

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, DECEMBER 21, 2023 (JFC)
10:00 A.M.**

**MAIN HEARING ROOM NO. 1
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

The Commission will act on various matters at today's meeting, which is open to the public. Since adequate forums have been made available for public participation in cases before the Commission, there will be no opportunity for the public to address the Commission.

The attached agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice.

The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, its decision---except on routine, uncontested tariff filings---will be put in writing and served on the interested parties and made public at the time it is entered and served.

All public documents---such as orders, opinions, hearing transcripts, comments, initial and recommended decisions, and the like---relating to items on the agenda, may be examined in the Commission's File Room located in Room N-201, Second Floor, this Building.

The Commissioners seated on the bench are:

COMMISSIONER	VICE CHAIR	CHAIRMAN	COMMISSIONER	COMMISSIONER
Kathryn L. Zerfuss	Kimberly Barrow	Stephen M. DeFrank	Ralph V. Yanora	John F. Coleman, Jr.

The Next Public Meeting is Tentatively Scheduled for Thursday, January 18, 2024 at 10:00 A.M.

Minutes of the Meeting of Thursday, November 9, 2023 (RY)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, JANUARY 18, 2024, AT 10:00 A.M. IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING, 400 NORTH STREET. AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.

THE COMMISSION HELD AN EXECUTIVE SESSION ON FRIDAY, DECEMBER 13, 2023 AT 9:30 AM VIA TELECONFERENCE. THE COMMISSION WILL HOLD ITS NEXT EXECUTIVE SESSION ON WEDNESDAY, JANUARY 17, 2024, AT 1:30 PM IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING AS WELL AS VIA TELECONFERENCE.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

1. DISCUSSING PERSONNEL MATTERS.
2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF REGARDING INFORMATION AND STRATEGY IN CONNECTION WITH CURRENT OR POTENTIAL LITIGATION.
3. DISCUSSING MATTERS RELATED TO THE INITIATION AND CONDUCT OF INVESTIGATIONS, AND QUASI-JUDICIAL DELIBERATIONS.
4. REVIEWING LEGALLY PRIVILEGED OR CONFIDENTIAL MATTERS.
5. DISCUSSING COLLECTIVE BARGAINING ISSUES.
6. CONSIDERING THE PURCHASE OR LEASE OF REAL ESTATE.

AN AGENDA FOR THE EXECUTIVE SESSION WILL BE DISTRIBUTED TO ALL COMMISSIONERS IN ADVANCE OF THIS SESSION. THIS NOTICE IS PROVIDED IN ACCORDANCE WITH ACT 84 OF 1986, KNOWN AS THE SUNSHINE ACT.

**MOTIONS AND STATEMENTS OF THE CHAIRMAN
AND COMMISSIONERS WILL BE AVAILABLE
ON THE COMMISSION'S WEBSITE AT
WWW.PUC.PA.GOV AFTER PUBLIC MEETING.**

FOR YOUR SAFETY, PLEASE TAKE NOTE OF THE EXITS, DOWN THE STAIRS ON EITHER SIDE OF THE HALLWAY OUTSIDE OF HEARING ROOM 1. IN A TRUE EMERGENCY, A PUC EMPLOYEE IN AN ORANGE VEST WILL BE THERE TO HELP THOSE WHO NEED ASSISTANCE. ONCE YOU MOVE DOWN THE STAIRS, PLEASE EXIT ONTO NORTH STREET. ALSO, FOR YOUR CONVENIENCE, RESTROOMS ARE LOCATED ON THE ATRIUM LEVEL NEAR THE CAFETERIA.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

December 21, 2023

BUREAU OF AUDITS

AGENDA NO. 3029806-AUD

DOCKET NO. D-2021-3029806

NAME AND SUBJECT: METROPOLITAN EDISON COMPANY

Audit Report of the Default Service Support Rider for the twelve months ended 3/31/19 and 3/31/20. The Report did not disclose any adverse findings.

RECOMMENDATION: That the Commission release the audit report to the public.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3029807-AUD

DOCKET NO. D-2021-3029807

NAME AND SUBJECT: PENNSYLVANIA ELECTRIC COMPANY

Audit Report of the Default Service Support Rider for the twelve months ended 3/31/19 and 3/31/20. The Report did not disclose any adverse findings.

RECOMMENDATION: That the Commission release the audit report to the public.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3029808-AUD
DOCKET NO. D-2021-3029808

NAME AND SUBJECT: PENNSYLVANIA POWER COMPANY

Audit Report of the Default Service Support Rider for the twelve months ended 3/31/19 and 3/31/20. The Report did not disclose any adverse findings.

RECOMMENDATION: That the Commission release the audit report to the public.

Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3029809-AUD
DOCKET NO. D-2021-3029809

NAME AND SUBJECT: WEST PENN POWER COMPANY

Audit Report of the Default Service Support Rider for the twelve months ended 3/31/19 and 3/31/20. The Report did not disclose any adverse findings.

RECOMMENDATION: That the Commission release the audit report to the public.

Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3035217-AUD
(PP from 12/7/2023)
DOCKET NO. D-2022-3035217

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

Management and Operations Audit Report, containing 31 recommendations. In response, Pennsylvania American Water Company submitted an Implementation Plan dated October 2023 indicating acceptance of 23 recommendations and accepted in part 8 recommendations.

RECOMMENDATION: That the Commission make the audit report and the Company's Implementation Plan public.

Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

BUREAU OF CONSUMER SERVICES

AGENDA NO. 3024935-BCS

DOCKET NO. M-2021-3024935 P-2023-3043550 R-2022-3035880

NAME AND SUBJECT: NATIONAL FUEL GAS DISTRIBUTION CORPORATION

Petition filed on 10/16/23, to amend its 2022-2026 Universal Service and Energy Conservation Plan. The Office of Consumer Advocate and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania separately submitted letters in lieu of Answers to the Petition.

RECOMMENDATION: That the Commission adopt the proposed Order.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF EXECUTIVE DIRECTOR

AGENDA NO. 3000261-DIR

DOCKET NO. M-2018-3000261

NAME AND SUBJECT: DAMAGE PREVENTION COMMITTEE APPOINTMENTS

This Order recommends the appointment of three individuals to fill three vacancies on the Damage Prevention Committee in accordance with 73 P.S. § 182.8 of the Underground Utility Line Protection Law, and to re-post the remaining vacancy representing the natural gas or petroleum pipeline industry.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 2447138-OSA

DOCKET NO. C-2014-2447138 C-2014-2447169 R-2018-3001306 R-2018-3001307

NAME AND SUBJECT: OFFICE OF CONSUMER ADVOCATE VS HIDDEN VALLEY UTILITY SERVICES LP

On 10/6/23, Administrative Law Judge Katrina L. Dunderdale (ALJ Dunderdale) issued the Initial Decision on Remand in the consolidated complaint proceeding Tanya J. McCloskey, Acting Consumer Advocate v. Hidden Valley Utility Services, L.P. (Water and Wastewater) at Docket Nos. C-2014-2447138 and C-2014-2447169 (Complaint Proceeding) approving the Joint Petition for Approval of Unanimous Settlement of All Issues (the Settlement), filed on 5/25/23. On 10/26/23, the Commission's Bureau of Investigation and Enforcement filed Exceptions. In a separate related consolidated rate proceeding, Pennsylvania Public Utility Commission v. Hidden Valley Utility Services, L.P. (Water and Wastewater) at Docket Nos. R 2018-3001306 and R-2018-3001307 (Rate Proceeding), the Commission issued its final Opinion and Order entered on 3/29/19 (March 2019 Order). On 10/31/23, Hidden Valley Utility Services, L.P. (Hidden Valley or the Company) filed a Petition for Amendment by Hidden Valley Utility Services, L.P. (Petition) seeking amendment of Ordering Paragraph No. 11 of the Commission's March 2019 Order, to be consistent with the terms of the Settlement reached in the Complaint Proceeding.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3005907-OSA

DOCKET NO. C-2018-3005907

NAME AND SUBJECT: ETHAN HABRIAL VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 11/7/18, opposing the installation of a smart meter at Complainant's residence alleging, *inter alia*, adverse health effects and harm to the environment. On 11/29/18 Metropolitan Edison Company (Met Ed) filed an Answer and New Matter, denying the material allegations of the FC. Also on 11/29/18, Met Ed filed Preliminary Objections (POs) challenging the legal sufficiency of the FC. On 12/13/18 the Complainant filed an Answer to the POs. On 12/21/18 the Complainant filed a reply to Met Ed's Answer and new Matter. On 6/10/19, ALJ Watson issued an Interim Order denying the POs. An evidentiary hearing was held on 3/2/20. On 6/30/20, DCALJ Cheskis issued the Initial Decision. On 7/13/20 the Complainant filed Exceptions. Met Ed filed Replies to Exceptions on 7/30/20.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3032494-OSA
DOCKET NO. C-2022-3032494

NAME AND SUBJECT: DAWN GRAHAM VS PHILADELPHIA GAS WORKS

Formal Complaint (FC) filed on 5/5/22 alleging, *inter alia*, incorrect charges on her father's bills from Philadelphia Gas Works (PGW) and requesting, *inter alia*, a payment arrangement. On 6/6/22, PGW filed an Answer to the FC. A hearing was held on 11/17/22. A second hearing was held on 4/19/23. In an Initial Decision issued on 8/23/23, ALJ Guhl recommended that the Commission dismiss the FC. The Complainant filed Exceptions on 9/11/23. PGW filed Reply Exceptions on 9/22/23.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3032695-OSA
DOCKET NO. C-2022-3032695

NAME AND SUBJECT: LAURA JOHNSON AND CHARLES JOHNSON VS DUQUESNE LIGHT COMPANY

Formal Complaint (FC) filed on 5/13/22, averring that the Complainants sued Duquesne Light Company (Duquesne) for negligent and reckless conduct because Duquesne failed to notify them and/or former property owners about two routes for a high voltage power line that Duquesne mapped through a parcel of property in 2017 for a reliability project. On 6/21/22, Duquesne filed an Answer, New Matter, and a Preliminary Objection. On 6/22/23, the Commission issued the Initial Decision of ALJ DeVoe dismissing the FC. On 7/12/23, Duquesne filed Exceptions to the ALJ's Initial Decision, and the Complainants filed Reply Exceptions on 8/1/23.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3035653-OSA
DOCKET NO. F-2022-3035653

NAME AND SUBJECT: CLETUS CIBRONE ABATE VS DUQUESNE LIGHT COMPANY
Formal Complaint (FC) filed on 9/26/22, alleging that Duquesne Light Company (DLC) was threatening to shut off Complainant’s electric service. Complainant was experiencing reliability, safety, or quality problems with the service. On 10/17/22, DLC filed an Answer. On 3/2/23 and 3/20/23, telephonic hearings were held in this matter. On 8/14/23, the Initial Decision of ALJ DeVoe was issued, which sustained, in part, and denied, in part, the FC. DLC filed Exceptions on 9/1/23. No Replies to Exceptions were filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036012-OSA
DOCKET NO. F-2022-3036012

NAME AND SUBJECT: MONIQUE WASHINGTON VS PECO ENERGY COMPANY - ELECTRIC
Formal Complaint (FC) filed on 9/22/22, alleging that there were incorrect charges on Complainant’s bill and requested a payment arrangement. On 10/31/22, PECO Energy Company (PECO) filed an Answer. On 1/17/23 a hearing was held where the Complainant failed to appear. On 4/27/23, the Initial Decision of ALJ Guhl was issued, which dismissed the FC without prejudice. No Exceptions were filed. On 5/30/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036675-OSA
DOCKET NO. C-2022-3036675

NAME AND SUBJECT: ALLISON LYN GAISER VS THE PEOPLES NATURAL GAS COMPANY LLC

Formal Complaint (FC) filed on 10/31/22, alleging that there were incorrect charges on Complainant’s bill. The Complainant requested to be refunded any additional charges, the lowest rate possible from Peoples Natural Gas Company (Peoples), and an investigation into possible identity theft. On 11/30/22, Peoples filed an Answer. On 3/30/23 a hearing was held where the Complainant failed to appear. On 6/27/23, the Initial Decision of DCALJ Hoyer was issued, which dismissed the FC. No Exceptions were filed. On 8/15/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036684-OSA
DOCKET NO. C-2022-3036684

NAME AND SUBJECT: ALLISON LYN GAISER VS WEST PENN POWER COMPANY

Formal Complaint (FC) filed on 10/31/22, alleging that there were incorrect charges on her bill and that she was signed up for “Eligo” but claimed she did not sign up with Eligo. Complainant requested to be refunded any additional charges, the lowest rate possible from West Penn Power Company (West Penn), and paper statements only. On 11/29/22, West Penn filed an Answer and New Matter. On 3/14/23 a hearing was held where the Complainant failed to appear. On 6/27/23, the Initial Decision of DCALJ Mark Hoyer was issued, which dismissed the FC. No Exceptions were filed. On 8/15/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036839-OSA
DOCKET NO. F-2022-3036839

NAME AND SUBJECT: DELIA KENT VS PHILADELPHIA GAS WORKS

Formal Complaint (FC) filed on 11/16/22, alleging that Philadelphia Gas Works (PGW) was threatening to shut off Complainant’s service or had already shut it off. Complainant requested her gas service to be restored and for a payment arrangement. On 12/7/22, PGW filed an Answer. On 2/3/23 a hearing was held, the Complainant appeared pro se and Counsel for PGW was present. PGW requested a continuance to allow for the Complainant to apply for various assistance programs. ALJ Heep granted the continuance, and a further hearing was scheduled for 3/24/23. On 3/24/23, a further hearing was held where the Complainant failed to appear. On 6/21/23, the Initial Decision of ALJ Heep was issued, which dismissed the FC without prejudice. No Exceptions were filed. On 7/27/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036853-OSA
DOCKET NO. F-2022-3036853

NAME AND SUBJECT: MICHAEL HICKSON VS PECO ENERGY COMPANY

Formal Complaint (FC) filed on 11/14/22, against PECO Energy Company (PECO) and attached documents that appeared to have been filed with the U.S. District Court, Eastern District of Pa. alleging a violation of the Commerce Clause and Seventh Amendment to the U.S. Constitution. On 12/6/22, PECO filed an Answer and Preliminary Objections. On 2/10/23 ALJ Vero issued an Interim Order denying PECO’s Preliminary Objections and directed the Complainant to amend his FC. The Complainant failed to amend the FC by the time prescribed by ALJ Vero. On 4/24/23, the Initial Decision of ALJ Vero was issued, which dismissed the FC without prejudice. No Exceptions were filed. On 5/26/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036945-OSA
DOCKET NO. F-2022-3036945

NAME AND SUBJECT: ATIA ZAIDI VS PECO ENERGY COMPANY - ELECTRIC
Formal Complaint (FC) filed on 11/18/22, alleging that PECO Energy Company (PECO) had shut off Complainant’s service and requested a payment arrangement. On 12/13/22, PECO filed an Answer, New Matter, and Preliminary Objections. On 1/20/23, DCALJ Pell dismissed the Preliminary Objections and ordered the proceeding to be scheduled for a hearing. On 3/30/23 a hearing was held where the Complainant failed to appear. On 7/20/23, the Initial Decision of ALJ Guhl was issued, which dismissed the FC with prejudice. No Exceptions were filed. On 8/23/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3037122-OSA
DOCKET NO. C-2022-3037122 C-2023-3037578

NAME AND SUBJECT: JAMES HILL VS VERIZON PENNSYLVANIA LLC
Formal Complaint (FC) filed on 11/28/22, alleging that Verizon Pennsylvania LLC (Verizon) had not sent Complainant monthly bills since July 2022 and that Verizon terminated his service. On 12/22/22, Verizon filed an Answer at Docket No. C-2022-3037122. On 1/10/23, Complainant filed a FC at Docket No. C-2023-3037578 against Verizon alleging that Verizon terminated his internet for 22 days, that he had not received a monthly bill since July 2022, and that Verizon directed his incoming calls to a Verizon controlled answering service. On 1/31/23, Verizon filed an Answer at Docket No. C-2023-3037578. On 3/3/23, ALJ Coogan issued a Prehearing and Consolidation Order consolidating the FCs at Docket Nos. C-2022-3037122 and C-2023-3037578. On 4/26/23, a hearing was held where the Complainant failed to appear. On 8/16/23, the Initial Decision of ALJ Coogan was issued, which dismissed the FCs. No Exceptions were filed. On 9/18/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3037377-OSA
DOCKET NO. F-2022-3037377

NAME AND SUBJECT: MARCUS CULVER VS PHILADELPHIA GAS WORKS

Formal Complaint (FC) filed on 12/15/22, alleging that Philadelphia Gas Works (PGW) had shut off Complainant's service and when he contacted PGW to reconnect his service, he was informed he owed \$9,300 for theft of service. On 1/17/23, PGW filed an Answer. On 3/9/23, DCALJ Pell granted PGW's Petition for Reconsideration and rescheduled the 3/10/23 hearing for 4/17/23. On 4/17/23 a hearing was held where the Complainant failed to appear. On 8/3/23, the Initial Decision of DCALJ Pell was issued, which dismissed the FC without prejudice. No Exceptions were filed. On 9/6/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Notes and Votes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3037982-OSA
DOCKET NO. C-2023-3037982

NAME AND SUBJECT: BERNARD MCKENZIE VS PENNSYLVANIA ELECTRIC COMPANY

Formal Complaint (FC) filed on 1/27/23, requesting a payment arrangement. On 2/21/23, Pennsylvania Electric Company (Penelec) filed an Answer. On 3/29/23 a hearing was held, Complainant appeared pro se and Counsel for Penelec was present. Penelec requested a continuance to serve exhibits on the Complainant via First-Class Mail. The continuance was granted, and SA Mroczka scheduled a further hearing on 4/17/23. On 4/17/23, a further hearing was held where the Complainant failed to appear. On 8/8/23, the Initial Decision of SA Mroczka was issued, which dismissed the FC. No Exceptions were filed. On 9/8/23, the Commission issued a Final Order in accordance with 66 Pa. C.S. § 332(h). Rescission of Final Order sua sponte.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Notes and Votes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3042280-OSA
DOCKET NO. A-2023-3042280 A-6426307

NAME AND SUBJECT: EXPERT LIMOUSINE SERVICES LLC

Application filed on 7/12/23, for Motor Common Carrier of Persons in Limousine Service (Application). On or about 8/7/23, the Commission issued a Secretarial Letter (SL) to the Applicant (8/7/23 SL), notifying the Applicant that it was required to correct a deficiency in its Application. On 8/11/23, the Applicant filed a timely response to the 8/7/23 SL. By SL issued 8/18/23, the Commission dismissed the Application for failure to comply with the 8/7/23 SL. On 9/1/23, the Applicant filed a Petition for Reconsideration from Staff Action (Petition). No response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3043170-OSA
DOCKET NO. M-2023-3043170

NAME AND SUBJECT: UGI UTILITIES INC - ELECTRIC

On 9/19/23, UGI Utilities, Inc. – Electric Division (UGI) filed a request for exclusion of a major outage for reliability reporting purposes (Exclusion Request) in accordance with the requirements of the Commission’s Order entered 5/11/04 at Docket No. M-00991220. On 10/18/23, the Commission issued a Secretarial Letter that denied UGI’s Exclusion Request. On 10/30/23, UGI filed a Petition for Reconsideration of Staff Action. On 11/3/23, UGI filed a Verification Statement, Certificate of Service and minor correction for the Petition. No Response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3044517-OSA
DOCKET NO. P-2023-3044517

NAME AND SUBJECT: EMERALD BIOENERGY LLC

Petition for Reconsideration of Staff Action filed on 11/8/23, in regard to a letter from InClime, Inc. acting as the Commission's Alternative Energy Portfolio Standards (AEPS) Administrator, revoking Emerald Bioenergy's AEPS certification effective 2/5/22. The letter also stated that no alternative energy credits shall be created for generation by Emerald Bioenergy LLC occurring on or after 2/25/22. No Response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3035591-TUS

DOCKET NO. P-2022-3035591 P-2023-3041043

NAME AND SUBJECT: CITY OF LANCASTER - WATER BUREAU

Petition filed on 9/23/22, for approval of its Distribution System Improvement Charge (DSIC) and of its Second Long Term Infrastructure Improvement Plan (Second LTIIIP). Copies of the Petition were served on the statutory advocates and parties of record from The City of Lancaster's (Lancaster) last base rate proceeding. On 10/24/22, the Office of Consumer Advocate (OCA) filed comments to the Second LTIIIP and requested that the matter be referred to hearings, consistent with the OCA's Answer to Lancaster's DSIC at the same docket number. On 11/1/22, the DSIC and Second LTIIIP matters were transferred from the Commission's Bureau of Technical Utility Services (TUS) to the Office of Administrative Law Judge (OALJ). On 2/10/23, a Joint Petition for Settlement was filed with the Commission by Lancaster, OCA, and the Commission's Bureau of Investigation and Enforcement. On 8/30/23, the OALJ issued its Recommended Decision on the matter. On 10/19/23, the Commission entered an Order that, *inter alia*, approved Lancaster's DSIC and also directed TUS to complete its review of the Second LTIIIP and to submit an Order for Commission consideration.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3037455-TUS

DOCKET NO. M-2023-3037455

NAME AND SUBJECT: ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained. As of 12/12/23, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code § 54.40(a) and (d).

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3040151-TUS

DOCKET NO. R-2023-3040151 C-2023-3044243 C-2023-3044570

**NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS GREATER HAZLETON
COMMUNITY AREA T/A CAN DO INC**

Tariff No. 4 filed on 11/3/23, to become effective 1/2/24. Tariff No. 4 was filed to rewrite tariff rules and regulations, improve the consistency of water and wastewater rules and regulations, and expand industrial pretreatment program tariff provisions. On 11/15/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3044243. On 12/4/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3044570.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3040153-TUS

DOCKET NO. R-2023-3040153 C-2023-3044253 C-2023-3044571

**NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS GREATER HAZLETON
COMMUNITY AREA T/A CAN DO INC**

Tariff No. 4 filed on 11/3/23, to become effective 1/2/24. Tariff No. 4 would increase CAN DO Inc.'s total annual operating revenues for water service by approximately \$999,900, or 43.1%. On 11/16/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3044253. On 12/4/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3044571.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3042110-TUS
DOCKET NO. A-2023-3042110

NAME AND SUBJECT: RENODIS ER LLC D/B/A ERIC RYAN COMPANY

Application filed on 7/13/23, for a license to offer, render, furnish, or supply electricity or electric generation services as a broker/marketer to small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3042804-TUS
DOCKET NO. R-2023-3042804 C-2023-3044494 C-2023-3044737

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS COMMUNITY UTILITIES OF PENNSYLVANIA INC – WATER

Supplement No. 13 filed on 11/9/23, to become effective 1/9/24. Supplement No. 13 would increase Community Utilities of Pennsylvania Inc.'s total annual operating revenues for water service by approximately \$1.5 million, or 62.2%. On 11/29/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3044494. On 12/8/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3044737.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3042805-TUS

DOCKET NO. R-2023-3042805 C-2023-3044528 C-2023-3044738

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS COMMUNITY UTILITIES OF PENNSYLVANIA INC – WASTEWATER DIVISION

Supplement No. 11 filed on 11/9/23, to become effective 1/9/24. Supplement No. 11 would increase Community Utilities of Pennsylvania Inc. – Wastewater Division’s total annual operating revenues for wastewater service by approximately \$1.8 million, or 50.9%. On 11/29/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3044528. On 12/8/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3044738.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3043177-TUS

DOCKET NO. A-2023-3043177

NAME AND SUBJECT: FRONTIER ENERGY CONSULTANTS LLC

Application filed on 9/27/23, for a license to offer, render, furnish, or supply electricity or electric generation services as a broker/marketer to small commercial, large commercial, and industrial customers in all of the electric distribution company service territories within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3043185-TUS

DOCKET NO. A-2023-3043185

NAME AND SUBJECT: FRONTIER ENERGY CONSULTANTS LLC

Application filed on 9/21/23, to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial, large commercial, and industrial customers in the natural gas distribution company service territories of Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC – Peoples Natural Gas Division, Peoples Natural Gas Company, LLC – Peoples Gas Division, Philadelphia Gas Works, UGI Utilities, Inc., and Valley Energy, Inc. within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3043189-TUS

DOCKET NO. R-2023-3043189 C-2023-3044289 C-2023-3044375

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS PENNSYLVANIA AMERICAN WATER COMPANY

Supplement No. 45 filed on 11/8/23, to become effective 1/7/24. Supplement No. 45 would increase Pennsylvania American Water Company's total annual operating revenues for water service by approximately \$199.2 million, or 24.2%. On 11/17/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3044289. On 11/20/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3044375.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3043190-TUS

DOCKET NO. R-2023-3043190 C-2023-3044292 C-2023-3044377

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER

Supplement No. 47 filed on 11/8/23, to become effective 1/7/24. Supplement No. 47 would increase Pennsylvania American Water Company – Wastewater Division’s total annual operating revenues for wastewater service by approximately \$4.7 million, or 2.5%. On 11/17/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3044292. On 11/30/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3044377.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3043436-TUS

DOCKET NO. A-2023-3043436

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 10/6/23, seeking approval for a Certificate of Public Convenience authorizing it to abandon natural gas distribution service to one inactive and one active residential premises located in Oakdale, Allegheny County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3043536-TUS
DOCKET NO. A-2023-3043536

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 10/16/23, seeking approval for a Certificate of Public Convenience authorizing it to abandon natural gas distribution service to one active and one inactive residential premises located in Summerville, Jefferson County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3043896-TUS
DOCKET NO. A-2023-3043896

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 10/26/23, seeking approval for a Certificate of Public Convenience authorizing it to abandon natural gas distribution service to two inactive residential, and two inactive commercial premises located in Dunbar, Fayette County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3044150-TUS
DOCKET NO. P-2023-3044150

NAME AND SUBJECT: PENNSYLVANIA ELECTRIC COMPANY

Petition filed on 11/8/23, seeking authority to defer, for accounting and financial reporting purposes, certain losses from extraordinary storm damage. On 11/21/23, the Office of Consumer Advocate filed an Answer. No protests were filed and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

LAW BUREAU

AGENDA NO. 3033054-LAW

(PP from 12/7/2023)

DOCKET NO. M-2022-3033054

NAME AND SUBJECT: POLICY STATEMENT ON PUBLIC AND PRIVATE FIRE PROTECTION

On 11/10/22, the Commission entered a Proposed Policy Statement and Order wherein the Commission set forth recommended guidelines for the provision of public and private fire protection service by water public utilities (Policy Statement). The Commission published its Policy Statement and Order in the Pa. Bulletin on 1/14/23. 53 Pa.B. 379. The comment period closed on 3/15/23.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3033109-LAW

(PP from 12/7/2023)

DOCKET NO. P-2022-3033109

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

Petition for a Declaratory Order regarding service territory in Westfall Township, Pike County, Pa.

Pennsylvania American Water Company (PAWC) seeks a declaration from the Commission (1) confirming the metes and bounds of the Company's certificated service territory in Westfall Township and (2) prohibiting the Municipal Authority of the Borough of Matamoras from providing water service within PAWC's service territory in Westfall Township, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 3038406-ALJ

(PP from 12/7/2023)

DOCKET NO. C-2023-3038406

NAME AND SUBJECT: ROBERT STOCHEL AND TAMARA STOCHEL VS AQUA PENNSYLVANIA WASTEWATER INC

Formal Complaint filed on 2/14/23 alleging that Aqua Pennsylvania Wastewater (Aqua) is billing Complainant for wastewater unfairly because much of the water used during the warmer months is not disposed of in the sewer. Aqua filed an Answer on 3/14/23. A hearing was held on 4/26/23.

COMMISSION REVIEW: That the Commission adopt ALJ Allensworth's Initial Decision

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3038711-ALJ

DOCKET NO. F-2023-3038711

NAME AND SUBJECT: LYNN RAY VS AQUA PENNSYLVANIA INC - WATER

Formal Complaint filed 2/23/23, alleging incorrect billing and reliability issues. On 3/23/23 Aqua Pennsylvania, Inc. filed an Answer. An Evidentiary hearing was held on 7/6/23.

COMMISSION REVIEW: That the Commission adopt ALJ Ashton's Initial Decision.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3040188-ALJ
DOCKET NO. C-2023-3040188

NAME AND SUBJECT: LYNDE BLYMIER VS SUNOCO PIPELINE LP

Formal Complaint (FC) filed on 4/19/23, alleging safety issues. On 5/16/23 Sunoco Pipeline L.P. filed an Answer, New Matter and Preliminary Objection. On 7/10/23 Complainant filed an Amended FC. On 7/28/23, Respondent filed an Answer.

COMMISSION REVIEW: That the Commission adopt ALJ Watson's Initial Decision.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3040667-ALJ
DOCKET NO. F-2023-3040667 M-2023-3038150

NAME AND SUBJECT: JOSHUA ROBINSON VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint filed on 5/8/23 against PPL Electric Utilities Corporation (PPL) requesting a Commission payment arrangement. On 6/5/23, PPL filed an Answer. On 7/27/23, a hearing was held.

COMMISSION REVIEW: That the Commission adopt ALJ Chiodo's Initial Decision.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

December 21, 2023

OFFICE OF EXECUTIVE DIRECTOR

AGENDA NO. 3044972-DIR

NAME AND SUBJECT: **APPOINTMENT OF DIRECTOR OF BUREAU OF CONSUMER SERVICES**

The Commission appoints Laura Mohr to the permanent position of Director of the Bureau of Consumer Services.

RECOMMENDATION: That the Commission ratify the appointment.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3037095-OSA

DOCKET NO. C-2022-3037095

NAME AND SUBJECT: KAREN FEITT & HIGINIO MENDOZA JR VS DUQUESNE LIGHT COMPANY

Formal Complaint (FC) filed on 12/5/22, requesting, inter alia, an accounting statement and payment arrangement concerning Complainants utility bill. Duquesne Light Company (Duquesne) filed an Answer and Preliminary Objections on 12/21/22. The matter was assigned to the OALJ with ALJ Long assigned as Presiding Officer. A telephonic hearing was held on 3/21/23. In an Initial Decision served on 7/20/23, ALJ Long recommended that the FC be dismissed due to the Complainants' failure to satisfy their burden of proof. The Complainants filed a document, to be treated as Exceptions, on 8/14/23. Duquesne filed Replies to the Exceptions 8/21/23. On 12/7/23, the Commission entered an Opinion and Order denying Exceptions. On 12/15/23, the Complainants filed a Petition for Reconsideration.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3043998-TUS

DOCKET NO. R-2023-3043998 P-00930715F1000

NAME AND SUBJECT: VERIZON PENNSYLVANIA LLC

2024 Price Change Opportunity filed on 11/1/23, under the provisions of Act 183 of 2004, P.L. 1398 (66 Pa.C.S. §§ 3011-3019) (Chapter 30) and pursuant to the Company's Amended Alternative Regulation and Network Modernization Plan (Amended Chapter 30 Plan) that this Commission approved at Docket Nos. P-00930715, P-00930715F1000, and R-00051228.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

LAW BUREAU

AGENDA NO. 3041465-LAW

DOCKET NO. M-2023-3041465

NAME AND SUBJECT: DELINQUENT ASSESSMENTS FOR MOTOR CARRIERS

Cancellation of Certificates of Public Convenience for various motor carriers listed in Appendix A, for failure to pay the assessment for fiscal year 2022-2023 as required by 66 Pa. C.S. § 510.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman