

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JULY 19, 2012 (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. However, 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 CHAIRMAN	CHAIRMAN	COMMISSIONER	COMMISSIONER
James H. Cawley	John F. Coleman, Jr.	Robert F. Powelson	Wayne E. Gardner	Pamela A. Witmer

THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.

The Next Public Meeting is Tentatively Scheduled for Thursday, August 2, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, June 7, 2012 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 2, 2012 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.

ALSO, THE COMMISSION HELD AN EXECUTIVE SESSION ON WEDNESDAY, JULY 18, 2012, AT 2:30 P.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

- 1. DISCUSSING PERSONNEL MATTERS.**
- 2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF ABOUT ACTIONS WHICH THIS COMMISSION IS LITIGATING BEFORE OTHER ADMINISTRATIVE AGENCIES OR COURTS.**
- 3. DISCUSSING CASES WHICH WILL BE COMMENCED OR ADJUDICATED BY COMMISSION ACTION.**
- 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.

**COPIES OF CHAIRMAN AND COMMISSIONERS'
MOTIONS AND STATEMENTS WILL BE
AVAILABLE FOR PICK-UP
IMMEDIATELY AFTER PUBLIC MEETING
IN JR. EXECUTIVE CHAMBERS
3RD FLOOR KEYSTONE BUILDING**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

July 19, 2012

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2067958-TAS Vote 5-0.	A-2008-2067958	PENNDOT - Application for appropriation of property for S.R. 0019, cross track of NS in Waynesburg Borough, Greene County. RECOMMENDATION: That the Commission adopt the proposed Order.
2142774-TAS Vote 5-0.	A-2009-2142774	BOAZ CAB CORP - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Philadelphia RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2267473-TAS Vote 5-0.	A-2011-2267473	SEDA-COG JOINT RAIL AUTHORITY - Application for approval of an exemption from the Commission's Clearance Requirements for a track operated by the Lycoming Valley Railroad Company, located in Muncy Creek Township in Lycoming County. RECOMMENDATION: That the Commission adopt the proposed Order.
2267475-TAS Vote 5-0.	A-2011-2267475	SEDA-COG JOINT RAIL AUTHORITY - Application for approval of an exemption from the Commission's Clearance Requirements for a track operated by the Lycoming Valley Railroad Company, located in Muncy Creek and Clinton Townships in Lycoming County. RECOMMENDATION: That the Commission adopt the proposed Order.
2283976-TAS Vote 5-0.	A-2012-2283976	NIKOS MOVERS INC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order denying and dismissing the application
2285262-TAS Vote 5-0.	A-2012-2285262	ROBERT L SHELLY - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2288521-TAS Vote 5-0.	A-2012-2288521 A-00123537	CATHERINE E HARTZELL - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2291730-TAS Vote 5-0.	A-2012-2291730	ALFORD E DONOVAN - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Lykens, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended.
2291933-TAS Vote 5-0.	A-2012-2291933	BLAINE BENTON - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended.
2304791-TAS Vote 5-0.	A-2012-2304791	STEELTON AND HIGHSPIRE RAILROAD COMPANY - Application for approval of exemption from the Commission's clearance requirements for 3 separate locations within the ArcelorMittal Steelton steel mill plant. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF AUDITS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2309938-AUD

M-2012-2309938

Vote 5-0.

PECO ENERGY COMPANY-ELECTRIC
- Generation Supply Adjustment

RECOMMENDATION:

That the Commission approve Supplement No. 45 to
Tariff Electric - Pa. P.U.C. No. 4, reflecting the
proposed GSA-4 rates to become effective 8/1/12.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1087149-OSA Vote 5-0.	A-00111016 C-00913256	CONSOLIDATED RAIL CORP - The Commission, per Opinion and Order entered on 10/9/97 in this consolidated proceeding adopted the Recommended Decision of ALJ Cocheres, as modified. The instant proceeding involves the bridge structure at Crossing No. 21. The following Parties are active: Providence Township; DCNR; PennDOT; Norfolk Southern; and the Commission's BI&E. By Secretarial Letter of 4/7/11, this matter was referred to OALJ for hearings. On 3/22/12, the Parties filed a Stipulation of Settlement. The Recommended Decision of ALJs Barnes and Cheskis, recommending that the Settlement be adopted, was issued on 4/25/12. The Commission adopted the Recommended Decision by Order entered 5/25/12. On 6/15/12, the Joint Parties filed a Joint Petition for Amendment of the May 25 Order. RECOMMENDATION: That the Commission adopt the proposed Order that: (1) grants the Joint Petition; (2) amends the May 25 Order as outlined; and (3) directs that, in other respects, the May 25 Order remains in full force and effect.
1189996-OSA (PP from 06/21/2012) Joint Motion by Chairman Powelson and Commissioner Witmer. Statement by Vice Chairman Coleman. Statement by Commissioner Gardner. Statement by Commissioner Cawley. Statement by Commissioner Witmer. Vote 3-2 with Commissioner Cawley Concurring in Part and Dissenting in Part, and Commissioner Gardner Dissenting on the Motion and Concurring on the Recommendation.	I-00040105 C-2009-2098380 M-2012-2291824	RLEC ACCESS CHARGE - Updated Joint Petition filed on 4/9/12 by PA Telephone Association & CenturyLink (PTA/CTL) for Reconsideration and Stay of the Commission's Opinion and Order entered 7/18/11. AT&T Communications, TCG Pittsburgh and TCG New Jersey also filed an Updated Petition for Reconsideration of the same Opinion and Order. Answers have been filed by PTA/CTL, AT&T, Verizon, Sprint, Comcast and the OCA. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2184996-OSA Vote 5-0.	F-2010-2184996	MIMOSE INNOCENT VS PPL ELECTRIC UTILITIES CORP - Formal Complaint filed on 6/28/10, alleging that her electric bill was too high. On 7/21/10, PPL filed an Answer denying the material allegations of the Formal Complaint. On 8/11/11 an evidentiary hearing was held. On 1/5/12, the Commission issued the Initial Decision of ALJ Jandebour. Exceptions were filed by the Complainant on 1/19/12. PPL filed Replies to Exceptions on 2/10/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and modifies the ALJ's Initial Decision consistent with the discussion therein.
2191381-OSA Vote 5-0.	F-2010-2191381	WILLIAM DIEDRICH VS PECO ENERGY CO - Complaint filed 7/30/10, alleging that PECO did not respond in a timely manner to replace his electric meter and to rebill him for overcharges to his account. On 8/24/10, PECO filed an Answer, admitting that its meter was defective but denying that its budget billing adjustments were improper. A telephonic hearing was held on 3/10/11. In an Initial Decision, issued 3/23/12, the ALJ sustained the Complaint, in part, denied the Complaint, in part, and directed PECO to pay a civil penalty of \$1,000. PECO filed Exceptions on 4/12/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Exceptions, in part, denies the Exceptions, in part, and modifies the Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2195209-OSA Vote 5-0.	C-2010-2195209	BRENDA PASKEL VS PECO ENERGY CO - Formal Complaint filed on 8/23/10, alleging that there were high late payment charges and other incorrect charges on her bill. For relief, she requested that the Commission direct PECO: (1) to eliminate or cut in half the interest amount associated with the late payments; and (2) to establish a new payment arrangement. On 3/23/12, the Commission issued ALJ Salapa's Initial Decision dismissing the Complaint for failure to meet the burden of proof. On 4/30/12, Paskel filed Exceptions to the Initial Decision. No Reply to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision that denies the Complaint.
2196584-OSA Vote 5-0.	F-2010-2196584	ENOCH JEROME VS PECO ENERGY CO - Complaint filed on 8/29/10, alleging incorrect billing. PECO filed an Answer on 9/20/10. After an evidentiary hearing, ALJ Pell issued an Initial Decision on 2/28/12 denying the Complaint. The Complainant filed Exceptions on 3/12/12. PECO filed Reply Exceptions on 3/28/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Complainant's Exceptions, reverses the ALJ's Initial Decision, and sustains the Complaint.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2200864-OSA (PP from 06/21/2012) Vote 5-0.	C-2010-2200864	ALFRED STEMPO VS METROPOLITAN EDISON COMPANY - Formal Complaint filed on 9/23/10, alleging that subsequent to entering into an agreement with Met-Ed to pay a balance on his electric account, Met-Ed demanded additional payment be made to prevent service termination. In her Initial Decision issued on 2/16/12, ALJ Colwell recommended that the Complaint be dismissed and the proceeding marked as closed. On 3/7/12, the Complainant filed Exceptions to the Initial Decision. On 3/19/12, Met-Ed filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying the Complainants Exceptions and adopting the Initial Decision as modified.
2205777-OSA Motion by Vice Chairman Coleman. Vote 5-0.	F-2010-2205777	CONNIE CONNOR VS PECO ENERGY CO - Formal Complaint filed on 10/18/10, alleging that there are incorrect charges on her bill. Specifically, she denied that she ever resided at the service address in question or that she received electric and gas service from PECO at that address. As relief, she requested that her bill be reduced accordingly. After hearing, the ALJ's Initial Decision was issued by the Commission on 2/22/12. The Complainant filed Exceptions on 3/16/12. PECO did not file Replies to Exceptions. RECOMMENDATION: Tthat the Commission adopt the proposed Opinion and Order that remands the case to the OALJ for such proceedings as may be necessary and the issuance of an Initial Decision upon Remand.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2219118-OSA Vote 5-0.	C-2011-2219118	<p>BUR OF TRANSPORTATION & SAFETY VS SUDOL PAVING & EXCAVATION INC - Complaint instituted on 1/13/11, alleging failure to maintain evidence of insurance on file with the Commission, in violation of the Commission's regulations. BTS, inter alia, requested that a civil penalty of \$500 be imposed for the violation. The Respondent filed an Answer to the Complaint on 2/11/11. On 9/20/11, the Respondent and the Commission's Law Bureau Prosecutory Staff filed a Settlement Agreement in order to satisfy the Complaint. By Order entered 2/13/12, the Commission rejected the September 2011 Settlement, and directed the Parties to engage in further negotiations. On 5/2/12, the Parties filed the instant Revised Settlement.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Revised Settlement.</p>
2243137-OSA Vote 5-0.	M-2011-2243137 C-2011-2245906	<p>PPL ELECTRIC UTILITIES CORP - OSBA on 5/31/11, filed a Complaint against the 5/20/11 Generation Supply Charge-1 of PPL Electric. On 4/4/12, the Commission issued ALJ Colwell's Recommended Decision. On 4/24/11, PPL filed Exceptions. On 5/4/12, the OSBA filed Replies to Exceptions.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Exceptions of PPL Electric Utilities Corporation, in part, denies them, in part, and modifies the ALJ's Recommended Decision accordingly.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2255047-OSA Vote 5-0.	C-2011-2255047	LINDA SPOTTI VS EQUITABLE GAS COMPANY - Formal Complaint filed on 7/25/11, alleging that her budget from the PUC is too high and she cannot afford it and that she would like to have a lower budget payment. On 8/11/11, Equitable filed an Answer which denied the material allegations of the Complaint and New Matter. On 1/25/12 an evidentiary hearing was held. On 5/24/12, the Commission issued the Initial Decision of ALJ Johnson. Exceptions were filed by the Complainant on 6/21/12. Equitable did not file Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision.
2256365-OSA Vote 5-0.	P-2011-2256365	PPL ELECTRIC UTILITIES CORP - Petition for Approval to Implement a Reconciliation Rider for Default Supply Service filed on 8/3/11. PPL filed an amended Petition on 8/25/11. On 4/4/12, the Commission issued ALJ Colwell's Recommend Decision. On 4/24/12, PPL, the OCA, the BI&E, the OSBA, PPLICA, RESA and Dominion filed Exceptions. On 5/4/12, PPL, the OCA, the OSBA, PPLICA, RESA, Dominion and Wal-Mart filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants, in part, and denies, in part, the various Exceptions filed by the Parties and modifies the ALJ's Recommended Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2268119-OSA Vote 5-0.	C-2011-2268119	DALE SATTAR VS AQUA PENNSYLVANIA, INC - Complaint filed on 10/11/11, regarding the customer charge. On 11/10/11, Aqua filed an Answer and New Matter, as well as Preliminary Objections. ALJ Buckley issued an Initial Decision on 1/31/12 sustaining the Preliminary Objections and dismissing the Complaint. The Complainant filed Exceptions on 2/29/12. Aqua filed Reply Exceptions on 4/2/12. RECOMMENDATION: that the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions, adopts the ALJ's Initial Decision, and dismisses the Complaint.
2282219-OSA Vote 5-0.	A-2012-2282219 A-2012-2282221 S-2012-2282224 S-2012-2282229 S-2012-2282230 S-2012-2282232	COLUMBIA WATER CO AND MARIETTA GRAVITY - Joint Application filed on 1/5/12, seeking to transfer the certificate of public convenience and assets of Marietta Gravity to Columbia Water. On 2/7/12, the City of Lancaster filed a Protest to the Joint Application. On 3/15/12, the Joint Applicants filed a Motion for Judgment on the Pleadings, or alternatively, Summary Judgment, seeking to dismiss the City's Protest for lack of Standing. On 5/15/12, the ALJ's Initial Decision was issued which granted the Motion for Summary Judgment. Timely Exceptions were filed by the City and timely Replies to Exceptions were filed by the Joint Applicants. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the City's Exceptions, adopts the Initial Decision, dismisses the City's Protest for lack of Standing and refers the Joint Application to the Bureau of Technical Utility Services.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2284304-OSA Vote 5-0.	A-2012-2284304 A-6414195	AJ&M LIMO SERVICE LLC - Application filed on 1/19/12, for certain limousine rights. By Order entered 4/12/12, the Commission dismissed the Application, finding the applicant lacks a propensity to operate legally. On 4/17/12, AJ&M Limo filed a Petition for Reconsideration of the 4/12/12 Order. No response has been filed to the Petition. Per Order of 5/10/12, the Petition was granted pending further review of, and consideration on, the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the petition.
2290991-OSA Vote 5-0.	M-2012-2290991	UNION RAILROAD COMPANY - Letter of 1/25/12, PennDOT requested approval to post the subject bridge for a maximum load limit. PennDOT agreed to install the load limit signs at its initial cost and expense. By Secretarial Letter of 3/30/12, the Commission, inter alia, directed that the Dravosburg Borough maintain the load limit signs. On 4/19/12, the Borough filed a Petition for Appeal from Staff Action which alleges that a prior Commission Order determined that the Borough had no ownership or interest in matters connected with the Bridge. On 5/9/12, PennDOT filed an Answer to the Borough's Petition. RECOMMENDATION: That the Commission adopt the Order which: considers PennDOT's Answer as a Petition to Withdraw Pleadings; deems PennDOT's Letter of 1/25/12 to be withdrawn; vacates the March 30 Secretarial Letter; and dismisses the Borough's Petition as moot.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2310391-OSA Vote 5-0.	A-2012-2310391	ARMSTRONG TELECOM AND FRONTIER COMM COMMONWEALTH TELEPHONE CO - Joint Petition filed on 6/20/12, requesting approval of an Interconnection Agreement pursuant to Section 252(i) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1180574-FUS Vote 5-0.	A-125123	VECTREN RETAIL LLC - Application filed on 4/30/12, to abandon its natural gas supplier license. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application for abandonment.
2250138-FUS Vote 5-0.	A-2011-2250138	COLUMBIA GAS OF PA INC - Application filed on 6/23/11, for approval to abandon natural gas distribution service to eight residential customers located in Greene County. On 12/14/11, the Company filed an Amendment to its original Application pursuant to resolving protests filed against the original Application by six of the eight affected customers. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2273119-FUS Vote 5-0.	M-2011-2273119 M-00960799	TIMEFRAME-TELECOMMUNICATIONS CARRIERS PROVIDING SERVICE - Final Order regarding the Commission's plan to implement a time frame requirement on telecommunication carriers providing service within the Commonwealth of Pennsylvania. On 3/1/12, the Commission approved a Tentative Order outlining the process for a one year time frame for telephone carriers to actively provide service to customers and sought comments. The Commission received two comments and this Final Order disposes of them. RECOMMENDATION: The Commission adopt the Final Order establishing a timeframe requirement for telecommunications carriers to be active on an annual basis.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2283821-FUS Vote 5-0.	A-2012-2283821	XOOM ENERGY PENNSYLVANIA LLC - Application filed on 3/24/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, large commercial (over 25 kw demand), small commercial (25 kw and under demand), and industrial customers in the service territories of Duquesne Light, Met-Ed, Penelec, and PPL Electric within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2283967-FUS Vote 5-0.	A-2012-2283967	XOOM ENERGY PENNSYLVANIA LLC - Application filed on 12/16/11, for approval to offer, render, furnish, or supply natural gas supply services as a supplier and broker/marketer to residential, small commercial (less than 6,000 MCF), and large commercial (6,000 MCF or more) customers in the service territories of National Fuel Gas, Peoples Natural Gas, Columbia Gas, PECO, UGI and UGI Central Penn Gas within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2298067-FUS Vote 5-0.	A-2012-2298067	LITTLE WASHINGTON WASTEWATER CO D/B/A SUBURBAN WASTEWATER CO - Application filed on 4/5/12, for approval of: 1) the acquisition by LWWC of the wastewater system assets of the Township of Kidder (TOK) situated in a portion of Kidder Township, Carbon County, and 2) the right of LWWC to begin to offer, render, furnish and supply wastewater service to the public in an additional portion of Kidder Township, Carbon County. Proofs of publication and service to the appropriate entities were submitted. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2298073-FUS Vote 5-0.	A-2012-2298073	BORDER ENERGY ELECTRIC SERVICES INC - Application filed on 3/19/12, for approval to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to residential, small commercial, large commercial, industrial, and governmental customers in the electric distribution company service territories of PECO Energy and PPL Electric within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2298532-FUS Vote 5-0.	A-2012-2298532	HIKO ENERGY LLC - Application filed on 4/11/12, for approval to offer, render, furnish, or supply natural gas supply services to residential, small commercial (less than 6,000 mcf), large commercial (6,000 mcf or more), industrial and governmental customers in the service territories of PECO Energy and UGI Utilities within PA, as a supplier of natural gas. RECOMMENDATION: That the Commission adopt the proposed Tentative Order which approves the application subject to conditions.
2299628-FUS Vote 5-0.	R-2012-2299628 R-2012-2299625	PENNSYLVANIA ELECTRIC AND MET-ED - Supplement No. 21 to Tariff Electric Pa. P.U.C. No. 80 and Supplement No. 23 to Tariff Electric Pa. P.U.C. No. 51 filed on 4/12/12, for approval to replace the current Outdoor Lighting Service for the Companies that will expire 6/10/12. The new Outdoor Lighting service is to be renamed as Outdoor Area Lighting ("OAL") service, and is to become effective 8/1/12. RECOMMENDATION: That the Commission adopt the proposed Order which approves the tariff supplements to become effective 8/1/12.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2301049-FUS Vote 5-0.	A-2012-2301049	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 4/25/12, for approval of the siting and reconstruction of a portion of the existing Mack Macungie #1 & #2 138/69 kV Line in Lower Macungie Township, Lehigh County. Authority for this procedure is provided for in §57.72(d)(1)(vi). No protest was filed and no hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2301107-FUS Vote 5-0.	M-2012-2301107 M-00920352	MONTGOMERY COUNTY'S 911 - System Renewal Plan filed by PEMA on 4/25/12, requesting a formal review of the costs associated with the contribution rate of \$1.00 per access line per month and make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: The Commission adopt the proposed Order which approves a contribution rate of \$1.00 per access line per month.
2301127-FUS Vote 5-0.	A-2012-2301127	HESS SMALL BUSINESS SERVICES LLC - Application filed on 4/24/12, for approval to operate as a supplier, broker/marketer and aggregator engaged in the business of supplying natural gas services to small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial and governmental customers in the service territories of UGI Utilities-Gas, UGI Central Penn Gas, UGI Penn Natural Gas, PECO Energy-Gas, and Philadelphia Gas Works within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2301698-FUS Vote 5-0.	A-2012-2301698	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 4/30/12, for approval of the reconstruction of the existing Peckville-Honesdale 69 kV Line in Archbald Borough and Jefferson Township, Lackawanna County; and Honesdale Borough and Cherry Ridge, South Canaan and Texas Townships, Wayne County. Authority for this procedure is provided for in §57.72(d)(1)(v). No protest was filed and no hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2302261-FUS Vote 5-0.	R-2012-2302261	RIEMER GAS COMPANY INC - Supplement No. 18 to Tariff Gas-PA P.U.C. No. 3 filed on 4/30/12, for approval to propose changes in rates, rules, and regulations calculated to produce approximately \$405,202 in additional annual revenues, a 77.5% increase in total annual revenues. Supplement No. 18 is proposed to become effective 8/1/12. A formal complaint and a number of expressions of opposition to the proposed rate increase have been filed. RECOMMENDATION: That the Commission adopt the proposed Order which suspends Supplement No. 18 to Tariff Gas – PA P.U.C. No. 3 by operation of law until 3/1/13, and institutes an investigation.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2303280-FUS Vote 5-0.	A-2012-2303280 A-2012-2303281 A-2012-2303284 A-2012-2303285 A-2012-2303289 A-2012-2303290 A-2012-2303291 A-2012-2303292	COMCAST PHONE OF PENNA. LLC - Expansion Application filed on 4/6/12, for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service areas of United Telephone d/b/a CenturyLink; Windstream PA; Windstream Conestoga; Windstream D&E; Consolidated Communications of PA; Commonwealth Telephone d/b/a Frontier Communications Commonwealth Telephone; Frontier Communications of Breezewood; and Frontier Communications of PA. No protests were filed and no hearings were held. RECOMMENDATION: The Commission approve the application consistent with the proposed Order.
2303684-FUS Vote 5-0.	A-2012-2303684	CONCORD ENGINEERING GROUP INC - Application filed on 5/4/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of energy consulting to large commercial, industrial, and governmental customers in the electric distribution service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2304463-FUS Vote 5-0.	M-2012-2304463 M-00930489	GREENE COUNTY'S 911 - System Renewal Plan filed on 5/14/12 by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: The Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2304910-FUS Vote 5-0.	A-2012-2304910	H P TECHNOLOGIES INC - Application filed on 4/23/12, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of arranging for the sale of electricity by representing the seller(s) of electricity to end-users. H.P. Technologies intends to serve small commercial (25kw and under demand), large commercial (over 25kw demand), and industrial customers in all of the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2307985-FUS Vote 5-0.	A-2012-2307985	PENNSYLVANIA ELECTRIC CO - Letter of Notification filed on 5/31/12, for approval of the relocation of a structure of the Rolling Meadow-Gore Junction 115kV Transmission Line in Millcreek Township, Erie County. Authority for this procedure is provided for at §57.72(d)(1)(v). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2309388-FUS Vote 5-0.	A-2012-2309388	YORK WATER COMPANY - Application filed on 6/8/12, for approval of the right to begin to offer or furnish water service to the public in the Borough of Carroll Valley, Adams County. Proofs of publication and service to the appropriate entities were submitted. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2309437-FUS Vote 5-0.	A-2012-2309437	YORK WATER COMPANY - Application filed on 6/8/12, for approval of the right to begin to offer or furnish water service to the public in an additional portion of North Hopewell Township, York County. Proofs of publication and service to the appropriate entities were submitted. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2311579-FUS Vote 5-0.	M-2012-2311579	QUARTERLY EARNINGS REPORT QUARTER 1, 2012 - 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.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2275748-LAW Vote 5-0.	P-2011-2275748	T-MOBILE - Petition for Reconsideration and Modification filed on 6/8/12, of our 5/24/12 Order that granted its ETC Lifeline Petition. Due to the fact that the 30-day period to act on the Petition for Reconsideration closed on 6/23/12, we granted the Petition pending review of, and consideration on, the merits. A Final Order was adopted by notational vote on 6/22/12, and served the same day. No Comments or responses have been filed to the Petition. RECOMMENDATION: That the Commission be consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of this public meeting.
2288561-LAW Partial Dissenting Statement by Commissioner Gardner. Vote 5-0, with Commissioner Gardner Partially Dissenting.	M-2012-2288561	IMPLEMENTATION-UNCONVENTIONAL GAS WELL FEE ACT 13 - Petitions for Reconsideration and Clarification of the Order of 5/10/12, filed by the PA State Association of Township Supervisors, the PA Independent Oil & Gas Association, the Marcellus Shale Coalition, and the Associated Petroleum Industries of PA. RECOMMENDATION: That the Commission adopts the Order approving the Petition.
2296005-LAW (PP from 06/21/2012) Vote 5-0.	L-2012-2296005	AMENDMENT OF PUC RULES OF PRACTICE & PROCEDURE - The Procedural Rules Committee and the Law Bureau have recommended amending certain procedural rules to address problems with the regulations and to reduce the number of paper copies filed with pleadings. RECOMMENDATION: That the Commission approve the proposed Order.
2297313-LAW Vote 5-0.	P-2012-2297313	PENNSYLVANIA UTILITY COMPANY - Petition filed on 4/5/12, seeking authority to defer certain expenses in the amount of \$79,366 associated with urgent repairs to the interior and exterior of its water storage tank. OCA filed an answer asking that, if the petition is granted, the Commission impose certain conditions. RECOMMENDATION: That the Commission approve the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2297650-LAW Vote 5-0.	P-2012-2297650	T-MOBILE NORTHEAST LLC - Petition for Reconsideration, Modification and Clarification of the 6/21/12 Order was filed on 7/6/12. The June Order granted its petition for designation as a conditional ETC in order to participate in the Mobility Fund Phase I Auction. RECOMMENDATION: That the Commission adopts the Opinion and Order approving the Petition.
2303075-LAW Postponed until the Public Meeting of August 2, 2012.	P-2012-2303075 M-2009-2123945	PPL ELECTRIC UTILITIES CORP - Petition filed for approval to add new programs and make several adjustments to its plan, and requests a 24 month extension to its grace period to continue to identify, test, develop and implement measures that fully meet the Act 129 requirements. PPL asserts that the changes are needed to evaluate its current AMI system limitations, remote connect and disconnect functionality, technical issues in implementing its In Home Display Pilot, the proposed pilots and its aging AMI infrastructure. PPL asserts that it needs more time to determine the most cost-effective way to meet the Act 129 requirements. RECOMMENDATION: That the Commission adopts the Order approving the petition.
2308630-LAW Vote 4-1 with Commissioner Witmer Dissenting.	P-2012-2308630	METROPOLITAN EDISON CO - Petition seeking approval of a revised prospective solar photovoltaic alternative energy credit (SPAEC) sale and purchase agreement between Met-Ed and Air Products and Chemicals, Inc. The revised SPAEC agreement obligates Air Products to provide Met-Ed with 2,080 Alternative Energy Portfolio Standards compliant SPAECs per year at a price of \$110.00 per SPAEC for the period commencing from the date of Commission approval until 5/31/20. RECOMMENDATION: That the Commission adopts the Order approving the petition.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2170273-ALJ (PP from 06/21/2012) Joint Motion by Commissioner Gardner and Commissioner Witmer. Vote 5-0.	C-2010-2170273 C-2009-2075573 C-2009-2126067	BUR OF TRANSPORTATION & SAFETY VS WILLIAM DIAZ T/A ASHLEY'S STRETCHED LIMO - Respondent failed to observe, obey and comply with a Commission Order entered on 10/13/09 at C-2009-2075573 and a Secretarial Letter issued 11/17/09 at C-2009-2126067. A Settlement Agreement was filed on 3/22/12. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Initial Decision approving the Settlement Agreement.
2197891-ALJ (PP from 06/07/2012) Motion by Commissioner Gardner. Vote 3-2 with Vice Chairman Coleman and Commissioner Witmer Dissenting.	C-2010-2197891	GILA WILLIAMS VS PHILADELPHIA GAS WORKS - Formal Complaint filed 9/2/10 alleging a request to PGW to repair a water leak in her basement at the entry point of the PGW service line. An Answer was filed 9/27/10. Hearing held on 10/11/11. COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Initial Decision denying the Complaint.
2241780-ALJ Motion by Commissioner Gardner. Vote 5-0.	P-2011-2241780 C-2011-2237486	A EDWARD SCHWARTZ VS DELAWARE & HUDSON RAILWAY CO D/B/A CANADIAN PACIFIC - Complaint filed 4/15/11, alleging that the bridge carrying S.R. 4009 over the facilities of the Railroad is unsafe. On 5/13/11, Mr. Schwartz filed a Petition for Expedited Hearing and Interim Emergency Order. On 7/15/11, the Commission issued an Order upholding the 5/27/11 Order denying the Complainant's request. A hearing was held on 3/21/12 limited to the issue of whether the Commission should approve PennDOT's proposal to reopen the S.R. 4009 bridge. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision approving the plans submitted by PennDOT to reopen the bridge.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2273539-ALJ Joint Statement by Commissioner Cawley and Commissioner Witmer. Vote 5-0.	R-2011-2273539	PEOPLES TWP LLC - Information filed on 1/13/12, in support of a tariff supplement proposing changes in rates for recovery of purchased gas costs. A hearing was held on 4/5/12. On 4/23/12, a Joint Petition for Settlement of the Rate Investigation was filed. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Recommended Decision approving the Joint Petition for Settlement of Rate Investigation without modification.
2281465-ALJ Vote 5-0.	R-2012-2281465 C-2012-2283065 C-2012-2284611 C-2012-2286737	NATIONAL FUEL GAS DISTRIBUTION - Definitive filing on 2/1/12, pursuant to Section 1307(f) of the Public Utility Code, 66 Pa. C.S. §1307(f), in support of Supplement No. 125 to Tariff Gas-Pa. P.U.C. No. 9, to be effective for service rendered on or after 8/1/12. All parties, with the exception of James Amitrone, executed a Stipulation in Settlement of the Rate Investigation on 5/11/12. No comments or objections to the Stipulation in Settlement were filed. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Recommended Decision approving the Stipulation in Settlement.
2294690-ALJ Vote 5-0.	M-2012-2294690	UGI UTILITIES, INC-ELECTRIC DIVISION - Section 1307(e) Alternative Energy Cost Charge Reconciliation Statement filed on 3/14/12, setting forth the over/under collections for the period 1/1/10 through 5/31/11. A hearing was held on 5/24/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

July 19, 2012

COMMISSIONERS OFFICE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2314313-CMR Motion by Commissioner Cawley. Vote 5-0.		DEFAULT SERVICE RECONCILIATION INTERIM GUIDELINES - MOTION of Commissioner Cawley