



Pennsylvania Municipal League
President – Michael Lombardo, Mayor, City of Pittston



Pennsylvania State Association of Township Commissioners
President – Sam Juliano, Commissioner, North Versailles Township

MEMO

To: Pennsylvania State Senate Members

From: Amy Sturges, Deputy Executive Director for Advocacy, PA Municipal League (The League) and PA State Association of Township Commissioners (PSATC)

Re: Opposition to Senate Bill 143 (PN 388)

Date: March 8, 2023

On behalf of the members of The League and PSATC, I am writing in strong opposition to Senate Bill 143 scheduled for third consideration today.

Senate Bill 143 is unnecessary, it preempts local decision making and it will very likely create confusion. It also exposes municipalities to costly litigation because the language is broad, subjective, and unclear in what it is actually intending to prohibit at the local level. The League and PSATC opposed this bill last session for these reasons, and it was ultimately vetoed by the Governor.

Touted as an energy choice bill that ensures municipalities treat all consumers equally, Senate Bill 143 is not necessary. In Pennsylvania, the Public Utility Commission has jurisdiction over the regulation of utilities, therefore, local regulatory actions are already prohibited. A municipality cannot restrict a source of energy, like natural gas, and to our knowledge, no municipality is looking to take such action. Municipalities are, however, implementing environmental policies and working at varying degrees to address sustainability and resiliency in their communities. This work includes local actions that promote improved air quality, energy efficiency and energy costs.

The broad language in the bill which includes the words “discrimination,” “policy” and “has the effect of restricting or prohibiting” leaves a wide gap for subjective interpretation of what is actually prohibited. This nebulous language exposes municipalities with community policies, incentives and actions to claims of discrimination by the energy industry. For example, grants to the business community to retrofit buildings for electricity or encouraging residents to consider installing solar could result in a claim of discrimination from an unfavored energy industry. As written, Senate Bill 143 a dangerous bill for local governments and taxpayers alike.

We have offered compromise language that clearly restates the current prohibition on local utility regulation. We continue to strongly oppose the bill as written and respectfully request a “NO” vote today.

Thank you for your consideration.