

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, AUGUST 2, 2012 (PW)**

**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. 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:**

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
<b>James H. Cawley</b>	<b>John F. Coleman, Jr.</b>	<b>Robert F. Powelson</b>	<b>Wayne E. Gardner</b>	<b>Pamela A. Witmer</b>

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

**The Next Public Meeting is Tentatively Scheduled for Thursday, August 30, 2012 at 10:00 A.M.**

**Minutes of the Meeting of Thursday, June 21, 2012 (WG)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 30, 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, AUGUST 1, 2012, AT 1:30 PM., 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.**

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**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

August 2, 2012

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2273650-OSA	P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670	MET-ED, PENELEC, PENN POWER & WEST PENN - Joint Petition filed on 1/17/11, requesting that the Commission approve their DSPs for the period from 6/1/13 to 5/31/15. Following an on-the-record proceeding, an Recommended Decision by ALJ Barnes was issued on 6/15/12. Exceptions and/or Reply Exceptions were filed by the Companies; Bureau of I&E; the OCA; the OSBA; Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania; Constellation Energy Commodities Group, Inc. and Constellation NewEnergy, Inc.; Dominion Retail, Inc.; Exelon Generating Company, LLC and Exelon Generating Company; First Energy Solutions Corporation; Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Penn Power Users Group and West Penn Power Industrial Intervenors; Pennsylvania State University; Retail Energy Supply Association; and Washington Gas Energy Services, Inc.
Two Motions by Commissioner Witmer on Individual Polling Issues. Two Statements by Commissioner Gardner on Individual Polling Issues. Statement by Commissioner Witmer on Individual Polling Issues. Vote 5-0.		RECOMMENDATION: That the Commission conduct a BINDING POLL of the outstanding issues litigated in this proceeding.

**BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2238982-TAS</b> <b>Vote 5-0.</b>	<b>C-2011-2238982</b>	BUR OF TRANSPORTATION & SAFETY VS GERALD TERRITO T/D/B/A K W AUTOMOTIVE - Complaint alleging failure to pay outstanding assessments. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
<b>2264786-TAS</b> <b>Vote 5-0.</b>	<b>A-2011-2264786</b>	DAVID HAYRAPETYAN T/A CHIP N DALE LIMOUSINE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2277802-TAS</b> <b>Vote 5-0.</b>	<b>A-2011-2277802</b>	ULTRA TRANSPORTATION INC - 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.
<b>2278262-TAS</b> <b>Vote 5-0.</b>	<b>A-2011-2278262</b>	PENN TRANS SHUTTLE LLC - 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.
<b>2285101-TAS</b> <b>Vote 5-0.</b>	<b>R-2012-2285101</b> <b>A-00105738F0003</b>	STEWART BUS LINE INC - Increase in rates. Avonmore, Westmoreland County RECOMMENDATION: That the Commission approve Tariff Airport Transfer Pa. PUC No. 2, effective 8/6/12.
<b>2287481-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2287481</b>	F & S TRANSPORTATION, INC - Application for the right to transport as a common carrier by motor vehicle, persons in airport transfer service. Manchester, York County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2291449-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2291449</b>	SAMA TRANSPORT SERVICES INC - Application for the right to begin to transport as a contract carrier by motor vehicle, persons in paratransit service. Huntingdon Valley, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application.

**BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2292793-TAS</b> Vote 5-0.	<b>A-2012-2292793</b>	CHRIS L CLOUD & ASSOCIATES LLC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. Yeadon, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2292817-TAS</b> Vote 5-0.	<b>A-2012-2292817</b>	PEAKS AND VALLEYS TRANSPORT LLC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in airport transfer service. Indiana, Indiana County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2293232-TAS</b> Vote 5-0.	<b>A-2012-2293232</b>	ALBERT E FRANK JR - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Cochranville, Chester County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2293983-TAS</b> Vote 5-0.	<b>A-2012-2293983</b>	BETTY M HAMILTON - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Allenwood, Lycoming County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2294199-TAS</b> Vote 5-0.	<b>A-2012-2294199</b>	FREDERICK W KOCHER - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Elizabethville, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2294437-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2294437</b>	DAVID F WEAVER - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Ephrata, Lancaster County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2294662-TAS</b> <b>Vote 5-0.</b>	<b>R-2012-2294662</b>	AMSERV LTD T/D/B/A DUSAN COMMUNITY AMBULANCE SERVICE - Increase in rates. Dubois, Clearfield County RECOMMENDATION: That the Commission approve Tariff Paratransit Pa. PUC No. 5, to become effective on 8/6/12.
<b>2294930-TAS</b> <b>Vote 5-0.</b>	<b>R-2012-2294930</b>	ROSEMONT TAXICAB CO INC - Increase in Rates. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission deny Tariff Call or Demand Pa. PUC No. 2.
<b>2295215-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2295215</b>	ROBERT EUGENE DUFFY SR - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Salunga, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2295250-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2295250</b>	DONALD K WILSON & MARLENE A WILSON - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Valley View, Schuylkill County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2295358-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2295358</b>	<b>ROBERT E MITCHELL</b> - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Halifax, Dauphin County <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving the application.
<b>2297115-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2297115</b> <b>A-2012-2297105</b>	<b>SOUTH SHORE LIMOUSINE LLC</b> - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. Erie, Erie County <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving the application.
<b>2298475-TAS</b> <b>Vote 5-0.</b>	<b>A-2012-2298475</b>	<b>JEFFREY B OTT T/A JEFF'S TOWING</b> - Application for the right to begin to transport as a common carrier by motor vehicle, property. Perryopolis, Fayette County <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order dismissing the application.

**DIRECTOR OF ADMINISTRATION**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2315801-BAS Oral Statement by Vice Chairman Coleman. Vote 5-0.		ASSESSMENTS FOR 2012 - ACT 127 - Assessment upon Pipeline Operators applicable under Act 127 of 2011 - \$439,000 Billing for Fiscal Year 7/1/12 to 6/30/13. RECOMMENDATION: That the Commission approve the Assessments Section computation in accordance with Act 127 of 2011 for the amount of the Assessment for the Fiscal Year 7/1/12 to 6/30/13 on each applicable pipeline operator.



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1119152-OSA</b> <b>Vote 5-0.</b>	<b>I-00970069</b>	BLUE MOUNTAIN/READING RAILROAD - By Order entered 5/24/99 (1999 Order), the Commission directed the Township to prepare construction plans for the demolition of the existing bridge and the construction of a new bridge to carry Mary Street over the tracks of the Railroad. The Township has received several time extensions for completion of this project. On 6/29/12, the Township filed a Motion for Extension of Time to Comply with the 1999 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting the Motion.
<b>2157955-OSA</b> <b>Vote 5-0.</b>	<b>M-2011-2157955</b>	PEOPLES NATURAL GAS D/B/A DOMINION PEOPLES - Settlement Agreement between the Prosecutory Staff and Peoples was filed on 12/23/11, with regard to an incident involving damage to a natural gas service line and resulting fire at the site of a house demolition in Pittsburgh. On 3/1/12, the Commission entered an Order seeking comments to the proposed Settlement Agreement from interested parties. On 3/19/12, the Dollar Energy Fund submitted comments. No reply comments were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order adopting the Settlement Agreement without modification.
<b>2239827-OSA</b> <b>Vote 5-0.</b>	<b>C-2011-2239827</b>	CATHERINE S BROWN VS PECO ENERGY COMPANY - Complainant seeks reconsideration of Order which dismissed her Complaint for failure to appear at hearing and satisfy her burden of proof. RECOMMENDATION: That the Commission deny the Petition for Reconsideration.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2254904-OSA</b> Vote 5-0.	<b>F-2011-2254904</b>	MONTELAGRA COOPER VS PECO ENERGY CO - Formal Complaint filed on 7/7/11, alleging that there are incorrect charges on her bill and that she would like a payment arrangement. On 8/22/11, PECO filed an Answer, which denied the material allegations of the Formal Complaint and New Matter. On 2/22/12 an evidentiary hearing was held. On 5/30/12, the Commission issued the Initial Decision of ALJ Cheskis. Exceptions were filed by the Complainant on 6/7/12. Equitable filed Replies to Exceptions on 6/28/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
<b>2263263-OSA</b> Vote 5-0.	<b>F-2011-2263263</b>	ANDREW MAHOLIK VS PECO ENERGY COMPANY - Complaint filed on 9/12/11, contesting a meter tampering fee. PECO filed an Answer on 10/10/11. After an evidentiary hearing, ALJ Nguyen issued an Initial Decision on 5/8/12 sustaining the Complaint. PECO filed Exceptions on 5/29/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies PECO's Exceptions, adopts the ALJ's Initial Decision, and sustains the Complaint.
<b>2266250-OSA</b> Vote 5-0.	<b>F-2011-2266250</b>	DEBORAH BETHAY VS PECO ENERGY COMPANY - Complaint filed on 9/30/11, alleging a billing dispute. On 10/26/11, PECO filed an Answer denying the material allegations of the Complaint. A hearing was held on 3/29/12. In an Initial Decision, issued 4/11/12, the ALJ dismissed the Complaint with prejudice due to the Complainant's failure to appear for the hearing. The Complainant filed Exceptions on 4/19/12. PECO filed Replies to Exceptions on 6/29/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2270181-OSA Vote 5-0.	C-2011-2270181	<p>ENOS CURL VS PECO ENERGY - Complaint filed on 10/18/11, alleging an inability to make a payment arrangement with PECO. On 11/21/11, PECO filed an Answer and New Matter. A telephonic hearing was scheduled for 4/5/12. The hearing convened as scheduled and the Parties were both initially present at the hearing. The ALJ suspended the hearing in order to afford the Parties an opportunity to resolve the Complaint. When the ALJ attempted to resume the hearing, however, the Complainant was not present. PECO then moved that the Complaint be dismissed with prejudice for lack of prosecution. In her Initial Decision, the ALJ recommended the the Complaint be dismissed with prejudice. The Complainant filed Exceptions to the Initial Decision. No reply exceptions were filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which: (1) denies the Complainant's Exceptions; (2) adopts the ALJ's Initial Decision as the action of the Commission; and (3) directs that the case be marked closed.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2270721-OSA</b> Vote 5-0.	<b>C-2011-2270721</b>	<p>BUR OF INVESTIGATION &amp; ENFORCEMENT VS BEST LIMOUSINE COMPANY INC - Complaint instituted alleging that failure to file with the Commission a current list of all vehicles utilized under its limousine authority, between 12/1/10 and 12/31/10. BI&amp;E requested that a civil penalty of \$250 be imposed for the violation. On 12/22/11, the Respondent filed an Answer to the Complaint in which it stated that it had not been notified by the Commission that it was required to annually file a list of its vehicles. On 6/19/12, BI&amp;E and the Respondent filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed civil penalty of \$250 would be reduced to \$150. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2271086-OSA</b> <b>Vote 5-0.</b>	<b>C-2011-2271086</b>	<b>BUR OF INVESTIGATION &amp; ENFORCEMENT VS PAUL K BROWN INC</b> - Complaint instituted on 12/7/11, alleging that it failed to provide the Commission with a current vehicle list. The Respondent was notified that, if an answer was not filed within twenty days of receipt of the Complaint, BI&E would request that the Commission issue an Order imposing a penalty. By Secretarial Letter of 6/14/12, the Commission noted that no timely response to the Complaint was received. Accordingly, the Respondent was directed to pay a civil penalty of \$250 within twenty days. On 6/28/12, the Respondent filed the instant Letter-Petition to Appeal Staff Action, with reference to the Secretarial Letter of 6/14/12. No response to the Petition has been received. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition; (2) rescinds the Secretarial Letter of 6/14/12; and (3) assigns this proceeding to the OALJ for further action as deemed necessary.
<b>2310363-OSA</b> <b>Vote 5-0.</b>	<b>A-2012-2310363</b>	<b>COMCAST BUSINESS COMMUNICATIONS AND FRONTIER COMMUNICATIONS COMMONWEALTH</b> - Joint Petition filed on 6/19/12, seeking approval of Amendment No. 1 to an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments or protests were received. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2310365-OSA</b> <b>Vote 5-0.</b>	<b>A-2012-2310365</b>	COMCAST BUSINESS COMMUNICATIONS AND FRONTIER COMMUNICATIONS BREEZEWOOD - Joint Petition filed on 6/19/12, seeking approval of Amendment No. 1 to an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of was published in the PA Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
<b>2310367-OSA</b> <b>Vote 5-0.</b>	<b>A-2012-2310367</b>	COMCAST BUSINESS COMMUNICATIONS AND FRONTIER COMMUNICATIONS OF PENNSYLVANIA - Joint Petition filed on 6/19/12, seeking approval of Amendment No. 1 to an Interconnection Agreement pursuant to Section 252(e) 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 which grants the Joint Petition.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1184239-CEP</b> <b>Vote 5-0.</b>	<b>M-00031715F0004</b>	<b>MET-ED/PENELEC SUSTAINABLE ENERGY FUND</b> - The Board requests that the Commission approve the appointment of Ms. Beverly Weaver. <b>RECOMMENDATION:</b> That the Commission approve the appointment of Ms. Beverly Weaver to the Advisory Board for the Metropolitan Edison Company/Pennsylvania Electric Company Sustainable Energy Fund.
<b>2119279-FUS</b> <b>Withdrawn by the Bureau of Technical Utility Services.</b>	<b>A-2009-2119279</b>	<b>IDT ENERGY INC</b> - Amendment Application filed on 5/15/12, for approval to offer, render, furnish, or supply natural gas supply services to residential, small commercial (less than 6,000 MCF annually), and large commercial (6,000 MCF or more annually) customers in the additional service territories of Columbia Gas and UGI Utilities, within PA, as a supplier of natural gas services and a broker/marketer engaged in the business of supplying natural gas services. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application amendment.
<b>2184373-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2184373</b>	<b>TOTAL ENERGY RESOURCES LLC</b> - Amendment Application filed on 5/15/12, for approval to offer, render, furnish, or supply natural gas supply services as a supplier to the additional class of governmental customers in the service territories of Columbia Gas and National Fuel Gas within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2301870-FUS</b> <b>(PP from 07/19/2012)</b> <b>Vote 5-0.</b>	<b>A-2012-2301870</b>	<b>PEG BANDWIDTH PA LLC</b> - Application filed on 4/24/12, for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout PA. No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> The Commission approve the application consistent with the proposed Order.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2303321-FUS</b>  <b>Vote 5-0.</b>	<b>A-2012-2303321</b> <b>A-2012-2133996</b>	<b>UTILITY RATES ANALYSTS/URA INC</b> - Request filed on 5/9/12, for approval that the electric generation supplier license of Utility Rates Analysts, at A-2009-2133996, be transferred to URA, Inc. URA, Inc. also filed an application, at A-2012-2303321, to offer, render, furnish or supply electricity or electric generation services as a broker/marker engaged in the business of supplying electricity to small commercial (25 kW and under), large commercial (over 25 kW), industrial and governmental customers in the electric distribution company service territories throughout PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the transfer of Utility Rates Analysts' electric generation supplier license to URA, Inc, approves the license application of URA, Inc. and cancels the license of Utility Rates Analysts.
<b>2304407-FUS</b>  <b>Vote 5-0.</b>	<b>A-2012-2304407</b>	<b>CCES LLC D/B/A CLEAN CURRENTS BENEFIT LLC</b> - Application filed on 4/13/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as supplier and broker/marketer for residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial and governmental customers in the electric distribution company service territories of PECO and PPL within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2304511-FUS</b>  <b>Vote 5-0.</b>	<b>M-2012-2304511</b> <b>M-00930426</b>	<b>COLUMBIA COUNTY'S 911</b> - System Renewal Plan filed on 5/14/12, from 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. <b>RECOMMENDATION:</b> The Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.



**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2305189-FUS</b>  Vote 5-0.	<b>M-2012-2305189</b> <b>M-00920357</b>	<b>LYCOMING COUNTY'S 911</b> - System Renewal Plan filed on 5/14/12, from PEMA requesting a formal review of the costs associated with the contribution rate of \$1.25 per access line per month and make a recommendation to PEMA within 90 days of the receipt date <b>RECOMMENDATION:</b> The Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.
<b>2305802-FUS</b>  Vote 5-0.	<b>A-2012-2305802</b>	<b>PENNELL &amp; WILTBERGER INC</b> - Application filed on 4/2/12, 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 supplying electricity to residential, small commercial (25 kW and under), large commercial (over 25 kW), industrial and governmental customers in all of the electric distribution companies' service areas within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the license application.
<b>2307512-FUS</b>  Vote 5-0.	<b>M-2012-2307512</b> <b>M-00930485</b>	<b>SUSQUEHANNA COUNTY'S 911</b> - System Renewal Plan filed on 5/14/12, from 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 <b>RECOMMENDATION:</b> The Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2308464-FUS</b> <b>Vote 5-0.</b>	<b>A-2012-2308464</b>	DEMAND RESPONSE PARTNERS INC - Application filed on 5/31/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as broker/marketer to large commercial (over 25 kw demand), industrial, and governmental customers in the service territories of West Penn Power, Duquesne Light, Met-Ed, Penelec, Penn Power, PPL Electric, PECO Energy, UGI Utilities, Wellsboro Electric, Pike County Light & Power, and Citizens' Electric within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2311226-FUS</b> <b>Vote 5-0.</b>	<b>A-2012-2311226</b>	ZEUS TELECOMMUNICATIONS LLC - Application filed on 6/13/12, seeking the approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the public within PA. RECOMMENDATION: The Commission adopt the proposed Order approving the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2289411-LAW	M-2012-2289411 M-2008-2069887	ACT 129 ENERGY EFFICIENCY PROGRAM - PHASE 2 - The Commission has been charged by the PA General Assembly with establishing an energy efficiency and conservation program (EE&C Program) that requires each electric distribution company (EDC) with at least 100,000 customers to adopt a plan to reduce energy demand and consumption within its service territory. The Commission is also charged with the responsibility to evaluate the costs and benefits of the EE&C Program by 11/30/13, and every five years thereafter. The Commission must adopt additional incremental reductions in consumption if the exceed its costs. With this Implementation Order, the Commission adopts additional incremental reductions in consumption, and we establish the standards each plan must meet and provide guidance on the procedures to be followed for submittal, review and approval of all aspects of EE&C plans for Phase II of the program. RECOMMENDATION: That the Commission adopt the proposed Implementation Order.

Joint Dissenting Statement by  
Commissioner Gardner and  
Commissioner Cawley.  
Dissenting Statement by Commissioner  
Cawley.  
Vote 5-0 with a Partial Dissent by  
Commissioner Gardner and  
Commissioner Cawley, and another  
Partial Dissent by Commissioner Cawley.

**LAW BUREAU**

<u><b>AGENDA NO.</b></u>	<u><b>DOCKET NO.</b></u>	<u><b>NAME AND SUBJECT</b></u>
<b>2293611-LAW</b> <b>(PP from 07/19/2012)</b>	<b>M-2012-2293611</b>	<b>DISTRIBUTION SYSTEM IMPROVEMENT</b> <b>CHARGE-ACT 11</b> - Act 11 of 2012, which was enacted on 2/14/12, amended Chapters 3, 13, and 33 of the Title 66 of the Public Utility Code. The changes to Chapters 3 and 13 allow jurisdictional utilities to make rate case claims based on a fully projected future test year, allow wastewater utilities to allocate a portion of their revenue requirement to the combined wastewater and water utility customer base, and allows water and wastewater utilities, EDCs and NGDCs or a city natural gas distribution operation to petition for a DSIC. The changes to Chapter 33 increase the civil penalties for gas pipeline violations. By Order entered 5/10/12, the Commission issued a Tentative Implementation Order requesting procedures and guidelines to carry out the ratemaking provisions of Act 11 in Chapters 3 and 13. <b>RECOMMENDATION:</b> That the Commission adopt the Final Implementation Order.
<b>2303075-LAW</b> <b>(PP from 07/19/2012)</b>	<b>P-2012-2303075</b> <b>M-2009-2123945</b>	<b>PPL ELECTRIC UTILITIES CORP</b> - 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. <b>RECOMMENDATION:</b> That the Commission adopts the Order approving the petition.

Statement by Chairman Powelson.  
Dissenting Statement by Commissioner Gardner.  
Vote 5-0.

Vote 5-0.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2256848-ALJ (PP from 07/19/2012)</b>	<b>C-2011-2256848 C-2011-2247926</b>	L. RICHARD ADAMOVICH VS WEST PENN POWER - Formal Complaints (two separate) were filed 6/9/11 and 8/8/11, alleging a power outage the morning of 5/26/11 caused damage to several appliances. Answers were filed 7/11/11 and 8/31/11, respectfully. By Order dated 10/27/11, the complaints were consolidated. Hearing held on 2/15/12. COMMISSION REVIEW: That the Commission adopt ALJ Long's Initial Decision dismissing the complaints.

Statement by Commissioner Gardner.  
Vote 5-0.