



PennFuture

May 7, 2021

Dear Members of the Pennsylvania State Senate:

Citizens for Pennsylvania's Future (PennFuture) writes to express our opposition to Senate Bill 275 (PN 263). We respectfully urge you to vote NO on this bill whenever it is considered by your Chamber.

The Legislature previously attempted, through § 3304 of Act 13 of 2013, to limit the ability of municipalities from regulating the development of oil and gas resources. The PA State Supreme Court struck down this provision as a violation of Article I § 27 of the Pennsylvania Constitution. (*see: Robinson Twp. v. Comm*, 83 A3.d. 901, 1000 (Pa. 2013).) SB 275 may be targeted at utility services rather than gas development companies, but the effect of reducing a local government's zoning role to the same, unacceptable, "pro forma accommodation" is the same. All levels of state government have an obligation to conserve and maintain our public natural resources under Article I § 27 and SB 275 interferes with that obligation. As such, it should be rejected.

While, on its face, the bill purports to be neutral as to the specific source of energy, by focusing only on utility services it gives preferential treatment to the polluting gas industry in much the same way that the legislature attempted with Act 13.

In Pennsylvania, the only utilities that provide energy services are gas and electric utilities. Since restructuring the electric industry in 1996, the electric utilities have become "wires companies" that own and operate the distribution infrastructure rather than generation sources. Customers can contract with non-utility electric generation service providers to shop for specific sources of energy pursuant to Pennsylvania's consumer electric source rule. While a utility may essentially shop for customers while acting as a default service provider, the "nature and source" of electric utility service is not associated with the type of energy delivered. There is, therefore, no way for a municipality to restrict interconnection for that reason.

While SB 275 mentions a broad list of energy sources including renewable energy, this bill is specifically limited to cases where such energy is provided by utility service providers. A homeowner or business that discovers their municipality has a restrictive ordinance limiting their ability to install solar panels would have no recourse under this bill since they are not utilities.

In fact, gas utilities are the only energy utility in Pennsylvania where the connection is intrinsically associated with nature and source of the energy and, as such, this bill exclusively benefits the gas industry.

PennFuture is happy to be a resource should you have any questions. Please do not hesitate to reach out and thank you for your consideration.

Rob Altenburg
Senior Director for Energy & Climate
PennFuture
717.214.7933
altenburg@pennfuture.org

Ezra P. Thrush, MPA
Senior Director of Government Affairs
PennFuture
717.214.7926
thrush@pennfuture.org

Northeast: 425 Carlton Road
Suite 1
Mount Pocono, PA 18344

Southeast: 1429 Walnut Street
Suite 400
Philadelphia, PA 19102

Central: 610 North Third Street
Harrisburg, PA 17101

Southwest: 200 First Avenue
Suite 200
Pittsburgh, PA 15222

Website: www.pennfuture.org