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FROM THE SENATE SIDE

from Sen Clarence F. Manbeck

Two companion bills centering on reform which I have fought for of the Public Utility Commission, are now in final stages of passage in the Pennsylvania State Legislature.

The consumer-oriented measures, Senate Bills 1216 and 1217, together comprise a package that is of special concern to all utility customers in the state.

They are important because of recent events in which the Public Utility Commission authorized two sister firms, Pennsylvania Electric Company and Metropolitan Edison Company, to recover about \$32 million in retroactive rate hikes. The retroactivity problem, caused by the PUC's year-long delay in approving a permanent rate, produced a tidal wave of angry protests throughout the regions they serve.

I took part in those protests and filed several actions opposing the retroactive rate hikes with the PUC. The PUC, however, ruled against the customers and in favor of the utilities.

In response to the outcry we have accelerated work on the utility-reform bills.

I can happily report that the bills which have now emerged from a Senate House conference committee, prohibit the retroactive rate hike.

Under present procedures the PUC can award a temporary rate increase to a utility firm. Then, over the course of the following 11 months, the commission can grant a permanent and higher rate. In such situations, it then allows the companies to recover the difference between the temporary rate and the permanent one that it approves at a later time.

The new utility-reform package which we have worked out specifically forbids this practice. Under the provisions of the new laws, all utilities, except transportation firms, will file for general rate increases to take effect in 60 days after the date of filing. If the commission does not take action on the boost within that 60-day span, the increase is automatically suspended for a period not to exceed seven months. If the PUC has still not handed down an order by the end of the full suspension period of nine months, the rate hike will go into effect. However, the PUC could come up with a final order at a later date and could order refunds of overpayments, plus interest at the prevailing home-mortgage rates.

This is only part of the consumer-protection features that we have built into the measures. Another provision deals with fuel adjustment clauses.

The PUC is required to keep a careful watch over the operations of the fuel-adjustment clauses. An annual audit may be carried out either by PUC personnel or by independent auditors who are knowledgeable in the field. Within five months after the annual audit, the commission must then review the clauses and the amounts collected from them. The PUC is authorized to intervene in cases of overcharges or under-collections.

The new legislation also requires the PUC to monitor contracts between public utilities and affiliated interests such as coal companies. This provision is designed to prevent "sweetheart contracts" between interlocking financial interests.

Because the bills greatly increase the range of the PUC's duties and powers, the commission will need more money for operational purposes. The commission's budget is derived from an assessment of two-tenths of one percent of the total intrastate operating revenues collected by utility firms. The assessment will be increased to three-tenths of one percent, with a provision for a supplemental assessment to initiate the commission's expanded programs.

The utility-reform bills will raise the salaries of the five members of the commission. The PUC members now draw \$24,000 a year, and the commission chairman receives \$25,000. These are considered part-time positions, and the commissioners often engage in outside law practices or other forms of employment. Now, however, the commissioners must spend full-time at their duties and are,

therefore barred from accepting outside employment. On January 1, 1977, their salaries will jump to \$35,000 a year with a salary of \$37,500 for the chairman; one year later the salary levels will be boosted by another \$5,000.

Other sections of the bill will establish minimum hearing procedures such as those used in courts and on federal levels and they will permit full participation in the proceedings by individual customers and consumer groups.

In addition there will be a central bureau to receive consumer complaints and to assure prompt action on these complaints. Utilities also will be required to file annual conservation reports to assure that the companies are taking full advantage of new technology.

In summary, the PUC will be given the authority and the resources to carry out its expanded responsibilities. If it fails, I will be among the first to find out why and to take corrective action.

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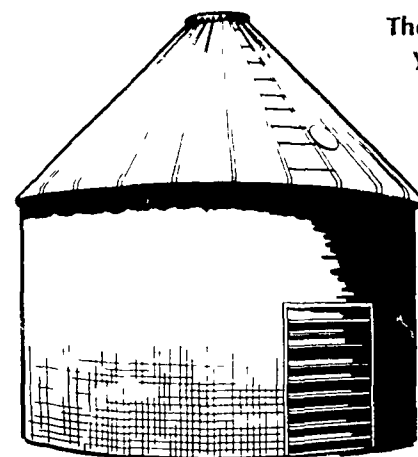
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