

No. 1989-3

AN ACT

HB 6

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring the commission to make certain recordings available and to release certain documents.

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

Section 1. Section 332 of Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 332. Procedures in general.

* * *

(i) Review of testimony.—Any party of record in an investigation or inquiry by or hearing before the commission or its representative whose testimony is recorded electronically and subsequently transcribed shall, upon request, be permitted to review the recording to ensure that it has been transcribed accurately. The commission may impose a fee in an amount not exceeding the actual costs involved for making the recording available. Any request to review the recording must be made within the time prescribed by commission regulation, and such request shall not be used to unreasonably delay commission proceedings. This section shall not be construed to require the electronic recording of testimony. The official record of a proceeding shall be the written transcript.

Section 2. The heading of section 335 of Title 66 is amended and the section is amended by adding a subsection to read:

§ 335. Initial decisions *and release of documents.*

* * *

(d) Release of documents.—In addition to any other requirements imposed by law, including the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, and the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, whenever the commission conducts an investigation of an act or practice of a public utility and makes a decision, enters into a settlement with a public utility or takes any other official action, as defined in the Sunshine Act, with respect to its investigation, it shall make part of the public record and release publicly any documents relied upon by the commission in reaching its determination, whether prepared by consultants or commission employees, other than documents protected by legal privilege; provided, however, that if a document contains trade secrets or proprietary information and it has been determined by the commission that harm to the person claiming the privilege would be substantial or if a document required to be released under this section contains identifying information which would operate to the prejudice or impairment of a person's reputation or personal security, or information that would lead to the disclosure

of a confidential source or subject a person to potential economic retaliation as a result of their cooperation with a commission investigation, or information which, if disclosed to the public, could be used for criminal or terroristic purposes, the identifying information may be expurgated from the copy of the document made part of the public record. For the purposes of this section, "a document" means a report, memorandum or other document prepared for or used by the commission in the course of its investigation whether prepared by an adviser, consultant or other person who is not an employee of the commission or by an employee of the commission.

Section 3. This act shall apply to any action pending before the commission or any action taken by the commission within 180 days prior to the effective date of this act.

Section 4. This act shall take effect immediately.

APPROVED—The 21st day of April, A. D. 1989.

ROBERT P. CASEY