

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MARCH 14, 2024 (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. Zeffuss	Kimberly Barrow	Stephen M. DeFrank	Ralph V. Yanora	John F. Coleman, Jr.

The Next Public Meeting is Tentatively Scheduled for Thursday, April 4, 2024 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 1, 2024 (RY)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 4, 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, APRIL 3, 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

March 14, 2024

BUREAU OF AUDITS

AGENDA NO. 3030316-AUD

DOCKET NO. D-2022-3030316

NAME AND SUBJECT: PIKE COUNTY LIGHT & POWER COMPANY - ELECTRIC

The Bureau of Audits report on the Company's Default Service Charge for the twelve months ended 5/31/19 and 5/31/20.

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. 3030317-AUD

DOCKET NO. D-2022-3030317

NAME AND SUBJECT: PIKE COUNTY LIGHT & POWER COMPANY - GAS

The Bureau of Audits report on the Company's Gas Cost Rate for the twelve months ended 8/31/19 and 8/31/20.

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

BUREAU OF CONSUMER SERVICES

AGENDA NO. 3036532-BCS

DOCKET NO. M-2022-3036532 M-2022-3036533 M-2022-3036534 M-2022-3036535

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

Proposed 2024-2028 Universal Service and Energy Conservation Plan filed on 11/1/22, in accordance with the Commission's regulations at 52 Pa. Code § 54.74. On 3/16/23, the Commission issued an Order directing FirstEnergy PA to provide supplemental information and established a comment period. All supplemental information and comments have been filed.

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. 3004681-OSA

DOCKET NO. C-2018-3004681

NAME AND SUBJECT: CINDY KELLY VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 8/31/18, seeking to prevent Metropolitan Edison Company (Met-Ed) from installing a smart meter at Complainant's home. On 10/9/18, Met-Ed filed an Answer. A hearing was held on 11/7/19. On 10/8/20, the Commission issued the Initial Decision (ID) of ALJ Watson, which denied and dismissed the FC. On 10/27/20, the Complainant filed Exceptions to the ALJ's ID. Met Ed filed Reply Exceptions on 11/27/23.

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. 3012705-OSA

DOCKET NO. C-2019-3012705

NAME AND SUBJECT: CHRISTOPHER L MACEY VS WEST PENN POWER COMPANY

Formal Complaint (FC) filed on 9/6/19, alleging that West Penn Power Company (WPP) rendered poor service when it installed a smart meter. On 9/26/19, WPP filed an Answer to the FC and New Matter (Answer), admitting in part and denying in part various material allegations of the FC. Also, on 9/26/19, WPP filed Preliminary Objections (POs) challenging the FC. On 10/4/19, the Complainant filed a response to the POs. On 10/15/19, the Complainant filed a Reply to WPP's Answer. On 10/18/19, the Complainant filed an Amended Complaint (AC). On 10/25/19, the ALJ issued an Interim Order Granting in Part and Dismissing in Part WPP's POs. On 11/18/19, WPP filed an Answer to the AC. An evidentiary hearing was held on 1/28/20. On 5/6/20, ALJ Johnson issued the Initial Decision. On 5/23/20, the Complaint filed Exceptions. WPP filed Replies to Exceptions on 6/5/20.

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. 3020714-OSA
DOCKET NO. C-2020-3020714

NAME AND SUBJECT: JOHN KERR MUSGRAVE IV VS PITTSBURGH WATER AND SEWER AUTHORITY

Formal Complaint (FC) filed on 7/8/20, regarding quality of service. Complainant alleges that: (1) the water provided by Pittsburgh Water and Sewer Authority (PWSA) to the service address was unsafe due to low chlorine levels; (2) PWSA has wrongfully refused to replace the service line serving the service address under the baseless contention that it is a private line; and, as such, (3) the Complainant and his affected neighbors are forced to pay for their own water line repairs on a service line that experiences frequent breaks. As relief, the Complainant requested that PWSA build a new water service line to his service address, which supplies water containing appropriate chlorine levels. On 7/19/23, the Commission issued the Initial Decision (ID) of ALJ Dunderdale, which sustained the FC, in part, and denied it, in part, finding that PWSA failed to provide reliable, safe, and quality water service to the Complainant’s service address by failing to provide reasonable and adequate maintenance and repair services between 5/2018 and 11/2020, and by unreasonably replacing and relocating the Complainant’s curb stop and service line. On 8/8/23, PWSA and the Complainant filed Exceptions to the ALJ’s ID. The Complainant filed Reply Exceptions on 8/18/23.

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. 3038940-OSA
(PP from 2/22/2024)
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. 3040258-OSA

DOCKET NO. R-2023-3040258 C-2023-3040567 C-2023-3040746 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. P.U.C. 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. By Recommended Decision 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, approving an annual revenue increase of \$971,180, or approximately 13.4%. On 2/2/24, the OSBA filed a Petition for Reconsideration. Columbia and the OCA each filed an Answer in response to the OSBA’s Petition on 2/12/24 and 2/13/24, respectively. The Commission issued an Opinion and Order to retain jurisdiction of the matter on 2/7/24.

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. 3045050-OSA

DOCKET NO. A-2023-3045050 A-6426764

NAME AND SUBJECT: BEST SHUTTLE SERVICES LLC

Application filed on 12/20/23, for authority to operate as a Motor Common Carrier of Persons Group and Party Service in Vehicles Seating 11-15, Including the Driver. On 1/2/24, the Commission issued a Secretarial Letter denying and dismissing the Application. On 1/19/24, the Applicant timely 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. 3045276-OSA

DOCKET NO. A-2024-3045276 A-6426780

NAME AND SUBJECT: LIBBYS HELPING HANDS HEALTHCARE AGENCY INC

Application filed on 1/4/24, for Motor Common Carrier of Persons in Paratransit Service. On 1/10/24, the Commission issued a Secretarial Letter denying and dismissing the Application. On 1/29/24, the 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

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3006814-TUS

DOCKET NO. R-2018-3006814

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS UGI UTILITIES INC - GAS DIVISION

On 1/18/19 UGI Utilities, Inc. (UGI) filed its 2019 base rate case, at Docket No. R-2018-3006814, which included its consolidated Energy Efficiency and Conservation (EE&C) Plan that was based on the Company's then existing two voluntary gas EE&C Plans for its former North and South rate districts. The consolidated EE&C Plan is currently effective from 10/1/19 until 9/30/24 and extends the Company's EE&C program and measure offerings to its entire UGI Gas service territory. On 2/7/24, UGI filed a Petition to extend its Phase I EE&C Plan by one year, until 9/30/25. The requested extension will allow additional time for a thorough review of UGI's forthcoming Petition for Approval of its Phase II EE&C Plan.

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

Notes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3043594-TUS

DOCKET NO. R-2023-3043594

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS KAIB AND KAIB LLC

Original Tariff Gas-Pa. P.U.C. No. 1 filed on 10/6/23, proposing an annual increase in rates of \$28,337 (approximately 65%) to become effective on 12/4/23. As proposed, the bill for an average residential customer using 12.5 MCF of natural gas a month would increase from \$75 to \$123 a month. On 11/16/23, Kaib and Kaib, LLC, filed Original Tariff Gas-Pa. P.U.C. No. 2 replacing in its entirety Original Tariff Gas-Pa. P.U.C. No. 1 as filed on 10/6/23 and postponing the effective date to 12/22/23. On 12/15/23, Kaib and Kaib, LLC filed Supplement No. 1 to Tariff Gas-Pa. P.U.C. No. 2, voluntarily postponing the effective date to 3/15/24. On 1/10/24, Kaib and Kaib, LLC revised its requested annual increase to \$29,488 (approximately 67.8%). On 2/1/24, a Formal Complaint was filed by a customer of Kaib & Kaib, LLC.

RECOMMENDATION: That the Commission adopt the proposed Order.

Notes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3044118-TUS
DOCKET NO. A-2023-3044118

NAME AND SUBJECT: ENERGY CENTER RETAILCO LLC

Application filed on 12/7/23, for a license to offer, render, furnish, or supply electricity or electric generation services as a supplier to large commercial and governmental customers in the electric distribution company service territory of Duquesne Light Company 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. 3045192-TUS
DOCKET NO. R-2024-3045192 R-2024-3045193 C-2024-3046520 C-2024-3046893

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS VEOLIA WATER PENNSYLVANIA INC

Supplement No. 68 filed on 2/16/24, to become effective 4/16/24. Supplement No. 68 would increase Veolia Water Pennsylvania, Inc.'s total annual operating revenues for water service by approximately \$15.5 million, or 26.4%. On 2/16/24, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2024-3046520. On 2/26/24, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2024-3046893.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3045193-TUS

DOCKET NO. R-2024-3045193 R-2024-3045192 C-2024-3046521 C-2024-3046956

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS VEOLIA WATER PENNSYLVANIA INC - WASTEWATER DIVISION

Supplement No. 5 filed on 2/16/24, to become effective 4/16/24. Supplement No. 5 would increase the Company's total annual operating revenues for wastewater service by approximately \$568,719, or 34.8%. On 2/16/24, The Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2024-3046521. On 2/26/24, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2024-3046956.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

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

AGENDA NO. 3045494-TUS

DOCKET NO. R-2024-3045494 P-00971182F1000

NAME AND SUBJECT: IRONTON TELEPHONE COMPANY

The Company's annual Price Stability Index/Service Price Index Report was filed on 2/1/24. 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. 3045495-TUS

DOCKET NO. R-2024-3045495 P-00971229F1000

NAME AND SUBJECT: CITIZENS TELEPHONE COMPANY OF KECKSBURG

The Company's annual Price Stability Index/Service Price Index Report was filed on 2/1/24.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3045520-TUS

DOCKET NO. R-2024-3045520 P-00951005F1000

NAME AND SUBJECT: FRONTIER COMMUNICATIONS OF BREEZEWOOD LLC ET AL

Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; and Frontier Communications of Pennsylvania, LLC filed their annual Price Stability Index/Service Price Index Report on 2/1/24. 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. 3045521-TUS

DOCKET NO. R-2024-3045521 P-00961024F1000

NAME AND SUBJECT: COMMONWEALTH TELEPHONE COMPANY DBA FRONTIER COMMUNICATIONS COMMONWEALTH TELEPHONE COMPANY

The Company's annual Price Stability Index/Service Price Index was filed on 1/30/24.

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. 3041919-ALJ

DOCKET NO. C-2023-3041919

NAME AND SUBJECT: MICHAEL MOOREFIELD VS DUQUESNE LIGHT COMPANY

Formal Complaint filed on 7/21/23 against Duquesne Light Company (Duquesne) alleging billing dispute.

Duquesne filed an Answer and Preliminary Objections on 8/16/23. A Withdrawal of Complaint was received on 10/10/23.

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

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

March 14, 2024

OFFICE OF EXECUTIVE DIRECTOR

AGENDA NO. 3047155-DIR

NAME AND SUBJECT: STRATEGIC PLAN CONTRACTOR SERVICES

Invitation to Qualify issued on 2/2/24, for proposals for an approved vendor to assist the Commission in a strategic planning initiative. An evaluation committee reviewed, evaluated and scored the submitted proposals and recommended a successful vendor for approval by the Commission.

RECOMMENDATION: The Office of Executive Director recommends that, consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of this public meeting.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 3040481-ALJ

DOCKET NO. A-2023-3040481 A-2023-3040482 A-2023-3040483 G-2023-3040484 G-2023-3040485 G-2023-3040486

NAME AND SUBJECT: MID-ATLANTIC INTERSTATE TRANSMISSION LLC

Joint Application filed on 5/8/23, seeking all the necessary authority, approvals, and Certificates of Public Convenience required to lawfully effectuate (1) the Purchase And Sale Agreement of an incremental thirty percent equity interest in FirstEnergy Transmission, LLC by North American Transmission Company II L.P.; (2) the transfer of Class B Membership interests in Mid-Atlantic Interstate Transmission, LLC held by FirstEnergy Corp. to FirstEnergy Transmission, LLC; (3) where necessary, associated affiliated interest agreements; and (4) any other approvals necessary to complete the contemplated Transaction. An evidentiary hearing was held on 11/1/23. On 11/29/23, Petitioners filed a Joint Petition for Approval of Settlement of All Issues.

COMMISSION REVIEW: That the Commission adopt ALJ Johnson's and ALJ DeVoe's Recommended Decision.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman