

## No. 1978-107

## AN ACT

SB 1268

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for the Public Utility Commission to levy limited assessments against public utilities for funding the Office of Consumer Advocate.

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

Section 1. Subsection (a) of section 904-A.1, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," added June 21, 1977 (P.L.19, No.15), is amended to read:

Section 904-A.1. Assessment Upon Public Utilities, Disposition, Appropriation and Disbursement of such Assessments.—(a) Before July 1 of each year, the Office of Consumer Advocate shall estimate its total expenditures in the administration of this act insofar as it relates to public utilities for the fiscal year beginning that date, which estimate *for the fiscal year 1977-1978* shall not exceed seven per centum (7%) [of the public utility's assessment by the Pennsylvania Public Utility Commission for the preceding calendar year] *of the total assessment of the Public Utility Commission for the same fiscal year levied pursuant to section 1201 of the act of May 28, 1937 (P.L.1053, No.286), known as the "Public Utility Law." The Pennsylvania Public Utility Commission's total assessment for fiscal 1977-1978 was twelve million, nine hundred fifty-four thousand five hundred forty-nine dollars and ninety eight cents (\$12,954,549.98) and seven per centum (7%) of that figure is equivalent to nine hundred six thousand eight hundred eighteen dollars (\$906,818) for the Office of Consumer Advocate. It is hereby declared that the assessment for the Office of Consumer Advocate approved by the Appropriation Committees of both the House and Senate of Pennsylvania, and by the Governor for the fiscal year 1977-1978 in the amount of nine hundred four thousand dollars (\$904,000) is within the statutory limit of seven per centum (7%) of the Pennsylvania Public Utility Commission's total assessment for the fiscal*

*year 1977-1978. For the fiscal year 1978-1979 and for each fiscal year thereafter, the Office of Consumer Advocate's estimate of its total expenditures for that fiscal year shall not exceed five one hundredths of one per centum (.05%) of the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the Pennsylvania Public Utility Commission for the preceding calendar year.* Such estimate shall be submitted to the Governor and to the Appropriation Committees of the House and Senate through their respective chairmen for their respective approvals of such estimate in the amount submitted or such lesser amount as each of them may determine: Provided, That if the Governor or either committee, through its chairman, shall fail to notify the Office of Consumer Advocate in writing of his or its action within thirty (30) days after such submission, the estimate as submitted shall be deemed approved by him or by such committee, as the case may be. The least of the amounts so approved by the three (3) approving authorities shall be the final estimate, and approval of such least amount shall constitute compliance with section 604. The Office of Consumer Advocate shall subtract from the final estimate the estimated balance of the appropriation to be carried over into such fiscal year from the preceding one. The remainder so determined, herein called the total assessment, shall be allocated to, and paid by, such public utilities in the manner hereafter prescribed. The Office of Consumer Advocate or its designated representative shall be afforded an opportunity to appear before the Senate and the House Appropriation Committees regarding its estimate.

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Section 2. This act shall take effect immediately and shall be retroactive to July 1, 1977.

APPROVED—The 1st day of July, A. D. 1978.

MILTON J. SHAPP