

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 689 Session of
2003

INTRODUCED BY CONTI, THOMPSON, ROBBINS, STOUT AND WOZNIAK,
MAY 2, 2003

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 1, 2004

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further regulating duties
21 of Department of Community and Economic Development; <—
22 PROVIDING FOR STAFFING LEVELS AND LIMITATIONS ON INMATE <—
23 CAPACITY AT STATE CORRECTIONAL INSTITUTIONS, FOR DEFINITIONS,
24 FOR COLLECTION OF CASH DEPOSITS BY PUBLIC UTILITIES AS A
25 CONDITION OF PROVISION OR RECONNECTION OF SERVICES AND FOR
26 PROCEDURES FOR NOTICE OF TERMINATION OF UTILITY SERVICE;
27 AUTHORIZING THE PENNSYLVANIA PUBLIC UTILITY COMMISSION TO
28 MEDIATE PAYMENT AGREEMENTS AND ACCEPT CUSTOMER COMPLAINTS;
29 PROVIDING FOR LANDLORD DUTIES, ~~FOR TAX INCREMENT DISTRICTS~~ <—
30 ~~AND KEYSTONE OPPORTUNITY ZONES~~, FOR REPORTING OF DELINQUENT
31 CUSTOMERS AND FOR REPORTING OF RECIPIENTS OF PUBLIC

1 ASSISTANCE; AND ABROGATING CERTAIN REGULATIONS AND ORDINANCES
2 OF FIRST CLASS CITIES RELATING TO PUBLIC UTILITIES.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. Section 1209 of the act of April 9, 1929~~ <—
6 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
7 ~~amended February 1, 1966 (1965 P.L.1849, No.582), is amended to~~
8 ~~read:~~

9 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—
10 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING A
11 SECTION TO READ:

12 SECTION 915-B. STAFFING LEVELS AND INMATE CAPACITY.--(A)
13 THE DEPARTMENT SHALL UTILIZE THE FOLLOWING RELIEF FACTOR VALUES
14 WHEN DETERMINING STAFFING LEVELS FOR CORRECTIONS OFFICERS AND
15 FOOD SERVICE INSTRUCTORS AT STATE CORRECTIONAL INSTITUTIONS:

16 (1) A MINIMUM OF 1.75 FOR ALL SEVEN-DAY POSTS.

17 (2) A MINIMUM OF 1.55 FOR ALL SIX-DAY POSTS.

18 (3) A MINIMUM OF 1.25 FOR ALL FIVE-DAY POSTS.

19 (B) A CORRECTIONS OFFICER OR FOOD SERVICE INSTRUCTOR VACANCY
20 AT ANY STATE CORRECTIONAL INSTITUTION OR COMMUNITY CORRECTIONS
21 CENTER SHALL BE FILLED WITHIN THIRTY (30) DAYS OF THE OCCURRENCE
22 OF THE VACANCY IN ACCORDANCE WITH APPLICABLE COLLECTIVE
23 BARGAINING AGREEMENT OR LAW IN ORDER TO MEET THE STAFFING LEVELS
24 ESTABLISHED IN SUBSECTION (A).

25 (C) EXCEPT WHEN NECESSARY DUE TO AN EMERGENCY CAPACITY
26 SITUATION, UPON WRITTEN NOTICE TO THE DEPARTMENT FROM AN EMPLOYE
27 ORGANIZATION REPRESENTING CORRECTIONS OFFICERS AND FOOD SERVICE
28 INSTRUCTORS AT A STATE CORRECTIONAL INSTITUTION IN THIS
29 COMMONWEALTH THAT THE TOTAL INMATE CAPACITY AT THE STATE
30 CORRECTIONAL INSTITUTION HAS EXCEEDED ONE HUNDRED THIRTY-FIVE

1 PER CENTUM (135%) OF THE TOTAL INMATE CAPACITY AT THE STATE
2 CORRECTIONAL INSTITUTION FOR MORE THAN THIRTY (30) CONSECUTIVE
3 DAYS OR SIXTY (60) DAYS IN THE AGGREGATE IN ANY 12-MONTH PERIOD,
4 THE DEPARTMENT SHALL DO THE FOLLOWING:

5 (1) WITHIN TEN (10) BUSINESS DAYS OF RECEIVING THE NOTICE,
6 CONDUCT A MANPOWER SURVEY OF THE INSTITUTION IN CONSULTATION
7 WITH THE EMPLOYE ORGANIZATION, TO DETERMINE THE NUMBER OF SEVEN-
8 DAY, SIX-DAY AND FIVE-DAY POSTS REQUIRED AT THE INSTITUTION FOR
9 EACH TENTH PERCENTILE EXCEEDING ONE HUNDRED THIRTY-FIVE PER
10 CENTUM (135%) OF THE TOTAL INMATE CAPACITY. THE SURVEY SHALL BE
11 COMPLETED WITHIN FIFTEEN (15) BUSINESS DAYS.

12 (2) ENTER INTO NEGOTIATIONS WITH THE EMPLOYE ORGANIZATION TO
13 DISCUSS REQUIRED STAFFING LEVELS AT THE INSTITUTION. IF NO
14 AGREEMENT IS REACHED ON THE NUMBER OF POSTS REQUIRED AT THE
15 INSTITUTION WITHIN SEVEN (7) BUSINESS DAYS, THE DEPARTMENT SHALL
16 ENTER INTO ARBITRATION AS PROVIDED FOR UNDER THE COLLECTIVE
17 BARGAINING AGREEMENT OF THE EMPLOYE ORGANIZATION TO SET THE
18 REQUIRED STAFFING LEVELS AT THE INSTITUTION. THE ARBITRATION
19 SHALL BE COMPLETED WITHIN FIFTEEN (15) BUSINESS DAYS.

20 (3) IMPLEMENT THE NUMBER OF POSTS DETERMINED BY THE JOINT
21 MANPOWER SURVEY OR ARBITRATION WITHIN TEN (10) BUSINESS DAYS OF
22 THE COMPLETION OF THE JOINT MANPOWER SURVEY OR ARBITRATION,
23 WHICHEVER IS LATER.

24 (D) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
25 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION
26 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

27 "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS OF THE
28 COMMONWEALTH.

29 "EMERGENCY CAPACITY SITUATION" MEANS ANY EXTRAORDINARY
30 OCCURRENCE WHICH IS OUTSIDE THE IMMEDIATE CONTROL OF THE

1 DEPARTMENT, NECESSITATING THAT THE DEPARTMENT TRANSFER INMATES
2 FROM THEIR CURRENT INSTITUTION TO OTHER INSTITUTIONS IN THE
3 INTERESTS OF MAINTAINING THE OVERALL SAFETY OF THE INMATES AND
4 THE PROTECTION OF THE PUBLIC.

5 "INMATE" MEANS AN INDIVIDUAL WHO HAS BEEN COURT ORDERED TO
6 THE CARE AND CUSTODY OF THE DEPARTMENT.

7 "STATE CORRECTIONAL INSTITUTION" MEANS A JAIL, PRISON OR
8 DETENTION FACILITY OPERATED BY THE COMMONWEALTH AND USED FOR THE
9 DETENTION AND CONFINEMENT OF INMATES.

10 "TOTAL INMATE CAPACITY" MEANS THE NUMBER OF INMATES LIVING IN
11 THOSE AREAS OF A STATE CORRECTIONAL INSTITUTION SPECIFICALLY AND
12 PURPOSEFULLY DESIGNED AS LIVING QUARTERS.

13 SECTION 1.1. SECTION 1209 OF THE ACT, AMENDED FEBRUARY 1,
14 1966 (1965 P.L.1849, NO.582), IS AMENDED TO READ:

15 Section 1209. Local Government [Budget and] Financial
16 Reports; Compilation of Statistics.--The Department of Community
17 [Affairs] and Economic Development shall have power and its duty
18 shall be:

19 [(a) To prepare, in cooperation with duly authorized
20 committees of local government officials, and furnish annually
21 at the expense of the Commonwealth, to the corporate authorities
22 of each county (except counties of the first class), city of the
23 third class, borough, incorporated town, township, school
24 district of the second, third, and fourth class blank forms
25 suitable for the making of budgets by the proper authorities of
26 said local government and for the filing of a copy of the budget
27 after adoption with said department.]

28 (b) To furnish to the corporate authorities of each county
29 (except counties of the first class), city of the third class,
30 borough, incorporated town, township suitable blank forms for

1 the making of annual reports of the financial condition of their
2 respective local governments to the department, which forms for
3 financial report purposes shall be placed by said corporate
4 authorities into the hands of the director, controller or
5 auditors who by law are required to make such financial reports
6 to the department. Such annual financial reports shall be
7 prepared in cooperation with [aforesaid] duly authorized
8 committees of local government officials and shall contain: (1)
9 a statement of the receipts of the unit of local government from
10 all sources [and of all accounts and revenue which may be due
11 and uncollected at the close of the fiscal year]; (2) a
12 statement of the disbursements for all the governmental
13 activities of the unit of local government during the fiscal
14 year; (3) a detailed statement of the indebtedness of the unit
15 of local government at the close of the fiscal year[, the
16 provisions made for the payment thereof, together with the
17 purposes for which it was incurred; (4) a statement of the cost
18 of ownership and operation of each and every public service
19 industry owned, maintained or operated by the unit of local
20 government]; (5) such further or more specific information in
21 relation to the cost of any branch of the local government and
22 improvements therein as may be required by the department.

23 [In the case of blank forms for financial reports by
24 townships of the second class and counties, the same shall be so
25 arranged that corresponding data and information, required to be
26 reported by said units of local government to the Department of
27 Highways or the Department of Public Welfare, may be used for
28 the information required to be furnished to the Department of
29 Community Affairs under this section.]

30 (c) The substance of the annual [budget and] financial

1 reports, required by law to be made to the Department of
2 Community [Affairs] and Economic Development by the corporate
3 officers, directors, controllers, and auditors of units of local
4 government, shall be arranged by said department in such form as
5 shall indicate the comparative receipts from the various sources
6 of revenue and the comparative costs of the several branches of
7 local government in the governments making such reports, shall
8 be published at the cost of the Commonwealth in an annual
9 statement of comparative statistics which shall be issued [for
10 each class of local government] as a public document in printed
11 and electronic form, and shall be submitted by the department to
12 the General Assembly at each regular session. Copies thereof
13 shall also be [furnished] made available by the department to
14 each such local government unit named therein.

15 ~~Section 2. This act shall take effect in 60 days.~~ <—

16 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <—

17 ARTICLE XXVIII-D

18 RESPONSIBLE UTILITY CUSTOMER PROTECTION.

19 SECTION 2801-D. SHORT TITLE.

20 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE RESPONSIBLE
21 UTILITY CUSTOMER PROTECTION ACT.

22 SECTION 2802-D. DECLARATION OF POLICY.

23 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

24 (1) FORMAL SERVICE RULES WERE FIRST ADOPTED BY THE
25 PENNSYLVANIA PUBLIC UTILITY COMMISSION IN 1978 WITH THE
26 STATED GOAL OF ENFORCING UNIFORM, FAIR AND EQUITABLE
27 RESIDENTIAL UTILITY SERVICE STANDARDS GOVERNING ELIGIBILITY
28 CRITERIA, CREDIT AND DEPOSIT PRACTICES, ACCOUNT BILLING,
29 TERMINATION AND RESTORATION OF SERVICE PROCEDURES AND
30 CUSTOMER COMPLAINT PROCEDURES. THESE RULES HAVE NOT

1 SUCCESSFULLY MANAGED THE ISSUE OF BILL PAYMENT. INCREASING
2 AMOUNTS OF UNPAID BILLS NOW THREATEN PAYING CUSTOMERS WITH
3 HIGHER RATES DUE TO OTHER CUSTOMERS' DELINQUENCIES.

4 (2) THE GENERAL ASSEMBLY BELIEVES THAT THE TIME IS NOW
5 TO REVISIT THESE RULES AND PROVIDE PROTECTIONS AGAINST RATE
6 INCREASES FOR TIMELY PAYING CUSTOMERS RESULTING FROM OTHER
7 CUSTOMERS' DELINQUENCIES. THE GENERAL ASSEMBLY SEEKS TO
8 ACHIEVE GREATER EQUITY BY ELIMINATING OPPORTUNITIES FOR
9 CUSTOMERS CAPABLE OF PAYING TO AVOID THE TIMELY PAYMENT OF
10 PUBLIC UTILITY BILLS.

11 (3) THROUGH THIS ACT, THE GENERAL ASSEMBLY SEEKS TO
12 PROVIDE PUBLIC UTILITIES DOING BUSINESS IN THIS COMMONWEALTH
13 WITH AN EQUITABLE MEANS TO REDUCE THEIR UNCOLLECTIBLE
14 ACCOUNTS BY MODIFYING THE PROCEDURES FOR DELINQUENT ACCOUNT
15 COLLECTIONS AND BY INCREASING TIMELY COLLECTIONS. AT THE SAME
16 TIME, THE GENERAL ASSEMBLY SEEKS TO ENSURE THAT PUBLIC
17 UTILITY SERVICE REMAINS AVAILABLE TO ALL CUSTOMERS ON
18 REASONABLE TERMS AND CONDITIONS.

19 SECTION 2803-D. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "AMR." AUTOMATIC METER READ OR READER.

24 "APPLICANT." A PERSON WHO APPLIES FOR RESIDENTIAL SERVICE
25 PROVIDED BY A PUBLIC UTILITY AND ALL ADULT OCCUPANTS OF THE
26 PERSON'S HOUSEHOLD.

27 "CHANGE IN CIRCUMSTANCE." A DECREASE IN TOTAL HOUSEHOLD
28 INCOME RESULTING IN A HOUSEHOLD INCOME LEVEL NOT EXCEEDING 150%
29 OF THE FEDERAL POVERTY LEVEL WHEN THE INCOME LEVEL PRIOR TO THE
30 DECREASE WAS 150% OR MORE OF THE FEDERAL POVERTY LEVEL.

1 "CITY NATURAL GAS DISTRIBUTION OPERATION." A COLLECTION OF
2 REAL AND PERSONAL ASSETS USED FOR DISTRIBUTING NATURAL GAS TO
3 RETAIL GAS CUSTOMERS OWNED BY A CITY OR A MUNICIPAL AUTHORITY,
4 NONPROFIT CORPORATION OR PUBLIC CORPORATION FORMED PURSUANT TO
5 66 PA.C.S. § 2212(M) (RELATING TO CITY NATURAL GAS DISTRIBUTION
6 OPERATIONS).

7 "COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

8 "CUSTOMER." A PERSON IN WHOSE NAME A RESIDENTIAL SERVICE
9 ACCOUNT IS LISTED AND WHO IS PRIMARILY RESPONSIBLE FOR PAYMENT
10 OF BILLS RENDERED FOR THE SERVICE AND ANY ADULT OCCUPANT OF SUCH
11 PERSON'S HOUSEHOLD.

12 "CUSTOMER ASSISTANCE PROGRAM." A PLAN OR PROGRAM SPONSORED
13 BY A PUBLIC UTILITY FOR THE PURPOSE OF PROVIDING UNIVERSAL
14 SERVICE, AS DEFINED BY 66 PA.C.S. § 2202 (RELATING TO
15 DEFINITIONS), IN WHICH CUSTOMERS MAKE MONTHLY PAYMENTS BASED ON
16 GROSS INCOME AND HOUSEHOLD SIZE AND UNDER WHICH CUSTOMERS MUST
17 COMPLY WITH CERTAIN RESPONSIBILITIES AND RESTRICTIONS IN ORDER
18 TO REMAIN ELIGIBLE FOR THE PROGRAM.

19 "ELECTRIC DISTRIBUTION UTILITY." AN ENTITY PROVIDING
20 FACILITIES FOR THE JURISDICTIONAL TRANSMISSION AND DISTRIBUTION
21 OF ELECTRICITY TO RETAIL CUSTOMERS, EXCEPT BUILDING OR FACILITY
22 OWNERS OR OPERATORS THAT MANAGE THE INTERNAL DISTRIBUTION SYSTEM
23 SERVING SUCH BUILDING OR FACILITY AND THAT SUPPLY ELECTRIC POWER
24 AND OTHER RELATED ELECTRIC POWER SERVICES TO OCCUPANTS OF THE
25 BUILDING OR FACILITY.

26 "FORMAL COMPLAINT." A COMPLAINT FILED BEFORE THE
27 PENNSYLVANIA PUBLIC UTILITY COMMISSION REQUESTING A LEGAL
28 PROCEEDING BEFORE A PENNSYLVANIA PUBLIC UTILITY COMMISSION
29 ADMINISTRATIVE LAW JUDGE OR A MEDIATION UNDER THE MANAGEMENT OF
30 A PENNSYLVANIA PUBLIC UTILITY COMMISSION ADMINISTRATIVE LAW

←

1 JUDGE.

2 "HOUSEHOLD INCOME." THE COMBINED GROSS INCOME OF ALL ADULTS
3 IN A RESIDENTIAL HOUSEHOLD WHO BENEFIT FROM THE PUBLIC UTILITY
4 SERVICE.

5 "INFORMAL COMPLAINT." A COMPLAINT FILED WITH THE ←
6 PENNSYLVANIA PUBLIC UTILITY COMMISSION BY A CUSTOMER THAT DOES
7 NOT INVOLVE A LEGAL PROCEEDING BEFORE A PENNSYLVANIA PUBLIC
8 UTILITY COMMISSION ADMINISTRATIVE LAW JUDGE OR A MEDIATION UNDER
9 THE MANAGEMENT OF A PENNSYLVANIA PUBLIC UTILITY COMMISSION
10 ADMINISTRATIVE LAW JUDGE.

11 "LIHEAP" OR "LOW INCOME HOME ENERGY ASSISTANCE PROGRAM." A
12 FEDERALLY FUNDED PROGRAM THAT PROVIDES FINANCIAL ASSISTANCE IN
13 THE FORM OF CASH AND CRISIS GRANTS TO LOW-INCOME HOUSEHOLDS FOR
14 HOME ENERGY BILLS AND IS ADMINISTERED BY THE DEPARTMENT OF
15 PUBLIC WELFARE.

16 "NATURAL GAS DISTRIBUTION SERVICE." THE DELIVERY OF NATURAL
17 GAS TO RETAIL GAS CUSTOMERS UTILIZING THE JURISDICTIONAL
18 FACILITIES OF A NATURAL GAS DISTRIBUTION UTILITY.

19 "NATURAL GAS DISTRIBUTION UTILITY." A CITY NATURAL GAS
20 DISTRIBUTION OPERATION OR ENTITY THAT PROVIDES NATURAL GAS
21 DISTRIBUTION SERVICES AND MAY PROVIDE NATURAL GAS SUPPLY
22 SERVICES AND OTHER SERVICES. FOR PURPOSES OF THIS ACT, THE TERM
23 DOES NOT INCLUDE EITHER OF THE FOLLOWING:

24 (1) ANY PUBLIC UTILITY PROVIDING NATURAL GAS
25 DISTRIBUTION SERVICES SUBJECT TO THE JURISDICTION OF THE
26 PENNSYLVANIA PUBLIC UTILITY COMMISSION THAT HAS ANNUAL GAS
27 OPERATING REVENUES OF LESS THAN \$6,000,000 PER YEAR, EXCEPT
28 WHERE THE PUBLIC UTILITY VOLUNTARILY PETITIONS THE COMMISSION
29 TO BE INCLUDED WITHIN THIS DEFINITION OR WHERE THE PUBLIC
30 UTILITY SEEKS TO PROVIDE NATURAL GAS SUPPLY SERVICES TO

1 RETAIL GAS CUSTOMERS OUTSIDE ITS SERVICE TERRITORY.

2 (2) ANY PUBLIC UTILITY PROVIDING NATURAL GAS
3 DISTRIBUTION SERVICES SUBJECT TO THE JURISDICTION OF THE
4 COMMISSION THAT IS NOT CONNECTED TO AN INTERSTATE GAS
5 PIPELINE BY MEANS OF A DIRECT CONNECTION OR AN INDIRECT
6 CONNECTION THROUGH THE DISTRIBUTION SYSTEM OF ANOTHER NATURAL
7 GAS PUBLIC UTILITY OR THROUGH A NATURAL GAS GATHERING SYSTEM.

8 "NATURAL GAS SUPPLY SERVICES." THE SALE OR ARRANGEMENT OF
9 THE SALE OF NATURAL GAS TO RETAIL GAS CUSTOMERS AND SERVICES
10 THAT MAY BE UNBUNDLED BY THE PENNSYLVANIA PUBLIC UTILITY
11 COMMISSION UNDER 66 PA.C.S. § 2203(3) (RELATING TO STANDARDS FOR
12 RESTRUCTURING OF NATURAL GAS UTILITY INDUSTRY). THE TERM DOES
13 NOT INCLUDE NATURAL GAS DISTRIBUTION SERVICE.

14 "PAYMENT AGREEMENT." AN AGREEMENT WHEREBY A CUSTOMER WHO
15 ADMITS LIABILITY FOR BILLED SERVICE IS PERMITTED TO AMORTIZE OR
16 PAY THE UNPAID BALANCE OF THE ACCOUNT IN ONE OR MORE PAYMENTS.

17 "PUBLIC UTILITY." ANY ELECTRIC DISTRIBUTION UTILITY, NATURAL
18 GAS DISTRIBUTION UTILITY OR WATER DISTRIBUTION UTILITY IN THIS
19 COMMONWEALTH THAT IS WITHIN THE JURISDICTION OF THE PENNSYLVANIA
20 PUBLIC UTILITY COMMISSION.

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

25 SECTION 2804-D. CASH DEPOSITS; HOUSEHOLD INFORMATION
26 REQUIREMENTS.

27 (A) GENERAL RULE.--THE COMMISSION SHALL NOT PROHIBIT A
28 PUBLIC UTILITY, PRIOR TO OR AS A CONDITION OF PROVIDING UTILITY
29 SERVICE, FROM REQUIRING A CASH DEPOSIT IN AN AMOUNT THAT IS THE <—
30 ESTIMATED AMOUNT OF THE APPLICANT'S BILL FOR TWO MONTHS EQUAL TO <—

1 ONE-SIXTH OF THE APPLICANT'S ESTIMATED ANNUAL BILL, PAID IN FULL
2 AT THE TIME THE PUBLIC UTILITY DETERMINES A DEPOSIT IS REQUIRED,
3 FROM THE FOLLOWING:

4 (1) AN APPLICANT REQUESTING UTILITY DISTRIBUTION
5 SERVICES FOR THE FIRST TIME WHO HAS NOT PREVIOUSLY BEEN A
6 CUSTOMER OF THE PUBLIC UTILITY.

7 (2) AN APPLICANT WHO PREVIOUSLY RECEIVED UTILITY
8 DISTRIBUTION SERVICES AND WAS A CUSTOMER OF THE PUBLIC
9 UTILITY AND WHOSE SERVICE WAS TERMINATED FOR ANY OF THE
10 FOLLOWING REASONS:

11 (I) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

12 (II) FAILURE TO POST A DEPOSIT, PROVIDE A GUARANTEE
13 OR ESTABLISH CREDIT.

14 (III) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
15 CONNECTIONS OR OTHER PROPERTY OF THE PUBLIC UTILITY FOR
16 THE PURPOSE OF REPLACEMENT, MAINTENANCE, REPAIR OR METER
17 READING.

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

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

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

24 (VII) TAMPERING WITH METERS, INCLUDING, BUT NOT
25 LIMITED TO, BYPASSING A METER OR REMOVAL OF AN AMR DEVICE
26 OR OTHER PUBLIC UTILITY EQUIPMENT.

27 (VIII) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
28 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR
29 THE INTEGRITY OF THE DELIVERY SYSTEM OF THE PUBLIC
30 UTILITY.

1 (3) A CUSTOMER CURRENTLY RECEIVING UTILITY SERVICES WHO
2 HAS BEEN DELINQUENT IN THE PAYMENT OF ANY TWO CONSECUTIVE
3 BILLS OR THREE OR MORE BILLS WITHIN THE PRECEDING 12 MONTHS.

4 (4) ANY APPLICANT OR CUSTOMER WHO IS UNABLE TO ESTABLISH
5 CREDITWORTHINESS TO THE SATISFACTION OF THE PUBLIC UTILITY.

6 (B) DEPOSIT HOLD PERIOD.--A PUBLIC UTILITY MAY HOLD A
7 DEPOSIT FOR UP TO ~~36~~ 24 MONTHS UNTIL A TIMELY PAYMENT HISTORY IS <—
8 ESTABLISHED. A TIMELY PAYMENT HISTORY IS ESTABLISHED WHEN A
9 CUSTOMER HAS PAID IN FULL AND ON TIME FOR 12 CONSECUTIVE MONTHS.
10 AFTER A TIMELY PAYMENT HISTORY HAS BEEN ESTABLISHED, THE PUBLIC <—
11 UTILITY SHALL APPLY THE MONEY ON DEPOSIT AGAINST THE AMOUNT OWED
12 BY THE CUSTOMER UNTIL THE MONEY ON DEPOSIT IS EXHAUSTED. THE
13 PUBLIC UTILITY SHALL PAY AND ACCRUE ON THE DEPOSIT THE LEGAL
14 RATE OF INTEREST PURSUANT TO SECTION 202 OF THE ACT OF JANUARY
15 30, 1974 (P.L.13, NO.6), REFERRED TO AS THE LOAN INTEREST AND
16 PROTECTION LAW. UPON VOLUNTARY TERMINATION OF SERVICE BEFORE A <—
17 TIMELY PAYMENT HISTORY HAS BEEN ESTABLISHED, THE PUBLIC UTILITY
18 SHALL REFUND THE BALANCE OF FUNDS ON DEPOSIT WITHIN 60 DAYS OF
19 TERMINATION. REGARDLESS OF WHETHER A TIMELY PAYMENT HISTORY HAS
20 BEEN ESTABLISHED, THE PUBLIC UTILITY MAY NOT TERMINATE A
21 CUSTOMER'S SERVICE UNTIL ALL MONEY ON DEPOSIT HAS BEEN APPLIED
22 AGAINST THE AMOUNT OWED BY THE CUSTOMER.

23 (C) ADULT OCCUPANTS.--PRIOR TO PROVIDING UTILITY SERVICE, A
24 PUBLIC UTILITY MAY REQUIRE AN APPLICANT TO PROVIDE THE NAMES OF
25 ALL ADULT OCCUPANTS RESIDING AT THE LOCATION AND PROOF OF THEIR
26 IDENTITY.

27 (D) THIRD-PARTY GUARANTOR.--NOTHING IN THIS SECTION SHALL BE
28 CONSTRUED TO PRECLUDE AN APPLICANT FROM FURNISHING A THIRD-PARTY
29 GUARANTOR IN LIEU OF A CASH DEPOSIT. THE GUARANTY SHALL BE IN
30 WRITING AND SHALL STATE THE TERMS OF THE GUARANTY. THE GUARANTOR

1 SHALL BE RESPONSIBLE FOR ALL MISSED PAYMENTS OWED TO THE PUBLIC
2 UTILITY.

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

6 (F) REFUND OF DEPOSITS.--A PUBLIC UTILITY SHALL REFUND ANY ←
7 REMAINING DEPOSITS WITHIN 30 DAYS OF CLOSURE OF ANY FULLY PAID
8 ACCOUNTS. A PUBLIC UTILITY MAY DEDUCT OUTSTANDING BALANCES FROM
9 THE DEPOSITS AND SHALL REFUND THE DIFFERENCE.

10 SECTION 2805-D. PAYMENT AGREEMENTS.

11 (A) GENERAL RULE.--THE COMMISSION IS AUTHORIZED TO MEDIATE
12 PAYMENT DISPUTES BETWEEN PUBLIC UTILITIES AND THEIR CUSTOMERS
13 AND ESTABLISH PAYMENT AGREEMENTS BETWEEN THE PARTIES.

14 (B) LENGTH OF PAYMENT AGREEMENTS.--THE LENGTH OF TIME FOR A
15 DELINQUENT CUSTOMER TO RESOLVE AN UNPAID BALANCE ON AN ACCOUNT
16 THAT IS SUBJECT TO A PAYMENT AGREEMENT THAT IS THE PRODUCT OF A
17 DISPUTE MEDIATED BY THE COMMISSION AND IS ENTERED INTO BY A
18 PUBLIC UTILITY AND A 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 300%
24 OF THE FEDERAL POVERTY LEVEL.

25 (3) ~~THREE~~ SIX MONTHS FOR CUSTOMERS WITH A GROSS MONTHLY ←
26 HOUSEHOLD INCOME LEVEL EXCEEDING 300% OF THE FEDERAL POVERTY
27 LEVEL.

28 (C) ARREARAGE TIME.--NOTWITHSTANDING THE PROVISIONS OF
29 SUBSECTION (B), A PAYMENT AGREEMENT THAT IS THE PRODUCT OF A
30 DISPUTE MEDIATED BY THE COMMISSION AND ENTERED INTO BETWEEN A

1 PUBLIC UTILITY AND A CUSTOMER SHALL NOT EXTEND BEYOND THE LENGTH
2 OF TIME IT TOOK FOR THE ARREARAGE TO ACCUMULATE.

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

6 (E) NUMBER OF PAYMENT AGREEMENTS.--ABSENT A CHANGE IN
7 ~~CIRCUMSTANCES~~ CIRCUMSTANCE, THE COMMISSION SHALL NOT ESTABLISH <—
8 OR ORDER A PUBLIC UTILITY TO ESTABLISH A SECOND OR SUBSEQUENT
9 PAYMENT AGREEMENT IF A CUSTOMER HAS DEFAULTED ON A PREVIOUS
10 PAYMENT AGREEMENT. A PUBLIC UTILITY MAY, AT ITS DISCRETION,
11 ENTER INTO A SECOND OR SUBSEQUENT PAYMENT AGREEMENT WITH A
12 CUSTOMER.

13 (F) FAILURE TO COMPLY WITH PAYMENT AGREEMENT.--FAILURE OF A
14 CUSTOMER TO COMPLY WITH THE TERMS OF A PAYMENT AGREEMENT SHALL
15 BE GROUNDS FOR A PUBLIC UTILITY TO TERMINATE THE CUSTOMER'S
16 SERVICE. PENDING THE OUTCOME OF AN INFORMAL OR FORMAL COMPLAINT <—
17 FILED WITH THE COMMISSION, A CUSTOMER SHALL BE OBLIGATED TO PAY
18 THAT PORTION OF THE BILL WHICH IS NOT IN DISPUTE AND SUBSEQUENT
19 BILLS WHICH ARE NOT IN DISPUTE.

20 SECTION 2806-D. TERMINATION OF UTILITY SERVICE.

21 (A) AUTHORIZED TERMINATION.--A PUBLIC UTILITY MAY NOTIFY A
22 CUSTOMER AND TERMINATE SERVICE PROVIDED TO A CUSTOMER AFTER
23 NOTICE AS PROVIDED IN SUBSECTION (B) FOR ANY OF THE FOLLOWING
24 ACTIONS BY THE CUSTOMER:

25 (1) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

26 (2) FAILURE TO POST A DEPOSIT, PROVIDE A GUARANTEE OF
27 PAYMENT OR ESTABLISH CREDIT.

28 (3) FAILURE TO PERMIT ACCESS TO METERS, SERVICE
29 CONNECTIONS OR OTHER PROPERTY OF THE UTILITY FOR THE PURPOSE
30 OF REPLACEMENT, MAINTENANCE, REPAIR OR METER READING.

1 (B) NOTICE OF TERMINATION OF SERVICE.--PRIOR TO TERMINATING
2 SERVICE UNDER SUBSECTION (A), A PUBLIC UTILITY SHALL DO ALL OF
3 THE FOLLOWING:

4 (1) PROVIDE WRITTEN NOTICE OF THE TERMINATION TO THE
5 CUSTOMER AT LEAST TEN DAYS PRIOR TO THE DATE OF THE PROPOSED
6 TERMINATION. THE TERMINATION NOTICE SHALL REMAIN EFFECTIVE
7 FOR 60 DAYS.

8 (2) ATTEMPT TO CONTACT THE CUSTOMER OR RESPONSIBLE ADULT
9 OCCUPANT, EITHER IN PERSON OR BY TELEPHONE, TO PROVIDE NOTICE
10 OF THE PROPOSED TERMINATION AT LEAST THREE DAYS PRIOR TO THE
11 SCHEDULED TERMINATION. PHONE CONTACT SHALL BE DEEMED COMPLETE
12 UPON ~~TWO~~ ATTEMPTED CALLS ON THREE SEPARATE DAYS TO THE <—
13 RESIDENCE BETWEEN THE HOURS OF 7 A.M. AND 9 P.M. IF THE CALLS <—
14 WERE MADE AT VARIOUS TIMES EACH DAY.

15 (3) ATTEMPT TO MAKE PERSONAL CONTACT WITH THE CUSTOMER
16 IN THE RESIDENCE AT THE TIME OF TERMINATION OF SERVICE PRIOR
17 TO DISCONNECTING UTILITY SERVICE, HOWEVER, TERMINATION SHALL
18 NOT BE DELAYED FOR FAILURE TO MAKE PERSONAL CONTACT.

19 THE PUBLIC UTILITY SHALL NOT BE REQUIRED BY THE COMMISSION TO
20 TAKE ANY ADDITIONAL ACTIONS PRIOR TO TERMINATION.

21 (C) GROUNDS FOR IMMEDIATE TERMINATION.--A PUBLIC UTILITY MAY
22 IMMEDIATELY TERMINATE SERVICE FOR ANY OF THE FOLLOWING ACTIONS
23 BY THE CUSTOMER:

24 (1) UNAUTHORIZED USE OF THE UTILITY SERVICE DELIVERED ON
25 OR ABOUT THE AFFECTED DWELLING.

26 (2) FRAUD OR MATERIAL MISREPRESENTATION OF THE
27 CUSTOMER'S IDENTITY FOR THE PURPOSE OF OBTAINING UTILITY
28 SERVICE.

29 (3) TAMPERING WITH METERS OR OTHER UTILITY EQUIPMENT.

30 (4) VIOLATING TARIFF PROVISIONS ON FILE WITH THE

1 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR THE
2 INTEGRITY OF THE UTILITY'S DELIVERY SYSTEM.
3 UPON TERMINATION, THE PUBLIC UTILITY SHALL MAKE A GOOD FAITH
4 ATTEMPT TO DELIVER A NOTICE OF TERMINATION TO THE CUSTOMER OR A
5 RESPONSIBLE PERSON AT THE AFFECTED PREMISES, AND IN THE CASE OF
6 A SINGLE METER, MULTIUNIT DWELLING, THE PUBLIC UTILITY SHALL
7 CONSPICUOUSLY POST THE NOTICE AT THE DWELLING, INCLUDING IN
8 COMMON AREAS WHEN POSSIBLE.

9 (D) ESTIMATED METER READINGS.--A PUBLIC UTILITY MAY
10 TERMINATE SERVICE PROVIDED TO A CUSTOMER BASED ON ESTIMATED
11 METER READINGS FOR ANY OF THE ACTIONS BY THE CUSTOMER SET FORTH
12 IN SUBSECTIONS (A) AND (C).

13 (E) TIMING OF TERMINATION.--A PUBLIC UTILITY MAY TERMINATE
14 UTILITY SERVICE FOR THE REASONS SET FORTH IN SUBSECTION (A) ON
15 ANY DAY OF THE WEEK AS LONG AS THE PUBLIC UTILITY CAN RESTORE
16 UTILITY SERVICE, CONSISTENT WITH SECTION 7 2807-D. <—

17 (F) WINTER TERMINATION.--BETWEEN DECEMBER 1 AND MARCH 15 31, <—
18 AN ELECTRIC DISTRIBUTION UTILITY OR NATURAL GAS DISTRIBUTION
19 UTILITY MAY TERMINATE SERVICE IN ACCORDANCE WITH THIS SECTION
20 ONLY TO CUSTOMERS WITH A GROSS HOUSEHOLD INCOME EXCEEDING 150%
21 OF THE FEDERAL POVERTY LEVEL.

22 (G) MEDICAL CERTIFICATION.--A PUBLIC UTILITY SHALL NOT
23 TERMINATE SERVICE TO A PREMISES WHEN A PHYSICIAN HAS CERTIFIED
24 THAT THE CUSTOMER OR A MEMBER OF THE CUSTOMER'S HOUSEHOLD IS
25 SERIOUSLY ILL OR AFFLICTED WITH A MEDICAL CONDITION THAT WILL BE
26 AGGRAVATED BY CESSATION OF SERVICE. THE CUSTOMER SHALL OBTAIN A
27 LETTER FROM A LICENSED PHYSICIAN VERIFYING THE CONDITION AND
28 SHALL PROMPTLY FORWARD IT TO THE PUBLIC UTILITY.

29 (H) QUALIFICATION FOR LIHEAP.--A NOTICE OF DELINQUENCY TO A
30 CUSTOMER OF A NATURAL GAS DISTRIBUTION UTILITY OR AN ELECTRIC

1 DISTRIBUTION UTILITY SHALL BE SUFFICIENT PROOF OF A CRISIS FOR A
2 CUSTOMER WITH THE REQUISITE INCOME LEVEL TO RECEIVE A LIHEAP
3 CRISIS GRANT FROM THE DEPARTMENT OF PUBLIC WELFARE OR ITS
4 DESIGNEE.

5 (I) READINGS.--A PUBLIC UTILITY SHALL PROVIDE PROOF OF TWO
6 ATTEMPTS TO OBTAIN AN ACTUAL READING OF THE METER.

7 (J) TENDER OF PAYMENT AFTER RECEIVING TERMINATION NOTICE.-- <—

8 (1) AFTER RECEIVING A TERMINATION NOTICE UNDER SECTION
9 2806-D(B)(1), A PUBLIC UTILITY IS REQUIRED TO CONTACT THE
10 CUSTOMER OR RESPONSIBLE ADULT OCCUPANT BY TELEPHONE, IN
11 PERSON OR BY POSTING A WRITTEN NOTICE AT THE PREMISES AT
12 LEAST THREE DAYS PRIOR TO THE SCHEDULED TERMINATION:

13 (I) IF THE CUSTOMER TENDERS PAYMENT WHICH IS
14 SUBSEQUENTLY DISHONORED UNDER 13 PA.C.S. § 3502 (RELATING
15 TO DISHONOR); OR

16 (II) WHEN AN ACCESS DEVICE, AS DEFINED IN 18 PA.C.S.
17 § 4106(D) (RELATING TO ACCESS DEVICE FRAUD), IS
18 UNAUTHORIZED, REVOKED OR CANCELED.

19 (2) IF THE PUBLIC UTILITY IS UNABLE TO CONTACT THE
20 CUSTOMER OR RESPONSIBLE ADULT OCCUPANT BY TELEPHONE CALLS ON
21 THREE SEPARATE DAYS OR IN PERSON, TERMINATION CAN PROCEED ON
22 THREE DAYS WITHOUT ANY FURTHER ADDITIONAL NOTICE, IF THE
23 CALLS WERE MADE AT VARIOUS TIMES EACH DAY.

24 SECTION 2807-D. RECONNECTION OF UTILITY SERVICE.

25 (A) FEE.--A PUBLIC UTILITY MAY REQUIRE A \$75 RECONNECTION <—
26 FEE OF UP TO \$75 BASED UPON THE PUBLIC UTILITY'S COST AS <—
27 APPROVED BY THE COMMISSION PRIOR TO RECONNECTION OF UTILITY
28 SERVICE FOLLOWING LAWFUL TERMINATION OF THE SERVICE.

29 (B) TIMING.--WHEN SERVICE TO A DWELLING HAS BEEN TERMINATED
30 AND PROVIDED THE APPLICANT HAS MET ALL APPLICABLE CONDITIONS,

1 THE PUBLIC UTILITY SHALL RECONNECT SERVICE AS FOLLOWS:

2 (1) WITHIN 24 HOURS FOR ERRONEOUS TERMINATIONS OR UPON
3 RECEIPT BY THE PUBLIC UTILITY OF A VALID MEDICAL
4 CERTIFICATION.

5 (2) WITHIN 24 HOURS FOR TERMINATIONS OCCURRING FROM
6 DECEMBER 1 TO ~~MARCH 15~~ MARCH 31. ←

7 (3) WITHIN THREE DAYS FOR ERRONEOUS TERMINATIONS
8 REQUIRING STREET OR SIDEWALK DIGGING.

9 (4) WITHIN THREE DAYS FROM ~~MARCH 16~~ APRIL 1 TO NOVEMBER ←
10 30 FOR PROPER TERMINATIONS.

11 (5) WITHIN SEVEN DAYS FOR PROPER TERMINATIONS REQUIRING
12 STREET OR SIDEWALK DIGGING.

13 (C) LIABILITY FOR OUTSTANDING BALANCE.--A PUBLIC UTILITY MAY
14 REQUIRE FULL PAYMENT OF ANY OUTSTANDING BALANCE INCURRED BY A
15 CUSTOMER, A CUSTOMER'S SPOUSE OR ANY OTHER ADULT RESIDING AT THE
16 SAME SERVICE LOCATION PRIOR TO RECONNECTION OF UTILITY SERVICE
17 FOR APPLICANTS WHO HAVE AN INCOME EXCEEDING 150% OF THE FEDERAL
18 POVERTY LEVEL. A PUBLIC UTILITY MAY REQUIRE A PARTIAL PAYMENT OF
19 ANY OUTSTANDING BALANCE INCURRED BY A CUSTOMER, A CUSTOMER'S
20 SPOUSE OR ANY OTHER ADULT OCCUPANT RESIDING AT THE SAME SERVICE
21 LOCATION PRIOR TO RECONNECTION OF UTILITY SERVICE FOR APPLICANTS
22 WHO HAVE AN INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY
23 LEVEL.

24 (D) METER OR SHUTOFF VALVE.--FOR APPLICANTS SEEKING
25 RECONNECTION OF SERVICE FOLLOWING TERMINATION WHO HAVE AN INCOME
26 EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, A PUBLIC UTILITY
27 MAY CHARGE A FEE THAT MUST BE INCLUDED AS A PART OF ITS TARIFF
28 FILED IN ACCORDANCE WITH 66 PA.C.S. § 1302 (RELATING TO TARIFFS;
29 FILING AND INSPECTION) FOR MOVING THE METER OR SHUTOFF VALVE TO
30 AN EXTERNAL LOCATION ON THE PROPERTY.

1 SECTION 2808-D. SERVICE TO A PREVIOUSLY TERMINATED LOCATION OR
2 TO A LOCATION CURRENTLY IN TERMINATION
3 PROCEEDINGS.

4 (A) GENERAL RULE.--A PUBLIC UTILITY SHALL NOT BE REQUIRED TO
5 PROVIDE UTILITY SERVICES FOR A LOCATION WHERE UTILITY SERVICE
6 WAS PREVIOUSLY TERMINATED DUE TO NONPAYMENT FOR THE UTILITY
7 SERVICE OR A LOCATION FOR WHICH THERE IS AN OUTSTANDING PAYMENT
8 BALANCE IF THE APPLICANT FAILS TO ESTABLISH THAT THE APPLICANT
9 DID NOT RESIDE AT THE LOCATION DURING THE TIME THE SERVICES WERE
10 TERMINATED OR UNPAID. PROOF OF THE APPLICANT'S PREVIOUS
11 RESIDENCE AS PROVIDED IN SUBSECTION (B), AS WELL AS PROOF OF THE
12 APPLICANT'S NEW RESIDENCE AT THE LOCATION IN THE FORM OF A
13 TIMELY DATED LEASE, DEED OR MORTGAGE WITH AN EFFECTIVE DATE
14 PRIOR TO MAKING THE APPLICATION SHALL BE SUFFICIENT.

15 (B) PROOF OF PREVIOUS RESIDENCE.--

16 (1) A PHOTO IDENTIFICATION BEARING THE ADDRESS OF THE
17 APPLICANT SHALL BE PROOF OF THE APPLICANT'S PREVIOUS
18 RESIDENCE. ANY OF THE FOLLOWING SHALL BE PROOF OF PREVIOUS
19 RESIDENCE:

20 (I) A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED
21 BY THE DEPARTMENT OF TRANSPORTATION FOR THE PREVIOUS
22 RESIDENCE.

23 (II) A VALID IDENTIFICATION CARD ISSUED BY ANY OTHER
24 AGENCY OF THE COMMONWEALTH FOR THE PREVIOUS RESIDENCE.

25 (III) A VALID IDENTIFICATION CARD ISSUED BY THE
26 UNITED STATES GOVERNMENT FOR THE PREVIOUS RESIDENCE.

27 (2) IF THE APPLICANT DOES NOT POSSESS A FORM OF PHOTO
28 IDENTIFICATION, ANY OF THE FOLLOWING SHALL BE PROOF OF
29 PREVIOUS RESIDENCE:

30 (I) NONPHOTO IDENTIFICATION ISSUED BY THE

1 COMMONWEALTH OR ANY AGENCY THEREOF FOR THE PREVIOUS
2 RESIDENCE;

3 (II) NONPHOTO IDENTIFICATION ISSUED BY THE UNITED
4 STATES GOVERNMENT OR AGENCY THEREOF FOR THE PREVIOUS
5 RESIDENCE; AND

6 (III) OTHER REASONABLE DOCUMENTATION OF PREVIOUS
7 RESIDENCE ACCEPTABLE TO THE PUBLIC UTILITY TO SHOW
8 PREVIOUS RESIDENCE.

9 (C) FAILURE TO PROVIDE PROOF OF RESIDENCE.--A PUBLIC UTILITY
10 IS NOT REQUIRED TO PROVIDE UTILITY SERVICES FOR A LOCATION IF
11 THE APPLICANT FAILS TO PROVIDE ACCEPTABLE PROOF OF THE
12 APPLICANT'S PREVIOUS AND NEW RESIDENCE. IN THE EVENT THAT A
13 PUBLIC UTILITY ELECTS TO PROVIDE SERVICE TO AN APPLICANT WHO
14 FAILS TO PROVIDE ACCEPTABLE PROOF OF RESIDENCE, THE UTILITY MAY
15 REQUIRE PAYMENT OF ANY OUTSTANDING BALANCE, CONSISTENT WITH
16 SECTION 7(D) 2807-D. <—

17 (D) DOMESTIC VIOLENCE.--THIS SECTION SHALL NOT APPLY TO
18 VICTIMS UNDER A PROTECTION FROM ABUSE ORDER AS PROVIDED BY 23
19 PA.C.S. CH. 61 (RELATING TO PROTECTION FROM ABUSE).

20 ~~SECTION 2809 D. DISHONORED CHECKS.~~ <—

21 ~~WHEN A CHECK AS DEFINED IN 13 PA.C.S. § 3104 (RELATING TO~~
22 ~~NEGOTIABLE INSTRUMENT) IS DISHONORED UNDER 13 PA.C.S. § 3502~~
23 ~~(RELATING TO DISHONOR) A PUBLIC UTILITY MAY TERMINATE UTILITY~~
24 ~~SERVICE WITHIN 72 HOURS OF PERSONAL CONTACT WITH THE RATEPAYER~~
25 ~~OR A RESPONSIBLE ADULT OCCUPANT. IF A PUBLIC UTILITY IS UNABLE~~
26 ~~TO MAKE PERSONAL CONTACT WITH THE RATEPAYER OR A RESPONSIBLE~~
27 ~~ADULT OCCUPANT AFTER TWO REASONABLE ATTEMPTS, NOTICE OF THE~~
28 ~~TERMINATION MUST BE POSTED AT THE RESIDENCE 24 HOURS PRIOR TO~~
29 ~~TERMINATION.~~

30 SECTION 2809-D. SURCHARGES FOR UNCOLLECTIBLE EXPENSES <—

1 PROHIBITED.

2 THE COMMISSION SHALL NOT GRANT OR ORDER FOR ANY PUBLIC
3 UTILITY A CASH RECEIPTS RECONCILIATION CLAUSE OR ANOTHER
4 AUTOMATIC SURCHARGE MECHANISM FOR UNCOLLECTIBLE EXPENSES. ANY
5 ORDERS BY THE COMMISSION FOR A CASH RECEIPTS RECONCILIATION
6 CLAUSE OR OTHER AUTOMATIC SURCHARGE FOR UNCOLLECTIBLES SHALL BE
7 NULL AND VOID. THIS SECTION SHALL NOT AFFECT ANY CASH ASSOCIATED
8 WITH UNIVERSAL SERVICE AND ENERGY CONSERVATION.

9 SECTION 2810-D. LATE PAYMENT CHARGE WAIVER.

10 A PUBLIC UTILITY MAY WAIVE LATE PAYMENT CHARGES ON ANY
11 CUSTOMER ACCOUNTS. THE COMMISSION MAY ONLY ORDER A WAIVER OF ANY
12 LATE PAYMENT CHARGES LEVIED BY A PUBLIC UTILITY AS A RESULT OF A
13 DELINQUENT ACCOUNT FOR CUSTOMERS WITH A GROSS MONTHLY HOUSEHOLD
14 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL.

15 SECTION 2811-D. COMPLAINTS FILED WITH THE COMMISSION.

16 (A) CERTIFICATION REQUIRED.--THE COMMISSION SHALL ACCEPT
17 COMPLAINTS ONLY FROM PUBLIC UTILITY CUSTOMERS WHO CERTIFY THAT
18 THEY HAVE FIRST CONTACTED THE UTILITY FOR THE PURPOSE OF
19 RESOLVING THE PROBLEM ABOUT WHICH THE CUSTOMER WISHES TO FILE A
20 COMPLAINT. IF THE CUSTOMER HAS NOT CONTACTED THE PUBLIC UTILITY,
21 THE COMMISSION SHALL DIRECT THE CUSTOMER TO THE PUBLIC UTILITY.

22 (B) FILING FEE.--THE COMMISSION SHALL ESTABLISH A FILING FEE
23 OF \$40 THAT SHALL BE LEVIED ON ANY PERSON FILING A FORMAL
24 COMPLAINT WITH THE COMMISSION. THE FILING FEE IS REFUNDABLE TO
25 THE COMPLAINANT UPON A FINAL ORDER OF THE COMMISSION IN FAVOR OF
26 THE COMPLAINANT. NO FEES SHALL BE CHARGED FOR INFORMAL
27 COMPLAINTS.

28 SECTION 2812-D. AUTOMATIC METER READINGS.

29 ALL READINGS BY AN AMR SHALL BE DEEMED ACTUAL READINGS FOR
30 THE PURPOSES OF THIS ACT AND THE PURPOSES OF 66 PA.C.S.

1 (RELATING TO PUBLIC UTILITIES).

2 SECTION 2813-D. LANDLORD DUTIES IN CITIES OF THE FIRST CLASS. <—

3 (A) NOTICE TO CITY NATURAL GAS DISTRIBUTION OPERATION.--A
4 LANDLORD ENTERING INTO AN ORAL OR WRITTEN CONTRACT OR AGREEMENT
5 WITH A TENANT FOR A LEASE OF REAL PROPERTY WITHIN A RESIDENTIAL
6 BUILDING PURSUANT TO THE ACT OF APRIL 6, 1951 (P.L.69, NO.20),
7 KNOWN AS THE LANDLORD AND TENANT ACT OF 1951, IN A CITY OF THE
8 FIRST CLASS SHALL NOTIFY A CITY NATURAL GAS DISTRIBUTION
9 OPERATION OF ALL KNOWN TENANTS 18 YEARS OF AGE OR OLDER RESIDING <—
10 IN THE LEASED PROPERTY UPON THE COMMENCEMENT OF ANY NEW LEASE OR
11 THE RENEWAL OF AN EXISTING LEASE AFTER THE EFFECTIVE DATE OF
12 THIS ACT.

13 (B) ACCESS TO DWELLING UNIT.--IN THE CASE OF A RESIDENTIAL
14 BUILDING, IF AFTER TWO ATTEMPTED PERSONAL CONTACTS AT THE
15 TENANT'S DWELLING UNIT A CITY NATURAL GAS DISTRIBUTION OPERATION
16 IS UNABLE TO GAIN ACCESS TO THE DWELLING UNIT FOR THE PURPOSES
17 OF A METER READING, A LANDLORD MAY GRANT ACCESS TO THE DWELLING
18 UNIT. NOTIFICATION OF THE TENANT. <—

19 ~~(C) LIENS. A RESIDENTIAL BUILDING IS SUBJECT TO A LIEN AS~~
20 ~~PROVIDED FOR IN THE ACT OF MAY 16, 1923 (P.L.207, NO.153),~~
21 ~~REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW, OR FOR~~
22 ~~FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION FOR THE~~
23 ~~DELINQUENT ACCOUNTS OF TENANTS AT THE RESIDENTIAL BUILDING.~~

24 ~~SECTION 2814 D. TAX INCREMENT DISTRICTS AND KEYSTONE~~
25 ~~OPPORTUNITY ZONES.~~

26 ~~(A) TAX INCREMENT DISTRICTS. A CITY OF THE FIRST CLASS~~
27 ~~SHALL NOT OFFER ANY EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR~~
28 ~~CREDITS AS PROVIDED BY THE ACT OF JULY 11, 1990 (P.L.465,~~
29 ~~NO.113), KNOWN AS THE TAX INCREMENT FINANCING ACT, TO ANY~~
30 ~~INDUSTRIAL OR COMMERCIAL ENTITY UNLESS THAT ENTITY HAD FIRST~~

1 ~~DEMONSTRATED THAT THE ENERGY SOURCE FOR ALL COOKING, HEATING AND~~
2 ~~AIR CONDITIONING, EACH SUCH USE CONSIDERED INDIVIDUALLY, WOULD~~
3 ~~PROVIDE THE LOWEST UTILITY BILL TO THE END USER OF THE ENERGY~~
4 ~~FOR THE PERIOD OF SUCH EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR~~
5 ~~CREDITS. THE CALCULATION OF ENERGY COST SHALL NOT INCLUDE~~
6 ~~INCENTIVE PAYMENTS THAT ARE NOT APPLIED DIRECTLY TO THE END~~
7 ~~USERS' UTILITY BILLS DURING THE PERIOD.~~

8 ~~(B) KEYSTONE OPPORTUNITY ZONES. A CITY OF THE FIRST CLASS~~
9 ~~SHALL NOT OFFER ANY EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR~~
10 ~~CREDITS AS PROVIDED BY CHAPTER 7 OF THE ACT OF OCTOBER 6, 1998~~
11 ~~(P.L.705, NO.92), KNOWN AS THE KEYSTONE OPPORTUNITY ZONE,~~
12 ~~KEYSTONE OPPORTUNITY EXPANSION ZONE AND KEYSTONE OPPORTUNITY~~
13 ~~IMPROVEMENT ZONE ACT, TO ANY INDUSTRIAL OR COMMERCIAL ENTITY~~
14 ~~UNLESS THAT ENTITY HAD FIRST DEMONSTRATED THAT THE ENERGY SOURCE~~
15 ~~FOR ALL COOKING, HEATING AND AIR CONDITIONING, EACH SUCH USE~~
16 ~~CONSIDERED INDIVIDUALLY, WOULD PROVIDE THE LOWEST UTILITY BILL~~
17 ~~TO THE END USER OF THE ENERGY FOR THE PERIOD OF SUCH EXEMPTIONS,~~
18 ~~DEDUCTIONS, ABATEMENTS OR CREDITS. THE CALCULATION OF ENERGY~~
19 ~~COST SHALL NOT INCLUDE INCENTIVE PAYMENTS THAT ARE NOT APPLIED~~
20 ~~DIRECTLY TO THE END USERS' UTILITY BILLS DURING THE PERIOD.~~

21 ~~(C) EXEMPTIONS. THIS SECTION SHALL NOT APPLY TO AN~~
22 ~~INDUSTRIAL OR COMMERCIAL CONSUMER RECEIVING SERVICE, AS DEFINED~~
23 ~~BY 66 PA.C.S. § 102 (RELATING TO DEFINITIONS), ON OR BEFORE THE~~
24 ~~EFFECTIVE DATE OF THIS SECTION.~~

25 ~~(C) LIENS.--IN ADDITION TO ANY EXISTING RIGHT TO IMPOSE~~ <—
26 ~~LIENS, A CITY NATURAL GAS DISTRIBUTION OPERATION MAY IMPOSE A~~
27 ~~LIEN UNDER THIS SECTION PURSUANT TO THE ACT OF MAY 16, 1923~~
28 ~~(P.L.207, NO.153), REFERRED TO AS THE MUNICIPAL CLAIM AND TAX~~
29 ~~LIEN LAW, ON A RESIDENTIAL BUILDING FOR FAILURE TO COMPLY WITH~~
30 ~~THIS SECTION.~~

1 SECTION 2814-D. (RESERVED).

2 SECTION 2815-D. REPORTING OF DELINQUENT CUSTOMERS.

3 A CITY NATURAL GAS DISTRIBUTION OPERATION SHALL REPORT TO THE
4 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ESTABLISHED
5 PURSUANT TO THE ACT OF JUNE 5, 1991 (P.L.9, NO.6), KNOWN AS THE
6 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT FOR
7 CITIES OF THE FIRST CLASS, AN ASSISTED CITY OR CORPORATE ENTITY
8 OF AN ASSISTED CITY, AS THOSE TERMS ARE DEFINED IN THE
9 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT THAT
10 HAS NOT PAID IN FULL FOR CHARGES FOR UTILITY SERVICE BY THE DUE
11 DATES STATED ON THE BILL OR OTHERWISE AGREED UPON.

12 SECTION 2816-D. REPORTING OF RECIPIENTS OF PUBLIC ASSISTANCE.

13 THE DEPARTMENT OF PUBLIC WELFARE SHALL ANNUALLY PROVIDE A
14 CITY NATURAL GAS DISTRIBUTION OPERATION ~~AND A JURISDICTIONAL~~ ←
15 ~~ELECTRIC DISTRIBUTION UTILITY~~ WITH THE LISTING OF RECIPIENTS OF
16 PUBLIC ASSISTANCE IN A CITY OF THE FIRST CLASS UPON THE SIGNING
17 OF A WAIVER BY THE RECIPIENT. A CITY NATURAL GAS DISTRIBUTION ←
18 OPERATION SHALL NOT USE THE LISTING FOR ANYTHING BUT
19 QUALIFICATION FOR ASSISTANCE OR INCOME VERIFICATION AS
20 AUTHORIZED BY THE RECIPIENT.

21 SECTION 2817-D. ADDITIONAL DEPOSIT PROVISIONS FOR CITY NATURAL
22 GAS DISTRIBUTION OPERATIONS.

23 THE COMMISSION SHALL NOT PROHIBIT A CITY NATURAL GAS
24 DISTRIBUTION OPERATION, PRIOR TO OR AS A CONDITION OF PROVIDING
25 UTILITY SERVICE FROM REQUIRING A CASH DEPOSIT NOT TO EXCEED AN
26 AMOUNT EQUAL TO TWO MONTHS OF THE PROJECTED AVERAGE MONTHLY
27 WINTER BILL OF THE APPLICANT, PAID IN FULL AT THE TIME THE CITY
28 NATURAL GAS DISTRIBUTION OPERATION DETERMINES A DEPOSIT IS
29 REQUIRED FROM AN APPLICANT WHO SEEKS RESTORATION OF SERVICE FROM
30 OCTOBER 1 THROUGH APRIL 30 WHOSE SERVICE HAS BEEN TERMINATED FOR

1 ANY OF THE FOLLOWING REASONS:

2 (1) NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT.

3 (2) FAILURE TO POST A DEPOSIT, PROVIDE A GUARANTEE OR
4 ESTABLISH CREDIT.

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

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

10 (5) FAILURE TO COMPLY WITH THE MATERIAL TERMS OF A
11 SETTLEMENT OR PAYMENT AGREEMENT.

12 (6) FRAUD OR MATERIAL MISREPRESENTATION OF THE
13 APPLICANT'S IDENTITY FOR THE PURPOSE OF OBTAINING UTILITY
14 SERVICE.

15 (7) TAMPERING WITH METERS, INCLUDING, BUT NOT LIMITED
16 TO, BYPASSING A METER OR REMOVAL OF AN AMR DEVICE OR OTHER
17 PUBLIC UTILITY EQUIPMENT.

18 (8) VIOLATING TARIFF PROVISIONS ON FILE WITH THE
19 COMMISSION SO AS TO ENDANGER THE SAFETY OF A PERSON OR THE
20 INTEGRITY OF THE DELIVERY SYSTEM OF THE PUBLIC UTILITY.

21 SECTION 2818-D. LIENS BY CITY NATURAL GAS DISTRIBUTION
22 OPERATIONS.

23 A CITY NATURAL GAS DISTRIBUTION OPERATION FURNISHING GAS
24 SERVICE TO A PROPERTY IS ENTITLED TO IMPOSE OR ASSESS A
25 MUNICIPAL CLAIM AGAINST SAID PROPERTY AND FILE AS LIENS OF
26 RECORD CLAIMS FOR UNPAID NATURAL GAS DISTRIBUTION SERVICE AND
27 OTHER RELATED COSTS, INCLUDING NATURAL GAS SUPPLY, IN THE COURT
28 OF COMMON PLEAS OF THE COUNTY IN WHICH THE PROPERTY IS SITUATED
29 OR IF THE CLAIM FOR THE UNPAID NATURAL GAS DISTRIBUTION SERVICE
30 DOES NOT EXCEED THE MAXIMUM AMOUNT OVER WHICH THE MUNICIPAL

1 COURT OF PHILADELPHIA HAS JURISDICTION, IN THE MUNICIPAL COURT
2 OF PHILADELPHIA, PURSUANT TO SECTIONS 3 AND 9 OF THE ACT OF MAY
3 16, 1923 (P.L.207, NO.153), REFERRED TO AS THE MUNICIPAL CLAIM
4 AND TAX LIEN LAW, AND 66 PA.C.S. CH. 22 (RELATING TO NATURAL GAS
5 COMPETITION).

6 SECTION 3. THE FOLLOWING SHALL APPLY:

7 (1) THIS ACT SUPERSEDES ANY INCONSISTENT REQUIREMENTS
8 IMPOSED BY LAW ON PUBLIC UTILITIES, INCLUDING, BUT NOT
9 LIMITED TO, REQUIREMENTS IMPOSED BY 52 PA. CODE §§ 56.32
10 (RELATING TO CREDIT STANDARDS), 56.33 (RELATING TO CASH
11 DEPOSITS; THIRD-PARTY GUARANTORS), 56.35 (RELATING TO PAYMENT
12 OF OUTSTANDING BALANCE), 56.41 (RELATING TO GENERAL RULE),
13 56.51 (RELATING TO AMOUNT OF CASH DEPOSIT), 56.53 (RELATING
14 TO REFUND OF DEPOSIT), 56.81 (RELATING TO AUTHORIZED
15 TERMINATION OF SERVICE), 56.82 (RELATING TO DAYS TERMINATION
16 OF SERVICES IS PROHIBITED), 56.83 (RELATING TO UNAUTHORIZED
17 TERMINATION OF SERVICE), 56.91 (RELATING TO GENERAL NOTICE
18 PROVISIONS), 56.93 (RELATING TO PERSONAL CONTACT), 56.94
19 (RELATING TO PROCEDURES IMMEDIATELY PRIOR TO TERMINATION),
20 56.95 (RELATING TO DEFERRED TERMINATION WHEN NO PRIOR
21 CONTACT), 56.96 (RELATING TO POST-TERMINATION NOTICE), 56.100
22 (RELATING TO WINTER TERMINATION PROCEDURES), 56.101 (RELATING
23 TO LIMITED NOTICE UPON NONCOMPLIANCE WITH REPORT OR ORDER),
24 56.111 (RELATING TO GENERAL PROVISIONS), 56.112 (RELATING TO
25 POSTPONEMENT OF TERMINATION PENDING RECEIPT OF CERTIFICATE),
26 56.113 (RELATING TO MEDICAL CERTIFICATIONS), 56.114 (RELATING
27 TO LENGTH OF POSTPONEMENT; RENEWAL), 56.115 (RELATING TO
28 RESTORATION OF SERVICE), 56.116 (RELATING TO DUTY OF
29 RATEPAYER TO PAY BILLS), 56.117 (RELATING TO TERMINATION UPON
30 EXPIRATION OF MEDICAL CERTIFICATION), 56.118 (RELATING TO

1 RIGHT OF UTILITY TO PETITION THE COMMISSION), 56.131
2 (RELATING TO THIRD-PARTY NOTIFICATION), 56.181 (RELATING TO
3 DUTIES OF PARTIES; DISPUTING PARTY'S DUTY TO PAY UNDISPUTED
4 PORTION OF BILLS; UTILITY'S DUTY TO PAY INTEREST WHENEVER
5 OVERPAYMENT FOUND) AND 56.191 (RELATING TO GENERAL RULE).

6 (2) ALL OTHER REGULATIONS ARE ABROGATED TO THE EXTENT OF
7 ANY INCONSISTENCY WITH ARTICLE XXVIII-D OF THIS ACT.

8 (3) ALL ORDINANCES OF ANY CITY OF THE FIRST CLASS ARE
9 ABROGATED TO THE EXTENT THEY ARE INCONSISTENT WITH ARTICLE
10 XXVIII-D OF THIS ACT.

11 SECTION 4. THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL
12 AMEND THE PROVISIONS OF 52 PA. CODE CH. 56 (RELATING TO
13 STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL UTILITY SERVICE)
14 TO COMPLY WITH THE PROVISIONS OF ARTICLE XXVIII-D OF THIS ACT
15 AND MAY PROMULGATE OTHER RULES AND REGULATIONS TO ADMINISTER AND
16 ENFORCE ARTICLE XXVIII-D OF THIS ACT.

17 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.