

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 939 Session of 2013

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

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 25, 2013

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in responsible utility customer
3 protection, further defining "public utility" and defining <--
4 "wastewater utility.": FURTHER PROVIDING FOR DEFINITIONS, FOR <--
5 CASH DEPOSITS AND HOUSEHOLD INFORMATION REQUIREMENTS, FOR
6 PAYMENT AGREEMENTS, FOR TERMINATION OF UTILITY SERVICE, FOR
7 RECONNECTION OF SERVICE, FOR LATE PAYMENT CHARGE WAIVER AND
8 FOR COMPLAINTS FILED WITH COMMISSION; PROVIDING FOR PUBLIC
9 UTILITY DUTIES; AND FURTHER PROVIDING FOR AUTOMATIC METER
10 READINGS, FOR REPORTING TO GENERAL ASSEMBLY AND GOVERNOR, FOR
11 NONAPPLICABILITY AND FOR CONSTRUCTION.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The definition of "public utility" in section <--
15 1403 of Title 66 of the Pennsylvania Consolidated Statutes is
16 amended and the section is amended by adding a definition to
17 read:

18 § 1403. Definitions.

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

22 * * *

1 ~~"Public utility." Any electric distribution utility, natural~~
2 ~~gas distribution utility [or], water distribution utility or~~
3 ~~wastewater utility in this Commonwealth that is within the~~
4 ~~jurisdiction of the Pennsylvania Public Utility Commission.~~

5 * * *

6 ~~"Wastewater utility." An entity owning or operating~~
7 ~~equipment or facilities for the collection, treatment or~~
8 ~~disposal of sewage for the public for compensation.~~

9 * * *

10 ~~Section 2. This act shall take effect in 60 days.~~

11 SECTION 1. THE DEFINITIONS OF "APPLICANT," "CUSTOMER," <--
12 "PAYMENT AGREEMENT" AND "PUBLIC UTILITY," IN SECTION 1403 OF
13 TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
14 AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:
15 § 1403. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "APPLICANT." A NATURAL PERSON NOT CURRENTLY RECEIVING
20 SERVICE WHO APPLIES FOR RESIDENTIAL SERVICE PROVIDED BY A PUBLIC
21 UTILITY OR ANY ADULT OCCUPANT WHOSE NAME APPEARS ON THE
22 MORTGAGE, DEED OR LEASE OF THE PROPERTY FOR WHICH THE
23 RESIDENTIAL UTILITY SERVICE IS REQUESTED. THE TERM DOES NOT
24 INCLUDE A PERSON WHO, WITHIN 30 DAYS AFTER SERVICE TERMINATION
25 OR DISCONTINUANCE OF SERVICE, SEEKS TO HAVE SERVICE RECONNECTED
26 AT THE SAME LOCATION OR TRANSFERRED TO ANOTHER LOCATION WITHIN
27 THE SERVICE TERRITORY OF THE PUBLIC UTILITY.

28 * * *

29 "CREDITWORTHINESS." AN ASSESSMENT OF AN APPLICANT'S OR
30 CUSTOMER'S ABILITY TO MEET BILL PAYMENT OBLIGATIONS FOR UTILITY

1 SERVICE.

2 "CUSTOMER." A NATURAL PERSON IN WHOSE NAME A RESIDENTIAL
3 SERVICE ACCOUNT IS LISTED AND WHO IS PRIMARILY RESPONSIBLE FOR
4 PAYMENT OF BILLS RENDERED FOR THE SERVICE OR ANY ADULT OCCUPANT
5 WHOSE NAME APPEARS ON THE MORTGAGE, DEED OR LEASE OF THE
6 PROPERTY FOR WHICH THE RESIDENTIAL UTILITY SERVICE IS REQUESTED.
7 THE TERM INCLUDES A PERSON WHO, WITHIN 30 DAYS AFTER SERVICE
8 TERMINATION OR DISCONTINUANCE OF SERVICE, SEEKS TO HAVE SERVICE
9 RECONNECTED AT THE SAME LOCATION OR TRANSFERRED TO ANOTHER
10 LOCATION WITHIN THE SERVICE TERRITORY OF THE PUBLIC UTILITY.

11 * * *

12 "MEDICAL CERTIFICATE." A WRITTEN DOCUMENT, IN A FORM
13 APPROVED BY THE COMMISSION:

14 (1) CERTIFYING THAT A CUSTOMER OR MEMBER OF THE
15 CUSTOMER'S HOUSEHOLD IS SERIOUSLY ILL OR AFFLICTED WITH A
16 MEDICAL CONDITION WHICH WILL BE AGGRAVATED BY CESSATION OF
17 SERVICE; AND

18 (2) SIGNED BY A LICENSED PHYSICIAN, NURSE PRACTITIONER
19 OR PHYSICIAN'S ASSISTANT.

20 * * *

21 "PAYMENT [AGREEMENT] ARRANGEMENT." AN AGREEMENT WHEREBY A
22 CUSTOMER WHO ADMITS LIABILITY FOR BILLED SERVICE IS PERMITTED TO
23 AMORTIZE OR PAY THE UNPAID BALANCE OF THE ACCOUNT IN ONE OR MORE
24 PAYMENTS.

25 "PUBLIC UTILITY." ANY ELECTRIC DISTRIBUTION UTILITY, NATURAL
26 GAS DISTRIBUTION UTILITY, SMALL NATURAL GAS DISTRIBUTION
27 UTILITY, STEAM HEAT UTILITY, WASTEWATER UTILITY OR WATER
28 DISTRIBUTION UTILITY IN THIS COMMONWEALTH THAT IS WITHIN THE
29 JURISDICTION OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

30 * * *

1 "SMALL NATURAL GAS DISTRIBUTION UTILITY." A PUBLIC UTILITY
2 PROVIDING NATURAL GAS DISTRIBUTION SERVICES SUBJECT TO THE
3 JURISDICTION OF THE COMMISSION THAT:

4 (1) HAS ANNUAL GAS OPERATING REVENUES OF LESS THAN
5 \$6,000,000 PER YEAR; OR

6 (2) IS NOT CONNECTED TO AN INTERSTATE GAS PIPELINE BY
7 MEANS OF A DIRECT CONNECTION OR ANY INDIRECT CONNECTION
8 THROUGH THE DISTRIBUTION SYSTEM OF ANOTHER NATURAL GAS PUBLIC
9 UTILITY OR THROUGH A NATURAL GAS GATHERING SYSTEM.

10 "STEAM HEAT UTILITY." AN ENTITY PRODUCING, GENERATING,
11 DISTRIBUTING OR FURNISHING STEAM FOR THE PRODUCTION OF HEAT OR
12 TO OR FOR THE PUBLIC FOR COMPENSATION.

13 "WASTEWATER UTILITY." AN ENTITY OWNING OR OPERATING
14 EQUIPMENT OR FACILITIES FOR THE COLLECTION, TREATMENT OR
15 DISPOSAL OF SEWAGE TO OR FOR THE PUBLIC FOR COMPENSATION. THE
16 TERM INCLUDES SEPARATE COMPANIES THAT INDIVIDUALLY PROVIDE WATER
17 OR WASTEWATER SERVICE SO LONG AS THE SEPARATE COMPANIES ARE
18 WHOLLY OWNED BY A COMMON PARENT COMPANY.

19 * * *

20 SECTION 2. SECTIONS 1404(A) INTRODUCTORY PARAGRAPH, (1)(V),
21 (2) AND (3), (C)(1) AND (6), (E) AND (H), 1405 HEADING, (A), (B)
22 INTRODUCTORY PARAGRAPH AND (2), (C), (D), (E) AND (F) OF TITLE
23 66 ARE AMENDED TO READ:

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,
29 PAYABLE DURING A 90-DAY PERIOD IN ACCORDANCE WITH COMMISSION
30 REGULATIONS, IN AN AMOUNT THAT IS EQUAL TO ONE-SIXTH OF THE

1 APPLICANT'S ESTIMATED ANNUAL BILL, AT THE TIME THE PUBLIC
2 UTILITY DETERMINES A DEPOSIT IS REQUIRED, FROM THE FOLLOWING:

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

7 * * *

8 (V) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A
9 SETTLEMENT OR PAYMENT [AGREEMENT] ARRANGEMENT.

10 * * *

11 (2) ANY APPLICANT OR CUSTOMER WHO IS UNABLE TO ESTABLISH
12 CREDITWORTHINESS TO THE SATISFACTION OF THE PUBLIC UTILITY
13 THROUGH THE USE OF A GENERALLY ACCEPTED CREDIT SCORING
14 METHODOLOGY, AS PROVIDED IN A COMMISSION APPROVED TARIFF, AND
15 WHICH EMPLOYS STANDARDS FOR USING THE METHODOLOGY THAT FALL
16 WITHIN THE RANGE OF GENERAL INDUSTRY PRACTICE.

17 (3) A CUSTOMER WHO FAILS TO COMPLY WITH A MATERIAL TERM
18 OR CONDITION OF A SETTLEMENT OR PAYMENT [AGREEMENT]
19 ARRANGEMENT.

20 * * *

21 (C) DEPOSIT HOLD PERIOD.--

22 (1) A PUBLIC UTILITY MAY HOLD A DEPOSIT UNTIL A TIMELY
23 PAYMENT HISTORY IS ESTABLISHED [OR FOR A MAXIMUM PERIOD OF 24
24 MONTHS].

25 * * *

26 (6) THE PUBLIC UTILITY SHALL ACCRUE INTEREST ON THE
27 DEPOSIT UNTIL IT IS RETURNED OR CREDITED [THE LEGAL RATE OF
28 INTEREST PURSUANT TO SECTION 202 OF THE ACT OF JANUARY 30,
29 1974 (P.L.13, NO.6), REFERRED TO AS THE LOAN INTEREST AND
30 PROTECTION LAW, AND RETURN SUCH INTEREST WITH THE DEPOSIT].

1 (I) INTEREST SHALL BE COMPUTED AT THE SIMPLE ANNUAL
2 INTEREST RATE DETERMINED BY THE SECRETARY OF REVENUE FOR
3 INTEREST ON THE UNDERPAYMENT OF TAX UNDER SECTION 806 OF
4 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE
5 FISCAL CODE.

6 (II) THE INTEREST RATE IN EFFECT WHEN DEPOSIT IS
7 REQUIRED TO BE PAID SHALL REMAIN IN EFFECT UNTIL THE
8 LATER OF:

9 (A) THE DATE THE DEPOSIT IS REFUNDED OR
10 CREDITED; OR

11 (B) DECEMBER 31.

12 (III) ON JANUARY 1 OF EACH YEAR, THE NEW INTEREST
13 RATE FOR THAT YEAR WILL APPLY TO THE DEPOSIT.

14 * * *

15 (E) FAILURE TO PAY FULL AMOUNT OF CASH DEPOSIT.--A PUBLIC
16 UTILITY SHALL NOT BE REQUIRED TO PROVIDE SERVICE IF THE
17 APPLICANT OR CUSTOMER FAILS TO PAY THE FULL AMOUNT OF THE CASH
18 DEPOSIT WITHIN THE TIME PERIOD UNDER SUBSECTION (A).

19 * * *

20 (H) TIME FOR PAYING DEPOSITS UPON RECONNECTION.--APPLICANTS
21 AND CUSTOMERS REQUIRED TO PAY A DEPOSIT UPON RECONNECTION UNDER
22 SUBSECTION (A) (1) SHALL HAVE UP TO 90 DAYS TO PAY THE DEPOSIT IN
23 ACCORDANCE WITH COMMISSION REGULATIONS.

24 § 1405. PAYMENT [AGREEMENTS] ARRANGEMENTS.

25 (A) GENERAL RULE.--THE COMMISSION IS AUTHORIZED TO
26 INVESTIGATE COMPLAINTS REGARDING PAYMENT DISPUTES BETWEEN A
27 PUBLIC UTILITY, APPLICANTS AND CUSTOMERS. THE COMMISSION IS
28 AUTHORIZED TO ESTABLISH PAYMENT [AGREEMENTS] ARRANGEMENTS
29 BETWEEN A PUBLIC UTILITY, CUSTOMERS AND APPLICANTS WITHIN THE
30 LIMITS ESTABLISHED BY THIS CHAPTER.

1 (B) LENGTH OF PAYMENT [AGREEMENTS] ARRANGEMENTS.--THE LENGTH
2 OF TIME FOR A CUSTOMER TO RESOLVE AN UNPAID BALANCE ON AN
3 ACCOUNT THAT IS SUBJECT TO A PAYMENT [AGREEMENT] ARRANGEMENT
4 THAT IS INVESTIGATED BY THE COMMISSION AND IS ENTERED INTO BY A
5 PUBLIC UTILITY AND A CUSTOMER SHALL NOT EXTEND BEYOND:

6 * * *

7 (2) [TWO] THREE YEARS FOR CUSTOMERS WITH A GROSS MONTHLY
8 HOUSEHOLD INCOME LEVEL EXCEEDING 150% AND NOT MORE THAN 250%
9 OF THE FEDERAL POVERTY LEVEL.

10 * * *

11 (C) CUSTOMER ASSISTANCE PROGRAMS.--CUSTOMER ASSISTANCE
12 PROGRAM RATES SHALL BE TIMELY PAID AND SHALL NOT BE THE SUBJECT
13 OF PAYMENT [AGREEMENTS] ARRANGEMENTS NEGOTIATED OR APPROVED BY
14 THE COMMISSION.

15 (D) NUMBER OF PAYMENT [AGREEMENTS] ARRANGEMENTS.--ABSENT A
16 CHANGE IN INCOME, THE COMMISSION SHALL NOT ESTABLISH OR ORDER A
17 PUBLIC UTILITY TO ESTABLISH A SECOND OR SUBSEQUENT PAYMENT
18 [AGREEMENT] ARRANGEMENT IF A CUSTOMER HAS DEFAULTED ON A
19 PREVIOUS PAYMENT [AGREEMENT] ARRANGEMENT ESTABLISHED BY A
20 COMMISSION ORDER OR DECISION. A PUBLIC UTILITY MAY, AT ITS
21 DISCRETION, ENTER INTO A SECOND OR SUBSEQUENT PAYMENT
22 [AGREEMENT] ARRANGEMENT WITH A CUSTOMER.

23 (E) EXTENSION OF PAYMENT [AGREEMENTS] ARRANGEMENTS.--IF THE
24 CUSTOMER DEFAULTS ON A PAYMENT [AGREEMENT] ARRANGEMENTS
25 ESTABLISHED UNDER SUBSECTIONS (A) AND (B) AS A RESULT OF A
26 SIGNIFICANT CHANGE IN CIRCUMSTANCE, THE COMMISSION MAY REINSTATE
27 THE PAYMENT [AGREEMENT] ARRANGEMENT AND EXTEND THE REMAINING
28 TERM FOR AN INITIAL PERIOD OF SIX MONTHS. THE INITIAL EXTENSION
29 PERIOD MAY BE EXTENDED FOR AN ADDITIONAL SIX MONTHS FOR GOOD
30 CAUSE SHOWN.

1 (F) FAILURE TO COMPLY WITH PAYMENT [AGREEMENT]
2 ARRANGEMENT.--FAILURE OF A CUSTOMER TO COMPLY WITH THE TERMS OF
3 A PAYMENT [AGREEMENT] ARRANGEMENT SHALL BE GROUNDS FOR A PUBLIC
4 UTILITY TO TERMINATE THE CUSTOMER'S SERVICE. PENDING THE OUTCOME
5 OF A COMPLAINT FILED WITH THE COMMISSION, A CUSTOMER SHALL BE
6 OBLIGATED TO PAY THAT PORTION OF THE BILL WHICH IS NOT IN
7 DISPUTE AND SUBSEQUENT BILLS WHICH ARE NOT IN DISPUTE.

8 SECTION 3. SECTION 1406(A)(2), (B)(1)(II), (D), (F), (G) AND
9 (H)(1) OF TITLE 66 ARE AMENDED AND SUBSECTION (C)(1) IS AMENDED
10 BY ADDING A SUBPARAGRAPH TO READ:

11 § 1406. TERMINATION OF UTILITY SERVICE.

12 (A) AUTHORIZED TERMINATION.--A PUBLIC UTILITY MAY NOTIFY A
13 CUSTOMER AND TERMINATE SERVICE PROVIDED TO A CUSTOMER AFTER
14 NOTICE AS PROVIDED IN SUBSECTION (B) FOR ANY OF THE FOLLOWING
15 ACTIONS BY THE CUSTOMER:

16 * * *

17 (2) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A
18 PAYMENT [AGREEMENT] ARRANGEMENT.

19 * * *

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

21 (1) PRIOR TO TERMINATING SERVICE UNDER SUBSECTION (A), A
22 PUBLIC UTILITY:

23 * * *

24 (II) SHALL ATTEMPT TO CONTACT THE CUSTOMER OR
25 OCCUPANT[, EITHER IN PERSON OR BY TELEPHONE, TO PROVIDE
26 NOTICE OF THE PROPOSED TERMINATION AT LEAST THREE DAYS
27 PRIOR TO THE SCHEDULED TERMINATION.] TO PROVIDE NOTICE OF
28 THE PROPOSED TERMINATION AT LEAST THREE DAYS PRIOR TO THE
29 SCHEDULED TERMINATION USING ONE OR MORE OF THE FOLLOWING
30 METHODS:

1 (A) IN PERSON;

2 (B) BY TELEPHONE. PHONE CONTACT SHALL BE DEEMED
3 COMPLETE UPON ATTEMPTED CALLS ON TWO SEPARATE DAYS TO
4 THE RESIDENCE BETWEEN THE HOURS OF [7] 8 A.M. AND 9
5 P.M. IF THE CALLS WERE MADE AT VARIOUS TIMES EACH
6 DAY[.]; OR

7 (C) BY EMAIL, TEXT MESSAGE OR OTHER ELECTRONIC
8 MESSAGING FORMAT, IF THE CUSTOMER CONSENTED TO BE
9 CONTACTED USING THE METHOD.

10 * * *

11 (C) GROUNDS FOR IMMEDIATE TERMINATION.--

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

14 * * *

15 (V) TENDERING PAYMENT FOR RECONNECTION OF SERVICE
16 THAT IS SUBSEQUENTLY DISHONORED, REVOKED, CANCELED OR
17 OTHERWISE NOT AUTHORIZED UNDER SUBSECTION (H).

18 * * *

19 (D) TIMING OF TERMINATION.--

20 (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 1503
21 (RELATING TO DISCONTINUANCE OF SERVICE), A PUBLIC UTILITY MAY
22 TERMINATE SERVICE FOR THE REASONS SET FORTH IN SUBSECTION (A)
23 FROM MONDAY THROUGH [FRIDAY] THURSDAY AS LONG AS THE PUBLIC
24 UTILITY CAN ACCEPT PAYMENT TO RESTORE SERVICE ON THE
25 FOLLOWING DAY AND CAN RESTORE SERVICE CONSISTENT WITH SECTION
26 1407 (RELATING TO RECONNECTION OF SERVICE).

27 (2) A PUBLIC UTILITY MAY TERMINATE SERVICE ON A FRIDAY
28 AS LONG AS THE PUBLIC UTILITY IS ABLE TO:

29 (I) ACCEPT PAYMENT TO RESTORE SERVICE UNTIL 12 P.M.
30 ON A SATURDAY; AND

1 (II) RESTORE SERVICE BY 6 P.M. ON THAT DAY.

2 * * *

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

14 (G) QUALIFICATION FOR LIHEAP.--A NOTICE OF TERMINATION TO A
15 CUSTOMER OF A PUBLIC UTILITY SHALL BE SUFFICIENT PROOF OF A
16 CRISIS FOR A CUSTOMER WITH THE REQUISITE INCOME LEVEL TO RECEIVE
17 A LIHEAP CRISIS GRANT FROM THE DEPARTMENT OF PUBLIC WELFARE OR
18 ITS DESIGNEE AS SOON AS PRACTICABLE AFTER THE DATE OF THE
19 NOTICE. TERMINATION OF SERVICE IS NOT NECESSARY TO DEMONSTRATE
20 SUFFICIENT PROOF OF CRISIS.

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

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

28 (I) A CUSTOMER TENDERS PAYMENT WHICH IS SUBSEQUENTLY
29 DISHONORED UNDER 13 PA.C.S. § 3502 (RELATING TO
30 DISHONOR); [OR]

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

5 (III) A CUSTOMER TENDERS PAYMENT ELECTRONICALLY THAT
6 IS SUBSEQUENTLY DISHONORED, REVOKED, CANCELED OR IS
7 OTHERWISE NOT AUTHORIZED.

8 SECTION 4. SECTION 1407(C) (2) (I) INTRODUCTORY PARAGRAPH OF
9 TITLE 66 IS AMENDED AND SUBSECTIONS (B) AND (C) ARE AMENDED BY
10 ADDING PARAGRAPHS TO READ:

11 § 1407. RECONNECTION OF SERVICE.

12 * * *

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

16 * * *

17 (6) BY 6 P.M. ON A SATURDAY FOR A FRIDAY TERMINATION
18 UNDER SECTION 1406(D) (2) (RELATING TO TERMINATION OF UTILITY
19 SERVICE).

20 (C) PAYMENT TO RESTORE SERVICE.--

21 * * *

22 (2) A PUBLIC UTILITY MAY REQUIRE:

23 (I) FULL PAYMENT OF ANY OUTSTANDING BALANCE INCURRED
24 TOGETHER WITH ANY RECONNECTION FEES BY THE CUSTOMER OR
25 APPLICANT PRIOR TO RECONNECTION OF SERVICE IF THE
26 CUSTOMER OR APPLICANT HAS AN INCOME EXCEEDING 300% OF THE
27 FEDERAL POVERTY LEVEL OR HAS DEFAULTED ON TWO OR MORE
28 PAYMENT [AGREEMENTS] ARRANGEMENTS. IF A CUSTOMER OR
29 APPLICANT WITH HOUSEHOLD INCOME EXCEEDING 300% OF THE
30 FEDERAL POVERTY LEVEL EXPERIENCES A LIFE EVENT, THE

1 CUSTOMER SHALL BE PERMITTED A PERIOD OF NOT MORE THAN
2 THREE MONTHS TO PAY THE OUTSTANDING BALANCE REQUIRED FOR
3 RECONNECTION. FOR PURPOSES OF THIS SUBPARAGRAPH, A LIFE
4 EVENT IS:

5 * * *

6 (3) PAYMENT TENDERED BY A CUSTOMER TO RECONNECT SERVICE
7 THAT IS SUBSEQUENTLY DISHONORED, REVOKED, CANCELED OR IS
8 OTHERWISE NOT AUTHORIZED UNDER SECTION 1406(H) (1) IS GROUNDS
9 FOR IMMEDIATE TERMINATION UNDER SECTION 1406(C). A PUBLIC
10 UTILITY MAY REQUIRE A CUSTOMER OR APPLICANT TO CURE A
11 DISHONORED PAYMENT, AS PROVIDED FOR IN SECTION 1406(H) AS A
12 CONDITION OF ENTERING INTO A PAYMENT AGREEMENT WITH THE
13 CUSTOMER OR APPLICANT FOR A REMAINING ACCOUNT BALANCE.

14 * * *

15 SECTION 5. SECTIONS 1409 AND 1410 OF TITLE 66 ARE AMENDED TO
16 READ:

17 § 1409. LATE PAYMENT CHARGE WAIVER.

18 A PUBLIC UTILITY MAY WAIVE LATE PAYMENT CHARGES ON ANY
19 CUSTOMER ACCOUNTS IF THE CHARGES WERE IMPROPERLY ASSESSED. THE
20 COMMISSION MAY [ONLY] ORDER A WAIVER OF ANY LATE PAYMENT CHARGES
21 LEVIED BY A PUBLIC UTILITY AS A RESULT OF A DELINQUENT ACCOUNT
22 FOR CUSTOMERS WITH A GROSS MONTHLY HOUSEHOLD INCOME NOT
23 EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL.

24 § 1410. COMPLAINTS FILED WITH COMMISSION.

25 THE FOLLOWING APPLY:

26 (1) THE COMMISSION SHALL ACCEPT FORMAL AND INFORMAL
27 COMPLAINTS ONLY FROM CUSTOMERS OR APPLICANTS WHO AFFIRM THAT
28 THEY HAVE FIRST CONTACTED THE PUBLIC UTILITY FOR THE PURPOSE
29 OF RESOLVING THE PROBLEM ABOUT WHICH THE CUSTOMER WISHES TO
30 FILE A COMPLAINT. IF THE CUSTOMER HAS NOT CONTACTED THE

1 PUBLIC UTILITY, THE COMMISSION SHALL DIRECT THE CUSTOMER TO
2 THE PUBLIC UTILITY.

3 (2) PENDING THE OUTCOME OF A FORMAL OR INFORMAL
4 COMPLAINT FILED WITH THE COMMISSION, THE CUSTOMER SHALL BE
5 OBLIGATED TO PAY THAT PORTION OF THE BILL WHICH IS NOT IN
6 DISPUTE AND SUBSEQUENT BILLS WHICH ARE NOT IN DISPUTE.

7 (3) FOR A FORMAL COMPLAINT FILING TO BE VALID, THE
8 CUSTOMER [NEEDS TO] OR APPLICANT MUST PROVIDE A STATEMENT
9 ATTESTING TO THE TRUTH AS TO THE FACTS ALLEGED IN THE
10 COMPLAINT. ALL TESTIMONY IN FORMAL COMPLAINT PROCEEDINGS MUST
11 BE UNDER OATH.

12 SECTION 6. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ:
13 § 1410.1. PUBLIC UTILITY DUTIES.

14 WHEN A CUSTOMER OR APPLICANT CONTACTS A PUBLIC UTILITY TO
15 MAKE A PAYMENT AGREEMENT AS REQUIRED BY SECTION 1410 (RELATING
16 TO COMPLAINTS FILED WITH COMMISSION), THE PUBLIC UTILITY SHALL:

17 (1) PROVIDE INFORMATION ABOUT THE PUBLIC UTILITY'S
18 UNIVERSAL SERVICE PROGRAMS, INCLUDING A CUSTOMER ASSISTANCE
19 PROGRAM; AND

20 (2) REFER THE CUSTOMER OR APPLICANT TO THE UNIVERSAL
21 SERVICE PROGRAM ADMINISTRATOR OF THE PUBLIC UTILITY TO
22 DETERMINE ELIGIBILITY FOR A PROGRAM AND TO APPLY FOR
23 ENROLLMENT IN A PROGRAM.

24 SECTION 7. SECTIONS 1411, 1415 INTRODUCTORY PARAGRAPH, 1417
25 AND 1418 OF TITLE 66 ARE AMENDED TO READ:

26 § 1411. AUTOMATIC METER READINGS.

27 ALL READINGS BY AN AUTOMATIC METER READER DEVICE SHALL BE
28 DEEMED ACTUAL READINGS FOR THE PURPOSES OF THIS TITLE. UPON A
29 CUSTOMER REQUEST, THE PUBLIC UTILITY SHALL SECURE AN IN-PERSON
30 METER READING TO CONFIRM THE ACCURACY OF AN AUTOMATIC METER

1 READING DEVICE WHEN A CUSTOMER DISCONNECTS SERVICE OR A NEW
2 SERVICE REQUEST IS RECEIVED. A PUBLIC UTILITY MAY CHARGE A FEE,
3 AS PROVIDED IN A COMMISSION-APPROVED TARIFF.

4 § 1415. REPORTING TO GENERAL ASSEMBLY AND GOVERNOR.

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

11 * * *

12 § 1417. NONAPPLICABILITY.

13 THIS CHAPTER SHALL NOT APPLY TO VICTIMS UNDER A PROTECTION
14 FROM ABUSE ORDER AS PROVIDED BY 23 PA.C.S. CH. 61 (RELATING TO
15 PROTECTION FROM ABUSE) OR LEGALLY EQUIVALENT ORDER ISSUED BY A
16 COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH.

17 § 1418. CONSTRUCTION.

18 NOTHING IN THIS CHAPTER SHALL AFFECT ANY RIGHTS OR PROCEDURE
19 UNDER THE ACT OF NOVEMBER 26, 1978 (P.L.1255, NO.299), KNOWN AS
20 THE UTILITY SERVICE TENANTS RIGHTS ACT OR THE PROVISIONS OF
21 SUBCHAPTER B OF CHAPTER 15 (RELATING TO DISCONTINUANCE OF
22 SERVICE TO LEASED PREMISES).

23 SECTION 8. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.