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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. **939** Session of  
2013

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 INTRODUCED BY GODSHALL, V. BROWN, P. DALEY, PICKETT, KILLION AND  
HARHART, MARCH 12, 2013
 

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 SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, OCTOBER 6, 2014
 

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## AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, IN ADMINISTRATION, FURTHER PROVIDING <--  
3 FOR ASSESSMENT FOR REGULATORY EXPENSES UPON PUBLIC UTILITIES;  
4 in responsible utility customer protection: ~~further~~, FURTHER <--  
5 providing for definitions, for cash deposits and household  
6 information requirements, for payment agreements, for  
7 termination of utility service, for reconnection of service,  
8 for late payment charge waiver and for complaints filed with  
9 commission~~r~~, providing for public utility duties~~r~~ and, <--  
10 further providing for automatic meter readings, for reporting  
11 to General Assembly and Governor, for nonapplicability and  
12 for construction: AND PROVIDING FOR EXPIRATION; IN NATURAL <--  
13 GAS COMPETITION, FURTHER PROVIDING FOR REQUIREMENTS FOR  
14 NATURAL GAS SUPPLIERS; AND, IN RESTRUCTURING OF ELECTRIC  
15 UTILITY INDUSTRY, FURTHER PROVIDING FOR REQUIREMENTS FOR  
16 ELECTRIC GENERATION SUPPLIERS.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 ~~Section 1. The definitions of "applicant," "customer,"~~ <--  
20 ~~"payment agreement" and "public utility," in section 1403 of~~  
21 ~~Title 66 of the Pennsylvania Consolidated Statutes are amended~~  
22 ~~and the section is amended by adding definitions to read:~~

23 SECTION 1. THE GENERAL ASSEMBLY FINDS AND DECLARES AS <--  
24 FOLLOWS:

1 (1) RESPONSIBLE UTILITY CUSTOMER PROTECTION IS A  
2 FUNDAMENTAL GOAL OF TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED  
3 STATUTES FOR PUBLIC UTILITIES AND LICENSED ENTITIES.

4 (2) AMENDMENTS TO 66 PA.C.S. CH. 14 IN THIS ACT ARE  
5 NECESSARY TO ACHIEVE THE GOAL UNDER PARAGRAPH (1).

6 (3) IN ORDER TO IMPLEMENT PARAGRAPH (2), FUNDING CHANGES  
7 ARE NECESSARY IN:

8 (I) ASSESSMENT FOR REGULATORY EXPENSES UNDER 66  
9 PA.C.S. § 510(A); AND

10 (II) FEES FOR OVERSIGHT OF ELECTRIC GENERATION  
11 SUPPLIERS AND NATURAL GAS SUPPLIERS.

12 SECTION 1.1. SECTION 510(A) OF TITLE 66 IS AMENDED TO READ:  
13 § 510. ASSESSMENT FOR REGULATORY EXPENSES UPON PUBLIC  
14 UTILITIES.

15 (A) DETERMINATION OF ASSESSMENT.--BEFORE NOVEMBER 1 OF EACH  
16 YEAR, THE COMMISSION SHALL ESTIMATE ITS TOTAL EXPENDITURES IN  
17 THE ADMINISTRATION OF THIS PART FOR THE FISCAL YEAR BEGINNING  
18 JULY OF THE FOLLOWING YEAR, WHICH ESTIMATE SHALL NOT EXCEED  
19 THREE-TENTHS OF 1% OF THE TOTAL GROSS INTRASTATE OPERATING  
20 REVENUES OF THE PUBLIC UTILITIES AND LICENSED ENTITIES UNDER ITS  
21 JURISDICTION FOR THE PRECEDING CALENDAR YEAR[.], EXCEPT THAT THE  
22 ESTIMATE MAY EXCEED THIS AMOUNT TO REFLECT FEDERAL FUNDS  
23 RECEIVED BY THE COMMISSION AND FUNDS RECEIVED FROM OTHER SOURCES  
24 TO PERFORM FUNCTIONS THAT ARE UNRELATED TO THE REGULATION OF  
25 PUBLIC UTILITIES AND LICENSED ENTITIES. SUCH ESTIMATE SHALL BE  
26 SUBMITTED TO THE GOVERNOR IN ACCORDANCE WITH SECTION 610 OF THE  
27 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS ["]THE  
28 ADMINISTRATIVE CODE OF 1929.["] AT THE SAME TIME THE COMMISSION  
29 SUBMITS ITS ESTIMATE TO THE GOVERNOR, THE COMMISSION SHALL ALSO  
30 SUBMIT THAT ESTIMATE TO THE GENERAL ASSEMBLY. THE COMMISSION OR

1 ITS DESIGNATED REPRESENTATIVES SHALL BE AFFORDED AN OPPORTUNITY  
2 TO APPEAR BEFORE THE GOVERNOR AND THE SENATE AND HOUSE  
3 APPROPRIATIONS COMMITTEES REGARDING THEIR ESTIMATES. THE  
4 COMMISSION SHALL SUBTRACT FROM THE FINAL ESTIMATE:

5 (1) THE ESTIMATED FEES TO BE COLLECTED PURSUANT TO  
6 SECTION 317 (RELATING TO FEES FOR SERVICES RENDERED BY  
7 COMMISSION) DURING SUCH FISCAL YEAR.

8 (2) THE ESTIMATED BALANCE OF THE APPROPRIATION,  
9 SPECIFIED IN SECTION 511 (RELATING TO DISPOSITION,  
10 APPROPRIATION AND DISBURSEMENT OF ASSESSMENTS AND FEES), TO  
11 BE CARRIED OVER INTO SUCH FISCAL YEAR FROM THE PRECEDING ONE.  
12 THE REMAINDER SO DETERMINED, HEREIN CALLED THE TOTAL ASSESSMENT,  
13 SHALL BE ALLOCATED TO, AND PAID BY, SUCH PUBLIC UTILITIES IN THE  
14 MANNER PRESCRIBED. IF THE GENERAL ASSEMBLY FAILS TO APPROVE THE  
15 COMMISSION'S BUDGET FOR THE PURPOSES OF THIS PART, BY MARCH 30,  
16 THE COMMISSION SHALL ASSESS PUBLIC UTILITIES ON THE BASIS OF THE  
17 LAST APPROVED OPERATING BUDGET. AT SUCH TIME AS THE GENERAL  
18 ASSEMBLY APPROVES THE PROPOSED BUDGET THE COMMISSION SHALL HAVE  
19 THE AUTHORITY TO MAKE AN ADJUSTMENT IN THE ASSESSMENTS TO  
20 REFLECT THE APPROVED BUDGET. IF, SUBSEQUENT TO THE APPROVAL OF  
21 THE BUDGET, THE COMMISSION DETERMINES THAT A SUPPLEMENTAL BUDGET  
22 MAY BE NEEDED, THE COMMISSION SHALL SUBMIT ITS REQUEST FOR THAT  
23 SUPPLEMENTAL BUDGET SIMULTANEOUSLY TO THE GOVERNOR AND THE  
24 CHAIRMEN OF THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES.

25 \* \* \*

26 SECTION 1.2. THE DEFINITIONS OF "APPLICANT," "CUSTOMER,"  
27 "PAYMENT AGREEMENT" AND "PUBLIC UTILITY" IN SECTION 1403 OF  
28 TITLE 66 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING  
29 DEFINITIONS TO READ:  
30 § 1403. Definitions.

1 The following words and phrases when used in this chapter  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Applicant." A natural person not currently receiving  
5 service who applies for residential service provided by a public  
6 utility or any adult occupant whose name appears on the  
7 mortgage, deed or lease of the property for which the  
8 residential utility service is requested. The term does not  
9 include a person who, within 30 days after service termination  
10 or discontinuance of service, seeks to have service reconnected  
11 at the same location or transferred to another location within  
12 the service territory of the public utility.

13 \* \* \*

14 "Creditworthiness." An assessment of an applicant's or  
15 customer's ability to meet bill payment obligations for utility  
16 service.

17 "Customer." A natural person in whose name a residential  
18 service account is listed and who is primarily responsible for  
19 payment of bills rendered for the service or any adult occupant  
20 whose name appears on the mortgage, deed or lease of the  
21 property for which the residential utility service is requested.  
22 The term includes a person who, within 30 days after service  
23 termination or discontinuance of service, seeks to have service  
24 reconnected at the same location or transferred to another  
25 location within the service territory of the public utility.

26 \* \* \*

27 "Medical Certificate." A written document, in a form  
28 approved by the commission:

29 (1) certifying that a customer or member of the  
30 customer's household is seriously ill or afflicted with a <--

1 ~~medical condition which will be aggravated by cessation of~~  
2 ~~service~~ HAS BEEN DIAGNOSED WITH A MEDICAL CONDITION WHICH  
3 REQUIRES THE CONTINUATION OF SERVICE TO TREAT THE MEDICAL  
4 CONDITION; and

5 (2) signed by a licensed physician, nurse practitioner  
6 or physician's assistant.

7 \* \* \*

8 "Payment [agreement] arrangement." An agreement whereby a  
9 customer who admits liability for billed service is permitted to  
10 amortize or pay the unpaid balance of the account in one or more  
11 payments.

12 "Public utility." Any electric distribution utility, natural  
13 gas distribution utility, small natural gas distribution  
14 utility, steam heat utility, wastewater utility or water  
15 distribution utility in this Commonwealth that is within the  
16 jurisdiction of the Pennsylvania Public Utility Commission.

17 \* \* \*

18 "Small natural gas distribution utility." A public utility  
19 providing natural gas distribution services subject to the  
20 jurisdiction of the commission that:

21 (1) has annual gas operating revenues of less than  
22 \$6,000,000 per year; or

23 (2) is not connected to an interstate gas pipeline by  
24 means of a direct connection or any indirect connection  
25 through the distribution system of another natural gas public  
26 utility or through a natural gas gathering system.

27 "Steam heat utility." An entity producing, generating,  
28 distributing or furnishing steam for the production of heat or  
29 to or for the public for compensation.

30 "Wastewater utility." An entity owning or operating

1 equipment or facilities for the collection, treatment or  
2 disposal of sewage to or for the public for compensation. The  
3 term includes separate companies that individually provide water  
4 or wastewater service so long as the separate companies are  
5 wholly owned by a common parent company.

6 \* \* \*

7 Section 2. ~~Sections~~ SECTION 1404(a) introductory paragraph, <--  
8 (1) (v), (2) and (3), (c) (1) and (6), (e) and (h), ~~1405 heading,~~ <--  
9 ~~(a), (b) introductory paragraph and (2), (c), (d), (e) and (f)~~  
10 of Title 66 are amended AND THE SECTION IS AMENDED BY ADDING A <--  
11 SUBSECTION to read:

12 § 1404. Cash deposits and household information requirements.

13 (a) General rule.--In addition to the right to collect a  
14 deposit under any commission regulation or order, the commission  
15 shall not prohibit a public utility, [prior to or as a condition  
16 of providing utility service,] from requiring a cash deposit,  
17 payable during a 90-day period in accordance with commission  
18 regulations, in an amount that is equal to one-sixth of the  
19 applicant's estimated annual bill, at the time the public  
20 utility determines a deposit is required, from the following:

21 (1) An applicant who previously received utility  
22 distribution services and was a customer of the public  
23 utility and whose service was terminated for any of the  
24 following reasons:

25 \* \* \*

26 (v) Failure to comply with the material terms of a  
27 settlement or payment [agreement] arrangement.

28 \* \* \*

29 (2) Any applicant or customer who is unable to establish  
30 creditworthiness to the satisfaction of the public utility

1 through the use of a generally accepted credit scoring  
2 methodology, as provided in a commission approved tariff, and  
3 which employs standards for using the methodology that fall  
4 within the range of general industry practice.

5 (3) A customer who fails to comply with a material term  
6 or condition of a settlement or payment [agreement]  
7 arrangement.

8 (A.1) CASH DEPOSIT PROHIBITION.--NOTWITHSTANDING SUBSECTION <--

9 (A) NO PUBLIC UTILITY MAY REQUIRE A CUSTOMER OR APPLICANT THAT  
10 IS CONFIRMED TO BE ELIGIBLE FOR A CUSTOMER ASSISTANCE PROGRAM TO  
11 PROVIDE A CASH DEPOSIT.

12 \* \* \*

13 (c) Deposit hold period.--

14 (1) A public utility may hold a deposit until a timely  
15 payment history is established [or for a maximum period of 24  
16 months].

17 \* \* \*

18 (6) The public utility shall accrue interest on the  
19 deposit until it is returned or credited [the legal rate of  
20 interest pursuant to section 202 of the act of January 30,  
21 1974 (P.L.13, No.6), referred to as the Loan Interest and  
22 Protection Law, and return such interest with the deposit].

23 (i) Interest shall be computed at the simple annual  
24 interest rate determined by the Secretary of Revenue for  
25 interest on the underpayment of tax under section 806 of  
26 the act of April 9, 1929 (P.L.343, No.176), known as The  
27 Fiscal Code.

28 (ii) The interest rate in effect when deposit is  
29 required to be paid shall remain in effect until the  
30 later of:

1                   (A) the date the deposit is refunded or  
2                   credited; or  
3                   (B) December 31.  
4                   (iii) On January 1 of each year, the new interest  
5                   rate for that year will apply to the deposit.

6                   \* \* \*

7                   (e) Failure to pay full amount of cash deposit.--A public  
8 utility shall not be required to provide service if the  
9 applicant or customer fails to pay the full amount of the cash  
10 deposit within the time period under subsection (a).

11                   \* \* \*

12                   (h) Time for paying deposits upon reconnection.--Applicants  
13 and customers required to pay a deposit upon reconnection under  
14 subsection (a)(1) shall have up to 90 days to pay the deposit in  
15 accordance with commission regulations.

16                   SECTION 2.1. SECTION 1405 HEADING, (A), (B) INTRODUCTORY                   <--  
17 PARAGRAPH AND (2), (C), (D), (E) AND (F) OF TITLE 66 ARE AMENDED  
18 TO READ:

19 § 1405. Payment [agreements] arrangements.

20                   (a) General rule.--The commission is authorized to  
21 investigate complaints regarding payment disputes between a  
22 public utility, applicants and customers. The commission is  
23 authorized to establish payment [agreements] arrangements  
24 between a public utility, customers and applicants within the  
25 limits established by this chapter.

26                   (b) Length of payment [agreements] arrangements--The length  
27 of time for a customer to resolve an unpaid balance on an  
28 account that is subject to a payment [agreement] arrangement  
29 that is investigated by the commission and is entered into by a  
30 public utility and a customer shall not extend beyond:



1 \* \* \*

2 (2) [Two] Three years for customers with a gross monthly  
3 household income level exceeding 150% and not more than 250%  
4 of the Federal poverty level.

5 \* \* \*

6 (c) Customer assistance programs.--Customer assistance  
7 program rates shall be timely paid and shall not be the subject  
8 of payment [agreements] arrangements negotiated or approved by  
9 the commission.

10 (d) Number of payment [agreements] arrangements.--Absent a  
11 change in income, the commission shall not establish or order a  
12 public utility to establish a second or subsequent payment  
13 [agreement] arrangement if a customer has defaulted on a  
14 previous payment [agreement] arrangement established by a  
15 commission order or decision. A public utility may, at its  
16 discretion, enter into a second or subsequent payment  
17 [agreement] arrangement with a customer.

18 (e) Extension of payment [agreements] arrangements.--If the  
19 customer defaults on a payment [agreement] arrangements  
20 established under subsections (a) and (b) as a result of a  
21 significant change in circumstance, the commission may reinstate  
22 the payment [agreement] arrangement and extend the remaining  
23 term for an initial period of six months. The initial extension  
24 period may be extended for an additional six months for good  
25 cause shown.

26 (f) Failure to comply with payment [agreement]  
27 arrangement.--Failure of a customer to comply with the terms of  
28 a payment [agreement] arrangement shall be grounds for a public  
29 utility to terminate the customer's service. Pending the outcome  
30 of a complaint filed with the commission, a customer shall be

1 obligated to pay that portion of the bill which is not in  
2 dispute and subsequent bills which are not in dispute.

3 Section 3. Section 1406(a)(2), (b)(1)(ii), (d), (f), (g) and  
4 (h)(1) of Title 66 are amended and subsection (c)(1) is amended  
5 by adding a subparagraph to read:

6 § 1406. Termination of utility service.

7 (a) Authorized termination.--A public utility may notify a  
8 customer and terminate service provided to a customer after  
9 notice as provided in subsection (b) for any of the following  
10 actions by the customer:

11 \* \* \*

12 (2) Failure to comply with the material terms of a  
13 payment [agreement] arrangement.

14 \* \* \*

15 (b) Notice of termination of service.--

16 (1) Prior to terminating service under subsection (a), a  
17 public utility:

18 \* \* \*

19 (ii) Shall attempt to contact the customer or  
20 occupant[, either in person or by telephone, to provide  
21 notice of the proposed termination at least three days  
22 prior to the scheduled termination.] to provide notice of  
23 the proposed termination at least three days prior to the  
24 scheduled termination using one or more of the following  
25 methods:

26 (A) in person;

27 (B) by telephone. Phone contact shall be deemed  
28 complete upon attempted calls on two separate days to  
29 the residence between the hours of [7] 8 a.m. and 9  
30 p.m. if the calls were made at various times each

1 day[.]; or  
2 (C) by email, text message or other electronic  
3 messaging format, if the customer consented to be <--  
4 contacted using the method. CONSISTENT WITH THE <--  
5 COMMISSION'S PRIVACY GUIDELINES AND APPROVED BY  
6 COMMISSION ORDER.

7 (D) IN THE CASE OF ELECTRONIC NOTIFICATION ONLY,  
8 THE CUSTOMER MUST AFFIRMATIVELY CONSENT TO BE  
9 CONTACTED USING A SPECIFIC ELECTRONIC MESSAGING  
10 FORMAT, FOR PURPOSE OF TERMINATION.

11 \* \* \*

12 (c) Grounds for immediate termination.--

13 (1) A public utility may immediately terminate service  
14 for any of the following actions by the customer:

15 \* \* \*

16 (v) Tendering payment for reconnection of service  
17 that is subsequently dishonored, revoked, canceled or  
18 otherwise not authorized under subsection (h)- AND WHICH <--  
19 HAS NOT BEEN CURED OR OTHERWISE MADE FULL PAYMENT WITHIN  
20 THREE BUSINESS DAYS OF THE UTILITY'S NOTICE TO THE  
21 CUSTOMER, MADE IN ACCORDANCE WITH THE NOTICE PROVISIONS  
22 OF SUBSECTION (B) (1) (II), OF THE DISHONORED PAYMENT.

23 \* \* \*

24 (d) Timing of termination.--

25 ~~(1)~~ Notwithstanding the provisions of section 1503 <--  
26 (relating to discontinuance of service), a public utility may  
27 terminate service for the reasons set forth in subsection (a)  
28 from Monday through [Friday] Thursday as long as the public  
29 utility can accept payment to restore service on the  
30 following day and can restore service consistent with section

1 1407 (relating to reconnection of service).

2 ~~(2) A public utility may terminate service on a Friday~~ <--  
3 ~~as long as the public utility is able to:~~

4 ~~(i) accept payment to restore service until 12 p.m.~~  
5 ~~on a Saturday; and~~

6 ~~(ii) restore service by 6 p.m. on that day.~~

7 \* \* \*

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] a customer has submitted a medical certificate to the  
14 public utility. The customer shall obtain a [letter from a  
15 licensed physician] medical certificate verifying the condition  
16 and shall promptly forward it to the public utility. The medical  
17 certification procedure shall be implemented in accordance with  
18 commission regulations.

19 (g) Qualification for LIHEAP.--A notice of termination to a  
20 customer of a public utility shall be sufficient proof of a  
21 crisis for a customer with the requisite income level to receive  
22 a LIHEAP Crisis Grant from the Department of Public Welfare or  
23 its designee as soon as practicable after the date of the  
24 notice. Termination of service is not necessary to demonstrate  
25 sufficient proof of crisis.

26 (h) Dishonorable tender of payment after receiving  
27 termination notice.--

28 (1) After a public utility has provided a written  
29 termination notice under subsection (b)(1)(i) and attempted  
30 telephone contact as provided in subsection (b)(1)(ii),

1 termination of service may proceed without additional notice  
2 if:

3 (i) a customer tenders payment which is subsequently  
4 dishonored under 13 Pa.C.S. § 3502 (relating to  
5 dishonor); [or]

6 (ii) a customer tenders payment with an access  
7 device, as defined in 18 Pa.C.S. § 4106(d) (relating to  
8 access device fraud), which is unauthorized, revoked or  
9 canceled[.]; or

10 (iii) a customer tenders payment electronically that  
11 is subsequently dishonored, revoked, canceled or is  
12 otherwise not authorized. AND WHICH HAS NOT BEEN CURED OR <--  
13 OTHERWISE MADE FULL PAYMENT WITHIN THREE BUSINESS DAYS OF  
14 THE UTILITY'S NOTICE TO THE CUSTOMER, MADE IN ACCORDANCE  
15 WITH THE NOTICE PROVISIONS OF SUBSECTION (B) (1) (II), OF  
16 THE DISHONORED PAYMENT.

17 Section 4. Section 1407(c) (2) (i) ~~introductory paragraph of <--~~  
18 ~~Title 66 is amended and subsections (b) and (c) are amended by <--~~  
19 ~~adding paragraphs~~ OF TITLE 66 IS AMENDED AND SUBSECTION (C) IS <--  
20 AMENDED BY ADDING A PARAGRAPH to read:

21 § 1407. Reconnection of service.

22 \* \* \*

23 ~~(b) Timing. When service to a dwelling has been terminated <--~~  
24 ~~and provided the applicant has met all applicable conditions,~~  
25 ~~the public utility shall reconnect service as follows:~~

26 \* \* \*

27 ~~(6) By 6 p.m. on a Saturday for a Friday termination <--~~  
28 ~~under section 1406(d) (2) (relating to termination of utility~~  
29 ~~service).~~

30 (c) Payment to restore service.--

1 \* \* \*

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] arrangements. If a customer or  
9 applicant with household income exceeding 300% of the  
10 Federal poverty level experiences a life event, the  
11 customer shall be permitted a period of not more than  
12 three months to pay the outstanding balance required for  
13 reconnection. For purposes of this subparagraph, a life  
14 event is:

15 \* \* \*

16 (3) Payment tendered by a customer to reconnect service  
17 that is subsequently dishonored, revoked, canceled or is  
18 otherwise not authorized under section 1406(h) (1) AND WHICH <--  
19 HAS NOT BEEN CURED OR OTHERWISE MADE FULL PAYMENT WITHIN  
20 THREE BUSINESS DAYS OF THE UTILITY'S NOTICE TO THE CUSTOMER,  
21 MADE IN ACCORDANCE WITH THE NOTICE PROVISIONS OF SECTION  
22 1406(B) (1) (II), OF THE DISHONORED PAYMENT is grounds for  
23 immediate termination under section 1406(c). A public utility  
24 may require a customer or applicant to cure a dishonored  
25 payment, as provided for in section 1406(h) as a condition of  
26 entering into a payment agreement with the customer or  
27 applicant for a remaining account balance.

28 \* \* \*

29 Section 5. Sections 1409 and 1410 of Title 66 are amended to  
30 read:

1 § 1409. Late payment charge waiver.

2 A public utility [may] SHALL waive late payment charges on <--  
3 any customer accounts if the charges were improperly assessed.  
4 The commission may [only] order a waiver of any late payment  
5 charges levied by a public utility as a result of a delinquent  
6 account for customers with a gross monthly household income not  
7 exceeding 150% of the Federal poverty level.

8 § 1410. Complaints filed with commission.

9 The following apply:

10 (1) The commission shall accept formal and informal  
11 complaints only from customers or applicants who affirm that  
12 they have first contacted the public utility for the purpose  
13 of resolving the problem about which the customer wishes to  
14 file a complaint. If the customer has not contacted the  
15 public utility, the commission shall direct the customer to  
16 the public utility.

17 (2) Pending the outcome of a formal or informal  
18 complaint filed with the commission, the customer shall be  
19 obligated to pay that portion of the bill which is not in  
20 dispute and subsequent bills which are not in dispute.

21 (3) For a formal complaint filing to be valid, the  
22 customer [needs to] or applicant must provide a statement  
23 attesting to the truth as to the facts alleged in the  
24 complaint. All testimony in formal complaint proceedings must  
25 be under oath.

26 Section 6. Title 66 is amended by adding a section to read:

27 § 1410.1. Public utility duties.

28 When a customer or applicant contacts a public utility to  
29 make a payment agreement as required by section 1410 (relating  
30 to complaints filed with commission), the public utility shall:

1       (1) provide information about the public utility's  
2 universal service programs, including a customer assistance  
3 program; and

4       (2) refer the customer or applicant to the universal  
5 service program administrator of the public utility to  
6 determine eligibility for a program and to apply for  
7 enrollment in a program.

8       (3) THE PUBLIC UTILITY SHALL HAVE AN AFFIRMATIVE       <--  
9 RESPONSIBILITY TO ATTEMPT TO COLLECT PAYMENT ON AN OVERDUE  
10 ACCOUNT. THE UTILITY SHALL REPORT TO THE COMMISSION ANNUALLY  
11 RESIDENTIAL CUSTOMER ACCOUNTS WHICH HAVE ACCUMULATED \$10,000  
12 OR MORE IN ARREARAGES AND SHALL DEMONSTRATE WHAT EFFORTS ARE  
13 BEING TAKEN TO COLLECT THE ARREARAGES. FAILURE TO MAKE  
14 REASONABLE ATTEMPTS TO COLLECT PAYMENTS ON OVERDUE ACCOUNTS  
15 WITH ARREARAGES IN EXCESS OF \$10,000 MAY RESULT IN CIVIL  
16 FINES OR OTHER APPROPRIATE SANCTIONS BY THE COMMISSION.

17       (4) THE PUBLIC UTILITY SHALL REPORT TO THE COMMISSION ON  
18 AN ANNUAL BASIS THE NUMBER OF MEDICAL CERTIFICATES AND  
19 RENEWALS SUBMITTED AND ACCEPTED IN THE SERVICE TERRITORY.

20       Section 7. Sections 1411, 1415 introductory paragraph, 1417  
21 and 1418 of Title 66 are amended to read:

22       § 1411. Automatic meter readings.

23       All readings by an automatic meter reader device shall be  
24 deemed actual readings for the purposes of this title. Upon a  
25 customer request, the public utility shall secure an in-person  
26 meter reading to confirm the accuracy of an automatic meter  
27 reading device when a customer disconnects service or a new  
28 service request is received. A public utility may charge a fee,  
29 as provided in a commission-approved tariff.

30       § 1415. Reporting to General Assembly and Governor.



1 No later than [two] five years following the effective date  
2 of this chapter and every [two] five years thereafter, the  
3 commission shall submit a report to the Governor, the Chief  
4 Clerk of the House of Representatives and the Secretary of the  
5 Senate reviewing the implementation of the provisions of this  
6 chapter. The report shall include, but not be limited to:

7 \* \* \*

8 § 1417. Nonapplicability.

9 This chapter shall not apply to victims under a protection  
10 from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to  
11 protection from abuse) ~~or legally equivalent order issued by a~~ <--  
12 ~~court of competent jurisdiction in this Commonwealth.~~ OR A COURT <--  
13 ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION IN THIS  
14 COMMONWEALTH, WHICH PROVIDES CLEAR EVIDENCE OF DOMESTIC VIOLENCE  
15 AGAINST THE APPLICANT OR CUSTOMER.

16 § 1418. Construction.

17 Nothing in this chapter shall affect any rights or procedure  
18 under the act of November 26, 1978 (P.L.1255, No.299), known as  
19 the Utility Service Tenants Rights Act or the provisions of  
20 Subchapter B of Chapter 15 (relating to discontinuance of  
21 service to leased premises).

22 SECTION 8. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ: <--

23 § 1419. EXPIRATION.

24 THIS CHAPTER SHALL EXPIRE DECEMBER 31, 2024.

25 SECTION 9. SECTIONS 2208 AND 2809 OF TITLE 66 ARE AMENDED BY  
26 ADDING SUBSECTIONS TO READ:

27 § 2208. REQUIREMENTS FOR NATURAL GAS SUPPLIERS.

28 \* \* \*

29 (H) ANNUAL FEES.--THE COMMISSION MAY ESTABLISH, BY ORDER OR  
30 RULE, ON A REASONABLE COST BASIS, FEES TO BE CHARGED FOR ANNUAL

1 ACTIVITIES RELATED TO THE OVERSIGHT OF NATURAL GAS SUPPLIERS.

2 § 2809. REQUIREMENTS FOR ELECTRIC GENERATION SUPPLIERS.

3 \* \* \*

4 (G) ANNUAL FEES.--THE COMMISSION MAY ESTABLISH, BY ORDER OR  
5 RULE, ON A REASONABLE COST BASIS, FEES TO BE CHARGED FOR ANNUAL  
6 ACTIVITIES RELATED TO THE OVERSIGHT OF ELECTRIC GENERATION  
7 SUPPLIERS.

8 Section & 10. This act shall take effect in 60 days.

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