

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, FEBRUARY 1, 2024 (RY)
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, February 22 2024 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 21, 2023 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 22, 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 WILL HOLD ITS NEXT EXECUTIVE SESSION ON WEDNESDAY, FEBRUARY 21, 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

February 1, 2024

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3024990-OSA

DOCKET NO. M-2023-3024990

NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS PEOPLES NATURAL GAS COMPANY LLC

Informal Investigation instituted on 4/29/20, regarding a natural gas over-pressurization event in Robinson, Indiana County, Pa. On 7/31/23, the Bureau of Investigation and Enforcement (BIE) and Peoples Natural Gas Company LLC (Peoples) submitted a Joint Petition for Approval of Settlement (Settlement) and Statements in Support of the Settlement. On 12/6/23, the Commission entered an Order directing the Parties to supplement the record with additional information regarding the Settlement. On 12/21/23, the Parties submitted the requested supplemental information.

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. 3026819-OSA

DOCKET NO. C-2021-3026819

NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS BUFFALO & PITTSBURGH RAILROAD INC

Instant Complaint filed on 6/28/21, regarding the alteration and removal of a steel bridge superstructure at a public railroad crossing without obtaining Commission approval. A Joint Petition for Approval of Settlement (Settlement) was filed on 7/14/23. DCALJ Hoyer entered a Recommended Decision (RD) approving the Settlement on 10/17/23. Buffalo & Pittsburgh Railroad, Inc. filed Exceptions to the RD on 10/24/23. No replies to the Exceptions have 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. 3035899-OSA
DOCKET NO. C-2022-3035899

NAME AND SUBJECT: FLORENCE ACKRIDGE VS PHILADELPHIA GAS WORKS

Formal Complaint (FC) filed on 10/5/22, alleging, *inter alia*, that Philadelphia Gas Works (PGW) threatened to shut off Florence Ackridge’s (Complainant) service and that there were incorrect charges on her utility bill account balance. The FC is an appeal of an informal Bureau of Consumer Services decision. As relief, the Complainant requested, *inter alia*, recalculation of her bills and issuance of a Commission payment arrangement. On 10/27/22, PGW filed an Answer and New Matter. The matter was assigned to the OALJ, with ALJ Guhl as presiding officer. A telephonic hearing was held in this matter on 1/12/23. On 5/15/23, the Commission issued ALJ Guhl’s Initial Decision, which granted the FC, in part, and established a payment arrangement, and dismissed the FC pertaining to incorrect bills. On 5/25/23, the Complainant filed Exceptions to the Initial Decision. Replies to Exceptions were filed by PGW.

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. 3037611-OSA
(PP from 1/18/2024)
DOCKET NO. F-2023-3037611

NAME AND SUBJECT: ROB NABORN AND CYNTHIA PRONKO VS PECO ENERGY COMPANY AND DIRECT ENERGY SERVICES LLC

Formal Complaint (FC) filed on 12/22/22, averring that PECO Energy Company (PECO) terminated an existing gas supply contract with Direct Energy Services, LLC (Direct Energy) and made itself the gas supplier at a higher rate. The FC was later amended to include Mr. Naborn’s wife, Cynthia Pronko. On 2/1/23, Direct Energy filed an Answer, New Matter, and Preliminary Objections. On 2/6/23, PECO filed and Answer. On 9/6/23, the Commission issued the Initial Decision (ID) of ALJ Ashton sustaining the FC and assessing civil penalties upon both Direct Energy and PECO. On 9/13/23, PECO submitted payment of its civil penalty. On 9/26/23, Direct Energy filed Exceptions to the ALJ’s ID. No Reply 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. 3038940-OSA

DOCKET NO. C-2023-3038940

NAME AND SUBJECT: CRAIG MURPHY VS DUQUESNE LIGHT COMPANY

Formal Complaint (FC) filed on 3/14/23, alleging that Duquesne Light Company's (DLC) failure to issue Craig Murphy (Complainant) a termination notice for his past due balance was a violation of the Equal Protection Clause of the Fourteenth Amendment and prevented him from applying for a Low-Income Home Energy Assistance Program (LIHEAP) Crisis grant. On 4/3/23, DLC filed an Answer and Preliminary Objections to the FC. On 5/18/23, DCALJ Hoyer issued an Interim Order sustaining DLC's Preliminary Objections and striking the portions of the FC that alleged violations of the Fourteenth Amendment. On 7/6/23, a telephonic evidentiary hearing was held in this matter. On 10/23/23, the Initial Decision of DCALJ Hoyer was issued which dismissed the FC. Complainant filed Exceptions on 11/13/23. DLC filed Replies to Exceptions on 11/24/23.

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. 3043315-OSA

DOCKET NO. A-2023-3043315 A-6426577

NAME AND SUBJECT: VIDA QUARD TRANSPORTATION INC

Application filed on 9/18/23, for motor common carrier of persons in paratransit service with the Commission. By Secretarial Letter issued 10/3/23, the Commission dismissed the Application for failure to demonstrate required fitness. On 11/13/23, Vida Quard Transportation, Inc. filed a Petition for Rescission (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

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 1184240-TUS

DOCKET NO. M-00031715F0005

NAME AND SUBJECT: WEST PENN POWER COMPANY

On 12/13/96, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (Act). The Act revised the Public Utility Code, 66 Pa. C.S. §§101 et.seq., by *inter alia*, adding Chapter 28, relating to restructuring of the electric utility industry. West Penn Power (WPP) filed with the Commission and received approval on Joint Petitions for Full Settlement. WPP agreed to establish a Sustainable Energy Fund. The Board requests that the Commission approve the appointments of Ms. Brandon (Brandy) Schimp and Mr. Mike Pauly to replace the vacancies of Mr. James Stark and Ms. Michelle Ponchione, respectively.

RECOMMENDATION: That the Commission approve the appointments to the Board of Directors of the West Penn Power Sustainable Energy Fund.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3041834-TUS

DOCKET NO. A-2023-3041834

NAME AND SUBJECT: AQUA PENNSYLVANIA WASTEWATER INC

Application filed on 7/20/23, for approval of the rights to: (1) acquire certain wastewater system assets from Summit Management and Utilities, Inc.; and (2) begin to offer, render, furnish, and supply wastewater service to the public in an additional portion of Kidder Township, Carbon County, Pa., *nunc pro tunc*. Aqua Pennsylvania Wastewater Inc. submitted proofs of publication and service to the appropriate entities. No protests were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3041860-TUS
DOCKET NO. A-2023-3041860

NAME AND SUBJECT: YORK WATER COMPANY - WATER

Application filed on 7/21/23, for approval of the right to acquire certain water system assets from the David W. Smith Residuary Trust and Kelly Jo McKinsey General Partnership d/b/a Longstown Mobile Estates in Windsor Township, York County, Pa. York Water Company submitted proofs of publication and service to the appropriate entities. No protests were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

AGENDA NO. 3043673-TUS
DOCKET NO. R-2023-3043673

NAME AND SUBJECT: PECO ENERGY COMPANY - ELECTRIC

Supplement No. 36 to Tariff Electric Pa. P.U.C. No. 7 (Supplement No. 36) filed on 10/20/23, to be effective 1/16/24. On 12/1/23, PECO Energy Company filed to withdraw Supplement No. 36 and replace it with Pro Forma tariff changes to Tariff Electric Pa P.U.C. No. 7. The filing proposes tariff changes necessary for the implementation of a new Customer Care and Billing System.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

AGENDA NO. 3043674-TUS
DOCKET NO. R-2023-3043674

NAME AND SUBJECT: PECO ENERGY COMPANY - ELECTRIC

Supplement No. 33 to Tariff Electric Pa. P.U.C. No. 1S (Supplement No. 33) filed on 10/20/23, to be effective 1/16/24. On 12/1/23, PECO Energy Company filed to withdraw Supplement No. 33 and replace it with Pro Forma tariff changes to Tariff Electric Pa P.U.C. No. 1S. The filing proposes tariff changes necessary for the implementation of a new Customer Care and Billing System.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3043675-TUS
DOCKET NO. R-2023-3043675

NAME AND SUBJECT: PECO ENERGY COMPANY - GAS

Supplement No. 10 to Tariff Gas Pa. P.U.C. No. 2S (Supplement No. 10) filed on 10/20/23, to be effective 1/16/24. On 12/1/23, PECO Energy Company filed to withdraw Supplement No. 10 and replace it with Pro Forma tariff changes to Tariff Gas Pa P.U.C. No. 2S. The filing proposes tariff changes necessary for the implementation of a new Customer Care and Billing System.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3044828-TUS
DOCKET NO. R-2023-3044828

NAME AND SUBJECT: YORK WATER COMPANY

Supplement No. 154 filed on 12/8/23, to become effective 2/6/24. Supplement No. 154 amends tariff rules to include certain consumer protections set forth in Chapter 56 of the Commission's regulations, 52 Pa. Code Chapter 56. No complaints were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3044829-TUS
DOCKET NO. R-2023-3044829

NAME AND SUBJECT: YORK WATER COMPANY - WASTEWATER

Supplement No. 22 filed on 12/8/23, become effective 2/6/24. Supplement No. 22 amends tariff rules to include certain consumer protections set forth in Chapter 56 of the Commission's regulations, 52 Pa. Code Chapter 56. No complaints were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3044837-TUS

DOCKET NO. A-2023-3044837

NAME AND SUBJECT: GOOD ENERGY LP

Application filed on 12/8/23, to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial, large commercial, industrial, and governmental 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, and UGI Utilities, Inc., within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

LAW BUREAU

AGENDA NO. 3038267-LAW

DOCKET NO. M-2023-3038267

NAME AND SUBJECT: **DIVERSITY POLICY STATEMENT**

The Commission amends its Diversity Policy Statement which was previously amended in 2020 at 52 Pa. Code §§ 69.801- 69.809. Amended Policy Statement on Diversity at Major Jurisdictional Utility Companies, Docket No. M-2020-3018089 (2020). Since amending the Diversity Policy Statement, the Commission promulgated Diversity Reporting regulations at Chapter 51. Diversity Reporting Regulations of Major Jurisdictional Utilities, Docket No. L 2020-3017284 (2022). The regulations became effective on 9/1/22. To be consistent with the Diversity Reporting regulations, the Commission amends its Diversity Policy Statement.

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. 3034485-ALJ

DOCKET NO. F-2022-3034485

NAME AND SUBJECT: ANGELA F DENNIS VS METROPOLITAN EDISON COMPANY ET AL
Formal Complaint filed on 8/3/22 alleging incorrect billing and request for a payment arrangement. Answers were filed by all Respondents. A prehearing conference was held on 9/14/23.

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

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3038465-ALJ

DOCKET NO. C-2023-3038465

NAME AND SUBJECT: KEITH HARTMAN AND REBECCA HARTMAN VS METROPOLITAN EDISON COMPANY

Formal Complaint filed on 2/23/23 alleging property damage. On 3/16/23, Metropolitan Edison Company filed Answer, New Matter and Preliminary Objections. A Hearing was held on 9/8/23.

COMMISSION REVIEW: That the Commission adopt ALJ Coogan's Initial Decision dismissing the Formal Complaint.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

February 1, 2024

OFFICE OF EXECUTIVE DIRECTOR

AGENDA NO. 3045822-DIR

DOCKET NO.

NAME AND SUBJECT:

The Commission appoints Allison Kaster to the permanent position of Director of the Bureau of Investigation and Enforcement.

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. 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, alleging, *inter alia*, that Laura Andracchio Johnson and Charles Johnson (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. On 6/21/22, Duquesne filed an Answer and New Matter. On 6/22/23, ALJ DeVoe issued an Initial Decision dismissing the FC because the Complainants failed to allege that Duquesne violated any statute, regulation or order. On 7/12/23, Duquesne filed Exceptions. On 8/1/23, the Complainants filed Reply Exceptions. On 12/21/23, the Commission issued an Opinion and Order. On 1/1/24, the Complainants filed a Petition for Reconsideration. On 1/11/24, Duquesne filed an Answer to the Petition.

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. 3045119-TUS

DOCKET NO. P-2023-3045119

NAME AND SUBJECT: PECO ENERGY COMPANY - ELECTRIC

On 12/22/23, PECO Energy Company (PECO) filed a Petition for Approval to Modify its Supplier Master Agreement (SMA) to incorporate the 2018 International Swaps and Derivatives Association, Inc. U.S. Resolution Stay Protocol into the SMA. On 1/5/24, PECO filed an amendment to the petition to correct a typographical error. On 1/24/24, PECO filed additional details regarding the petition.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman