

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, FEBRUARY 22, 2024 (KZ)
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. Zeffuss	Kimberly Barrow	Stephen M. DeFrank	Ralph V. Yanora	John F. Coleman, Jr.

The Next Public Meeting is Tentatively Scheduled for Thursday, March 14, 2024 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 18, 2024 (KB)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 14, 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, MARCH 13, 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 22, 2024

BUREAU OF ADMINISTRATION

AGENDA NO. 3046278-ADM

NAME AND SUBJECT: HUMAN RESOURCE LEGAL COUNSEL SERVICES REQUEST FOR PROPOSAL

The Commission posted a Request for Proposal (RFP) for qualified bidders to submit a proposal for contract for Human Resource Legal Counsel Services. An Evaluation Committee reviewed, evaluated and scored the submitted proposals and recommended a successful vendor for approval by the Commission.

RECOMMENDATION: That the Commission approve the Evaluation Committee's selection.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

BUREAU OF AUDITS

AGENDA NO. 3030818-AUD

DOCKET NO. D-2022-3030818

NAME AND SUBJECT: ENERGY CENTER PITTSBURGH LLC

Auditor's Report on Steam Cost Rate and Chilled Water Cost Rate for 12 months ending on 6/30/21 and 6/30/20, and for 16 months ending on 6/30/19.

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

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 one individual to fill a vacancy on the Damage Prevention Committee in accordance with 73 P.S. § 182.8 of the Underground Utility Line Protection Law.

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. 2630649-OSA

DOCKET NO. C-2017-2630649 C-2018-3001563 ET AL

NAME AND SUBJECT: MICHAEL W CHATTIN, ET AL VS PENNSYLVANIA ELECTRIC COMPANY, METROPOLITAN EDISON COMPANY AND WEST PENN POWER COMPANY

Michael Chattin v Pa. Electric Co, C-2017-2630649. Exceptions of Michael Chattin, Complainant, filed 10/23/19, to ID of ALJ DeVoe issued 10/3/19. Penelec filed Replies to Exceptions on 11/4/19; Craig Toth v Met-Ed, C-2018-3001563. Petition for Recission (Petition) of Craig Toth, Complainant, filed 3/2/20 to the ID of ALJ Watson issued 2/7/20. Met-Ed filed Answer to the Petition on 3/6/20; Lori Bae & Myung Bae v Met-Ed, C-2018-3003332. Exceptions of Lori Bae & Myung Bae, Complainants, filed 9/28/20, to the ID of ALJ Watson issued 7/29/20. Met-Ed filed Replies to Exceptions on 10/7/20; Michele Armstrong v Met-Ed, C-2018-3004052. Petition for Recission of Michele Armstrong, Complainant, filed 2/26/20, to the ID of ALJ Watson issued 12/23/19. Patricia Steely v Met-Ed, C-2018-3004770. Petition for Reconsideration of Patricia Steely, Complainant, filed 1/27/23, to the ID of ALJ Watson issued 4/17/20; Robert Redinger, Jr v West Penn, C-2018-3000938. Exceptions of Robert Redinger, Jr, Complainant, filed 10/9/19, to the ID of ALJ Watson issued 9/27/19. West Penn filed Replies to Exceptions 10/28/19; Lowell Watts v West Penn, C-2018-3002477. Exceptions of Lowell Watts, Complainant, filed 2/18/20, to ID of ALJ Watson issued 1/27/20. West Penn filed Replies to Exceptions on 3/2/20; Allen Uhler v West Penn, C-2019-3008098. Petition for Recission (Petition) of Allen Uhler (Complainant) filed 2/7/20, to the ID of ALJ Watson issued 12/10/19. West Penn filed an Answer to Petition on 3/19/20.

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. 2631482-OSA

DOCKET NO. C-2017-2631482

NAME AND SUBJECT: KIM MARTIN VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 10/25/17, seeking to prevent Metropolitan Edison Company (Met-Ed) from installing a smart meter at her home. On 11/20/17, Met-Ed filed an Answer. A hearing was held on 1/20/20. On 9/1/20, the Commission issued the Initial Decision (ID) of ALJ Watson, which denied and dismissed the FC. On 9/21/20, the Complainant filed Exceptions to the ALJ's ID. Met Ed filed Reply Exceptions on 10/1/20.

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. 3002804-OSA
DOCKET NO. C-2018-3002804

NAME AND SUBJECT: DIANA SABATINE VS WEST PENN POWER COMPANY

Formal Complaint (FC) filed on 6/18/18, seeking to prevent West Penn Power Company (West Penn) from installing a smart meter at the service address. On 7/9/18, West Penn filed an Answer. On 7/30/18, the Complainant filed an Amended FC against West Penn. On 8/22/18, West Penn filed an Answer to the Complainant's FC. A hearing was held on 10/30/19. On 4/21/20, the Commission issued the Initial Decision (ID) of ALJ Watson, which denied and dismissed the FC. On 7/10/20, the Complainant filed Exceptions to the ALJ's ID. West Penn filed Reply Exceptions on 7/21/20.

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. 3003324-OSA
DOCKET NO. C-2018-3003324

NAME AND SUBJECT: JUDITH HENDIN VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 6/29/18, seeking to prevent Metropolitan Edison Company (Met-Ed) from installing a smart meter at her home. On 7/31/18, Met-Ed filed an Answer. A hearing was held on 12/19/19, 12/20/19, and 1/24/20. On 8/7/20, the Commission issued the Initial Decision (ID) of DCALJ Cheskis, which denied and dismissed the FC. On 8/27/20, the Complainant filed Exceptions to the ALJ's ID. Met Ed filed Reply Exceptions on 9/9/20. On 1/26/24, the Commission entered an Opinion and Order denying the Exceptions. On 2/12/24, the Complainant 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

AGENDA NO. 3005877-OSA

DOCKET NO. C-2018-3005877 C-2018-3005887 C-2018-3005889

NAME AND SUBJECT: LYDIA AND ALAN RIEGER VS METROPOLITAN EDISON COMPANY
Formal Complaint (FC) filed on 10/30/18, seeking to require Metropolitan Edison Company (Met-Ed) to replace a smart meter installed at the service address. On the same day, the Complainants filed similar Complaints at Docket Nos. C-2018-3005887 and C-2018-3005889 for two other properties they owned. On 1/10/19, the three FCs were consolidated by Interim Order. On 11/28/18, Met-Ed filed an Answer to the FC. On 3/4/20, ALJ Watson convened the scheduled hearing in this case. The Complainants did not appear in person or via telephone for the hearing. On 4/27/20, the Commission issued the Initial Decision (ID) of ALJ Watson, which dismissed the FC, with prejudice, for failure to appear and prosecute. On 5/18/20, the Complainants filed Exceptions to the ALJ's ID. Met-Ed filed Reply Exceptions on 5/27/20.

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. 3007334-OSA

DOCKET NO. C-2019-3007334

NAME AND SUBJECT: LAWRENCE AND DEBRA ESPOSITO VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint (FC) filed on 1/22/19, seeking to prevent PPL Electric Utilities Corporation (PPL) from installing a smart meter at the service address. On 2/11/19, PPL filed an Answer. A hearing was held on 11/12/19. On 12/26/19, the Commission issued the Initial Decision (ID) of ALJ Barnes, which denied and dismissed the FC. On 1/14/20, the Complainants filed Exceptions to the ALJ's ID. PPL filed Reply Exceptions on 1/27/20.

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. 3008770-OSA
DOCKET NO. C-2019-3008770

NAME AND SUBJECT: ALAN ANDREWS VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint (FC) filed on 3/25/19, opposing the installation of a smart meter at Complainant's residence and alleging, *inter alia*, health concerns. On 4/15/19, PPL Electric Utilities Corporation (PPL) filed an Answer to the FC. On 1/31/20, the Complainant filed an Amended Complaint (AC). On 2/5/20, PPL filed an Answer and New Matter to the AC. An evidentiary hearing was held on 2/6/20. On 4/21/20, ALJ Barnes issued the Initial Decision. On 8/10/20 the Complainant filed Exceptions. PPL filed Replies to Exceptions on 8/20/20.

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. 3011287-OSA
DOCKET NO. C-2019-3011287

NAME AND SUBJECT: CHARLES AND SYLVIA BOLTE VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 6/29/19, opposing the installation of a smart meter and alleging, *inter alia*, health, privacy, and safety concerns. On 7/22/19, Metropolitan Edison Company (Met-Ed) filed an Answer and New Matter, denying the material allegations of the FC. Also, on 7/22/19, Met-Ed filed Preliminary Objections (POs) challenging the FC. On 9/17/19, ALJ Myers issued an Interim Order denying the POs. On 1/8/20, the Complainants filed an Amended Complaint (AC). On 2/6/20, Met-Ed filed an Answer to the AC. On 2/25/20, the Complainants filed a Reply to Met-Ed's Answer to the AC. On 3/3/20, the ALJ confirmed that an agreement had been reached regarding, *inter alia*, the desire of the Parties to forego a telephonic hearing in this matter. On 4/27/20, the ALJ advised the Parties that, *inter alia*, the Parties were in agreement that a hearing was not necessary. On 8/12/20, ALJ Myers issued the Initial Decision. On 9/1/20 the Complainants filed Exceptions. Met Ed filed Replies to Exceptions on 9/10/20.

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. 3012549-OSA
DOCKET NO. C-2019-3012549

NAME AND SUBJECT: MICHAEL MARKOVCY VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 8/29/19, opposing the installation of a smart meter at Complainant's residence and alleging, *inter alia*, health concerns and a request to opt out of smart meter installation. On 9/19/19, Metropolitan Edison Company (Met-Ed) filed an Answer and New Matter, denying the material allegations of the FC. Also, on 9/19/19, Met-Ed filed Preliminary Objections (POs) challenging the legal sufficiency of the FC. The Complainant filed a Reply to Answer on 10/2/19. On 12/2/19, ALJ Buckley issued an Initial Decision granting the POs and dismissed the FC. On 12/3/19 the Complainant filed Exceptions. Met-Ed filed Replies to Exceptions on 12/13/19.

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. 3014234-OSA
DOCKET NO. F-2019-3014234

NAME AND SUBJECT: THOMAS AND DEIRDRE MCLEAN VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed 11/4/19 opposing the installation of a smart meter. On 12/2/19, Metropolitan Edison Company (Met-Ed) filed an Answer and New Matter to the FC. Also, on 12/2/19, Met-Ed filed Preliminary Objections (POs) challenging the legal sufficiency of the FC. On 8/26/20, ALJ Buckley issued the Initial Decision which granted the POs. On 9/25/20, the Complainants filed Exceptions. On 10/7/20, Met-Ed filed Replies to Exceptions.

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. 3020820-OSA

DOCKET NO. M-2020-3020820 M-2020-3020821 M-2020-3020822 M-2020-3020823

NAME AND SUBJECT: METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY AND WEST PENN POWER COMPANY (COLLECTIVELY FIRSTENERGY)

Joint Petition filed on 7/7/23, seeking approval of a minor change (Proposed Plan Modification) to the programs contained in FirstEnergy’s Act 129 Phase IV Energy Efficiency and Conservation Plan (EE&C Plan) through the Commission’s expedited process set forth in its 6/10/11 Final Order at Docket No. M-2008-2069887. No timely Comments were filed in response to the Petition. On 8/11/23, the Commission issued a Secretarial Letter that denied FirstEnergy’s Proposed Plan Modification. On 8/21/23, FirstEnergy filed a Petition for Reconsideration of Staff Action (Petition). On 8/31/23, the Pennsylvania State University filed an Answer in Support of the Petition.

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. 3024058-OSA

DOCKET NO. A-2021-3024058

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER

Application filed on 3/31/23, for approval of its acquisition of the wastewater assets of the Borough of Brentwood, Allegheny County, Pa. (Brentwood). Amendments to the Application were submitted by Pennsylvania American Water Company (PAWC) on 5/31/23 and 7/7/23. On 1/7/24, ALJ Dunderdale issued a Recommended Decision recommending denial of the Application. On 1/24/24, PAWC and Brentwood filed Exceptions. On 1/29/24, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Allegheny County Sanitary Authority filed Reply Exceptions.

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

(PP from 2/1/2024)

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.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3037611-OSA

(PP from 2/1/2024)

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 an 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.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3038204-OSA
DOCKET NO. C-2023-3038204

NAME AND SUBJECT: MICHAEL HILLMAN VS PECO ENERGY COMPANY - ELECTRIC
Formal Complaint (FC) filed on 2/2/23, alleging a foreign load issue at Complainant's service address created reliability, safety, or quality of service issues, and that he had been billed incorrect amounts. An Initial Decision (ID) was issued by ALJ Heep on 9/27/23, dismissing 3 of the 4 claims. The only claim sustained was that PECO Energy Company (PECO) failed to provide reasonable customer service by giving the Complainant erroneous information and imposing a civil penalty of \$300. The Complainant timely filed Exceptions to the ID and also filed two Motions/Petition to Reopen on 10/10/23 and 11/1/23, respectively, asking the Commission to find that the ID contained erroneous findings in that the Complainant failed to establish an ongoing foreign load at the address, that the Complainant did not meet his burden in showing PECO failed to provide termination notice, and that the Complainant was not discriminated against by PECO. On 12/18/23, the Complainant filed a Motion for In-Person Pickup. PECO did not file any responses to the motions. 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. 3038448-OSA
DOCKET NO. A-2023-3038448 A-6325348

NAME AND SUBJECT: RIDE FOR \$ 5 LLC
Application filed on 2/17/23, to provide taxi service. On 2/24/23, the Commission's Bureau of Technical Utility Services (TUS) issued a Data Request (2/23 Data Request). By Secretarial Letter issued 3/27/23, TUS Staff recommended that the Application of RIDE FOR \$5 LLC (Applicant) for authority to transport people upon call or demand in the City of York, York County, Pa., be denied and that no Certificate of Public Convenience be granted, for failure to respond to the 2/23 Data Request. On 4/17/23, the Applicant filed a Petition for Reconsideration of Staff Action (Petition) pursuant to 52 Pa. Code § 5.44. By an Opinion and Order entered on 6/15/23, the Commission granted the Petition. By Secretarial Letter dated 6/23/23, the Commission denied the Application for failure to comply with Commission Regulations. On 7/10/23, the Applicant filed a second Petition for Reconsideration from Staff Action. No Answer to the second 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. 3040258-OSA

DOCKET NO. R-2023-3040258 C-2023-3040746 C-2023-3040567 C-2023-3041197 C-2023-3041198

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION ET AL VS COLUMBIA WATER COMPANY

Supplement No. 121 to Tariff Water – Pa. PUC No. 121 filed on 4/28/23, proposing an annual increase in annual operating revenue of \$999,000, or approximately 13.8%, based on data for the future test year ending 12/31/23. An evidentiary hearing was held on 8/28/23. By Recommended Decision (RD) issued on 10/23/23, ALJs Long and Collins recommended the approval of an increase in annual revenues in the amount of \$944,893. On 11/2/23, Columbia Water Company (Columbia), the Bureau of Investigation and Enforcement (BIE), the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA) filed Exceptions. On 11/9/23, Columbia, BIE, and the OCA filed Replies to Exceptions. On 1/18/24, the Commission entered an Opinion and Order adopting the RD, as modified. On 2/2/24, OSBA filed a Petition for Reconsideration. By notational vote, the Commission entered an Opinion and Order on 2/7/24 to preserve Commission jurisdiction.

RECOMMENDATION: That, consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of the public meeting.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3040730-OSA

DOCKET NO. A-2023-3040730

NAME AND SUBJECT: JENQUIS TRANSPORTATION LLC

Application filed on 5/8/23, for the right to operate as a Motor Common Carrier in Paratransit Service by Motor Vehicle. On 8/7/23, the Commission issued a Secretarial Letter conditionally approving the Application. Jenquis Transportation LLC (Jenquis) did not fully comply with all the requirements and the Application was dismissed on 10/16/23. On 11/6/23, Jenquis filed a Petition for Reconsideration from Staff Action (Petition). No Answer 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. 3043249-OSA
DOCKET NO. A-2023-3043249

NAME AND SUBJECT: KEITH CUSTUS

Application filed on 9/25/23, for authority to operate as a Motor Common Carrier of Persons in Paratransit Service. On 9/29/23, the Bureau of Technical Utility Services issued a Data Request. On 10/30/23, the Commission issued a Secretarial Letter denying and dismissing the Application. On 11/20/23, Applicant timely filed a Petition for Reconsideration from Staff Action. No response to the Petition has been filed. On 12/5/23, Applicant filed Replies to Data Request.

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. 3043736-OSA
DOCKET NO. A-2023-3043736

NAME AND SUBJECT: GET IT MOVING LLC

Application filed on 10/10/23, for Motor Contract Carrier of Household Goods in Use with the Commission. On 12/5/23, the Commission issued a Secretarial Letter (SL) (12/23 SL) denying the application in accordance with 52 Pa. Code § 31.14(c), stating that the Applicant is disqualified from providing Household Goods in Use service. On 12/18/23, the Applicant filed a Petition for Reconsideration from Staff Action (Petition) relating to the 12/23 SL. 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. 3043747-OSA
DOCKET NO. A-2023-3043747

NAME AND SUBJECT: PREMIER MOVERS LLC

Application filed on 9/28/23, for authority to operate as a Motor Common Carrier or Motor Contract Carrier of Household Goods in Use. On 10/31/23, the Commission issued a Secretarial Letter denying and dismissing the Application. On 11/14/23, Applicant timely filed a Petition for Reconsideration from Staff Action. 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. 3044695-OSA
DOCKET NO. A-2023-3044695

NAME AND SUBJECT: MEDI-TRANS GROUP LLC

Application filed on 12/5/23, seeking approval to expand operating authority as a Motor Common Carrier in Paratransit Service by Motor Vehicle. On 12/7/23, the Commission's Bureau of Technical Utility Services (TUS) sent a data request to Medi-Trans Group LLC (Medi-Trans) (12/7 TUS Letter), notifying Medi-Trans that additional data was required in order for TUS to proceed. On 12/11/23, Medi-Trans timely filed its response to the 12/7 TUS Letter. On 12/12/23, TUS sent a second data request to Medi-Trans (12/12 TUS Letter), notifying Medi-Trans that additional data was again required in order for TUS to proceed. On 9/29/23, Medi-Trans timely filed its response to the 12/12 TUS Letter. By a Secretarial Letter dated 12/15/23, the Commission denied the Application for failure to demonstrate required fitness. On 12/19/23, Medi-Trans filed a Petition for Reconsideration from Staff Action (Petition). No Answer 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. 3041284-TUS

DOCKET NO. A-2023-3041284

NAME AND SUBJECT: YORK WATER COMPANY - WATER

Application filed on 6/14/23, for approval of the right to acquire certain water system assets from AATG Properties, LLC d/b/a Brookhaven Mobile Home Park in Hellam Township, York 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. 3041615-TUS

DOCKET NO. A-2023-3041615

NAME AND SUBJECT: KEYSTONE METRO FIBER LLC

Application filed on 6/26/23, for approval to offer, render, furnish, or supply telecommunications services to the public as a Competitive Access Provider 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. 3042600-TUS
DOCKET NO. A-2023-3042600

NAME AND SUBJECT: NOVASTREAM LLC

Application filed on 8/28/23, for approval to offer, render, furnish, or supply telecommunications services to the public as a Competitive Access Provider 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. 3043234-TUS
DOCKET NO. A-2023-3043234

NAME AND SUBJECT: VOXBEAM TELECOMMUNICATIONS INC

Application filed on 9/25/23, seeking Commission Approval for the Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the public 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. 3043724-TUS
DOCKET NO. A-2023-3043724

NAME AND SUBJECT: RESCOM ENERGY LLC

Application filed on 11/15/23, for a license to offer, render, furnish, or supply electricity or electric generation services as a supplier to residential, small commercial, large commercial, industrial, and governmental customers 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. 3043857-TUS

DOCKET NO. A-2023-3043857

NAME AND SUBJECT: CLEARPATH ENERGY LLC

Application filed on 10/3/23, for a license to offer, render, furnish, or supply electricity or electric generation services as a broker/marketer to small commercial and large commercial 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. 3044051-TUS

DOCKET NO. A-2023-3044051

NAME AND SUBJECT: PRIORITY POWER MANAGEMENT LLC D/B/A PPM ATLAS

Application filed on 10/26/23, 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. 3044167-TUS
DOCKET NO. A-2023-3044167

NAME AND SUBJECT: CBTS TECHNOLOGY SOLUTIONS LLC

Application filed on 11/13/23, for the Discontinuance and Partial Abandonment of Competitive Local Exchange Carrier Services to the public within Pa. 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. 3044774-TUS
DOCKET NO. A-2023-3044774

NAME AND SUBJECT: BOUNCE ENERGY INC

Application filed on 11/29/23, to update Bounce Energy, Inc.'s license to offer, render, furnish, or supply electricity or electric generation services as a broker/marketer to residential, 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. 3045111-TUS
DOCKET NO. S-2023-3045111 G-2023-3045112

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC
Registration of a securities certificate filed on 12/21/23, for approval of an affiliated interest agreement concerning the issuance of promissory notes between Columbia Gas of Pennsylvania, Inc. and its corporate parent NiSource Inc. in a principal amount not to exceed \$295 million. The consideration period was voluntarily extended until 2/23/24.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

AGENDA NO. 3045251-TUS
DOCKET NO. M-2024-3045251

NAME AND SUBJECT: ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS
As of 2/13/24, 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.

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

AGENDA NO. 3045253-TUS
DOCKET NO. M-2024-3045253

NAME AND SUBJECT: NATURAL GAS SUPPLIER (NGS) LICENSE CANCELLATIONS
As of 2/13/24, the companies listed in Table 1 and Table 2 of the Tentative Order are not in compliance with Section 2208 of the Code.

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

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

LAW BUREAU

AGENDA NO. 3044115-LAW

DOCKET NO. L-2023-3044115

NAME AND SUBJECT: ADVANCE NOTICE OF PROPOSED RULEMAKING ORDER

Consistent with the Joint Motion of Chairman Stephen M. DeFrank and Vice Chair Kimberly Barrow, Distributed Energy Resources Participation in Wholesale Markets, Pa. PUC Docket No. L-2023-3044115, (11/9/23), this Advanced Notice of Proposed Rulemaking Order investigates the Commission's role in the implementation of Federal Energy Regulatory Commission's (FERC) Order 2222, Participation of Distributed Energy Resource Aggregations in Markets. Operated by Regional Transmission Organization and Independent System Operators, Order No. 2222, 172 FERC ¶ 61,247 (2020), to include any changes or additions needed to regulations or policies to align with Order 2222.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3045892-LAW

DOCKET NO. P-2024-3045892

NAME AND SUBJECT: VEOLIA WATER PENNSYLVANIA INC

Withdrawal Petition filed on 2/2/24, seeking to withdraw its Petition for a Limited Waiver of 52 Pa. Code § 53.45(b)(4) And for Expedited Consideration. Veolia Water Pennsylvania, Inc. contended that waiver was no longer required given the Commission's second extension of the deadline for filing the Company's rate case.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3045895-LAW
DOCKET NO. P-2024-3045895

NAME AND SUBJECT: VEOLIA WATER PENNSYLVANIA INC - WASTEWATER

Withdrawal Petition file on 2/2/24, seeking to withdraw its Petition for a Limited Waiver of 52 Pa. Code § 53.45(b)(4) And for Expedited Consideration. Veolia Water Pennsylvania, Inc.—Wastewater contended that waiver was no longer required given the Commission’s second extension of the deadline for filing the Company’s rate case.

RECOMMENDATION: That the Commission adopt the proposed Order.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 3012563-ALJ

DOCKET NO. M-2019-3012563

NAME AND SUBJECT: THE JAMES BLACK WATER SERVICE COMPANY

Investigation initiated on 9/3/19, pursuant to Section 529 of the Public Utility Code, 66 Pa.C.S. § 529. During mediation, James Black Water Service Company signed an Asset Purchase Agreement with the appointed Receiver, Aqua Pennsylvania, Inc. On 11/7/23, a Joint Petition for Approval of Settlement was filed with the Commission.

COMMISSION REVIEW: That the Commission adopt ALJ Chiodo's and ALJ Arnold's Recommended Decision.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3036545-ALJ

DOCKET NO. C-2022-3036545

NAME AND SUBJECT: PGH PROPERTY BUYER LLC/ELIZABETH KAZEVA VS PITTSBURGH WATER AND SEWER AUTHORITY

Formal Complaint filed on 11/3/22, alleging Pittsburgh Water and Sewer Authority (PWSA) was threatening to terminate services and there are incorrect charges on the account. PWSA filed an Answer and New Matter on 11/23/22. PWSA filed a Motion to Dismiss Complaint on 7/11/23.

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

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3038465-ALJ

(PP from 2/1/2024)

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.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3040796-ALJ

DOCKET NO. C-2023-3040796

NAME AND SUBJECT: LUKE STANSHINE VS PHILADELPHIA GAS WORKS

Formal Complaint filed on 5/22/23, alleging incorrect charges. Philadelphia Gas Works filed an Answer on 6/13/23. A hearing was held on 8/24/23.

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

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

February 22, 2024

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3042213-OSA

DOCKET NO. C-2023-3042213 C-2023-3043734 ET AL

NAME AND SUBJECT: SALVATORE AND ELIZABETH GALANTE ET AL VS PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER

Formal Complaint (FC) filed on 8/14/23, seeking relief from the 120% rate increase effective 1/28/23. On 9/5/23, Pennsylvania American Water Company – Wastewater (PAWC) filed an Answer to the FC. On 9/13/23, the Complainants filed an Answer and New Matter. On 10/19/23 and 11/3/23, PAWC filed Motions for Judgment on the Pleadings. A telephonic prehearing conference was held 11/20/23. On 1/24/24, PAWC filed a Petition for Interlocutory Review and Answer to Material Question (Petition). By Notational Vote, the Commission entered an Opinion and Order on 2/20/24 denying the Petition and referring the matter to the Office of Administrative Law Judge for further proceedings.

RECOMMENDATION: That, consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of the public meeting.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

LAW BUREAU

AGENDA NO. 3010267-LAW

DOCKET NO. L-2019-3010267

NAME AND SUBJECT: RULEMAKING REGARDING HAZARDOUS LIQUID PUBLIC UTILITY SAFETY STANDARDS AT 52 PA CODE CHAPTER 59

Advanced Notice of Proposed Rulemaking (ANOPR) Order entered on 6/13/19, seeking comments from interested stakeholders regarding the amendment and enhancement of 52 Pa. Code Chapter 59 to more comprehensively regulate public utilities that transport petroleum products and other hazardous liquids in intrastate commerce. After receiving approximately 90 comments to the ANOPR, the Commission entered a Notice of Proposed Rulemaking (NOPR) on 7/15/21. The NOPR Order was published in the Pa. Bulletin on 2/12/22, and comments were due within 60 days. Upon review and consideration of the comments and answers to data requests received, the Commission proposes to modify the regulations in Chapter 59 as set forth in this Final Form Rulemaking Order and Annex A attached thereto.

RECOMMENDATION: That the Commission adopt the proposed Final Form Rulemaking Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman