same case or a factually~~
12 ~~related case perform duties in the prosecutory and advisory~~
13 ~~functions, if such performance would represent a conflict of~~
14 ~~interest. Except for litigation referred to the Attorney General~~
15 ~~or other appropriate outside counsel, the Law Bureau solely~~
16 ~~shall be responsible to represent the commission upon appeals~~
17 ~~and other hearings in the courts of common pleas and in the~~
18 ~~Commonwealth Court, Supreme Court or other courts of this~~
19 ~~Commonwealth or in any Federal court or agency and in actions~~
20 ~~instituted to recover penalties and to enforce regulations and~~
21 ~~orders of the commission. [No member of the Law Bureau shall~~
22 ~~participate in any prosecutory function in any matter] If~~
23 ~~necessary to protect the public interest, the Law Bureau,~~
24 ~~pursuant to its prosecutory function, shall initiate and~~
25 ~~participate in proceedings before the commission. [unless~~
26 ~~directed by the commission to do so in a proceeding involving~~
27 ~~transportation, safety, eminent domain, siting, service issues~~
28 ~~having no impact on rates or ability to pay or assist the Office~~
29 ~~of Trial Staff in carrying out the duties of the Office of Trial~~
30 ~~Staff, nor shall any member of the Law Bureau receive assistance~~

1 ~~from the Office of Trial Staff in the performance of his duties.~~
2 ~~Except as provided in this section, the Law Bureau may receive~~
3 ~~assistance from any other bureau or office of the commission as~~
4 ~~determined to be necessary.~~

5 ~~(c) Bureau of Conservation, Economics and Energy Planning.—~~

6 ~~The Bureau of Conservation, Economics and Energy Planning shall~~
7 ~~conduct studies and research all matters within the commission's~~
8 ~~jurisdiction and advise the commission of the results thereof in~~
9 ~~order to enable the commission to provide prospective regulation~~
10 ~~in the best interest of all parties concerned. Such studies and~~
11 ~~research shall include long range forecasting of energy needs~~
12 ~~and development; research into the use of new, efficient and~~
13 ~~economic methods of energy production; the review of the~~
14 ~~efficiency of the present generating systems operated within~~
15 ~~this Commonwealth; and the development of an effective program~~
16 ~~of energy conservation. The commission shall require all~~
17 ~~electric and gas public utilities subject to its jurisdiction to~~
18 ~~file with it an annual conservation report which shows the plans~~
19 ~~and progress achieved on programs of energy conservation. The~~
20 ~~commission shall, by rule, prescribe guidelines for the form and~~
21 ~~manner of such annual conservation report which report shall~~
22 ~~describe the current and proposed programs of each such utility~~
23 ~~designed to educate and encourage its customers in the optimum,~~
24 ~~effective and efficient use by them of electric and gas energy.~~
25 ~~The report shall include an accounting of the monetary and~~
26 ~~personnel resources actually or proposed to be expended or~~
27 ~~devoted to and the actual or anticipated results of such~~
28 ~~programs. The bureau shall review all proposals for electric and~~
29 ~~gas public utility plant expansion and shall submit for~~
30 ~~consideration of the commission its findings on what impact, if~~

1 ~~any, the electric and gas public utility plant expansion will~~
2 ~~have on rates charged by the public utility.~~

3 ~~(d) Bureau of Consumer Services.—~~

4 ~~(1) The Bureau of Consumer Services shall investigate~~
5 ~~and issue final determinations on all informal consumer~~
6 ~~complaints and shall advise the commission as to the need for~~
7 ~~formal commission action on any matters brought to its~~
8 ~~attention by the complaints. Any party may appeal a final~~
9 ~~determination issued by the Bureau of Consumer Services and~~
10 ~~seek review by an administrative law judge or special agent~~
11 ~~subject to the procedures in section 335 (relating to initial~~
12 ~~decisions). The bureau shall on behalf of the commission keep~~
13 ~~records of all complaints received, the matter complained of,~~
14 ~~the utility involved, and the disposition thereof and shall~~
15 ~~at least annually report to the commission on such matters.~~
16 ~~The commission may take official notice of all complaints and~~
17 ~~the nature thereof in any proceeding before the commission in~~
18 ~~which the utility is a party. The commission shall adopt,~~
19 ~~publish and generally make available rules by which a~~
20 ~~consumer may make informal complaints. The bureau shall also~~
21 ~~assist and advise the commission on matters of safety~~
22 ~~compliance by public utilities.~~

23 ~~(2) Annually on or before April 15, the commission shall~~
24 ~~submit a report to the Governor and to the Business and~~
25 ~~Commerce Committee of the House and the Community and~~
26 ~~Economic Development Committee of the Senate. The report~~
27 ~~shall compare all nonresidential categories of ratepayers for~~
28 ~~all electric and gas public utilities so that reasonably~~
29 ~~accurate comparisons of rates can be made between similar~~
30 ~~individuals or groups of nonresidential ratepayers receiving~~

1 ~~services in different service areas.~~

2 ~~(c) Office of Special Assistants. The Office of Special~~
3 ~~Assistants shall be a support staff which shall be responsible~~
4 ~~to assist in the preparation of commission orders and shall~~
5 ~~perform such other advisory duties as may be required of it by~~
6 ~~the commission. No member of the Office of Special Assistants~~
7 ~~shall participate in any prosecutory function in any matter~~
8 ~~before the commission. No member of the Office of Special~~
9 ~~Assistants shall assist the Office of Trial Staff in carrying~~
10 ~~out the duties of the Office of Trial Staff, nor shall any~~
11 ~~member of the Office of Special Assistants receive assistance~~
12 ~~from the Office of Trial Staff in the performance of his duties.~~
13 ~~Except as provided in this section, the Office of Special~~
14 ~~Assistants may receive assistance from, or provide assistance~~
15 ~~to, any other bureau or office of the commission as determined~~
16 ~~to be necessary.~~

17 ~~(f) Other bureaus and offices. The commission shall~~
18 ~~establish such bureau or bureaus to perform such duties as the~~
19 ~~commission may prescribe regarding all matters respecting rates~~
20 ~~of public utilities and all matters respecting common carriers~~
21 ~~and contract carriers. The establishment of these bureaus shall~~
22 ~~not be construed to prohibit the commission from establishing~~
23 ~~any additional bureaus which the commission finds necessary to~~
24 ~~protect the interests of the people of this Commonwealth. The~~
25 ~~bureaus may perform such other duties not inconsistent with law~~
26 ~~as the commission may direct.~~

27 ~~(g) Staff testimony. Members of the staff of the~~
28 ~~commission, except for the Office of Special Assistants, shall~~
29 ~~appear and present testimony in any proceeding before the~~
30 ~~commission when called by the commission, the chief counsel, the~~

1 ~~Director of Trial Staff or any of the parties to the proceeding.~~
2 ~~In addition to any cross examination by the Office of Trial~~
3 ~~Staff as provided in section 306 (relating to Office of Trial~~
4 ~~Staff) or the chief counsel, any member of the commission staff~~
5 ~~who participates in the analysis, review and conclusions in any~~
6 ~~proceedings before the commission may, in the discretion of the~~
7 ~~Office of Trial Staff or the chief counsel and with the consent~~
8 ~~of the presiding officer, cross examine any witness presented by~~
9 ~~the parties to the proceeding at the public hearing.}]~~

10 Section 2. Title 66 is amended by adding sections to read:

11 ~~§ 308.1. Other bureaus, offices and positions.~~

12 ~~(a) Establishment of other bureaus, offices and positions.~~

13 ~~In addition to the specific bureaus established in this part,~~

14 ~~the commission may establish other bureaus, offices and~~

15 ~~positions to perform the following functions:~~

16 ~~(1) Review and provide advice regarding applications,~~
17 ~~petitions, tariff filings and other matters filed with the~~
18 ~~commission.~~

19 ~~(2) Provide advice, review exceptions and prepare orders~~
20 ~~regarding matters to be adjudicated.~~

21 ~~(3) Conduct financial reviews, earnings analyses and~~
22 ~~other financial studies.~~

23 ~~(4) Conduct economic research, forecasting, energy~~
24 ~~conservation studies, cost studies and other economic studies~~
25 ~~related to public utilities.~~

26 ~~(5) Monitor industry markets to detect anticompetitive,~~
27 ~~discriminatory or other unlawful conduct.~~

28 ~~(6) Insure adequate maintenance, safety and reliability~~
29 ~~of utility networks.~~

30 ~~(7) Insure adequate service quality, efficiency and~~

1 ~~availability at just and reasonable rates.~~

2 ~~(8) Conduct financial, management, operational and~~
3 ~~special audits.~~

4 ~~(9) Provide consumer information, consumer protection~~
5 ~~and informal resolution of complaints.~~

6 ~~(10) Insure adequate safety, insurance, fitness and~~
7 ~~other requirements relevant to transportation utilities.~~

8 ~~(11) Take appropriate enforcement actions necessary to~~
9 ~~insure compliance with this title, commission regulations and~~
10 ~~orders.~~

11 ~~(12) Perform other functions the commission deems~~
12 ~~necessary for the proper work of the commission.~~

13 ~~(b) Prohibition on commingling of functions. A commission~~
14 ~~employee engaged in a prosecutory function may not, in that~~
15 ~~matter or a factually related matter, provide advice or~~
16 ~~assistance to a commission employee performing an advisory~~
17 ~~function as to that matter.~~

18 ~~§ 308.2. Consumer protection and information.~~

19 ~~(a) Informal complaints. The commission shall promulgate~~
20 ~~regulations by which a consumer may make informal complaints. A~~
21 ~~party may appeal a determination regarding the informal~~
22 ~~complaint and seek review by an administrative law judge or~~
23 ~~special agent subject to the procedures in section 335 (relating~~
24 ~~to initial decisions and release of documents). The commission~~
25 ~~shall keep records of each informal complaint received, the~~
26 ~~matter complained of, the utility involved and the disposition~~
27 ~~and shall at least annually prepare a report on these matters.~~

28 ~~(b) Rate comparison report. Annually, by April 15, the~~
29 ~~commission shall submit a report to the Governor and to the~~
30 ~~General Assembly. The report shall compare all categories of~~

1 ~~ratepayers for all electric and gas public utilities so that~~
2 ~~reasonably accurate comparisons of rates can be made between~~
3 ~~similar individuals or groups of ratepayers receiving services~~
4 ~~in different service areas.~~

5 ~~§ 3010. Expiration.~~

6 ~~This chapter shall expire December 31, 2004.~~

7 ~~Section 3. Section 4 of the act of July 8, 1993 (P.L. 456,~~
8 ~~No. 67), entitled "An act amending Title 66 (Public Utilities) of~~
9 ~~the Pennsylvania Consolidated Statutes, providing for an~~
10 ~~alternative form of regulation of telecommunications services;~~
11 ~~providing protection for public utility employees who report a~~
12 ~~violation or suspected violation of Federal, State or local law;~~
13 ~~providing protection for such employees who participate in~~
14 ~~investigations, hearings, inquiries or court actions; and~~
15 ~~prescribing remedies and penalties," is repealed.~~

16 ~~Section 4. This act shall take effect as follows:~~

17 ~~(1) The following provisions shall take effect~~
18 ~~immediately:~~

19 ~~(i) The addition of 66 Pa.C.S. § 3010.~~

20 ~~(ii) Section 3 of this act.~~

21 ~~(iii) This section.~~

22 ~~(2) The remainder of this act shall take effect in 60~~
23 ~~days.~~

24 SECTION 1. PARAGRAPH (4) OF THE DEFINITION OF "COMMON
25 CARRIER BY MOTOR VEHICLE" IN SECTION 102 OF TITLE 66 OF THE
26 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

27 § 102. DEFINITIONS.

28 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
29 PROVISIONS OF THIS PART WHICH ARE APPLICABLE TO SPECIFIC
30 PROVISIONS OF THIS PART, THE FOLLOWING WORDS AND PHRASES WHEN

1 USED IN THIS PART SHALL HAVE, UNLESS THE CONTEXT CLEARLY
2 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

3 * * *

4 "COMMON CARRIER BY MOTOR VEHICLE." ANY COMMON CARRIER WHO OR
5 WHICH HOLDS OUT OR UNDERTAKES THE TRANSPORTATION OF PASSENGERS
6 OR PROPERTY, OR BOTH, OR ANY CLASS OF PASSENGERS OR PROPERTY,
7 BETWEEN POINTS WITHIN THIS COMMONWEALTH BY MOTOR VEHICLE FOR
8 COMPENSATION, WHETHER OR NOT THE OWNER OR OPERATOR OF SUCH MOTOR
9 VEHICLE, OR WHO OR WHICH PROVIDES OR FURNISHES ANY MOTOR
10 VEHICLE, WITH OR WITHOUT DRIVER, FOR TRANSPORTATION OR FOR USE
11 IN TRANSPORTATION OF PERSONS OR PROPERTY AS AFORESAID, AND SHALL
12 INCLUDE COMMON CARRIERS BY RAIL, WATER, OR AIR, AND EXPRESS OR
13 FORWARDING PUBLIC UTILITIES INSOFAR AS SUCH COMMON CARRIERS OR
14 SUCH PUBLIC UTILITIES ARE ENGAGED IN SUCH MOTOR VEHICLE
15 OPERATIONS, BUT DOES NOT INCLUDE:

16 * * *

17 (4) ANY PERSON OR CORPORATION WHO OR WHICH USES, OR
18 FURNISHES FOR USE, DUMP TRUCKS FOR THE TRANSPORTATION OF
19 ASHES, RUBBISH, EXCAVATED AND ROAD CONSTRUCTION MATERIALS.
20 THIS PARAGRAPH DOES NOT INCLUDE THE USE OR FURNISHING OF
21 FIVE-AXLE TRACTOR TRAILERS.

22 * * *

23 SECTION 2. TITLE 66 IS AMENDED BY ADDING SECTIONS TO READ:
24 § 308.1. CONSUMER PROTECTION AND INFORMATION.

25 (A) INFORMAL COMPLAINTS.--THE COMMISSION SHALL PROMULGATE
26 REGULATIONS BY WHICH A CONSUMER MAY MAKE INFORMAL COMPLAINTS. A
27 PARTY MAY APPEAL A DETERMINATION REGARDING THE INFORMAL
28 COMPLAINT AND SEEK REVIEW BY AN ADMINISTRATIVE LAW JUDGE OR
29 SPECIAL AGENT SUBJECT TO THE PROCEDURES IN SECTION 335 (RELATING
30 TO INITIAL DECISIONS AND RELEASE OF DOCUMENTS). THE COMMISSION

1 SHALL KEEP RECORDS OF EACH INFORMAL COMPLAINT RECEIVED, THE
2 MATTER COMPLAINED OF, THE UTILITY INVOLVED AND THE DISPOSITION
3 AND SHALL AT LEAST ANNUALLY PREPARE A REPORT ON THESE MATTERS.

4 (B) RATE COMPARISON REPORT.--ANNUALLY, BY APRIL 15, THE
5 COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND TO THE
6 GENERAL ASSEMBLY. THE REPORT SHALL COMPARE ALL CATEGORIES OF
7 RATEPAYERS FOR ALL ELECTRIC AND GAS PUBLIC UTILITIES SO THAT
8 REASONABLY ACCURATE COMPARISONS OF RATES CAN BE MADE BETWEEN
9 SIMILAR INDIVIDUALS OR GROUPS OF RATEPAYERS RECEIVING SERVICES
10 IN DIFFERENT SERVICE AREAS.

11 SECTION 3. TITLE 66 IS AMENDED BY ADDING A CHAPTER TO READ:

12 CHAPTER 14

13 RESPONSIBLE UTILITY CUSTOMER PROTECTION

14 SEC.

15 1401. SCOPE OF CHAPTER.

16 1402. DECLARATION OF POLICY.

17 1403. DEFINITIONS.

18 1404. CASH DEPOSITS AND HOUSEHOLD INFORMATION REQUIREMENTS.

19 1405. PAYMENT AGREEMENTS.

20 1406. TERMINATION OF UTILITY SERVICE.

21 1407. RECONNECTION OF SERVICE.

22 1408. SURCHARGES FOR UNCOLLECTIBLE EXPENSES PROHIBITED.

23 1409. LATE PAYMENT CHARGE WAIVER.

24 1410. COMPLAINTS FILED WITH COMMISSION.

25 1411. AUTOMATIC METER READINGS.

26 1412. REPORTING OF DELINQUENT CUSTOMERS.

27 1413. REPORTING OF RECIPIENTS OF PUBLIC ASSISTANCE.

28 1414. LIENS BY CITY NATURAL GAS DISTRIBUTION OPERATIONS.

29 1415. REPORTING TO GENERAL ASSEMBLY AND GOVERNOR.

30 1416. NOTICE.

1 1417. NONAPPLICABILITY.

2 1418. CONSTRUCTION.

3 § 1401. SCOPE OF CHAPTER.

4 THIS CHAPTER RELATES TO PROTECTING RESPONSIBLE CUSTOMERS OF
5 PUBLIC UTILITIES.

6 § 1402. DECLARATION OF POLICY.

7 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

8 (1) FORMAL SERVICE RULES WERE FIRST ADOPTED BY THE
9 PENNSYLVANIA PUBLIC UTILITY COMMISSION IN 1978 WITH THE
10 STATED GOAL OF ENFORCING UNIFORM, FAIR AND EQUITABLE
11 RESIDENTIAL UTILITY SERVICE STANDARDS GOVERNING ELIGIBILITY
12 CRITERIA, CREDIT AND DEPOSIT PRACTICES, ACCOUNT BILLING,
13 TERMINATION AND RESTORATION OF SERVICE PROCEDURES AND
14 CUSTOMER COMPLAINT PROCEDURES. THESE RULES HAVE NOT
15 SUCCESSFULLY MANAGED THE ISSUE OF BILL PAYMENT. INCREASING
16 AMOUNTS OF UNPAID BILLS NOW THREATEN PAYING CUSTOMERS WITH
17 HIGHER RATES DUE TO OTHER CUSTOMERS' DELINQUENCIES.

18 (2) THE GENERAL ASSEMBLY BELIEVES THAT IT IS NOW TIME TO
19 REVISIT THESE RULES AND PROVIDE PROTECTIONS AGAINST RATE
20 INCREASES FOR TIMELY PAYING CUSTOMERS RESULTING FROM OTHER
21 CUSTOMERS' DELINQUENCIES. THE GENERAL ASSEMBLY SEEKS TO
22 ACHIEVE GREATER EQUITY BY ELIMINATING OPPORTUNITIES FOR
23 CUSTOMERS CAPABLE OF PAYING TO AVOID THE TIMELY PAYMENT OF
24 PUBLIC UTILITY BILLS.

25 (3) THROUGH THIS CHAPTER, THE GENERAL ASSEMBLY SEEKS TO
26 PROVIDE PUBLIC UTILITIES WITH AN EQUITABLE MEANS TO REDUCE
27 THEIR UNCOLLECTIBLE ACCOUNTS BY MODIFYING THE PROCEDURES FOR
28 DELINQUENT ACCOUNT COLLECTIONS AND BY INCREASING TIMELY
29 COLLECTIONS. AT THE SAME TIME, THE GENERAL ASSEMBLY SEEKS TO
30 ENSURE THAT SERVICE REMAINS AVAILABLE TO ALL CUSTOMERS ON

1 REASONABLE TERMS AND CONDITIONS.

2 (4) THE GENERAL ASSEMBLY BELIEVES THAT IT IS APPROPRIATE
3 TO PROVIDE ADDITIONAL COLLECTION TOOLS TO CITY NATURAL GAS
4 DISTRIBUTION OPERATIONS TO RECOGNIZE THE FINANCIAL
5 CIRCUMSTANCES OF THE OPERATIONS AND PROTECT THEIR ABILITY TO
6 PROVIDE NATURAL GAS FOR THE BENEFIT OF THE RESIDENTS OF THE
7 CITY.

8 § 1403. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "APPLICANT." A NATURAL PERSON NOT CURRENTLY RECEIVING
13 SERVICE WHO APPLIES FOR RESIDENTIAL SERVICE PROVIDED BY A PUBLIC
14 UTILITY OR ANY ADULT OCCUPANT WHOSE NAME APPEARS ON THE
15 MORTGAGE, DEED OR LEASE OF THE PROPERTY FOR WHICH THE
16 RESIDENTIAL UTILITY SERVICE IS REQUESTED.

17 "CHANGE IN INCOME." A DECREASE IN HOUSEHOLD INCOME OF 20% OR
18 MORE IF THE CUSTOMER'S HOUSEHOLD INCOME LEVEL EXCEEDS 200% OF
19 THE FEDERAL POVERTY LEVEL OR A DECREASE IN HOUSEHOLD INCOME OF
20 10% OR MORE IF THE CUSTOMER'S HOUSEHOLD INCOME LEVEL IS 200% OR
21 LESS OF THE FEDERAL POVERTY LEVEL.

22 "CUSTOMER." A NATURAL PERSON IN WHOSE NAME A RESIDENTIAL
23 SERVICE ACCOUNT IS LISTED AND WHO IS PRIMARILY RESPONSIBLE FOR
24 PAYMENT OF BILLS RENDERED FOR THE SERVICE OR ANY ADULT OCCUPANT
25 WHOSE NAME APPEARS ON THE MORTGAGE, DEED OR LEASE OF THE
26 PROPERTY FOR WHICH THE RESIDENTIAL UTILITY SERVICE IS REQUESTED.

27 "CUSTOMER ASSISTANCE PROGRAM." A PLAN OR PROGRAM SPONSORED
28 BY A PUBLIC UTILITY FOR THE PURPOSE OF PROVIDING UNIVERSAL
29 SERVICE AND ENERGY CONSERVATION, AS DEFINED BY SECTION 2202
30 (RELATING TO DEFINITIONS) OR SECTION 2803 (RELATING TO

1 DEFINITIONS), IN WHICH CUSTOMERS MAKE MONTHLY PAYMENTS BASED ON
2 HOUSEHOLD INCOME AND HOUSEHOLD SIZE AND UNDER WHICH CUSTOMERS
3 MUST COMPLY WITH CERTAIN RESPONSIBILITIES AND RESTRICTIONS IN
4 ORDER TO REMAIN ELIGIBLE FOR THE PROGRAM.

5 "ELECTRIC DISTRIBUTION UTILITY." AN ENTITY PROVIDING
6 FACILITIES FOR THE JURISDICTIONAL TRANSMISSION AND DISTRIBUTION
7 OF ELECTRICITY TO RETAIL CUSTOMERS, EXCEPT BUILDING OR FACILITY
8 OWNERS OR OPERATORS THAT MANAGE THE INTERNAL DISTRIBUTION SYSTEM
9 SERVING SUCH BUILDING OR FACILITY AND THAT SUPPLY ELECTRIC POWER
10 AND OTHER RELATED ELECTRIC POWER SERVICES TO OCCUPANTS OF THE
11 BUILDING OR FACILITY.

12 "FORMAL COMPLAINT." A COMPLAINT FILED BEFORE THE
13 PENNSYLVANIA PUBLIC UTILITY COMMISSION REQUESTING A LEGAL
14 PROCEEDING BEFORE A PENNSYLVANIA PUBLIC UTILITY COMMISSION
15 ADMINISTRATIVE LAW JUDGE OR A MEDIATION UNDER THE MANAGEMENT OF
16 A PENNSYLVANIA PUBLIC UTILITY COMMISSION ADMINISTRATIVE LAW
17 JUDGE.

18 "HOUSEHOLD INCOME." THE COMBINED GROSS INCOME OF ALL ADULTS
19 IN A RESIDENTIAL HOUSEHOLD WHO BENEFIT FROM THE PUBLIC UTILITY
20 SERVICE.

21 "INFORMAL COMPLAINT." A COMPLAINT FILED WITH THE
22 PENNSYLVANIA PUBLIC UTILITY COMMISSION BY A CUSTOMER THAT DOES
23 NOT INVOLVE A LEGAL PROCEEDING BEFORE A PENNSYLVANIA PUBLIC
24 UTILITY COMMISSION ADMINISTRATIVE LAW JUDGE OR A MEDIATION UNDER
25 THE MANAGEMENT OF A PENNSYLVANIA PUBLIC UTILITY COMMISSION
26 ADMINISTRATIVE LAW JUDGE.

27 "LIHEAP" OR "LOW INCOME HOME ENERGY ASSISTANCE PROGRAM." A
28 FEDERALLY FUNDED PROGRAM THAT PROVIDES FINANCIAL ASSISTANCE IN
29 THE FORM OF CASH AND CRISIS GRANTS TO LOW-INCOME HOUSEHOLDS FOR
30 HOME ENERGY BILLS AND IS ADMINISTERED BY THE DEPARTMENT OF

1 PUBLIC WELFARE.

2 "NATURAL GAS DISTRIBUTION SERVICE." THE DELIVERY OF NATURAL
3 GAS TO RETAIL GAS CUSTOMERS UTILIZING THE JURISDICTIONAL
4 FACILITIES OF A NATURAL GAS DISTRIBUTION UTILITY.

5 "NATURAL GAS DISTRIBUTION UTILITY." A CITY NATURAL GAS
6 DISTRIBUTION OPERATION OR ENTITY THAT PROVIDES NATURAL GAS
7 DISTRIBUTION SERVICES AND MAY PROVIDE NATURAL GAS SUPPLY
8 SERVICES AND OTHER SERVICES. THE TERM DOES NOT INCLUDE EITHER OF
9 THE FOLLOWING:

10 (1) ANY PUBLIC UTILITY PROVIDING NATURAL GAS
11 DISTRIBUTION SERVICES SUBJECT TO THE JURISDICTION OF THE
12 PENNSYLVANIA PUBLIC UTILITY COMMISSION THAT HAS ANNUAL GAS
13 OPERATING REVENUES OF LESS THAN \$6,000,000 PER YEAR, EXCEPT
14 WHERE THE PUBLIC UTILITY VOLUNTARILY PETITIONS THE COMMISSION
15 TO BE INCLUDED WITHIN THIS DEFINITION OR WHERE THE PUBLIC
16 UTILITY SEEKS TO PROVIDE NATURAL GAS SUPPLY SERVICES TO
17 RETAIL GAS CUSTOMERS OUTSIDE ITS SERVICE TERRITORY.

18 (2) ANY PUBLIC UTILITY PROVIDING NATURAL GAS
19 DISTRIBUTION SERVICES SUBJECT TO THE JURISDICTION OF THE
20 COMMISSION THAT IS NOT CONNECTED TO AN INTERSTATE GAS
21 PIPELINE BY MEANS OF A DIRECT CONNECTION OR AN INDIRECT
22 CONNECTION THROUGH THE DISTRIBUTION SYSTEM OF ANOTHER NATURAL
23 GAS PUBLIC UTILITY OR THROUGH A NATURAL GAS GATHERING SYSTEM.

24 "NATURAL GAS SUPPLY SERVICES." THE SALE OR ARRANGEMENT OF
25 THE SALE OF NATURAL GAS TO RETAIL GAS CUSTOMERS AND SERVICES
26 THAT MAY BE UNBUNDLED BY THE PENNSYLVANIA PUBLIC UTILITY
27 COMMISSION UNDER SECTION 2203(3) (RELATING TO STANDARDS FOR
28 RESTRUCTURING OF NATURAL GAS UTILITY INDUSTRY). THE TERM DOES
29 NOT INCLUDE NATURAL GAS DISTRIBUTION SERVICE.

30 "PAYMENT AGREEMENT." AN AGREEMENT WHEREBY A CUSTOMER WHO

1 ADMITS LIABILITY FOR BILLED SERVICE IS PERMITTED TO AMORTIZE OR
2 PAY THE UNPAID BALANCE OF THE ACCOUNT IN ONE OR MORE PAYMENTS.

3 "PUBLIC UTILITY." ANY ELECTRIC DISTRIBUTION UTILITY, NATURAL
4 GAS DISTRIBUTION UTILITY OR WATER DISTRIBUTION UTILITY IN THIS
5 COMMONWEALTH THAT IS WITHIN THE JURISDICTION OF THE PENNSYLVANIA
6 PUBLIC UTILITY COMMISSION.

7 "OCCUPANT." (RESERVED).

8 "SIGNIFICANT CHANGE IN CIRCUMSTANCE." ANY OF THE FOLLOWING
9 CRITERIA WHEN VERIFIED BY THE PUBLIC UTILITY AND EXPERIENCED BY
10 CUSTOMERS WITH HOUSEHOLD INCOME LESS THAN 300% OF THE FEDERAL
11 POVERTY LEVEL:

12 (1) THE ONSET OF A CHRONIC OR ACUTE ILLNESS RESULTING IN
13 A SIGNIFICANT LOSS IN THE CUSTOMER'S HOUSEHOLD INCOME.

14 (2) CATASTROPHIC DAMAGE TO THE CUSTOMER'S RESIDENCE
15 RESULTING IN A SIGNIFICANT NET COST TO THE CUSTOMER'S
16 HOUSEHOLD.

17 (3) LOSS OF THE CUSTOMER'S RESIDENCE.

18 (4) INCREASE IN THE CUSTOMER'S NUMBER OF DEPENDENTS IN
19 THE HOUSEHOLD.

20 "WATER DISTRIBUTION UTILITY." AN ENTITY OWNING OR OPERATING
21 EQUIPMENT OR FACILITIES FOR DIVERTING, DEVELOPING, PUMPING,
22 IMPOUNDING, DISTRIBUTING OR FURNISHING WATER TO OR FOR THE
23 PUBLIC FOR COMPENSATION.

24 § 1404. CASH DEPOSITS AND HOUSEHOLD INFORMATION REQUIREMENTS.

25 (A) GENERAL RULE.--IN ADDITION TO THE RIGHT TO COLLECT A
26 DEPOSIT UNDER ANY COMMISSION REGULATION OR ORDER, THE COMMISSION
27 SHALL NOT PROHIBIT A PUBLIC UTILITY, PRIOR TO OR AS A CONDITION
28 OF PROVIDING UTILITY SERVICE, FROM REQUIRING A CASH DEPOSIT IN
29 AN AMOUNT THAT IS EQUAL TO ONE-SIXTH OF THE APPLICANT'S
30 ESTIMATED ANNUAL BILL, AT THE TIME THE PUBLIC UTILITY DETERMINES

1 A DEPOSIT IS REQUIRED, FROM THE FOLLOWING:

2 (1) AN APPLICANT WHO PREVIOUSLY RECEIVED UTILITY
3 DISTRIBUTION SERVICES AND WAS A CUSTOMER OF THE PUBLIC
4 UTILITY AND WHOSE SERVICE WAS TERMINATED FOR ANY OF THE
5 FOLLOWING REASONS:

6 (I) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

7 (II) FAILURE TO COMPLETE PAYMENT OF A DEPOSIT,
8 PROVIDE A GUARANTEE OR ESTABLISH CREDIT.

9 (III) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
10 CONNECTIONS OR OTHER PROPERTY OF THE PUBLIC UTILITY FOR
11 THE PURPOSE OF REPLACEMENT, MAINTENANCE, REPAIR OR METER
12 READING.

13 (IV) UNAUTHORIZED USE OF THE UTILITY SERVICE
14 DELIVERED ON OR ABOUT THE AFFECTED DWELLING.

15 (V) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A
16 SETTLEMENT OR PAYMENT AGREEMENT.

17 (VI) FRAUD OR MATERIAL MISREPRESENTATION OF IDENTITY
18 FOR THE PURPOSE OF OBTAINING UTILITY SERVICE.

19 (VII) TAMPERING WITH METERS, INCLUDING, BUT NOT
20 LIMITED TO, BYPASSING A METER OR REMOVAL OF AN AUTOMATIC
21 METER READING DEVICE OR OTHER PUBLIC UTILITY EQUIPMENT.

22 (VIII) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
23 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR
24 THE INTEGRITY OF THE DELIVERY SYSTEM OF THE PUBLIC
25 UTILITY.

26 (2) ANY APPLICANT OR CUSTOMER WHO IS UNABLE TO ESTABLISH
27 CREDITWORTHINESS TO THE SATISFACTION OF THE PUBLIC UTILITY
28 THROUGH THE USE OF A GENERALLY ACCEPTED CREDIT SCORING
29 METHODOLOGY WHICH EMPLOYS STANDARDS FOR USING THE METHODOLOGY
30 THAT FALL WITHIN THE RANGE OF GENERAL INDUSTRY PRACTICE.

1 (3) A CUSTOMER WHO FAILS TO COMPLY WITH A MATERIAL TERM
2 OR CONDITION OF A SETTLEMENT OR PAYMENT AGREEMENT.

3 (B) THIRD-PARTY GUARANTOR.--NOTHING IN THIS SECTION SHALL BE
4 CONSTRUED TO PRECLUDE AN APPLICANT FROM FURNISHING A THIRD-PARTY
5 GUARANTOR IN LIEU OF A CASH DEPOSIT. THE GUARANTY SHALL BE IN
6 WRITING AND SHALL STATE THE TERMS OF THE GUARANTY. THE GUARANTOR
7 SHALL BE RESPONSIBLE FOR ALL MISSED PAYMENTS OWED TO THE PUBLIC
8 UTILITY.

9 (C) DEPOSIT HOLD PERIOD.--

10 (1) A PUBLIC UTILITY MAY HOLD A DEPOSIT UNTIL A TIMELY
11 PAYMENT HISTORY IS ESTABLISHED OR FOR A MAXIMUM PERIOD OF 24
12 MONTHS.

13 (2) A TIMELY PAYMENT HISTORY IS ESTABLISHED WHEN A
14 CUSTOMER HAS PAID IN FULL AND ON TIME FOR TWELVE CONSECUTIVE
15 MONTHS.

16 (3) AT THE END OF THE DEPOSIT HOLDING PERIOD AS
17 ESTABLISHED IN PARAGRAPH (1), THE PUBLIC UTILITY SHALL DEDUCT
18 THE OUTSTANDING BALANCE FROM THE DEPOSIT AND RETURN OR CREDIT
19 ANY POSITIVE DIFFERENCE TO THE CUSTOMER.

20 (4) IF SERVICE IS TERMINATED BEFORE THE END OF THE
21 DEPOSIT HOLDING PERIOD AS ESTABLISHED IN PARAGRAPH (1), THE
22 PUBLIC UTILITY SHALL DEDUCT THE OUTSTANDING BALANCE FROM THE
23 DEPOSIT AND RETURN ANY POSITIVE DIFFERENCE TO THE CUSTOMER
24 WITHIN 60 DAYS OF THE TERMINATION.

25 (5) IF A CUSTOMER BECOMES DELINQUENT BEFORE THE END OF
26 THE DEPOSIT HOLDING PERIOD AS ESTABLISHED IN PARAGRAPH (1),
27 THE PUBLIC UTILITY MAY DEDUCT THE OUTSTANDING BALANCE FROM
28 THE DEPOSIT.

29 (6) THE PUBLIC UTILITY SHALL ACCRUE ON THE DEPOSIT UNTIL
30 IT IS RETURNED OR CREDITED THE LEGAL RATE OF INTEREST

1 PURSUANT TO SECTION 202 OF THE ACT OF JANUARY 30, 1974
2 (P.L.13, NO.6), REFERRED TO AS THE LOAN INTEREST AND
3 PROTECTION LAW, AND RETURN SUCH INTEREST WITH THE DEPOSIT.

4 (D) ADULT OCCUPANTS.--PRIOR TO PROVIDING UTILITY SERVICE, A
5 PUBLIC UTILITY MAY REQUIRE THE APPLICANT TO PROVIDE THE NAMES OF
6 EACH ADULT OCCUPANT RESIDING AT THE LOCATION AND PROOF OF THEIR
7 IDENTITY.

8 (E) FAILURE TO PAY FULL AMOUNT OF CASH DEPOSIT.--A PUBLIC
9 UTILITY SHALL NOT BE REQUIRED TO PROVIDE SERVICE IF THE
10 APPLICANT FAILS TO PAY THE FULL AMOUNT OF THE CASH DEPOSIT.

11 (F) CITY NATURAL GAS DISTRIBUTION OPERATION; ADDITIONAL
12 DEPOSIT RULES FOR CITY NATURAL GAS DISTRIBUTION OPERATIONS.--
13 EXCEPT FOR APPLICANTS WHO ARE SUBJECT TO A DEPOSIT UNDER
14 SUBSECTION (A), A CITY NATURAL GAS DISTRIBUTION OPERATION MAY
15 REQUIRE A DEPOSIT FROM THE APPLICANT AS FOLLOWS:

16 (1) IF AN APPLICANT HAS HOUSEHOLD INCOME ABOVE 300% OF
17 THE FEDERAL POVERTY LEVEL, ONE-SIXTH OF THE APPLICANT'S
18 ESTIMATED ANNUAL BILL, PAID IN FULL AT THE TIME THE CITY
19 NATURAL GAS DISTRIBUTION OPERATION DETERMINES A DEPOSIT IS
20 REQUIRED; OR

21 (2) IF AN APPLICANT HAS HOUSEHOLD INCOME NO GREATER THAN
22 300% OF THE FEDERAL POVERTY LEVEL, ONE-TWELFTH OF THE
23 APPLICANT'S ESTIMATED ANNUAL BILL, PAID IN FULL AT THE TIME
24 THEY CITY NATURAL GAS DISTRIBUTION OPERATION DETERMINES A
25 DEPOSIT IS REQUIRED. APPLICANTS WHO ENROLL INTO THE CUSTOMER
26 ASSISTANCE PROGRAM MADE AVAILABLE BY THE CITY NATURAL GAS
27 DISTRIBUTION OPERATION ARE NOT SUBJECT TO THIS PARAGRAPH.

28 (G) ESTIMATED ANNUAL BILL.--WHEN USED IN THIS SECTION, AN
29 ESTIMATED ANNUAL BILL SHALL BE CALCULATED ON THE BASIS OF THE
30 ANNUAL BILL TO THE DWELLING AT WHICH SERVICE IS BEING REQUESTED

1 FOR THE PRIOR 12 MONTHS, OR, IF UNAVAILABLE, A SIMILAR DWELLING
2 IN CLOSE PROXIMITY.

3 (H) TIME FOR PAYING DEPOSITS UPON RECONNECTION.--APPLICANTS
4 REQUIRED TO PAY A DEPOSIT UPON RECONNECTION UNDER SUBSECTION
5 (A)(1) SHALL HAVE UP TO 90 DAYS TO PAY THE DEPOSIT IN ACCORDANCE
6 WITH COMMISSION REGULATIONS.

7 § 1405. PAYMENT AGREEMENTS.

8 (A) GENERAL RULE.--THE COMMISSION IS AUTHORIZED TO
9 INVESTIGATE COMPLAINTS REGARDING PAYMENT DISPUTES BETWEEN A
10 PUBLIC UTILITY, APPLICANTS AND CUSTOMERS. THE COMMISSION IS
11 AUTHORIZED TO ESTABLISH PAYMENT AGREEMENTS BETWEEN A PUBLIC
12 UTILITY, CUSTOMERS AND APPLICANTS WITHIN THE LIMITS ESTABLISHED
13 BY THIS CHAPTER.

14 (B) LENGTH OF PAYMENT AGREEMENTS.--THE LENGTH OF TIME FOR A
15 CUSTOMER TO RESOLVE AN UNPAID BALANCE ON AN ACCOUNT THAT IS
16 SUBJECT TO A PAYMENT AGREEMENT THAT IS INVESTIGATED BY THE
17 COMMISSION AND IS ENTERED INTO BY A PUBLIC UTILITY AND A
18 CUSTOMER SHALL NOT EXTEND BEYOND:

19 (1) FIVE YEARS FOR CUSTOMERS WITH A GROSS MONTHLY
20 HOUSEHOLD INCOME LEVEL NOT EXCEEDING 150% OF THE FEDERAL
21 POVERTY LEVEL.

22 (2) TWO YEARS FOR CUSTOMERS WITH A GROSS MONTHLY
23 HOUSEHOLD INCOME LEVEL EXCEEDING 150% AND NOT MORE THAN 250%
24 OF THE FEDERAL POVERTY LEVEL.

25 (3) ONE YEAR FOR CUSTOMERS WITH A GROSS MONTHLY
26 HOUSEHOLD INCOME LEVEL EXCEEDING 250% OF THE FEDERAL POVERTY
27 LEVEL AND NOT MORE THAN 300% OF THE FEDERAL POVERTY LEVEL.

28 (4) SIX MONTHS FOR CUSTOMERS WITH A GROSS MONTHLY
29 HOUSEHOLD INCOME LEVEL EXCEEDING 300% OF THE FEDERAL POVERTY
30 LEVEL.

1 (C) CUSTOMER ASSISTANCE PROGRAMS.--CUSTOMER ASSISTANCE
2 PROGRAM RATES SHALL BE TIMELY PAID AND SHALL NOT BE THE SUBJECT
3 OF PAYMENT AGREEMENTS NEGOTIATED OR APPROVED BY THE COMMISSION.

4 (D) NUMBER OF PAYMENT AGREEMENTS.--ABSENT A CHANGE IN
5 INCOME, THE COMMISSION SHALL NOT ESTABLISH OR ORDER A PUBLIC
6 UTILITY TO ESTABLISH A SECOND OR SUBSEQUENT PAYMENT AGREEMENT IF
7 A CUSTOMER HAS DEFAULTED ON A PREVIOUS PAYMENT AGREEMENT. A
8 PUBLIC UTILITY MAY, AT ITS DISCRETION, ENTER INTO A SECOND OR
9 SUBSEQUENT PAYMENT AGREEMENT WITH A CUSTOMER.

10 (E) EXTENSION OF PAYMENT AGREEMENTS.--IF THE CUSTOMER
11 DEFAULTS ON A PAYMENT AGREEMENT ESTABLISHED UNDER SUBSECTIONS
12 (A) AND (B) AS A RESULT OF A SIGNIFICANT CHANGE IN CIRCUMSTANCE,
13 THE COMMISSION MAY REINSTATE THE PAYMENT AGREEMENT AND EXTEND
14 THE REMAINING TERM FOR AN INITIAL PERIOD OF SIX MONTHS. THE
15 INITIAL EXTENSION PERIOD MAY BE EXTENDED FOR AN ADDITIONAL SIX
16 MONTHS FOR GOOD CAUSE SHOWN.

17 (F) FAILURE TO COMPLY WITH PAYMENT AGREEMENT.--FAILURE OF A
18 CUSTOMER TO COMPLY WITH THE TERMS OF A PAYMENT AGREEMENT SHALL
19 BE GROUNDS FOR A PUBLIC UTILITY TO TERMINATE THE CUSTOMER'S
20 SERVICE. PENDING THE OUTCOME OF A COMPLAINT FILED WITH THE
21 COMMISSION, A CUSTOMER SHALL BE OBLIGATED TO PAY THAT PORTION OF
22 THE BILL WHICH IS NOT IN DISPUTE AND SUBSEQUENT BILLS WHICH ARE
23 NOT IN DISPUTE.

24 § 1406. TERMINATION OF UTILITY SERVICE.

25 (A) AUTHORIZED TERMINATION.--A PUBLIC UTILITY MAY NOTIFY A
26 CUSTOMER AND TERMINATE SERVICE PROVIDED TO A CUSTOMER AFTER
27 NOTICE AS PROVIDED IN SUBSECTION (B) FOR ANY OF THE FOLLOWING
28 ACTIONS BY THE CUSTOMER:

29 (1) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

30 (2) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A

1 PAYMENT AGREEMENT.

2 (3) FAILURE TO COMPLETE PAYMENT OF A DEPOSIT, PROVIDE A
3 GUARANTEE OF PAYMENT OR ESTABLISH CREDIT.

4 (4) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
5 CONNECTIONS OR OTHER PROPERTY OF THE PUBLIC UTILITY FOR THE
6 PURPOSE OF REPLACEMENT, MAINTENANCE, REPAIR OR METER READING.

7 (B) NOTICE OF TERMINATION OF SERVICE.--

8 (1) PRIOR TO TERMINATING SERVICE UNDER SUBSECTION (A), A
9 PUBLIC UTILITY:

10 (I) SHALL PROVIDE WRITTEN NOTICE OF THE TERMINATION
11 TO THE CUSTOMER AT LEAST TEN DAYS PRIOR TO THE DATE OF
12 THE PROPOSED TERMINATION. THE TERMINATION NOTICE SHALL
13 REMAIN EFFECTIVE FOR 60 DAYS.

14 (II) SHALL ATTEMPT TO CONTACT THE CUSTOMER OR
15 OCCUPANT, EITHER IN PERSON OR BY TELEPHONE, TO PROVIDE
16 NOTICE OF THE PROPOSED TERMINATION AT LEAST THREE DAYS
17 PRIOR TO THE SCHEDULED TERMINATION. PHONE CONTACT SHALL
18 BE DEEMED COMPLETE UPON ATTEMPTED CALLS ON TWO SEPARATE
19 DAYS TO THE RESIDENCE BETWEEN THE HOURS OF 7 A.M. AND 9
20 P.M. IF THE CALLS WERE MADE AT VARIOUS TIMES EACH DAY.

21 (III) DURING THE MONTHS OF DECEMBER THROUGH MARCH,
22 UNLESS PERSONAL CONTACT HAS BEEN MADE WITH THE CUSTOMER
23 OR RESPONSIBLE ADULT BY PERSONALLY VISITING THE
24 CUSTOMER'S RESIDENCE, THE PUBLIC UTILITY SHALL, WITHIN 48
25 HOURS OF THE SCHEDULED DATE OF TERMINATION, POST A NOTICE
26 OF THE PROPOSED TERMINATION AT THE SERVICE LOCATION.

27 (IV) AFTER COMPLYING WITH PARAGRAPHS (II) AND (III),
28 THE PUBLIC UTILITY SHALL ATTEMPT TO MAKE PERSONAL CONTACT
29 WITH THE CUSTOMER OR RESPONSIBLE ADULT AT THE TIME
30 SERVICE IS TERMINATED. TERMINATION OF SERVICE SHALL NOT

1 BE DELAYED FOR FAILURE TO MAKE PERSONAL CONTACT.

2 (2) THE PUBLIC UTILITY SHALL NOT BE REQUIRED BY THE
3 COMMISSION TO TAKE ANY ADDITIONAL ACTIONS PRIOR TO
4 TERMINATION.

5 (C) GROUNDS FOR IMMEDIATE TERMINATION.--

6 (1) A PUBLIC UTILITY MAY IMMEDIATELY TERMINATE SERVICE
7 FOR ANY OF THE FOLLOWING ACTIONS BY THE CUSTOMER:

8 (I) UNAUTHORIZED USE OF THE SERVICE DELIVERED ON OR
9 ABOUT THE AFFECTED DWELLING.

10 (II) FRAUD OR MATERIAL MISREPRESENTATION OF THE
11 CUSTOMER'S IDENTITY FOR THE PURPOSE OF OBTAINING SERVICE.

12 (III) TAMPERING WITH METERS OR OTHER PUBLIC
13 UTILITY'S EQUIPMENT.

14 (IV) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
15 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR
16 THE INTEGRITY OF THE PUBLIC UTILITY'S DELIVERY SYSTEM.

17 (2) UPON TERMINATION, THE PUBLIC UTILITY SHALL MAKE A
18 GOOD FAITH ATTEMPT TO PROVIDE A POST TERMINATION NOTICE TO
19 THE CUSTOMER OR A RESPONSIBLE PERSON AT THE AFFECTED
20 PREMISES, AND, IN THE CASE OF A SINGLE METER, MULTIUNIT
21 DWELLING, THE PUBLIC UTILITY SHALL CONSPICUOUSLY POST THE
22 NOTICE AT THE DWELLING, INCLUDING IN COMMON AREAS WHEN
23 POSSIBLE.

24 (D) TIMING OF TERMINATION.--NOTWITHSTANDING THE PROVISIONS
25 OF SECTION 1503 (RELATING TO DISCONTINUANCE OF SERVICE), A
26 PUBLIC UTILITY MAY TERMINATE SERVICE FOR THE REASONS SET FORTH
27 IN SUBSECTION (A) FROM MONDAY THROUGH FRIDAY AS LONG AS THE
28 PUBLIC UTILITY CAN ACCEPT PAYMENT TO RESTORE SERVICE ON THE
29 FOLLOWING DAY AND CAN RESTORE SERVICE, CONSISTENT WITH SECTION
30 1407 (RELATING TO RECONNECTION OF SERVICE).

1 (E) WINTER TERMINATION.--

2 (1) UNLESS OTHERWISE AUTHORIZED BY THE COMMISSION, AFTER
3 NOVEMBER 30 AND BEFORE APRIL 1, AN ELECTRIC DISTRIBUTION
4 UTILITY OR NATURAL GAS DISTRIBUTION UTILITY SHALL NOT
5 TERMINATE SERVICE TO CUSTOMERS WITH HOUSEHOLD INCOMES AT OR
6 BELOW 250% OF THE FEDERAL POVERTY LEVEL EXCEPT FOR CUSTOMERS
7 WHOSE ACTIONS CONFORM TO SUBSECTION (C)(1). THE COMMISSION
8 SHALL NOT PROHIBIT AN ELECTRIC DISTRIBUTION UTILITY OR
9 NATURAL GAS DISTRIBUTION UTILITY FROM TERMINATING SERVICE IN
10 ACCORDANCE WITH THIS SECTION TO CUSTOMERS WITH HOUSEHOLD
11 INCOMES EXCEEDING 250% OF THE FEDERAL POVERTY LEVEL.

12 (2) IN ADDITION TO THE WINTER TERMINATION AUTHORITY SET
13 FORTH IN PARAGRAPH (1), A CITY NATURAL GAS DISTRIBUTION
14 OPERATION MAY TERMINATE SERVICE TO A CUSTOMER WHOSE HOUSEHOLD
15 INCOME EXCEEDS 150% OF THE FEDERAL POVERTY LEVEL BUT DOES NOT
16 EXCEED 250% OF THE FEDERAL POVERTY LEVEL, AND STARTING
17 JANUARY 1, HAS NOT PAID AT LEAST 50% OF HIS CHARGES FOR EACH
18 OF THE PRIOR TWO MONTHS UNLESS THE CUSTOMER HAS DONE ONE OF
19 THE FOLLOWING:

20 (I) HAS PROVEN IN ACCORDANCE WITH COMMISSION RULES,
21 THAT HIS HOUSEHOLD CONTAINS ONE OR MORE PERSONS WHO ARE
22 65 YEARS OF AGE OR OVER.

23 (II) HAS PROVEN IN ACCORDANCE WITH COMMISSION RULES,
24 THAT HIS HOUSEHOLD CONTAINS ONE OR MORE PERSONS 12 YEARS
25 OF AGE OR YOUNGER.

26 (III) HAS OBTAINED A MEDICAL CERTIFICATION, IN
27 ACCORDANCE WITH COMMISSION RULES.

28 (IV) HAS PAID TO THE CITY NATURAL GAS DISTRIBUTION
29 OPERATION AN AMOUNT REPRESENTING AT LEAST 15% OF THE
30 CUSTOMER'S MONTHLY HOUSEHOLD INCOME FOR EACH OF THE LAST

1 TWO MONTHS.

2 (3) AT THE TIME THAT THE NOTICE OF TERMINATION REQUIRED
3 BY SUBSECTION (B)(1)(I) IS PROVIDED TO THE CUSTOMER, THE CITY
4 NATURAL GAS DISTRIBUTION OPERATION SHALL PROVIDE NOTICE TO
5 THE COMMISSION. THE COMMISSION SHALL NOT STAY THE TERMINATION
6 OF SERVICE UNLESS THE COMMISSION FINDS THAT THE CUSTOMER
7 MEETS THE CRITERIA IN PARAGRAPH 2(I), (II), (III) OR (IV).

8 (F) MEDICAL CERTIFICATION.--A PUBLIC UTILITY SHALL NOT
9 TERMINATE SERVICE TO A PREMISES WHEN A LICENSED PHYSICIAN OR
10 NURSE PRACTITIONER HAS CERTIFIED THAT THE CUSTOMER OR A MEMBER
11 OF THE CUSTOMER'S HOUSEHOLD IS SERIOUSLY ILL OR AFFLICTED WITH A
12 MEDICAL CONDITION THAT WILL BE AGGRAVATED BY CESSATION OF
13 SERVICE. THE CUSTOMER SHALL OBTAIN A LETTER FROM A LICENSED
14 PHYSICIAN VERIFYING THE CONDITION AND SHALL PROMPTLY FORWARD IT
15 TO THE PUBLIC UTILITY. THE MEDICAL CERTIFICATION PROCEDURE SHALL
16 BE IMPLEMENTED IN ACCORDANCE WITH COMMISSION REGULATIONS.

17 (G) QUALIFICATION FOR LIHEAP.--A NOTICE OF TERMINATION TO A
18 CUSTOMER OF A PUBLIC UTILITY SHALL BE SUFFICIENT PROOF OF A
19 CRISIS FOR A CUSTOMER WITH THE REQUISITE INCOME LEVEL TO RECEIVE
20 A LIHEAP CRISIS GRANT FROM THE DEPARTMENT OF PUBLIC WELFARE OR
21 ITS DESIGNEE.

22 (H) DISHONORABLE TENDER OF PAYMENT AFTER RECEIVING
23 TERMINATION NOTICE.--

24 (1) AFTER A PUBLIC UTILITY HAS PROVIDED A WRITTEN
25 TERMINATION NOTICE UNDER SECTION 1406(B)(1)(I) (RELATING TO
26 TERMINATION OF UTILITY SERVICE) AND ATTEMPTED TELEPHONE
27 CONTACT AS PROVIDED IN SECTION 1406(B)(1)(I), TERMINATION OF
28 SERVICE MAY PROCEED WITHOUT ADDITIONAL NOTICE IF:

29 (I) A CUSTOMER TENDERS PAYMENT WHICH IS SUBSEQUENTLY
30 DISHONORED UNDER 13 PA.C.S. § 3502 (RELATING TO

1 DISHONOR); OR

2 (II) A CUSTOMER TENDERS PAYMENT WITH AN ACCESS
3 DEVICE, AS DEFINED IN 18 PA.C.S. § 4106(D) (RELATING TO
4 ACCESS DEVICE FRAUD), WHICH IS UNAUTHORIZED, REVOKED OR
5 CANCELED.

6 (2) THE PUBLIC UTILITY SHALL NOT BE REQUIRED BY THE
7 COMMISSION TO TAKE ANY ADDITIONAL ACTIONS PRIOR TO THE
8 TERMINATION.

9 § 1407. RECONNECTION OF SERVICE.

10 (A) FEE.--A PUBLIC UTILITY MAY REQUIRE A RECONNECTION FEE
11 BASED UPON THE PUBLIC UTILITY'S COST AS APPROVED BY THE
12 COMMISSION PRIOR TO RECONNECTION OF SERVICE FOLLOWING LAWFUL
13 TERMINATION OF THE SERVICE.

14 (B) TIMING.--WHEN SERVICE TO A DWELLING HAS BEEN TERMINATED
15 AND, PROVIDED THE APPLICANT HAS MET ALL APPLICABLE CONDITIONS,
16 THE PUBLIC UTILITY SHALL RECONNECT SERVICE AS FOLLOWS:

17 (1) WITHIN 24 HOURS FOR ERRONEOUS TERMINATIONS OR UPON
18 RECEIPT BY THE PUBLIC UTILITY OF A VALID MEDICAL
19 CERTIFICATION.

20 (2) WITHIN 24 HOURS FOR TERMINATIONS OCCURRING AFTER
21 NOVEMBER 30 AND BEFORE APRIL 1.

22 (3) WITHIN THREE DAYS FOR ERRONEOUS TERMINATIONS
23 REQUIRING STREET OR SIDEWALK DIGGING.

24 (4) WITHIN THREE DAYS FROM APRIL 1 TO NOVEMBER 30 FOR
25 PROPER TERMINATIONS.

26 (5) WITHIN SEVEN DAYS FOR PROPER TERMINATIONS REQUIRING
27 STREET OR SIDEWALK DIGGING.

28 (C) PAYMENT TO RESTORE SERVICE.--

29 (1) A PUBLIC UTILITY SHALL PROVIDE FOR AND INFORM THE
30 APPLICANT OR CUSTOMER OF A LOCATION WHERE THE CUSTOMER CAN

1 MAKE PAYMENT TO RESTORE SERVICE.

2 (2) A PUBLIC UTILITY MAY REQUIRE:

3 (I) FULL PAYMENT OF ANY OUTSTANDING BALANCE INCURRED
4 TOGETHER WITH ANY RECONNECTION FEES BY THE CUSTOMER OR
5 APPLICANT PRIOR TO RECONNECTION OF SERVICE IF THE
6 CUSTOMER OR APPLICANT HAS AN INCOME EXCEEDING 300% OF THE
7 FEDERAL POVERTY LEVEL OR HAS DEFAULTED ON TWO OR MORE
8 PAYMENT AGREEMENTS. IF A CUSTOMER OR APPLICANT WITH
9 HOUSEHOLD INCOME EXCEEDING 300% OF THE FEDERAL POVERTY
10 LEVEL EXPERIENCES A LIFE EVENT THE CUSTOMER SHALL BE
11 PERMITTED A PERIOD OF NOT MORE THAN THREE MONTHS TO PAY
12 THE OUTSTANDING BALANCE REQUIRED FOR RECONNECTION. FOR
13 PURPOSES OF THIS PARAGRAPH, A LIFE EVENT IS:

14 (A) A JOB LOSS THAT EXTENDED BEYOND NINE MONTHS.

15 (B) A SERIOUS ILLNESS THAT EXTENDED BEYOND NINE
16 MONTHS.

17 (C) DEATH OF THE PRIMARY WAGE EARNER.

18 (II) FULL PAYMENT OF ANY RECONNECTION FEES TOGETHER
19 WITH REPAYMENT OVER 12 MONTHS OF ANY OUTSTANDING BALANCE
20 INCURRED BY THE CUSTOMER OR APPLICANT, IF THE CUSTOMER OR
21 APPLICANT HAS AN INCOME EXCEEDING 150% OF THE FEDERAL
22 POVERTY LEVEL BUT NOT GREATER THAN 300% OF THE FEDERAL
23 POVERTY LEVEL.

24 (III) FULL PAYMENT OF ANY RECONNECTION FEES TOGETHER
25 WITH PAYMENT OVER 24 MONTHS OF ANY OUTSTANDING BALANCE
26 INCURRED BY THE CUSTOMER OR APPLICANT IF THE CUSTOMER OR
27 APPLICANT HAS AN INCOME NOT EXCEEDING 150% OF THE FEDERAL
28 POVERTY LEVEL. A CUSTOMER OR APPLICANT OF A CITY NATURAL
29 GAS DISTRIBUTION OPERATION WHOSE HOUSEHOLD INCOME DOES
30 NOT EXCEED 135% OF THE FEDERAL POVERTY LEVEL SHALL BE

1 REINSTATED PURSUANT TO THIS SUBSECTION ONLY IF THE
2 CUSTOMER OR APPLICANT ENROLLS IN THE CUSTOMER ASSISTANCE
3 PROGRAM OF THE CITY NATURAL GAS DISTRIBUTION OPERATION
4 EXCEPT THAT THIS REQUIREMENT SHALL NOT APPLY IF THE
5 FINANCIAL BENEFITS TO SUCH CUSTOMER OR APPLICANT ARE
6 GREATER IF SERVED OUTSIDE OF THAT ASSISTANCE PROGRAM.

7 (D) PAYMENT OF OUTSTANDING BALANCE AT PREMISES.--A PUBLIC
8 UTILITY MAY ALSO REQUIRE THE PAYMENT OF ANY OUTSTANDING BALANCE
9 OR PORTION OF AN OUTSTANDING BALANCE IF THE APPLICANT RESIDED AT
10 THE PROPERTY FOR WHICH SERVICE IS REQUESTED DURING THE TIME THE
11 OUTSTANDING BALANCE ACCRUED AND FOR THE TIME THE APPLICANT
12 RESIDED THERE.

13 (E) APPROVAL.--A PUBLIC UTILITY MAY ESTABLISH THAT AN
14 APPLICANT PREVIOUSLY RESIDED AT A PROPERTY FOR WHICH RESIDENTIAL
15 SERVICE IS REQUESTED THROUGH THE USE OF MORTGAGE, DEED OR LEASE
16 INFORMATION, A COMMERCIALY AVAILABLE CONSUMER CREDIT REPORTING
17 SERVICE OR OTHER METHODS APPROVED AS VALID BY THE COMMISSION.

18 § 1408. SURCHARGES FOR UNCOLLECTIBLE EXPENSES PROHIBITED.

19 THE COMMISSION SHALL NOT GRANT OR ORDER FOR ANY PUBLIC
20 UTILITY A CASH RECEIPTS RECONCILIATION CLAUSE OR ANOTHER
21 AUTOMATIC SURCHARGE MECHANISM FOR UNCOLLECTIBLE EXPENSES. ANY
22 ORDERS BY THE COMMISSION ENTERED AFTER THE EFFECTIVE DATE OF
23 THIS CHAPTER FOR A CASH RECEIPTS RECONCILIATION CLAUSE OR OTHER
24 AUTOMATIC SURCHARGE FOR UNCOLLECTIBLE EXPENSES SHALL BE NULL AND
25 VOID. THIS SECTION SHALL NOT AFFECT ANY CLAUSE ASSOCIATED WITH
26 UNIVERSAL SERVICE AND ENERGY CONSERVATION.

27 § 1409. LATE PAYMENT CHARGE WAIVER.

28 A PUBLIC UTILITY MAY WAIVE LATE PAYMENT CHARGES ON ANY
29 CUSTOMER ACCOUNTS. THE COMMISSION MAY ONLY ORDER A WAIVER OF ANY
30 LATE PAYMENT CHARGES LEVIED BY A PUBLIC UTILITY AS A RESULT OF A

1 DELINQUENT ACCOUNT FOR CUSTOMERS WITH A GROSS MONTHLY HOUSEHOLD
2 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL.

3 § 1410. COMPLAINTS FILED WITH COMMISSION.

4 THE FOLLOWING APPLY:

5 (1) THE COMMISSION SHALL ACCEPT COMPLAINTS ONLY FROM
6 CUSTOMERS WHO AFFIRM THAT THEY HAVE FIRST CONTACTED THE
7 PUBLIC UTILITY FOR THE PURPOSE OF RESOLVING THE PROBLEM ABOUT
8 WHICH THE CUSTOMER WISHES TO FILE A COMPLAINT. IF THE
9 CUSTOMER HAS NOT CONTACTED THE PUBLIC UTILITY, THE COMMISSION
10 SHALL DIRECT THE CUSTOMER TO THE PUBLIC UTILITY.

11 (2) PENDING THE OUTCOME OF A COMPLAINT FILED WITH THE
12 COMMISSION, THE CUSTOMER SHALL BE OBLIGATED TO PAY THAT
13 PORTION OF THE BILL WHICH IS NOT IN DISPUTE AND SUBSEQUENT
14 BILLS WHICH ARE NOT IN DISPUTE.

15 (3) FOR A FORMAL COMPLAINT FILING TO BE VALID, THE
16 CUSTOMER NEEDS TO PROVIDE A STATEMENT ATTESTING TO THE TRUTH
17 AS TO THE FACTS ALLEGED IN THE COMPLAINT. ALL TESTIMONY IN
18 FORMAL COMPLAINT PROCEEDINGS MUST BE UNDER OATH.

19 § 1411. AUTOMATIC METER READINGS.

20 ALL READINGS BY AN AUTOMATIC METER READER DEVICE SHALL BE
21 DEEMED ACTUAL READINGS FOR THE PURPOSES OF THIS TITLE.

22 § 1412. REPORTING OF DELINQUENT CUSTOMERS.

23 A CITY NATURAL GAS DISTRIBUTION OPERATION SHALL REPORT TO THE
24 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ESTABLISHED
25 PURSUANT TO THE ACT OF JUNE 5, 1991 (P.L.9, NO.6), KNOWN AS THE
26 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT FOR
27 CITIES OF THE FIRST CLASS, AN ASSISTED CITY OR CORPORATE ENTITY
28 OF AN ASSISTED CITY, AS THOSE TERMS ARE DEFINED IN THE
29 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT, THAT
30 HAS NOT PAID IN FULL FOR CHARGES FOR SERVICE BY THE DUE DATES

1 STATED ON THE BILL OR OTHERWISE AGREED UPON.

2 § 1413. REPORTING OF RECIPIENTS OF PUBLIC ASSISTANCE.

3 THE DEPARTMENT OF PUBLIC WELFARE SHALL ANNUALLY PROVIDE A
4 CITY NATURAL GAS DISTRIBUTION OPERATION WITH THE LISTING OF
5 RECIPIENTS OF PUBLIC ASSISTANCE IN A CITY OF THE FIRST CLASS. A
6 CITY NATURAL GAS DISTRIBUTION OPERATION SHALL NOT USE THE
7 LISTING FOR ANYTHING BUT QUALIFICATION AND CONTINUED ELIGIBILITY
8 FOR A CUSTOMER ASSISTANCE PROGRAM OR LIHEAP.

9 § 1414. LIENS BY CITY NATURAL GAS DISTRIBUTION OPERATIONS.

10 (A) GENERAL RULE.--A CITY NATURAL GAS DISTRIBUTION OPERATION
11 FURNISHING GAS SERVICE TO A PROPERTY IS ENTITLED TO IMPOSE OR
12 ASSESS A MUNICIPAL CLAIM AGAINST THE PROPERTY AND FILE AS LIENS
13 OF RECORD CLAIMS FOR UNPAID NATURAL GAS DISTRIBUTION SERVICE AND
14 OTHER RELATED COSTS, INCLUDING NATURAL GAS SUPPLY, IN THE COURT
15 OF COMMON PLEAS OF THE COUNTY IN WHICH THE PROPERTY IS SITUATED
16 OR, IF THE CLAIM FOR THE UNPAID NATURAL GAS DISTRIBUTION SERVICE
17 DOES NOT EXCEED THE MAXIMUM AMOUNT OVER WHICH THE MUNICIPAL
18 COURT OF PHILADELPHIA HAS JURISDICTION, IN THE MUNICIPAL COURT
19 OF PHILADELPHIA, PURSUANT TO SECTIONS 3 AND 9 OF THE ACT OF MAY
20 16, 1923 (P.L.207, NO.153), REFERRED TO AS THE MUNICIPAL CLAIM
21 AND TAX LIEN LAW, AND CH. 22 (RELATING TO NATURAL GAS
22 COMPETITION).

23 (B) RESIDENTIAL FIELD VISIT CHARGE.--A CITY NATURAL GAS
24 DISTRIBUTION OPERATION IS AUTHORIZED TO CHARGE A MINIMUM FEE OF
25 \$10 FOR EACH INSTANCE IN WHICH ITS REPRESENTATIVE IS REQUIRED TO
26 VISIT THE RESIDENCE OF A CUSTOMER IN THE PROCESS OF ATTEMPTING
27 TO COMPLETE REQUIRED SERVICE TERMINATION STEPS.

28 (C) REFUSAL OF SERVICE.--THE COMMISSION SHALL PERMIT A CITY
29 NATURAL GAS DISTRIBUTION OPERATION TO REFUSE TO PROVIDE SERVICE
30 TO AN APPLICANT IF THE APPLICANT HAS A PENDING LIEN OR CIVIL

1 JUDGMENT BY THE CITY NATURAL GAS DISTRIBUTION OPERATION
2 OUTSTANDING AGAINST THE APPLICANT OR AGAINST PROPERTY OWNED IN
3 WHOLE OR IN PART BY THE APPLICANT UNLESS THE APPLICANT ENTERS
4 INTO A PAYMENT ARRANGEMENT FOR THE PAYMENT OF THE AMOUNT
5 ASSOCIATED WITH THE LIEN OR JUDGMENT THAT REMAINS OUTSTANDING AT
6 THE TIME OF THE APPLICATION.

7 § 1415. REPORTING TO GENERAL ASSEMBLY AND GOVERNOR.

8 NO LATER THAN TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS
9 CHAPTER, AND EVERY TWO YEARS THEREAFTER, THE COMMISSION SHALL
10 SUBMIT A REPORT TO THE GOVERNOR, THE CHIEF CLERK OF THE HOUSE OF
11 REPRESENTATIVES AND THE SECRETARY OF THE SENATE REVIEWING THE
12 IMPLEMENTATION OF THE PROVISIONS OF THIS CHAPTER. THE REPORT
13 SHALL INCLUDE, BUT NOT BE LIMITED TO:

14 (1) THE DEGREE TO WHICH THE CHAPTER'S REQUIREMENTS HAVE
15 BEEN SUCCESSFULLY IMPLEMENTED.

16 (2) THE EFFECT UPON THE CASH WORKING CAPITAL OR CASH
17 FLOW, UNCOLLECTIBLE LEVELS AND COLLECTIONS OF THE AFFECTED
18 PUBLIC UTILITIES.

19 (3) THE LEVEL OF ACCESS TO UTILITY SERVICES BY
20 RESIDENTIAL CUSTOMERS INCLUDING LOW-INCOME CUSTOMERS.

21 (4) THE EFFECT UPON THE LEVEL OF CONSUMER COMPLAINTS AND
22 MEDIATIONS FILED WITH AND ADJUDICATED BY THE COMMISSION.

23 PUBLIC UTILITIES AFFECTED BY THIS CHAPTER SHALL PROVIDE DATA
24 REQUIRED BY THE COMMISSION TO COMPLETE THIS REPORT. IN ITS
25 RECOMMENDATIONS, THE COMMISSION MAY ALSO PROPOSE ANY LEGISLATIVE
26 OR OTHER CHANGES WHICH IT DEEMS APPROPRIATE TO THE GOVERNOR AND
27 THE GENERAL ASSEMBLY.

28 § 1416. NOTICE.

29 WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT, PUBLIC
30 UTILITIES AFFECTED BY THIS CHAPTER SHALL PROVIDE NOTICE TO THE

1 CUSTOMERS EXPLAINING THE CHANGES TO BE IMPLEMENTED.

2 § 1417. NONAPPLICABILITY.

3 THIS CHAPTER SHALL NOT APPLY TO VICTIMS UNDER A PROTECTION
4 FROM ABUSE ORDER AS PROVIDED BY 23 PA.C.S. CH. 61 (RELATING TO
5 PROTECTION FROM ABUSE).

6 § 1418. CONSTRUCTION.

7 NOTHING IN THIS CHAPTER SHALL AFFECT ANY RIGHTS OR PROCEDURE
8 UNDER THE ACT OF NOVEMBER 26, 1978 (P.L.1255, NO.299), KNOWN AS
9 THE UTILITY SERVICE TENANTS RIGHTS ACT.

10 SECTION 4. THE FOLLOWING SHALL APPLY:

11 (1) THE ADDITION OF 66 PA.C.S. CH. 14 SUPERSEDES ANY
12 INCONSISTENT REQUIREMENTS IMPOSED BY LAW ON PUBLIC UTILITIES,
13 INCLUDING, BUT NOT LIMITED TO, REQUIREMENTS IMPOSED BY 52 PA.
14 CODE §§ 56.32, 56.33, 56.35, 56.41, 56.51, 56.53, 56.81,
15 56.82, 56.83, 56.91, 56.93, 56.94, 56.95, 56.96, 56.100,
16 56.101, 56.111, 56.112, 56.113, 56.114, 56.115, 56.116,
17 56.117, 56.181 AND 56.191.

18 (2) ALL OTHER REGULATIONS ARE ABROGATED TO THE EXTENT OF
19 ANY INCONSISTENCY WITH 66 PA.C.S. CH. 14.

20 (3) ALL ORDINANCES OF ANY CITY OF THE FIRST CLASS ARE
21 ABROGATED TO THE EXTENT THEY ARE INCONSISTENT WITH 66 PA.C.S.
22 CH. 14.

23 SECTION 5. THE ADDITION OF 66 PA.C.S. CH. 14 SHALL EXPIRE ON
24 DECEMBER 31, 2014, UNLESS SOONER REENACTED BY THE GENERAL
25 ASSEMBLY.

26 SECTION 6. THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL
27 AMEND THE PROVISIONS OF 52 PA. CODE CH. 56 TO COMPLY WITH THE
28 PROVISIONS OF 66 PA.C.S. CH. 14 AND MAY PROMULGATE OTHER
29 REGULATIONS TO ADMINISTER AND ENFORCE 66 PA.C.S. CH. 14, BUT
30 PROMULGATION OF ANY SUCH REGULATION SHALL NOT ACT TO DELAY THE

1 IMPLEMENTATION OR EFFECTIVENESS OF THIS CHAPTER.

2 SECTION 7. THIS ACT SHALL TAKE EFFECT IN 14 DAYS.