

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - PENNSYLVANIA**

### **PPL Elec. Utilities Corp. v. City of Lancaster**

**Commonwealth Court of Pennsylvania - October 15, 2015 - A.3d - 2015 WL 5974272**

Public utility filed petition for review seeking declaratory and injunctive relief against city and Public Utility Commission, arguing that ordinances city enacted as part of comprehensive program for management of city's rights-of-way were preempted by the Public Utility Code. Utility filed an application for summary relief.

The Commonwealth Court held that:

- Ordinance purporting to authorize city to inspect public utility facilities to ensure that such facilities did not constitute a public safety hazard and remained in compliance with Public Utility Commission (PUC) standards was preempted;
- Ordinance purporting to grant city the power to order a public utility to remove, relocate, change, or alter the position of any facilities within right-of-way was preempted;
- Ordinance which imposed an annual maintenance fee on any public utility with facilities in city's rights-of-way was not preempted; and
- Ordinance purporting to permit city to bring a complaint against public utilities for violation of a PUC regulation, standard, or order and to fine utility for such violations was preempted.