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The Legislature is poised to renew a controversial provision in the state's public utilities code that made it easier for utility companies to shut off consumers for non-payment during the winter months.

The 2004 law known as Chapter 14 is set to sunset, or expire, this year unless Legislators renew it. Prior to 2004, there was a moratorium on winter shutoffs; Chapter 14 changed the law to allow shutoffs for households with incomes of 250 percent or greater than the federal poverty level. The threshold for customers of the Philadelphia Gas Works is 150 percent or greater than the federal poverty level.

A recent report critical of the law noted it reduced shutoff requirements and payment agreement opportunities, and imposed more stringent restoration terms on consumers who had had utility shutoffs. "Although legislators intended Chapter 14 to eliminate opportunities for customers capable of paying to avoid timely payment, the annual termination numbers show, over time, the increasing struggles of families unable to afford to maintain or restore service under Chapter 14's restrictive provisions," noted the report from Community Legal Services of Philadelphia, a low-income advocacy group. "Instead of targeting the bad actors, Chapter 14 has ensnared vulnerable low income households that are simply too poor to afford to pay their utility bills on time every month."

A 2012 report from the state's Public Utility Commission noted: "Terminations have increased dramatically since the passage of Chapter 14. On the positive side, utilities are using terminations as a collections tool to effectively manage customer debt. However, more customers now enter the winter without a central heating source and the Commission is concerned about the health and safety of the occupants in these homes."

The same 2012 PUC report noted in December 2011 that 17,475 households entered the winter season without heat-related service and an additional 2,559 residences "were using potentially unsafe heating sources," bringing the total number of homes not using a central heating system to 20,034. This number is 34 percent higher than the pre-Chapter 14 average from 2001-04 of 14,992. When people do not have a utility connection, it can lead to fires or carbon monoxide poisoning — caused by unsafe efforts to warm their homes through other means. "There are still a lot of people who are behind on their bills, who are struggling," said state Sen. Jim Ferlo, D-Highland Park, who during committee meetings on the bill in the Senate last week attempted unsuccessfully to reinstate the ban on winter shutoffs.

The Senate did tweak the bill to ban utility shutoffs on Fridays; consumer advocates

Pittsburgh Post-Gazette
Conservative unease growing toward leadership in Pennsylvania Senate

Pittsburgh Tribune-Review
It's 'T' time in the race for Pa. governor

Philadelphia Daily News
Memo to Tom Wolf: Size matters

had said it is more difficult for people to seek government or non-profit utility assistance assistance on weekends when offices may not be open. House Bill 939 passed the House last year; because of changes made to the bill in the Senate last week, it must return to the House. There are two scheduled legislative session days left this year.

The association representing gas and electric utilities said it is hopeful the House will approve the bill this week. "We felt that the law as it was should be renewed," said Terry Fitzpatrick, president and CEO of the Energy Association of Pennsylvania, though he said the association can live with changes made to the law, such as the ban on Friday terminations. “Most of the companies did not do that, but a couple did,” he said. Mr. Fitzpatrick also said assistance is available to low-income consumers who need help paying their utility bills, either through federal or utility-run programs. The PUC is supportive of the renewal and the changes made to the bill in the Senate, and is hopeful the bill will pass the House this week, said a PUC spokeswoman. – ***Pittsburgh Post-Gazette***

It's been weeks since we last heard from Aereo, the shuttered streaming video service that lost big at the Supreme Court this summer. Now it's back, and the company is rolling over in its fight against TV broadcasters — in hopes of a longer-term victory in Congress.

The Federal Communications Commission is weighing whether to extend regulations for satellite television providers, cable companies and other "multichannel video providers" to Aereo and other "linear" online video distributors. (Linear distributors are considered distinct from on-demand services like Netflix or Hulu, so those services aren't likely to be affected by the rule.) In a meeting last week, Aereo told the FCC that it would be willing to accept those regulations. "Online linear channel streaming services have the ability," Aereo wrote in **its FCC filing** describing the meeting, "to comply with the Commission’s regulatory obligations imposed on MVPDs, such as program carriage, emergency alerts, equal opportunity employment and closed captioning."

What Aereo left unsaid here is really the biggest piece of news: By accepting the label of MVPD, Aereo would also need to start negotiating with broadcasters over content, or "retransmission" fees — which is precisely what Aereo's original business model was designed to avoid. (Other MVPDs pay broadcasters money for the right to retransmit free, over-the-air television signals to their subscribers.)

The last few months has seen Aereo looking for creative ways of getting out of paying retransmission fees. When the Supreme Court said that the company looked, for all intents and purposes, like a cable company, Aereo tried to suggest that it pay the federal Copyright Office a lower rate rather than pay broadcasters directly. With this move, Aereo was basically **claiming to be a cable company for the purposes of copyright** but specifically not for the purposes of the FCC. That theory was stymied when the Copyright Office deferred to the FCC, where there's an unresolved debate about online video services and how they should be regulated. If the FCC had said online video distributors were *not* MVPDs, that could have put Aereo in trouble: It might not then be able to argue before the Copyright Office that it was a cable company deserving the lower rate, after all.

But the FCC now appears poised to go the other way — saying that Aereo *is* an MVPD. Aereo evidently agrees. If you find this surprising, you're probably not alone. It'd be a double victory for the broadcasters: Not only would it would put an end to a years-long battle over fees and represent Aereo's unconditional surrender on that question specifically, but it would also open up new opportunities for broadcasters to make advertising dollars. Dennis Wharton, a spokesman for the National Association of Broadcasters, said the lobbying group hadn't had a chance to review

the Aereo filing. "However," said Wharton, "NAB has said we support having local TV programming on as many distribution platforms as possible, so long as distributors respect the copyright interests of broadcasters."

So after spending all this time trying not to pay retransmission fees, is Aereo simply giving up now? Not entirely. "This is a regulatory no-man's-land we're in right now," said an Aereo official on the condition of anonymity because the company's legal proceedings are still ongoing. "We need that regulatory clarity to move forward. This is not a good environment for any business to operate in, without having a clear sense for what the rules are."

Again, what Aereo *isn't* saying here is more important than what it is saying. The company's longer-term aim is to shape big, looming changes in Congress around video and TV. Beginning next year, the House intends to start working in earnest on **an update to the Telecommunications Act**, the law that gives the FCC its powers and forms the basis for pretty much all the policies coming out of the agency, including the ruling on MVPDs. Meanwhile, the Senate is expected to revive a proposal known as Local Choice that would rework the entire system governing retransmission fees. In short, Aereo is saying it can live with paying those fees for now because it expects lawmakers to side with them in the long run – ***Washington Post***

I guess it's nice to be first in something. I mean, usually Pennsylvania is far from first in just about any category you want to choose.

But *The Washington Post* reports that when it comes to campaign spending on TV ads reaching people who can't vote in the race the ads are about, the Keystone State is #1. And it's thanks to the Philly TV market. *The Post* looks at races around the country in which major broadcast markets cross state borders and reports the governor's race between Tom Corbett and Tom Wolf spent $6.7 million on ads in the Philly market, which includes about 3 million households in PA, Jersey and Delaware.

That tops spending in the New York governor's race in the New York City market ($6.2 million), which reaches parts of PA, North Jersey and Connecticut. And it also beat spending in markets in D.C., Chicago and Cincinnati, the latter of which gets a piece of the nation's most expensive campaign -- the Kentucky U.S. Senate contest between Sen. Mitch McConnell and Democratic challenger Alison Lundergan Grimes, reported to top $100 million.

You can read *The Post* piece on TV spending **here**. Meanwhile, PublicSource, a Pennsylvania investigative news organization, **reports** the PA guv's race so far raised $48.2 million overall ($27.6 million by Wolf, $20.6 million by Corbett), which is only slightly less than what's expected to be the most expensive governor's race in the nation, the Florida race between GOP Gov. Rick Scott and former Gov. Charlie Crist -- so far at $48.6 million. At least the Philly market doesn't have to watch Scott/Crist ads. – John Baer's blog in ***Philadelphia Daily News***

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