

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, DECEMBER 7, 2023 (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. Zerfuss	Kimberly Barrow	Stephen M. DeFrank	Ralph V. Yanora	John F. Coleman, Jr.

The Next Public Meeting is Tentatively Scheduled for Thursday, December 21, 2023 at 10:00 A.M.

Minutes of the Meeting of Thursday, October 19, 2023 (KB)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 21, 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, DECEMBER 20, 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.

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

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

December 7, 2023

BUREAU OF AUDITS

AGENDA NO. 3035217-AUD

DOCKET NO. D-2022-3035217

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

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

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

BUREAU OF CONSUMER SERVICES

AGENDA NO. 3005795-BCS

DOCKET NO. M-2018-3005795 P-2023-3044165

NAME AND SUBJECT: PECO ENERGY COMPANY

Petition filed on 10/30/23, to amend its 2019-2028 Universal Service and Energy Conservation Plan. No answers to the Petition 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 EXECUTIVE DIRECTOR

AGENDA NO. 3000261-DIR

DOCKET NO. M-2018-3000261

NAME AND SUBJECT: DAMAGE PREVENTION COMMITTEE APPOINTMENTS

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

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3044206-DIR

NAME AND SUBJECT: APPOINTMENT OF THE DIRECTOR OF THE OFFICE OF SPECIAL ASSISTANTS

The Commission appoints Acting Director of the Office of Special Assistants Kimberly Hafner to the permanent position of Director of the Office of Special Assistants.

RECOMMENDATION: That the Commission ratify the appointment.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3012079-OSA

DOCKET NO. M-2022-3012079

NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS COLUMBIA GAS OF PENNSYLVANIA INC

Informal Investigation instituted on 7/31/19, regarding a natural gas explosion in Washington, Washington County, Pa. On 2/27/23, the Bureau of Investigation and Enforcement (BIE) and Columbia Gas of Pennsylvania, Inc. (Columbia Gas) submitted a Revised Joint Petition for Approval of Settlement (Revised Settlement). BIE's Statement in Support of the Revised Settlement was appended to the Revised Settlement as Appendix B and Columbia Gas' Statement in Support of the Revised Settlement was appended to the Revised Settlement as Appendix C. By Order entered 4/20/23, the Commission issued the Revised Settlement for comments. On 4/5/23 and 4/13/23, Richard C. Culbertson filed Comments (Mr. Culbertson's Comments). On 5/31/23, Columbia Gas filed Comments in response to Mr. Culbertson's Comments. On 8/3/23, the Commission entered an Opinion and Order approving the Revised Settlement without modification. On 8/17/23, Mr. Culbertson filed a Petition for Reconsideration (Petition). On 8/28/23, Columbia Gas filed an Answer to the Petition. Also, on 8/28/23, BIE filed an Answer to 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. 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 (ID) issued on 6/12/23, ALJ Johnson sustained the Complaint. SSABS filed Exceptions on 6/30/23. No Replies to Exceptions were filed. The Commission entered an Opinion and Order on 11/1/23 modifying the ID by granting, in part, and denying, in part, the Exceptions. On 11/14/23, the Township filed a Petition for Reconsideration. By notational vote, the Commission entered an Opinion and Order on 11/16/23 to preserve Commission jurisdiction.

RECOMMENDATION: 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

AGENDA NO. 3028248-OSA
DOCKET NO. C-2021-3028248 C-2021-3028249

NAME AND SUBJECT: ANDREA BERARDI VS COMCAST PHONE OF PENNSYLVANIA LLC AND VERIZON PENNSYLVANIA LLC

Formal Complaints (FCs) filed on 8/26/21, alleging that Comcast Phone of Pennsylvania (Comcast) and Verizon Pennsylvania LLC (Verizon) lines were causing a safety concern on Complainant's property. On 10/4/21, Comcast filed an Answer. On 9/21/21, Verizon filed an Answer. On 12/27/22 an Order was issued consolidating C-2021-3028248 and C-2021-3028249 for a hearing on 2/7/23. On 2/7/23 and 4/20/23, telephonic hearings were held in this matter. On 8/8/23, the Initial Decision of ALJ Heep was issued, which dismissed the FCs. The Complainant filed Exceptions on 9/7/23. Comcast and Verizon filed Replies to Exceptions on 9/18/23.

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. 3028563-OSA
DOCKET NO. C-2021-3028563

NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS JADON TRUCKING INC

Formal Complaint (FC) filed on 9/16/21, alleging that Jadon Trucking, Inc. (Jadon) failed to file assessment reports detailing its gross intrastate operating revenues for the 2018 and 2019 calendar years and failed to pay its 2019-2020 and 2020-2021 Fiscal Year assessment invoices. On 2/2/22, the Bureau of Investigation and Enforcement (BIE) filed a Motion for Default Judgment, requesting that its FC be sustained. On 12/8/22, the Commission entered an order granting BIE’s Motion for Default Judgment. On 1/19/23, BIE filed a Petition for Amendment of the Order entered 12/8/22. On 8/9/23, BIE and Jadon filed a Joint Petition for Approval of 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. 3036883-OSA
DOCKET NO. F-2022-3036883

NAME AND SUBJECT: BRYAN GARNER VS PHILADELPHIA GAS WORKS

Formal Complaint (FC) filed on 10/28/22, alleging that Philadelphia Gas Works (PGW) was threatening to shut off his service, there are incorrect charges on his bill and he is having reliability, safety or quality problems with his service. On 12/13/22, PGW filed an Answer. On 2/24/23 and 3/24/23, telephonic hearings were held in this matter. On 9/5/23, the Initial Decision of ALJ Ashton was issued, which dismissed the FC. The Complainant filed Exceptions on 9/13/23. PGW filed Replies to Exceptions on 9/25/23.

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. 3037095-OSA
DOCKET NO. C-2022-3037095

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

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

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. 3037820-OSA
DOCKET NO. M-2023-3037820

NAME AND SUBJECT: GRANITE TELECOMMUNICATIONS LLC

Secretarial Letter issued on 10/2/23, approving the Carrier Review Report issued by the Pennsylvania Universal Service Fund Administrator on 8/2/23 and directing Granite Telecommunications, LLC (Granite) to comply with certain directives contained therein. On 10/31/23, the instant Petition for Reconsideration from Staff Action (Petition) was filed on behalf of Granite. 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. 3037937-OSA
DOCKET NO. M-2023-3037937

**NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS
DUQUESNE LIGHT COMPANY**

On or about 1/30/23, the Commission’s Bureau of Consumer Services (BCS) became aware of an issue that Duquesne Light Company (Duquesne Light) allegedly terminated a number of customers’ services, *inter alia*, without providing the customers with the required 10-day written termination notice. BCS subsequently referred the matter to the Commission’s Bureau of Investigation and Enforcement which instituted an Informal Investigation of Duquesne Light (collectively, the Parties) concerning the issue. On 8/14/23, the Parties submitted a Settlement Agreement (Settlement) and Statements in Support of the Settlement. By Order entered 9/21/23, the Commission issued the Settlement for comments. No comments 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. 3040722-OSA
DOCKET NO. A-2023-3040722

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 5/16/23, for approval to alter the public crossing (DOT 472 787 C) located in Bethel Park Borough, Allegheny County, Pa. A Secretarial Letter was issued by the Commission on 6/6/23 approving Columbia Gas of Pennsylvania, Inc’s (Columbia) Application to alter a public right of way by installing new 20-inch steel gas main below grade of a track utilized by Wheeling and Lake Erie Railway. On 6/26/23, Wheeling and Lake Erie Railway timely filed a Petition for Reconsideration from Staff Action alleging the proposed alteration did not meet applicable safety and construction standards. On 7/20/23, Columbia filed an untimely Answer *Nunc Pro Tunc* and Wheeling and Lake Erie Railway filed a Response to the Answer on 7/27/23. Wheeling and Lake Erie Railway did not raise any objection to Columbia’s untimely filing.

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. 3041825-OSA
DOCKET NO. C-2023-3041825

NAME AND SUBJECT: JONATHAN DIBELLO VS PECO ENERGY COMPANY - ELECTRIC
Formal Complaint (FC) filed on 7/19/23 after a Bureau of Consumer Services decision dismissing Complainants Informal Complaint. The Complainant requests a payment arrangement for past due amounts accrued after the filing of his Chapter 13 bankruptcy. An Initial Decision was issued by ALJ Vero on 9/27/23 dismissing the FC based on Complainant's pending Chapter 13 bankruptcy proceeding. The Complainant filed Exceptions on 10/16/23 and PECO Energy Company (PECO) filed its Replies to Exceptions on 10/23/23. The Complainant filed a Sur-Reply to Reply Exceptions Filed by PECO on 11/8/23.

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. 3042006-OSA
DOCKET NO. A-2023-3042006 A-6426416

NAME AND SUBJECT: E & P LUXURY TRANSPORTATION INC
Application filed on 9/22/23, for the right to begin to transport as a common carrier, by motor vehicle for charter service of persons, groups and party service. By Secretarial Letter issued on 8/31/23 (August 31 Secretarial Letter), the Commission denied the Application for failure to establish operational fitness and evidence of financial fitness. On 9/22/23, E&P Luxury Transportation Inc. filed a Petition for Reconsideration of Staff Action (Petition) in response to the August 31 Secretarial Letter. 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. 3042008-OSA
DOCKET NO. A-2023-3042008 A-6426384

NAME AND SUBJECT: STAR MEDICAL TRANSPORTATION COMPANY

Application filed on 7/17/23, seeking a Certificate of Public Convenience. On 7/18/23, the Commission issued a Secretarial Letter regarding erroneous information in the Application and requesting Star Medical Transportation Company (Star Medical) take appropriate action to resolve the errors within 20 days. On 8/3/23, the Bureau of Technical Utility Services (TUS) issued Data Requests to Star Medical. A Secretarial Letter was issued by the Commission on 9/18/23, denying Star Medical’s Application for failure to provide responses to TUS’ July 2023 Secretarial Letter and August 2023 Data Requests. Star Medical timely filed a Petition for Reconsideration on 9/25/23. The Petition for Reconsideration includes information the Applicant asserts is responsive to TUS’ Data Requests. 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. 3042498-OSA
DOCKET NO. A-2023-3042498

NAME AND SUBJECT: JIMENEZ LLC

Application filed on 8/25/23, for authority to operate as a Motor Carrier of Persons Group and Party Service proposing to transport children to school within the city limits of Hazelton. On 8/29/23, the Commission’s Bureau of Technical Utility Services (TUS) issued a Data Request. On 9/5/23, Jimenez LLC (Jimenez) provided the Commission with additional information as requested by its 8/29/23 Secretarial Letter. Upon review of the additional information, the Commission issued a Secretarial Letter on 9/6/23 denying and dismissing the Application. On 9/27/23, Jimenez timely filed a Petition for Reconsideration from Staff Action.

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. 3035024-TUS

DOCKET NO. A-2022-3035024

NAME AND SUBJECT: PENNDOT

Application filed on 9/7/22 for approval to alter the public crossing (DOT 872 491 H) by replacement of the existing bridge where SR 0083 (I- 83) crosses, above grade, the tracks of CSX Transportation, Inc. and Codorus Creek located in Spring Garden Township and North York Borough, York County, Pa. PennDOT submitted right-of-way plans containing railroad property for the Commission to appropriate on 9/28/23. No objections have been filed regarding the right-of-way plans.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3040636-TUS

DOCKET NO. A-2023-3040636

NAME AND SUBJECT: ITC GLOBAL NETWORKS LLC

Application filed on 5/10/23, for approval of the discontinuance and abandonment of Competitive Local Exchange Carrier 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. 3040806-TUS
DOCKET NO. A-2023-3040806

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

Application filed on 5/22/23, seeking a Certificate of Public Convenience pursuant to Section 1102(a)(1)(i) of the Pa. Public Utility Code, 66 Pa.C.S. § 1102(a)(1)(i), evidencing Commission approval of Pennsylvania American Water Company's (PAWC) right to offer, render, furnish and supply water service to the public in an additional portion of Jackson Township, Butler County, Pa. PAWC 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. 3042138-TUS
DOCKET NO. A-2023-3042138

NAME AND SUBJECT: DUQUESNE LIGHT COMPANY

Letter of Notification filed on 8/10/23, for approval to reconfigure the existing Cheswick – Plum 138 kV Transmission Line in Plum Borough, Allegheny County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

AGENDA NO. 3042807-TUS
DOCKET NO. A-2023-3042807

NAME AND SUBJECT: NATIONAL FUEL GAS DISTRIBUTION CORPORATION

Application filed on 9/7/23, seeking a Certificate of Public Convenience authorizing it to abandon natural gas distribution service to two residential premises located in Washington Township, Armstrong 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. 3043073-TUS

(PP from 11/9/2023)

DOCKET NO. P-2023-3043073

NAME AND SUBJECT: PENNSYLVANIA POWER COMPANY

Petition filed on 9/15/23, seeking authority to defer, for accounting and financial reporting purposes, certain losses from extraordinary storm damage. On 10/4/23, the Office of Consumer Advocate filed an Answer. On 11/9/23, the Pennsylvania Power Company filed a revised Petition correcting stated expenses and percentage income figures. No protests were filed and no hearings were held.

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

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3043497-TUS

DOCKET NO. R-2023-3043497 C-2023-3043807

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS NANTMEAL WARWICK SEWER COMPANY INC

Supplement No. 2 filed on 10/12/23, to become effective 1/1/24. Supplement No. 2 would increase Nantmeal Warwick Sewer Company Inc.'s total annual operating revenues for wastewater service by approximately \$20,418, or 45.8%. On 10/25/23, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2023-3043807.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

LAW BUREAU

AGENDA NO. 1151742-LAW

DOCKET NO. M-00001337

**NAME AND SUBJECT: PENNSYLVANIA UNIVERSAL SERVICE FUND ANNUAL RATE
ADJUSTMENT**

Annual Administrator's Report (Report) provided to the Commission on 9/11/23. The Report provides a Fund income statement, recommendations for Fund operations, and a proposed budget and assessment rates for the upcoming 2024 calendar year. Rolka Loube Saltzer, LLC (Rolka Loube), the Administrator for the Pennsylvania Universal Service Fund (PaUSF), served copies of the Report on the telecommunications carriers participating in the PaUSF, the Office of Consumer Advocate, and the Office of Small Business Advocate on 9/19/23, pursuant to Section 63.163(f). No comments 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. 3010047-LAW

DOCKET NO. M-2019-3010047

NAME AND SUBJECT: DAMAGE PREVENTION COMMITTEE BYLAWS

On 10/30/17, Governor Tom Wolf signed into law Act 50, amending the Underground Utility Line Protection Law (One Call Law) and assigning certain duties and responsibilities associated with the Pennsylvania One Call System to the Commission, effective 4/30/18. Pursuant to Section 182.8(e)(2) of the One Call Law, the Damage Prevention Committee (DPC) developed Bylaws that went into effect 1/1/21. At its regularly scheduled DPC Public Meeting on 10/11/23, the DPC approved amendments to its bylaws in several areas where improvement and clarification were necessary. Pursuant to Section 182.8(e)(2) of the One Call Law, these amended Bylaws must be approved 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. 3033054-LAW
DOCKET NO. M-2022-3033054

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

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

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3033109-LAW
DOCKET NO. P-2022-3033109

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

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

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. 3028195-ALJ

DOCKET NO. P-2021-3028195

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

Petition filed on 8/25/21, pursuant to 52 Pa. Code § 5.41 for approval of an arrearage management plan. A Recommended Decision was issued on 10/13/22. A Commission Order vacating the 10/13/22 Recommended Decision and remanding the case to the OALJ for further proceedings was entered 12/28/22. A prehearing conference was held 1/26/23. A Further Amended Joint Settlement for approval of all issues was filed on 9/11/23.

COMMISSION REVIEW: That the Commission adopt ALJs Guhl's and Collins' Recommended Decision on Remand.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3034599-ALJ

DOCKET NO. F-2022-3034599

NAME AND SUBJECT: TRACEY SMITH VS PITTSBURGH WATER AND SEWER AUTHORITY

Formal Complaint filed on 8/22/22, alleging a billing dispute and requesting a payment arrangement. Pittsburgh Water and Sewer Authority filed an Answer and Preliminary Objection. A Hearing was held on 3/30/23.

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

AGENDA NO. 3038771-ALJ
DOCKET NO. A-2023-3038771 ET AL

NAME AND SUBJECT: FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
Joint Application filed on 3/6/23, seeking all the necessary authority, approvals, and Certificates of Public Convenience for the merger of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company. An evidentiary hearing was held on 8/10/23. On 8/30/23, 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

AGENDA NO. 3039927-ALJ
DOCKET NO. P-2023-3039927

NAME AND SUBJECT: PIKE COUNTY LIGHT & POWER COMPANY - ELECTRIC
Petition filed on 4/13/23, for approval of its Default Service Plan and Waiver of Commission Regulations (Petition). The Petition was filed pursuant to Section 2807(e) of the Public Utility Code and 52 Pa. Code §§ 54.181–54.190. A prehearing conference was held on 6/15/23. A Joint Petition for Unanimous Settlement was filed on 10/5/23.

COMMISSION REVIEW: That the Commission adopt DCALJ Hoyer’s Recommended Decision.

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

December 7, 2023

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3037933-OSA

DOCKET NO. R-2023-3037933 C-2021-3029259 ET AL

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION ET AL VS PHILADELPHIA GAS WORKS

Supplement No. 159 to Tariff Gas Service–Pa. PUC No. 2 and Supplement No. 105 to Tariff Gas Supplier–Pa. PUC No. 1 filed on 2/27/23, proposing annual increase in base rate revenues of \$85.8 million, or approximately 10.3%, based on data for the fully projected future test year ending 8/31/24. Evidentiary hearings were held 7/11/23 and 7/12/23. By Recommended Decision issued 9/5/23, ALJ’s Vero and Ashton recommended approval of an increase in annual revenues in the amount of \$22,306,000. On 9/15/23, Philadelphia Gas Works (PGW), Office of Consumer Advocate (OCA), Philadelphia Industrial and Commercial Gas User Group (PICGUG), Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (Vicinity), Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and Tenant Union Representative Network (TURN) (collectively, CAUSE-PA/TURN), and POWER Interfaith (POWER) filed Exceptions. On 9/22/23, PGW, the Bureau of Investigation and Enforcement (BIE), the OCA, the Office of Small Business Advocate (OSBA), and CAUSE-PA/TURN filed Replies to Exceptions. On 9/29/23, PICGUG filed a Motion to Strike a portion of the Replies to Exceptions of PGW and OSBA. On 10/19/23, PGW and OSBA each filed an Answer to Motion to Strike. On 11/9/23, the Commission entered an Opinion and Order. On 11/20/23, Vicinity filed a Petition for Clarification. On 11/27/23, PGW filed a Petition for Reconsideration.

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman