

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, OCTOBER 19, 2023 (KB)  
10:00 A.M.**

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

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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:

|                           |                        |                           |                        |                             |
|---------------------------|------------------------|---------------------------|------------------------|-----------------------------|
| <b>COMMISSIONER</b>       | <b>VICE CHAIR</b>      | <b>CHAIRMAN</b>           | <b>COMMISSIONER</b>    | <b>COMMISSIONER</b>         |
| <b>Kathryn L. Zerfuss</b> | <b>Kimberly Barrow</b> | <b>Stephen M. DeFrank</b> | <b>Ralph V. Yanora</b> | <b>John F. Coleman, Jr.</b> |

The Next Public Meeting is Tentatively Scheduled for Thursday, November 9, 2023 at 10:00 A.M.

Minutes of the Meeting of Thursday, August 24, 2023 (KZ)

**\*\*\*ANNOUNCEMENTS\*\*\***

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, NOVEMBER 9, 2023, 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, NOVEMBER 8, 2023, 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.

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**MOTIONS AND STATEMENTS OF THE CHAIRMAN  
AND COMMISSIONERS WILL BE AVAILABLE  
ON THE COMMISSION'S WEBSITE AT  
[WWW.PUC.PA.GOV](http://WWW.PUC.PA.GOV) AFTER PUBLIC MEETING.**

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**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**

**October 19, 2023**

## **BUREAU OF AUDITS**

### **AGENDA NO. 3032921-AUD**

**DOCKET NO. D-2022-3032921**

**NAME AND SUBJECT: DUQUESNE LIGHT COMPANY**

Audit Report on the statements of Fixed Retail Administrative Charge for the 12 months ended 1/31/22, 1/31/21, 1/31/20, 1/31/19, and 1/31/18.

**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. 3034184-AUD**

**DOCKET NO. D-2022-3034184**

**NAME AND SUBJECT: CHARTIERS NATURAL GAS COMPANY INC**

Gas Cost Rate Audit for the 12-months ended on 8/31/21, 8/31/20, 8/31/19, 8/31/18, 8/31/17, 8/31/16.

**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 SPECIAL ASSISTANTS**

**AGENDA NO. 3023624-OSA**

**DOCKET NO. C-2021-3023624**

**NAME AND SUBJECT: CONYNGHAM TOWNSHIP VS SANITARY SEWER AUTHORITY OF THE BOROUGH OF SHICKSHINNY**

Formal Complaint (FC) filed on 1/7/21, alleging that the Sanitary Sewer Authority of the Borough of Shickshinny (SSABS) is operating in Conyngham Township (Township) by providing wastewater treatment and disposal service beyond its jurisdictional limits without a Commission-issued Certificate of Public Convenience. On 1/26/21, SSABS filed an Answer and New Matter to the FC and Preliminary Objections. A hearing was held on 10/4/22. In an Initial Decision issued on 6/12/23, ALJ Johnson sustained the FC. SSABS filed Exceptions on 6/30/23. 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. 3024990-OSA**

(PP from 9/21/2023)

**DOCKET NO. M-2023-3024990**

**NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENTS 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 Commission's Bureau of Investigation and Enforcement and Peoples Natural Gas Company LLC submitted a Joint Petition for Approval of Settlement (Settlement) and Statements in Support of the Settlement.

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. 3027615-OSA**  
**DOCKET NO. C-2021-3027615**

**NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS EAST DUNKARD WATER AUTHORITY**

Formal Complaint (FC) filed on 8/2/21, alleging that the East Dunkard Water Authority (Authority) has impermissibly furnished water service to the public for compensation beyond its jurisdictional limits without holding a Commission-issued Certificate of Public Convenience. The Authority filed an Answer to the FC. On 9/26/22, the Parties filed a Joint Petition for Settlement (Settlement). In an Initial Decision issued on 6/27/23, ALJ Guhl approved the Settlement, without modification. The Authority filed Exceptions on 8/10/23. A Reply to the Exceptions was filed by the Bureau of Investigation and Enforcement 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. 3036095-OSA**  
**DOCKET NO. A-2022-3036095 P-2023-3043178**

**NAME AND SUBJECT: AQUA PENNSYLVANIA WASTEWATER INC**

On 9/8/23, Aqua Pennsylvania Wastewater, Inc., (Aqua) filed both an Amended Application (Application) and a Petition for Approval of the Amended Application. Also, for Modification of the Commission’s Opinion and Order entered on 3/15/23, at Docket No. A-2022-3036095 (March 2023 Order) which provisionally granted Aqua’s request for Section 1102(a)(1) authority to provide wastewater service in an extended service area on the condition that Aqua file a written agreement for the exchange of metered data between Chester Water Authority (CWA) and Aqua. No protests to the Amended Application or Answers to the Petition were received. On 10/4/23 Aqua filed a Second Amended Application. No protests were filed in response to the Second Amended Application.

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. 3036252-OSA**  
**DOCKET NO. C-2022-3036252**

**NAME AND SUBJECT: FRANK J CSERVAK JR PE VS DUQUESNE LIGHT COMPANY**  
Formal Complaint (FC) filed on 10/14/22, alleging that: (1) Duquesne Light Company (Duquesne) is threatening to or has already shut off Complainant’s utility service; (2) there are incorrect charges on his bills; (3) he is being charged a “wrong rate” since Duquesne changed his rate from Residential to Commercial rate in September 2021 when his two billing accounts and two meters were combined; and (4) solar credits that had accrued on his billing accounts were deleted when the meter was changed in September of 2021. As relief, the Complainant requested that: (1) his account be restored back to a residential rate; (2) disputed charges in the amount of \$3,757.03 be removed; (3) his account balance be reset to \$0.00; and (4) -2,332.425 solar credits be restored to the existing account balance of 2,366.92 Bank NET Generation as of 9/8/22. On 11/4/22, Duquesne filed an Answer and New Matter. A telephonic hearing was held in this matter on 2/15/23. On 7/5/23, the Commission issued ALJ Johnson’s Initial Decision (ID), dismissing the FC. On 7/24/23, the Complainant filed Exceptions to the ALJ’s ID. Replies to Exceptions were filed by Duquesne on 8/9/23.

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. 3037719-OSA**  
**DOCKET NO. C-2023-3037719**

**NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS EAGLE CHAUFFEURED SERVICES INC**  
The Bureau of Investigation and Enforcement (BIE) filed a Petition for Amendment on 8/29/23, of the Commission’s Opinion and Order entered 6/26/23 in this proceeding (June 2023 Order). BIE requested that the June 2023 Order be amended to additionally direct the Commission’s Bureau of Technical Utility Service to suspend or revoke the Certificate of Public Convenience at Docket No. A-2010-2185025 if payment of the civil penalty (\$3,474) plus the outstanding assessment balance (\$5,894) for a total amount due of \$9,368, are not paid by Eagle Chauffeured Services, Inc. within 30 days after service of the proposed Amended Order, as directed in the June 2023 Order. No Response to the Petition was 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. 3037961-OSA**  
**DOCKET NO. F-2023-3037961**

**NAME AND SUBJECT: VANEE FLOWERS VS PECO ENERGY COMPANY**

Formal Complaint (FC) filed on 1/25/23, alleging *inter alia*, incorrect charges on Complainant's bill, illegal electricity hookup, overload of electricity, flickering lights, and high billing. On 2/17/23, PECO Energy Company (PECO) filed an Answer denying the material allegations of the FC. At the Initial Hearing on 4/12/23, no evidence was presented regarding a foreign load investigation. On 7/14/23, the Commission issued ALJ Ashton's Initial Decision which dismissed the FC. On 8/3/23, the Complainant filed Exceptions to the Initial Decision. On 8/18/23, PECO 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

**BUREAU OF TECHNICAL UTILITY SERVICES**

**AGENDA NO. 3037221-TUS**

**DOCKET NO. A-2022-3037221**

**NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER DIVISION**

Application filed on 12/12/22, for approval of the right to offer, render, furnish and supply wastewater service to the public in an additional portion of Franklin Township, Adams County, Pa. Pennsylvania American Water Company - Wastewater Division 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. 3037455-TUS**

**DOCKET NO. M-2023-3037455**

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

As of 10/10/23, 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. 3037464-TUS**  
**DOCKET NO. G-2023-3037464**

**NAME AND SUBJECT: THE BUCK HILL WATER COMPANY AND BUCK HILL FALLS COMPANY**

Affiliated interest agreement filed on 12/30/22, seeking Commission approval of Buck Hill Water Company’s right to engage in affiliated interest transactions with its affiliate, the Buck Hill Falls Company. Buck Hill Water Company submitted proof of service to the appropriate entities. No protests were filed.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

**AGENDA NO. 3041145-TUS**  
**DOCKET NO. A-2023-3041145**

**NAME AND SUBJECT: ENERGY ZEBRA LLC - GAS**

Application filed on 6/7/23, to offer, render, furnish, or supply natural gas services as a broker/marketer to residential, small commercial, large commercial, industrial, and governmental customers, as well as residential and small commercial (limited to mixed meters) customers, pursuant to the Commission’s Secretarial Letter dated 3/25/11, at Docket No. M-2009-2082042, 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. 3041575-TUS**

**DOCKET NO. R-2023-3041575 C-2023-3043091 C-2023-3043163**

**NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS CONNEAUT LAKE PARK WATER CORPORATION INC**

Supplement No. 1 filed on 8/31/23, to become effective 10/31/23. Supplement No. 1 would increase Conneaut Lake Park Water Corporation Inc.'s total annual operating revenues for water service by approximately \$257,797, or 970.8%. On 9/18/23, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2023-3043091. On 9/20/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3043163.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

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

**AGENDA NO. 3041612-TUS**

**DOCKET NO. A-2023-3041612**

**NAME AND SUBJECT: ENERGY ZEBRA LLC - ELECTRIC**

Application filed on 7/6/23, for a 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, as well as residential and small commercial (limited to mixed meters) customers, pursuant to the Commission's Secretarial Letter dated 3/25/11, at Docket No. M-2009-2082042, 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. 3041696-TUS**  
**DOCKET NO. A-2023-3041696**

**NAME AND SUBJECT: HORIZON MIDSTREAM LLC**

Application filed on 7/13/23, to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial, large commercial, industrial, and governmental customers in the natural gas distribution company service territory of National Fuel Gas Distribution Corporation 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. 3041824-TUS**  
**DOCKET NO. A-2023-3041824**

**NAME AND SUBJECT: NATIONAL FUEL GAS DISTRIBUTION CORPORATION**

Application filed on 7/19/23, seeking a Certificate of Public Convenience authorizing National Fuel Gas Distribution Corporation (NFGDC), to abandon natural gas distribution service to two residential premises located in Scrubgrass Township, Venango County, Pennsylvania. On 8/22/23 and 9/20/23, NFGDC filed Application corrections.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

**AGENDA NO. 3042056-TUS**  
**DOCKET NO. A-2023-3042056**

**NAME AND SUBJECT: ANDREW BAKEY D/B/A BAKEY ENERGY CONSULTING**

Application filed on 8/7/23, to offer, render, furnish, or supply natural gas services as a broker/marketer to residential, small commercial, large commercial, industrial, and governmental customers in the natural gas distribution company service territories of PECO Energy Company and Philadelphia Gas Works 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. 3042161-TUS**  
**DOCKET NO. A-2023-3042161**

**NAME AND SUBJECT: CGE RENEWABLES LLC - GAS**

Application filed on 8/11/23, to offer, render, furnish, or supply natural gas services as a broker/marketer to residential, 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, 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. 3042165-TUS**  
**DOCKET NO. A-2023-3042165**

**NAME AND SUBJECT: CGE RENEWABLES LLC - ELECTRIC**

Application filed on 8/11/23, for a 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. 3042171-TUS**  
**DOCKET NO. A-2023-3042171**

**NAME AND SUBJECT: MID-ATLANTIC INTERSTATE TRANSMISSION LLC**

Letter of Notification filed on 8/11/23, for approval of the Pleasureville – Violet Hill 115 kV Transmission Line Rebuild Project in Spring Garden 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. 3042252-TUS**  
**DOCKET NO. A-2023-3042252**

**NAME AND SUBJECT: THE O.E. GROUP INC**

Application filed on 8/15/23, for a 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. 3042270-TUS**  
**DOCKET NO. R-2023-3042270 P-00981410F1000**

**NAME AND SUBJECT: BRIGHTSPEED OF PENNSYLVANIA LLC**

The 2023 Price Stability Index/Service Price Index Report was filed on 9/1/23, 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 (Chapter 30 Plan) that this Commission approved at Docket No. P-00981410F1000.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank  
Vice Chair Barrow  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

**AGENDA NO. 3042391-TUS**  
**DOCKET NO. A-2023-3042391**

**NAME AND SUBJECT: ALLIED ACQUISITION SERVICES LLC - ELECTRIC**

Application filed on 8/23/23, 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. 3042392-TUS**  
**DOCKET NO. A-2023-3042392**

**NAME AND SUBJECT: ALLIED ACQUISITION SERVICES LLC - GAS**

Application filed on 8/23/23, 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. 3042413-TUS**  
**DOCKET NO. A-2023-3042413**

**NAME AND SUBJECT: MID-ATLANTIC INTERSTATE TRANSMISSION LLC**

Letter of Notification filed on 8/23/23, for approval to relocate a section of the existing Keystone – Homer City 230 kV Transmission Line in Armstrong Township, Indiana 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. 3042679-TUS**  
**DOCKET NO. M-2023-3042679**

**NAME AND SUBJECT: QUARTERLY EARNINGS OF JURISDICTIONAL UTILITIES**

The Bureau of Technical Utility Services staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for Pa. non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups.

RECOMMENDATION: That the Commission make the earnings report public.

Votes and Notes:

Chairman DeFrank  
Vice Chair Barrow  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman



## LAW BUREAU

### AGENDA NO. 2619223-LAW

**DOCKET NO. L-2017-2619223**

**NAME AND SUBJECT: PROPOSED RULEMAKING OF NATURAL GAS DISTRIBUTION COMPANY BUSINESS PRACTICES**

The Commission adopted this Advance Notice of Proposed Rulemaking Order to solicit comments about amending and adding to our regulation at 52 Pa. Code § 62.225. This regulation addresses the release, assignment and transfer of capacity among Natural Gas Distribution Companies and Natural Gas Suppliers. The proposed regulatory changes were the result of the Commission's Natural Gas Retail Markets Investigation and were intended to improve the competitive market by revising how capacity is assigned and addressing related issues including penalties and imbalance trading.

**RECOMMENDATION:** That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

### AGENDA NO. 3019408-LAW

**DOCKET NO. M-2020-3019408 L-2018-3002672**

**NAME AND SUBJECT: POLE ATTACHMENT WORKING GROUP**

The Pennsylvania Rural Electric Association has requested membership in the Pole Attachment Working Group established by the Commission.

**RECOMMENDATION:** That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

**AGENDA NO. 3040755-LAW**  
**DOCKET NO. M-2023-3040755**

**NAME AND SUBJECT: ELECTRIC UTILITY RATE DESIGN FOR ELECTRIC VEHICLE CHARGING**

Order adopted on 5/18/23, at Docket No. P-2022-3030743 approving ChargeVC-PA’s Petition to initiate a proceeding seeking the issuance of a policy statement on electric utility rate design for electric vehicle (EV) charging in Pennsylvania. With this Order, the Commission continues its review of this subject by entering, for comment, a Proposed Policy Statement to identify factors to be considered in determining just and reasonable distribution rates that promote the implementation of proper EV rate design.

RECOMMENDATION: The Law Bureau recommends that the Commission adopt the proposed Order.

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

**AGENDA NO. 3041846-LAW**  
**DOCKET NO. P-2023-3041846**

**NAME AND SUBJECT: AUDUBON WATER COMPANY**

Petition filed on 7/21/23, for partial waiver of lead service line replacement regulations due to absence of lead service lines (Waiver Petition). Audubon Water Company (AWC) served its Waiver Petition on each of the statutory advocates. On 8/10/23, the Office of Small Business Advocate filed a Petition to Intervene in this proceeding. Also, on 8/10/23, the Office of Consumer Advocate filed an Answer in response to AWC’s Waiver Petition.

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. 3035591-ALJ**

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

**NAME AND SUBJECT: CITY OF LANCASTER - WATER BUREAU**

The City of Lancaster filed a Petition on 9/23/22 for approval of a proposed Distribution System Improvement Charge (DSIC) tariff, pursuant to Section 1353 of the Public Utility Code. 66 Pa.C.S.A. § 1353. Comments, protests, and informal objections were filed against the proposed DSIC. A Joint Petition for Approval of Settlement of all Issues, along with Statements in Support, was filed on 2/13/23.

COMMISSION REVIEW: That the Commission adopt ALJ Johnson's recommended decision.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

**AGENDA NO. 3035690-ALJ**

(PP from 9/21/2023)

**DOCKET NO. C-2022-3035690**

**NAME AND SUBJECT: ANNURADHA GOEL VS AQUA PENNSYLVANIA WASTEWATER INC**

Formal Complaint filed 9/28/22, challenging Respondent's lawfully tariffed rate increase and the lack of wastewater metering. On 10/18/22, Aqua Pennsylvania Wastewater, Inc. filed an Answer. A telephonic evidentiary hearing was held on 3/14/23.

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

**AGENDA NO. 3036868-ALJ**

(PP from 9/21/2023)

**DOCKET NO. C-2022-3036868**

**NAME AND SUBJECT: NIKISHA LEACH VS PHILADELPHIA GAS WORKS**

Formal Complaint filed 11/18/22, alleging Philadelphia Gas Works (PGW) threatened to shut off Complainant's service or had already done so and that Complainant would like a payment agreement. PGW filed an Answer on 12/7/22. A hearing was held on 3/2/23.

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. 3039314-ALJ**

(PP from 9/21/2023)

**DOCKET NO. C-2023-3039314**

**NAME AND SUBJECT: KRISTEN FLAHERTY VS DUQUESNE LIGHT COMPANY**

Final Order issued on 3/21/23, dismissing a prior complaint filed by Ms. Flaherty against Duquesne Light Company (DLC) for electric service. On 3/28/23, Ms. Flaherty filed an identical complaint against DLC to stop the potential termination of her electric service and requesting a payment arrangement. DLC filed an Answer and New Matter on 4/17/23. DLC subsequently filed a Motion for Judgment on the Pleadings on 5/17/23. Ms. Flaherty did not file an answer or reply to the Answer and New Matter nor the Motion.

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. 3040285-ALJ**

**DOCKET NO. R-2023-3040285 C-2023-3040923 C-2023-3041178**

**NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION, ET AL VS PECO ENERGY COMPANY - GAS DIVISION**

Definitive Filing submitted on 5/31/23, pursuant to 66 Pa.C.S.A. § 1307(f) for its Purchased Gas Cost rate to be effective on and after 12/1/23. By Operation of 66 Pa.C.S.A. § 1307(f), the Commission commenced an Investigation to determine the lawfulness, justness, and reasonableness of the proposed rates and to satisfy the requirements of Sections 1307, 1317 and 1318 of the Public Utility Code. A Prehearing Conference was held on 6/21/23. A Joint Petition for Settlement was filed on 8/9/23.

COMMISSION REVIEW: That the Commission adopt ALJ Brady’s Recommended Decision.

Votes and Notes:

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

**AGENDA NO. 3040290-ALJ**

**DOCKET NO. R-2023-3040290 C-2023-3040778 C-2023-3041089**

**NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION, ET AL VS UGI UTILITIES INC - GAS DIVISION**

Definitive Filing submitted on 6/1/23, pursuant to 66 Pa.C.S.A. § 1307(f) for its Purchased Gas Cost rate to be effective on and after 12/1/23. By operation of Section 66 Pa.C.S.A. § 1307(f), the Commission commenced an Investigation to determine the lawfulness, justness and reasonableness of the proposed rates and to satisfy the requirements of Section Sections 1307, 1317 and 1318 of the Public Utility Code. A prehearing conference was held on 6/5/23. A Joint Petition for Settlement was filed on 8/16/23.

COMMISSION REVIEW: That the Commission adopt ALJ Buckley’s and ALJ Coogan’s recommended decision.

Votes and Notes:

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

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Carry-In Agenda

October 19, 2023

### OFFICE OF SPECIAL ASSISTANTS

#### AGENDA NO. 3009358-OSA

**DOCKET NO. C-2019-3009358**

#### **NAME AND SUBJECT: KNOX TOWNSHIP VS BUFFALO & PITTSBURGH RAILROAD INC**

Formal Complaint filed on 4/10/19, alleging that three overpasses on a railroad right-of-way were creating a traffic and safety problem. The Pa. Department of Transportation filed an Answer. Buffalo & Pittsburgh Railroad Inc. (BPRR) filed an Answer and New Matter. The matter was assigned to the OALJ for hearings and issuance of a Recommended Decision (RD). The RD of ALJ Long was issued on 6/24/22. BPRR filed Exceptions to the RD on 7/15/22 and the Bureau of Investigation and Enforcement (BIE) filed Replies to Exceptions on 7/25/22. On 4/20/23, an Opinion and Order was entered which denied the BPRR Exceptions. BPRR filed a Petition for Review of the Order. On 7/11/23, BPRR filed a Motion for Stay. On 7/31/23, BIE filed an Answer.

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

#### Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman