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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1017 Session of  
2023

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INTRODUCED BY BOSCOLA, FONTANA AND PENNYCUICK, DECEMBER 11, 2023

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
DECEMBER 11, 2023

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in responsible utility customer  
3 protection, further providing for declaration of policy, for  
4 definitions, for cash deposits and household information  
5 requirements, for payment arrangements, for termination of  
6 utility service, for reconnection of service, for public  
7 utility duties, for reporting of recipients of public  
8 assistance, for liens by city natural gas distribution  
9 operations, for reporting to General Assembly and Governor  
10 and for nonapplicability and repealing provisions relating to  
11 expiration.

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

14 Section 1. Section 1402(1) of Title 66 of the Pennsylvania  
15 Consolidated Statutes is amended and the section is amended by  
16 adding a paragraph to read:

17 § 1402. Declaration of policy.

18 The General Assembly finds and declares as follows:

19 (1) Formal service rules were first adopted by the  
20 Pennsylvania Public Utility Commission in 1978 with the  
21 stated goal of enforcing uniform, fair and equitable  
22 residential public utility service standards governing

1 eligibility criteria, credit and deposit practices, account  
2 billing, termination and restoration of service procedures  
3 and customer complaint procedures. These rules have not  
4 successfully managed the issue of bill payment. Increasing  
5 amounts of unpaid bills now threaten paying customers with  
6 higher rates due to other customers' delinquencies.

7 \* \* \*

8 (5) The General Assembly believes that it is appropriate  
9 to recognize the applicability of this chapter to a water and  
10 sewer authority in a city of the second class.

11 Section 2. Sections 1403, 1404(d) and 1405(a) and (b) of  
12 Title 66 are amended to read:

13 § 1403. Definitions.

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

17 "Applicant." A natural person at least 18 years of age or an  
18 emancipated minor not currently receiving service who applies  
19 for residential service provided by a public utility or any  
20 adult occupant whose name appears on the mortgage, deed or  
21 lease, as identified in section 202 of the act of April 6, 1951  
22 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951,  
23 of the property for which the residential public utility service  
24 is requested. The term does not include a person who, within 30  
25 days after service termination or discontinuance of service,  
26 seeks to have service reconnected at the same location or  
27 transferred to another location within the service territory of  
28 the public utility.

29 "Change in income." A decrease in household income of 20% or  
30 more if the customer's household income level exceeds 200% of

1 the Federal poverty level or a decrease in household income of  
2 10% or more if the customer's household income level is 200% or  
3 less of the Federal poverty level.

4 "City natural gas distribution operation." As defined in  
5 section 102 (relating to definitions).

6 "Creditworthiness." An assessment of an applicant's or  
7 customer's ability to meet bill payment obligations for utility  
8 service.

9 "Customer." A natural person at least 18 years of age or an  
10 emancipated minor in whose name a residential service account is  
11 listed and who is primarily responsible for payment of bills  
12 rendered for the service or any adult occupant whose name  
13 appears on the mortgage, deed or lease, as identified in section  
14 202 of The Landlord and Tenant Act of 1951, of the property for  
15 which the residential utility service is requested. The term  
16 includes a person who, within 30 days after service termination  
17 or discontinuance of service, seeks to have service reconnected  
18 at the same location or transferred to another location within  
19 the service territory of the public utility.

20 "Customer assistance program." A plan or program sponsored  
21 by a public utility for the purpose of providing universal  
22 service and energy conservation, as defined by section 2202  
23 (relating to definitions) or 2803 (relating to definitions), or  
24 other assistance programs offered by a public utility, including  
25 a water distribution utility or a wastewater utility, in which  
26 customers make monthly payments based on household income and  
27 household size and under which customers must comply with  
28 certain responsibilities and restrictions in order to remain  
29 eligible for the program.

30 "Electric distribution utility." [An entity providing

1 facilities for the jurisdictional transmission and distribution  
2 of electricity to retail customers, except building or facility  
3 owners or operators that manage the internal distribution system  
4 serving such building or facility and that supply electric power  
5 and other related electric power services to occupants of the  
6 building or facility.] The term have the same meaning as the  
7 term "electric distribution company" in section 2803 (relating  
8 to definitions).

9 "Formal complaint." A complaint filed before the  
10 [Pennsylvania Public Utility Commission] commission requesting a  
11 legal proceeding before a [Pennsylvania Public Utility  
12 Commission] commission administrative law judge or a mediation  
13 under the management of a [Pennsylvania Public Utility  
14 Commission] commission administrative law judge.

15 "Household income." The combined gross income of all adults  
16 at least 18 years of age and emancipated minors in a residential  
17 household who benefit from the public utility service, excluding  
18 earned income received by household members under 18 years of  
19 age who are not emancipated.

20 "Informal complaint." A complaint filed with the  
21 [Pennsylvania Public Utility Commission] commission by a  
22 customer that does not involve a legal proceeding before a  
23 [Pennsylvania Public Utility Commission] commission  
24 administrative law judge or a mediation under the management of  
25 a [Pennsylvania Public Utility Commission] commission  
26 administrative law judge.

27 "LIHEAP" or "Low Income Home Energy Assistance Program." A  
28 federally funded program authorized by 42 U.S.C. §§ 8621  
29 (relating to home energy grants), 8622 (relating to  
30 definitions), 8623 (relating to state allotments), 8624

1 (relating to applications and requirements), 8625 (relating to  
2 nondiscrimination provisions), 8626 (relating to payments to  
3 States; fiscal year requirements respecting availability, etc.),  
4 8627 (relating to withholding of funds), 8628 (relating to  
5 limitation on use of grants for construction), 8629 (relating to  
6 studies and reports) and 8630 (relating to renewable fuels) that  
7 provides financial assistance in the form of cash and crisis  
8 grants to low-income households for home energy bills and is  
9 administered by the Department of [Public Welfare] Human  
10 Services.

11 "Medical certificate." A written document, in a form  
12 approved by the commission:

13 (1) certifying that a customer or member of the  
14 customer's household is seriously ill or has been diagnosed  
15 with a medical condition which requires the continuation of  
16 service to treat the medical condition; and

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

19 "Natural gas distribution service." [The delivery of natural  
20 gas to retail gas customers utilizing the jurisdictional  
21 facilities of a natural gas distribution utility.] As defined in  
22 section 2202 (relating to definitions).

23 "Natural gas distribution utility." [A city natural gas  
24 distribution operation or entity that provides natural gas  
25 distribution services and may provide natural gas supply  
26 services and other services. The term does not include either of  
27 the following:

28 (1) Any public utility providing natural gas  
29 distribution services subject to the jurisdiction of the  
30 Pennsylvania Public Utility Commission that has annual gas

1 operating revenues of less than \$6,000,000 per year, except  
2 where the public utility voluntarily petitions the commission  
3 to be included within this definition or where the public  
4 utility seeks to provide natural gas supply services to  
5 retail gas customers outside its service territory.

6 (2) Any public utility providing natural gas  
7 distribution services subject to the jurisdiction of the  
8 commission that is not connected to an interstate gas  
9 pipeline by means of a direct connection or an indirect  
10 connection through the distribution system of another natural  
11 gas public utility or through a natural gas gathering  
12 system.] Shall have the same meaning as the term "natural gas  
13 distribution company" in section 2202.

14 "Natural gas supply services." [The sale or arrangement of  
15 the sale of natural gas to retail gas customers and services  
16 that may be unbundled by the Pennsylvania Public Utility  
17 Commission under section 2203(3) (relating to standards for  
18 restructuring of natural gas utility industry). The term does  
19 not include natural gas distribution service.] As defined in  
20 section 2202.

21 "Occupant." (Reserved).

22 "Payment arrangement." An agreement whereby a customer or  
23 applicant who admits liability for billed service is permitted  
24 to amortize or pay the unpaid balance of the account in one or  
25 more payments.

26 "Public utility." Any electric distribution utility, natural  
27 gas distribution utility, small natural gas distribution  
28 utility, steam heat utility, wastewater utility or water  
29 distribution utility in this Commonwealth that is within the  
30 jurisdiction of the [Pennsylvania Public Utility Commission.]

1 commission. The term includes a city natural gas distribution  
2 operation and a water and sewer authority in a city of the  
3 second class.

4 "Significant change in circumstance." Any of the following  
5 criteria when verified by the public utility and experienced by  
6 customers with household income less than 300% of the Federal  
7 poverty level:

8 (1) The onset of a chronic or acute illness resulting in  
9 a significant loss in the customer's household income.

10 (2) Catastrophic damage to the customer's residence  
11 resulting in a significant net cost to the customer's  
12 household.

13 (3) Loss of the customer's residence.

14 (4) Increase in the customer's number of dependents in  
15 the household.

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

19 (1) has annual gas operating revenues of less than  
20 \$6,000,000 per year; or

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

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

28 "Wastewater utility." An entity owning or operating  
29 equipment or facilities for the collection, treatment or  
30 disposal of sewage to or for the public for compensation. The

1 term includes separate companies that individually provide water  
2 or wastewater service so long as the separate companies are  
3 wholly owned by a common parent company.

4 "Water and sewer authority in a city of the second class."  
5 Shall have the same meaning as the term "authority" in section  
6 3201 (relating to definitions).

7 "Water distribution utility." An entity owning or operating  
8 equipment or facilities for diverting, developing, pumping,  
9 impounding, distributing or furnishing water to or for the  
10 public for compensation.

11 § 1404. Cash deposits and household information requirements.

12 \* \* \*

13 (d) Adult occupants.--Prior to providing utility service, a  
14 public utility may require the applicant to provide the names of  
15 each adult occupant at least 18 years of age and each  
16 emancipated minor residing at the location and proof of their  
17 identity.

18 \* \* \*

19 § 1405. Payment 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 arrangements between a public  
24 utility, customers and applicants within the limits established  
25 by this chapter. The request for a payment arrangement is  
26 properly viewed as a request for an initial payment arrangement  
27 if a previous payment arrangement has been completed as a result  
28 of the customer making payments sufficient to retire the entire  
29 balance that was the subject of that payment arrangement.

30 (b) Length of payment arrangements.--The length of time for

1 a customer to resolve an unpaid balance on an account that is  
2 subject to a payment arrangement that is investigated by the  
3 commission and is entered into by a public utility and a  
4 customer shall not extend beyond:

5 (1) [~~Five~~] Six years for customers with a gross monthly  
6 household income level not exceeding 150% of the Federal  
7 poverty level.

8 (2) [~~Three~~] Four years for customers with a gross  
9 monthly household income level exceeding 150% and not more  
10 than 250% of the Federal poverty level.

11 (3) [~~One year~~] Two years for customers with a gross  
12 monthly household income level exceeding 250% of the Federal  
13 poverty level and not more than 300% of the Federal poverty  
14 level.

15 (4) [~~Six months~~] One year for customers with a gross  
16 monthly household income level exceeding 300% of the Federal  
17 poverty level.

18 \* \* \*

19 Section 3. Sections 1406(b)(1)(i), (iii) and (iv), (c)(1)  
20 (iii) and (v), (e)(2)(i) and (ii), (f), (g) and (h)(1)  
21 introductory paragraph and (iii) and 1407(b) introductory  
22 paragraph, (c)(2)(i) and (3) and (e) of Title 66 are amended and  
23 the sections are amended by adding subsections to read:

24 § 1406. Termination of utility service.

25 \* \* \*

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

27 (1) Prior to terminating service under subsection (a), a  
28 public utility:

29 (i) Shall provide written notice of the termination  
30 to the customer at least [~~ten~~] 14 days prior to the date

1 of the proposed termination. The termination notice shall  
2 remain effective for [60] 70 days. The written notice  
3 shall be mailed by first class mail to the customer and  
4 provided by electronic means if the customer  
5 affirmatively consents to receive electronic notice of  
6 termination and if the public utility has the capability  
7 to provide electronic notification. Electronic notice of  
8 termination shall mean by either email, text or both if  
9 both are provided to the utility with appropriate  
10 consent.

11 \* \* \*

12 (iii) During the months of December through March,  
13 unless personal contact has been made with the customer  
14 or responsible adult at least 18 years of age or an  
15 emancipated minor by personally visiting the customer's  
16 residence, the public utility shall, within 48 hours of  
17 the scheduled date of termination, post a notice of the  
18 proposed termination at the service location in a  
19 conspicuous location.

20 (iv) After complying with [paragraphs] subparagraphs  
21 (i), (ii) and (iii), the public utility shall [attempt to  
22 make personal contact with the customer or responsible  
23 adult], at the time service is terminated, post a notice  
24 of termination in a conspicuous location at the service  
25 location. Termination of service shall not be delayed for  
26 failure to make personal contact.

27 \* \* \*

28 (c) Grounds for immediate termination.--

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

1 \* \* \*

2 (iii) Tampering with meters or other public  
3 [utility's] utility equipment.

4 \* \* \*

5 (v) Tendering payment for reconnection of service  
6 that is subsequently dishonored, revoked, canceled or  
7 otherwise not authorized under subsection (h) and which  
8 has not been cured or otherwise made full payment within  
9 three business days of the public utility's notice to the  
10 customer, made in accordance with the notice provisions  
11 of subsection (b)(1)(ii), of the dishonored payment.

12 \* \* \*

13 (e) Winter termination.--

14 \* \* \*

15 (2) In addition to the winter termination authority set  
16 forth in paragraph (1), a city natural gas distribution  
17 operation may terminate service to a customer whose household  
18 income exceeds 150% of the Federal poverty level but does not  
19 exceed 250% of the Federal poverty level, and starting  
20 January 1, has not paid at least 50% of [his] the charges for  
21 each of the prior two months unless the customer has done one  
22 of the following:

23 (i) Has proven in accordance with commission rules  
24 that [his] the household contains one or more persons who  
25 are 65 years of age or over.

26 (ii) Has proven in accordance with commission rules  
27 that [his] the household contains one or more persons 12  
28 years of age or younger.

29 \* \* \*

30 (f) Medical certification.--A public utility shall not

1 terminate service to a premises when a customer has submitted a  
2 medical certificate to the public utility. The customer shall  
3 obtain a medical certificate verifying the condition and shall  
4 promptly forward it to the public utility. The medical  
5 certification procedure shall be implemented in accordance with  
6 commission regulations. The following apply:

7 (1) Service may not be terminated for the time period  
8 specified in a medical certification. The maximum length of  
9 the certification shall be 60 days.

10 (2) Certifications may be renewed in the same manner and  
11 for the same time period as provided in this section if the  
12 customer has met the obligation to make payment on all new  
13 undisputed charges and provide payment towards any undisputed  
14 outstanding balance with a minimum payment amount determined  
15 by the commission, which shall be no less than \$10.

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

24 (g.1) LIHEAP Crisis exceptions or other utility  
25 assistance.--Notwithstanding subsection (g), a past-due balance  
26 that would otherwise be subject to termination if not for the  
27 provisions of subsection (e) is sufficient proof of crisis for  
28 the purpose of obtaining a LIHEAP Crisis Grant or other utility  
29 assistance from the Department of Human Services for a public  
30 utility customer.

1 (h) Dishonorable tender of payment after receiving  
2 termination notice.--

3 (1) After a public utility has provided a written  
4 termination notice under subsection (b) (1) (i) [and],  
5 attempted [telephone] contact as provided in subsection (b)  
6 (1) (ii), and posted the notice of termination at the service  
7 location as provided in subsection (b) (1) (iv), termination of  
8 service may proceed without additional notice if:

9 \* \* \*

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 public utility's notice to the customer, made in  
15 accordance with the notice provisions of subsection (b)  
16 (1) (ii), of the dishonored payment.

17 \* \* \*

18 § 1407. Reconnection of service.

19 \* \* \*

20 (a.1) Reconnection fee reimbursements.--Notwithstanding  
21 subsection (a), a public utility shall return or credit a  
22 customer's or applicant's reconnection fee who is enrolled in a  
23 utility assistance program if the customer remains enrolled for  
24 a duration of at least six months.

25 (b) Timing.--When service to a dwelling has been terminated  
26 and provided the customer or applicant has met all applicable  
27 conditions, the public utility shall reconnect service as  
28 follows:

29 \* \* \*

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

19 (3) Payment tendered by a customer to reconnect service  
20 that is subsequently dishonored, revoked, canceled or is  
21 otherwise not authorized under section 1406(h)(1) (relating  
22 to termination of utility service) and which has not been  
23 cured or otherwise made full payment within three business  
24 days of the public utility's notice to the customer, made in  
25 accordance with the notice provisions of section 1406(b)(1)  
26 (ii), of the dishonored payment is grounds for immediate  
27 termination under section 1406(c). A public utility may  
28 require a customer or applicant to cure a dishonored payment,  
29 as provided for in section 1406(h), as a condition of  
30 entering into a payment agreement with the customer or

1 applicant for a remaining account balance.

2 \* \* \*

3 (e) Approval.--A public utility may establish that an  
4 applicant previously resided at a property for which residential  
5 service is requested through the use of information on a  
6 mortgage, deed or lease [information] as identified in section  
7 202 of the act of April 6, 1951 (P.L.69, No.20), known as The  
8 Landlord and Tenant Act of 1951, a commercially available  
9 consumer credit reporting service or other methods approved as  
10 valid by the commission.

11 Section 4. Sections 1410.1, 1413, 1414(a), 1415(3) and 1417  
12 of Title 66 are amended to read:

13 § 1410.1. Public utility duties.

14 (a) General rule.--When a customer or applicant contacts a  
15 public utility to make a payment agreement as required by  
16 section 1410 (relating to complaints filed with commission), the  
17 public utility shall:

18 (1) Provide information about the public utility's  
19 universal service programs, including a customer assistance  
20 program.

21 (2) Refer the customer or applicant to the universal  
22 service program administrator of the public utility to  
23 determine eligibility for a program and to apply for  
24 enrollment in a program.

25 (3) Have an affirmative responsibility to attempt to  
26 collect payment on an overdue account. [The utility shall  
27 report to the commission annually residential customer  
28 accounts which have accumulated \$10,000 or more in arrearages  
29 and shall demonstrate what efforts are being taken to collect  
30 the arrearages. Failure to make reasonable attempts to

1 collect payments on overdue accounts with arrearages in  
2 excess of \$10,000 may result in civil fines or other  
3 appropriate sanctions by the commission.]

4 (4) Report to the commission on an annual basis the  
5 number of medical certificates and renewals submitted and  
6 accepted in the service territory.

7 (b) Duties.--The public utility shall:

8 (1) Contact customers with arrearages over 90 days past  
9 due to offer payment arrangements, referrals and other  
10 resources for which the customer or applicant may be  
11 eligible.

12 (2) Report to the commission annually residential  
13 customer accounts which have accumulated \$10,000 or more in  
14 arrearages. Failure to make reasonable attempts to collect  
15 payments on overdue accounts with arrearages in excess of  
16 \$10,000 may result in civil fines or other appropriate  
17 sanctions by the commission.

18 § 1413. Reporting of recipients of public assistance.

19 The Department of [Public Welfare] Human Services shall  
20 annually [provide a city natural gas distribution operation with  
21 the listing of recipients of public assistance in a city of the  
22 first class. A city natural gas distribution operation] make  
23 available to all public utilities with signed LIHEAP vendor  
24 agreements a listing of recipients of LIHEAP or any other  
25 utility assistance administered by the Department of Human  
26 Services or public assistance in the Commonwealth. A public  
27 utility shall not use the listing for anything but qualification  
28 and continued eligibility for a [customer] utility assistance  
29 program, Department of Human Services-administered utility  
30 assistance program or LIHEAP.

1 § 1414. Liens by city natural gas distribution operations.

2 (a) General rule.--A city natural gas distribution operation  
3 furnishing gas service to a property is entitled to impose or  
4 assess a municipal claim against the property and file as liens  
5 of record claims for unpaid natural gas distribution service and  
6 other related costs, including natural gas supply, in the court  
7 of common pleas of the county in which the property is situated  
8 or, if the claim for the unpaid natural gas distribution service  
9 does not exceed the maximum amount over which the Municipal  
10 Court of Philadelphia has jurisdiction, in the Municipal Court  
11 of Philadelphia, pursuant to sections 3 and 9 of the act of May  
12 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim  
13 and Tax Lien Law, and Chapter 22 (relating to natural gas  
14 competition). A city natural gas distribution operation may  
15 disclose to the property owner the amount of any lienable unpaid  
16 service charges and other related costs.

17 \* \* \*

18 § 1415. Reporting to General Assembly and Governor.

19 No later than five years following the effective date of this  
20 chapter and every five years thereafter, the commission shall  
21 submit a report to the Governor, the Chief Clerk of the House of  
22 Representatives and the Secretary of the Senate reviewing the  
23 implementation of the provisions of this chapter. The report  
24 shall include, but not be limited to:

25 \* \* \*

26 (3) The level of access to public utility services by  
27 residential customers, including low-income customers.

28 \* \* \*

29 § 1417. Nonapplicability.

30 This chapter shall not apply to victims under a protection

1 from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to  
2 protection from abuse) or a court order issued by a court of  
3 competent jurisdiction [in this Commonwealth], which provides  
4 clear evidence of domestic violence against the applicant or  
5 customer.

6 Section 5. Section 1419 of Title 66 is repealed:

7 [§ 1419. Expiration.

8 This chapter shall expire December 31, 2024.]

9 Section 6. This act shall take effect in 60 days.