
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1298 Session of
2024

INTRODUCED BY DILLON, HUGHES, FONTANA, FLYNN, KEARNEY,
CAPPELLETTI, BREWSTER AND STREET, JULY 24, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JULY 24, 2024

AN ACT

1 Providing for public utility credit reporting; and imposing
2 duties on public utilities.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Public
7 Utility Credit Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Public utility." Any of the following:

13 (1) A person or corporation owning or operating in this
14 Commonwealth equipment or facilities for:

15 (i) Producing, generating, transmitting,
16 distributing or furnishing natural or artificial gas,
17 electricity or steam for the production of light, heat or

1 power to or for the public for compensation.

2 (ii) Diverting, developing, pumping, impounding,
3 distributing or furnishing water to or for the public for
4 compensation.

5 (iii) Transporting passengers or property as a
6 common carrier.

7 (iv) Use as a canal, turnpike, tunnel, bridge, wharf
8 and the like, for the public for compensation.

9 (v) Transporting or conveying natural or artificial
10 gas, crude oil, gasoline or petroleum products, materials
11 for refrigeration, oxygen or nitrogen or other fluid
12 substance, by pipeline or conduit, for the public for
13 compensation.

14 (vi) Conveying or transmitting messages or
15 communications by telephone or telegraph or domestic
16 public land mobile radio service, including, but not
17 limited to, point-to-point microwave radio service, for
18 the public for compensation.

19 (vii) Wastewater collection, treatment or disposal,
20 for the public for compensation.

21 (viii) Providing limousine service in a county of
22 the second class under 66 Pa.C.S. Ch. 11 Subch. B
23 (relating to limousine service in counties of the second
24 class).

25 (2) The term does not include:

26 (i) An individual or corporation, not otherwise a
27 public utility, who or which furnishes service only to
28 the individual or corporation.

29 (ii) A bona fide cooperative association which
30 furnishes service only to the association's stockholders

1 or members on a nonprofit basis.

2 (iii) A producer of natural gas not engaged in
3 distributing the gas directly to the public for
4 compensation.

5 (iv) (Reserved).

6 (v) A building or facility owner/operator who holds
7 ownership over and manages the internal distribution
8 system serving the building or facility and who supplies
9 electric power and other related electric power services
10 to occupants of the building or facility.

11 (vi) An electric generation supplier company, except
12 for the limited purposes as described in 66 Pa.C.S. §§
13 2809 (relating to requirements for electric generation
14 suppliers) and 2810 (relating to revenue-neutral
15 reconciliation).

16 (vii) Service as follows:

17 (A) A water or sewer service provided to
18 independently owned user premises by an individual or
19 corporation that owns and operates as a primary
20 business a resort where:

21 (I) the service provided is from a point
22 within the boundaries of the resort's property
23 and is provided to no more than 100 independently
24 owned user premises for each type of service;

25 (II) the service is verified by the resort,
26 in a form and manner prescribed by the
27 Pennsylvania Public Utility Commission, to be
28 incidental to the supplier's primary resort
29 business, as evidenced by the gross annual
30 revenues derived from each type of service

1 provided to independently owned user premises
2 being less than 1% of the annual gross revenues
3 of the primary resort business;

4 (III) rates to independently owned user
5 premises do not exceed the average of the rates
6 for comparable service provided by two municipal
7 corporations or municipal authorities or any
8 combination of the two that are reasonably
9 proximate to the resort or within the same county
10 if rural;

11 (IV) service will not be terminated to any
12 independently owned user premises in the resort,
13 unless termination is requested by the user, is
14 necessary due to nonpayment or to prevent misuse
15 of the system by a user that impairs or
16 jeopardizes service to other users and the resort
17 or if termination is directed by law, regulation
18 or by a Federal or State agency or governmental
19 body;

20 (V) the water and sewer service provided to
21 the independently owned user premises is the same
22 service that the resort owner provides to
23 themselves or their affiliates;

24 (VI) the resort adopts a resolution
25 providing that the resort will not serve any
26 additional independently owned user premises,
27 except if lawfully directed by any Federal or
28 State agency or governmental body to protect
29 public health and safety due to an emergency such
30 as contamination or failure of existing supply,

1 and does not revoke or amend such resolution
2 without first notifying the Secretary of the
3 Pennsylvania Public Utility Commission in writing
4 30 days in advance of such proposed revocation or
5 amendment; and

6 (VII) disputes between an independently
7 owned user premises and the resort are resolved
8 by the applicable court system.

9 (B) For purposes of this subparagraph:

10 (I) The term "resort" means a place or
11 business visited primarily for leisure or
12 vacation that offers or provides lodging,
13 entertainment, hospitality, dining, recreational
14 facilities or activities for guests, business
15 conferees, members or residents.

16 (II) The term "independently owned user
17 premises" means a structure not owned by the
18 resort or its affiliates, including a structure
19 intended to be used as a seasonal residence,
20 served from a point within the boundaries of a
21 resort and to which a resort owner or their
22 affiliates provide water or sewer service.

23 (3) For the purposes of 66 Pa.C.S. §§ 2702 (relating to
24 construction, relocation, suspension and abolition of
25 crossings), 2703 (relating to ejectment in crossing cases)
26 and 2704 (relating to compensation for damages occasioned by
27 construction, relocation or abolition of crossings), and
28 those portions of 66 Pa.C.S. §§ 1501 (relating to character
29 of service and facilities), 1505 (relating to proper service
30 and facilities established on complaint; authority to order

1 conservation and load management programs) and 1508 (relating
2 to reports of accidents), as those sections or portions
3 relate to safety only, a municipal authority or
4 transportation authority organized under the laws of this
5 Commonwealth is considered a public utility when the
6 municipality authority or transportation authority owns or
7 operates, for the carriage of passengers or goods by rail, a
8 line of railroad composed of lines formerly owned or operated
9 by the Pennsylvania Railroad, the Penn-Central Transportation
10 Company, the Reading Company or the Consolidated Rail
11 Corporation.

12 Section 3. Public utility payments reported to credit agencies.

13 (a) General rule.--Public utilities shall provide customers
14 the opportunity to opt into and, at any time, to opt out of
15 having the public utility payments of the customers reported to
16 credit agencies, including, but not limited to, Experian,
17 Equifax and TransUnion.

18 (b) New customers.--Persons who become customers of a public
19 utility after the effective date of this section shall be
20 notified by the public utility of the opportunity to opt into
21 and, at any time, to opt out of having their payments reported
22 to credit reporting agencies when establishing their public
23 utility account with the public utility.

24 (c) Existing customers.--Persons who are customers of a
25 public utility on the effective date of this section shall be
26 notified in writing by the public utility of the opportunity to
27 opt into and, at any time, to opt out of having their payments
28 reported to credit reporting agencies within 45 days of the
29 effective date of this section.

30 (d) Time limit to opt in.--

1 (1) New and existing public utility customers may
2 register to opt into and opt out of public utility payment
3 credit reporting at any time after notification of the
4 availability of this option.

5 (2) A public utility may not set a time limit or
6 expiration date on the credit reporting option nor may this
7 option be rescinded at any time in the future.

8 (e) Costs and fees.--A public utility may not pass on the
9 cost or charge a fee to a consumer who chooses to opt into or
10 opt out of the credit reporting under this section.

11 Section 4. Information disclosure.

12 (a) Limitation.--Information about the usage by a consumer
13 of any utility service provided by a public utility or
14 telecommunication firm may be furnished to a credit reporting
15 agency only to the extent that the information relates to the
16 payment by the consumer for the service of the utility or
17 telecommunication service or other terms of the provision of the
18 services to the consumer, including any deposit, discount or
19 conditions for interruption or termination of the service.

20 (b) Payment plan.--A public utility may not report payment
21 information to a consumer reporting agency with respect to an
22 outstanding balance of a consumer as late if:

23 (1) the public utility and the consumer have entered
24 into a payment plan, including a deferred payment agreement,
25 an arrearage management program or a debt forgiveness
26 program, with respect to the outstanding balance; and

27 (2) the consumer is meeting the obligations of the
28 payment plan, as determined by the public utility.

29 Section 5. Effective date.

30 This act shall take effect in 90 days.