

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, SEPTEMBER 13, 2012 (WG)

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, September 27, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, August 2, 2012 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, SEPTEMBER 27, 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, SEPTEMBER 12, 2012, AT 10:00 A.M., IN THE 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

September 13, 2012

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2292244-TAS Vote 5-0	A-2012-2292244	CHRISTINE ELLEN JOHNSON T/A STEEL STREET TOURS LLC - 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. Bethlehem, Northampton County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2292676-TAS Vote 5-0	A-2012-2292676	PRECISE TRANSIT SERVICES INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in contract carrier service. Contract with Access2Care LLC. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2295507-TAS Vote 5-0	A-2012-2295507	WORLD VIP INC T/A WORLD VIP TRANSPORT - 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 denying and dismissing the application.
2300370-TAS Vote 5-0	A-2012-2300370	KIMBERLY WELLER T/A WELLER'S SPECIALTIES - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Newburg, Franklin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2300639-TAS Vote 5-0	A-2012-2300639	PAUL'S CAB SERVICE INC - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Lewisburg, Union County; and Milton, Northumberland County 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>
2305786-TAS Vote 5-0	A-2012-2305786	ARCADIA LIMOUSINE LLC - 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 dismissing the application.
2306040-TAS Vote 5-0	A-2012-2306040	GARDNER MOVING COMPANY - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

DIRECTOR OF ADMINISTRATION

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

**2316011-BAS
(PP from 08/30/2012)**

Vote 5-0

CONTRACTOR SELECTION

- Request for Proposal issued on 4/11/12, to hire an Information Management System for Gas Safety Inspections (“GSIMS”). The term of the contract will be from the effective date of the contract through 6/30/14.

RECOMMENDATION:

That the Commission approve the selected vendor.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2077881-OSA (PP from 08/30/2012)	M-2008-2077881	<p>VERIZON PENNSYLVANIA INC - Informal Investigation initiated on 6/29/07, focusing on customer service and compliance with Chapter 63. After concluding its investigation, LBPS apprised Verizon of the results of the investigation. On 12/03/08, LBPS, BCS, and Verizon PA filed a Joint Settlement Agreement resolving the issues raised in the investigation. On 12/19/08, Verizon PA filed an Application for Temporary Exemption from the provisions of 52 Pa. Code Section 63.59(b)(2). By Opinion and Order entered 2/26/09, the Commission requested interested parties to file comments to the proposed Settlement. Comments were filed by the Communications Workers of America and the Office of Consumer Advocate on 3/18/09. Verizon PA filed its Response to Comments on 4/28/09.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that addresses the merits of the Settlement and Exemption Application.</p>

Joint motion by Chairman Powelson and Vice Chairman Coleman;
Dissent by Commissioner Cawley.
Vote 4-1

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2218369-OSA Postponed until PM on Sept. 27, 2012	A-2011-2218369	SAMIR OUAQERROUCH - Application filed on 11/24/10, seeking approval for the right to transport persons, upon call or demand, in Tinicum Township, Delaware County. Notice was published in the PA Bulletin. A timely Protest was filed by Sawink, Inc., t/d/b/a County Cab Company on 1/31/11. After hearing, the proceeding was transferred to ALJ Melillo. On 2/28/12, OALJ received a call from the Applicant requesting that a hold be placed on the issuance of a decision until mid-April. In her Initial Decision, issued on 6/22/12, ALJ Melillo recommended, inter alia, that the Application be approved. On 7/11/12, Sawink filed Exceptions to the Initial Decision. On 7/20/12, the Applicant filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) denies Sawink's Exceptions to the Initial Decision; (2) approves the application; and (3) adopts the Initial Decision as the action of the Commission.
2264635-OSA Vote 5-0	M-2012-2264635	PPL ELECTRIC UTILITIES CORP - Informal Investigation instituted by the Bureau of I&E on 10/21/11, pertaining to PPL's submission of a report on 8/4/11, regarding Interim Reporting Requirements for Regulated Electric and Gas Utilities to File Reports Regarding any Incidents Involving Death at Locations Where Residential Utility Service Has Been Terminated. As a result of the investigation, I&E determined that PPL may have violated certain provisions of Chapter 14 of the Code and Chapter 56 of the Commission's Regulations. On 4/23/12, the Parties submitted a Settlement Agreement and Statements in Support of the Settlement Agreement to resolve this matter. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which issues the Settlement Agreement for comments.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2266144-OSA (PP from 08/30/2012) Vote 5-0	C-2011-2266144	VICTOR NIXON VS WEST PENN POWER - Formal Complaint filed on 9/29/11, alleging that the transmission lines emit pulsed modulated electromagnetic microwave radiation at levels that exceed FCC limits. On 10/24/11, West Penn filed an Answer and Preliminary Objections. By Initial Decision issued 12/23/11, ALJ Chestnut sustained West Penn's Preliminary Objections, and dismissed the Complaint for legal insufficiency and lack of subject matter jurisdiction. The ALJ also found that the Complaint is barred by the doctrines of res judicata and collateral estoppel. The Complainant filed Exceptions on 12/27/11 and 1/12/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions, adopts the Initial Decision, as modified by the Opinion and Order, and dismisses the Complaint.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2314874-OSA Vote 5-0	A-2012-2314874 A-311372F000	YMAX COMMUNICATIONS CORP AND VZ PA - Joint Petition filed on 7/19/12, seeking approval of Amendment No. 2 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.
2314899-OSA Vote 5-0	A-2012-2314899 A-311372F7001	YMAX COMMUNICATIONS CORP AND VZ NORTH - Joint Petition filed on 7/19/12, seeking approval of Amendment No. 2 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.
2315296-OSA Vote 5-0	A-2012-2315296	NETCARRIER TELECOM INC AND VZ PA - Joint Petition filed on 7/20/12, 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.
2315316-OSA Vote 5-0	A-2012-2315316	NETCARRIER TELECOM INC AND VZ NORTH - Joint Petition filed on 7/20/12, 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.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2315317-OSA Vote 5-0	A-2012-2315317 A-310752F7001	MCIMETRO ACCESS TRANS SVC LLC & VZ NORTH - Joint Petition filed on 7/20/12, seeking approval of an Amended Extended and Replacement of an Interconnection Agreement and Amendment No. 1 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.
2315345-OSA Vote 5-0	A-2012-2315345 A-310752F7000	MCIMETRO ACCESS TRANS SVC LLC & VZ PA - Joint Petition filed on 7/20/12, seeking approval of an Amended Extended and Replacement of an Interconnection Agreement and Amendment No. 1 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.
2315770-OSA Vote 5-0	A-2012-2315770 A-311459F7000	VISTA PCS LLC AND VZ PA - Joint Petition filed on 7/24/12, 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.
2315790-OSA Vote 5-0	A-2012-2315790 A-311459F7001	VISTA PCS LLC AND VZ NORTH - Joint Petition filed on 7/24/12, 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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1154603-FUS Vote 5-0	A-125090	METROMEDIA ENERGY INC - Application filed on 1/30/12, for approval to amend its existing natural gas supplier license to begin to offer, render, furnish, or supply natural gas supply services to small and large commercial, governmental, and industrial customers in the additional natural gas distribution company service territories of Peoples Natural Gas, and Philadelphia Gas Works in PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application amendment.
2292032-FUS (PP from 08/30/2012) Vote 5-0	A-2012-2292032	WEST PENN POWER CO - Application filed on 1/12/12, for approval to transfer inventory to FirstEnergy Service Company. A revised Mutual Assistance Agreement (“MAA”) was approved by the Commission through its Merger Order entered 3/8/11, the result of which is to add West Penn and other Legacy AE (“Allegheny Energy”) operating companies to the existing MAA. In the Joint Petition for Partial Settlement of the merger preceding, joint Petitioners agreed that no FirstEnergy Pennsylvania Operating company shall transfer property of net book value greater than \$10 million without approval of the Commission. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2308371-FUS Vote 5-0	A-2012-2308371	ETHICAL ELECTRIC BENEFIT CO T/A ETHICAL ELECTRIC - Application filed on 6/1/12, for approval to offer, render, furnish or supply electricity or electric generation services as a supplier for residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers in all electric distribution company service territories throughout 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>
2311486-FUS Vote 5-0	M-2012-2311486 M-00920313	SOMERSET COUNTY'S 911 - System Renewal Plan filed on 6/27/12, 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.
2312665-FUS Vote 5-0	A-2012-2312665	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 6/29/12, for approval to construct and relocate transmission line connections associated with the proposed Breinigsville 500-138-69kV Substation in Upper Macungie Township, Lehigh County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2313336-FUS Vote 5-0	A-2012-2313336 A-2012-2313337 A-2012-2313343	AT&T COMMUNICATIONS OF PA LLC AND AT&T CORP - Joint Application filed on 6/29/12, for approval of authority to offer, render, furnish or supply telecommunications services to the public in PA; and the Application of AT&T Communications of Pennsylvania, LLC for approval of the abandonment of all services. Notice was published in the PA Bulletin. No protests or comments have been received. RECOMMENDATION: The Commission adopt the proposed Order approving the merger of AT&T Comm. into AT&T Corp., the commencement of telecommunications services by AT&T Corp., and the abandonment of telecommunications services provided by AT&T Comm.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2317822-FUS Vote 5-0	S-2012-2317822 S-2012-2318247 S-2012-2318254	CITIZENS ELEC CO. OF LEWISBURG, WELLSBORO ELECTRIC, AND VALLEY ENERGY INC - Securities certificates filed on 8/3/12, to extend for an additional three years the Master Letter of Credit arrangement between their corporate parent, C&T Enterprises, Inc., and the National Cooperative Services Corporation, resulting in the guarantee of debt in an aggregate amount up to \$15 million. RECOMMENDATION: The Commission register the securities certificates consistent with the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2245213-LAW Vote 5-0	P-2011-2245213	GLOBAL CONNECTION INC OF AMERICA D/B/A STAND UP WIRELESS - Petition filed on 5/26/11, seeking approval to be designated as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of PA for the limited purpose of receiving federal low-income universal service support for prepaid wireless services. Global Connection filed several supplements to its ETC Petition, specifically, one which contained audited Consolidated Financial Statements of Global Connection Holdings Corporation and Subsidiary at 12/31/11 and 2010. Accordingly, Global Connection filed a Petition for Protective Order requesting the restriction of the disclosure of the audited consolidated financial information and treat it as proprietary and highly confidential information. RECOMMENDATION: That the Commission grants the Petition for Protective Order of Global Connection Inc. of America d/b/a Stand Up Wireless
2245213-LAW Vote 5-0	P-2011-2245213	GLOBAL CONNECTION INC OF AMERICA D/B/A STAND UP WIRELESS - Petition filed on 5/26/11, seeking approval to be designated as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of PA for the limited purpose of receiving federal low-income universal service support for prepaid wireless services. Global Connections filed several supplements to its Petition, which set forth revised Lifeline Offerings and other pertinent information. Subsequent to the filing of its Petition, Global Connection filed a Compliance Plan with the FCC outlining the measures it will take to implement the conditions imposed in the Federal Communications Commission's Lifeline Reform Order for its wireless service. RECOMMENDATION: That the Commission grant the Petition for designation as an Eligible Telecommunications Carrier.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2289411-LAW Vote 5-0	M-2012-2289411 M-2008-2069887	ACT 129 ENERGY EFFICIENCY PROGRAM - PHASE 2 - The Commission on 8/3/12, adopted the Energy Efficiency and Conservation Program Phase II Implementation Order establishing the standards each electric distribution company's energy efficiency and conservation plan must meet and providing guidance on the procedures to be followed for submittal, review and approval of all aspects of those plans. On 9/4/12, PECO Energy Company filed a Motion for Leave to File a Petition for Reconsideration and a Petition for Reconsideration of the Implementation Order. Due to the fact that the thirty day period to act on the Petition for Reconsideration closes on 9/4/12, we granted the Motion and Petition pending review of, and consideration on, the merits. An Opinion and Order was adopted by notational vote on 9/4/12, and served the same day. RECOMMENDATION: That the Commission, consistent with 4 Pa. Code § 1.43(c), record and enter this action in the minutes of this public meeting.
2297304-LAW (PP from 08/30/2012) Joint motion by Chairman Powelson and Commissioner Witmer; Dissenting vote by Commissioner Gardner. Vote 4-1	P-2012-2297304	PECO ENERGY COMPANY - ELECTRIC - Petition filed 4/2/12, seeking approval of its selection of an Electric Generation Supplier as a vendor to provide time-of-use (TOU) service for PECO's Dynamic Pricing Plan. PECO is also petitioning for approval of its Plan supplement, which was developed by it solely to facilitate the provision of TOU service by an EGS and does not materially change the plan. RECOMMENDATION: That the Commission adopts the proposed Order.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2313373-LAW

M-2012-2313373
M-00051865

Vote 5-0

ACT 129 EE&C PROGRAM - 2013 TECHNICAL REFERENCE MANUAL
- Commission adopted the 2009 update to the Technical Reference Manual (TRM) on 5/28/09. In that Order, the Commission directed the Bureau of Technical Utility Services to revise the TRM annually. In August 2009, the Commission contracted with GDS Associates, Inc., to be the Act 129 Statewide Evaluator (SWE), which, among other duties, is to assist in reviewing and providing suggested changes to the TRM. The SWE, in conjunction with a Technical Working Group, has reviewed the 2012 version of the TRM and proposes several changes and additions for the 2013 TRM update. The Commission seeks comments on the proposed 2013 TRM update.

RECOMMENDATION:

That the Commission adopt the proposed Tentative Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2210240-ALJ Vote 5-0	F-2010-2210240	WAYNE ALAN STEWART VS PECO ENERGY COMPANY - Complaint filed 11/12/10, alleging that there was a meter mix-up and that he was without electricity for several months until the matter was corrected. On 12/7/10, PECO filed its Answer. A hearing was held on 11/10/11. COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Initial Decision sustaining the complaint as to inaccurate billing during the disputed period, but is otherwise denied.
2239521-ALJ Motion by Commissioner Cawley Vote 5-0	A-2011-2239521	NRG ENERGY CENTER HARRISBURG LLC - Application filed for approval to abandon steam service on the following seven segments of its low pressure steam system in the city of Harrisburg, Dauphin County: a) North Third Street between Forster and Reily Streets; b) Green Street between North and Forster Streets; c) Locust Street between North Second and Court Streets; d) North Second Street between North and Herr Streets; e) Forster Street between North Second and Bartine Streets; f) Bartine Street between Briggs and Union Streets; and g) Briggs Street between North Second and Green Streets. The Application was published in the 5/14/11 edition of the PA Bulletin. On 3/30/12, a General Settlement and separate Individual Settlements were filed. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision adopting the proposed General Settlement and the separate Individual Settlements without modification.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2260079-ALJ (PP from 08/30/2012) Motion combined with 2288380 Motion by Chairman Powelson Vote 5-0	C-2011-2260079	DEBRA SIMCONIS VS PEOPLES NATURAL GAS COMPANY - Complaint filed on 8/29/11, alleging Complainant was never informed by PNG that there was a reimbursement program for riser replacement, and that claims must be made prior to 5/1/11. PNG filed its answer on 9/23/11. A hearing was held on 2/14/12. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Initial Decision dismissing the complaint.
2273494-ALJ Motion by Commissioner Witmer Vote 5-0	F-2011-2273494	RAE CHASE VS PPL ELECTRIC UTILITIES - Complaint filed 11/15/11, requesting the removal from monthly budget billing and seeking a payment agreement. On 12/7/11, PPL filed its Answer requesting that the complaint be denied. An initial telephonic hearing was held on 3/15/12. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Initial Decision dismissing the complaint.
2284892-ALJ Vote 5-0	C-2012-2284892	CHRISTIAN HEIM VS PPL ELECTRIC UTILITIES CORP - Complaint filed on 1/10/12, alleging that PPL refused to place him in its OnTrack Customer Assistance Program. Complainant alleges he cannot afford to comply with the BCS payment arrangement and requests a payment arrangement he could afford. A hearing was held on 4/19/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision denying the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2286118-ALJ Vote 5-0	R-2012-2286118	AUDUBON WATER COMPANY - Tariff Water-Pa. P.U.C. No. 4, filed on 1/27/12, proposing changes in rates, rules, and regulations calculated to produce additional annual revenues based on a future test year ended 9/30/12. By Commission Order entered 3/15/12, an investigation was instituted. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S.A. § 1308(d), Tariff Water-Pa. P.U.C. No. 4 was suspended by operation of law. On 7/6/12, a Joint Petition for Full Settlement of Rate Proceeding was filed. COMMISSION REVIEW: That the Commission adopt ALJ Pell's Recommended Decision approving the Settlement in its entirety without modification.
2288380-ALJ Motion combined with 2260079 Motion by Chairman Powelson Vote 5-0	C-2012-2288380	THERESA KARAFFA VS PEOPLES NATURAL GAS COMPANY - Complaint filed 2/10/12, alleging it is unfair and discriminatory for PNG to replace risers for her neighbors and reimburse others, who had previously paid to replace their risers, while she is denied reimbursement. On 2/25/12, PNG filed its Answer. A telephonic hearing was held on 4/23/12. COMMISSION REVIEW: That the Commission adopt ALJ Corbett's Initial Decision dismissing the complaint for lack of subject matter jurisdiction.
2293303-ALJ Vote 5-0	R-2012-2293303	COLUMBIA GAS OF PA INC - Supplement No. 185 to Tariff Gas – Pa. P.U.C. No. 9, filed on 4/1/12, proposing an increase in its rates for recovery of purchased gas costs. On 6/15/12, a Joint Petition for Settlement of Rate Investigation was filed. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision approving the Settlement in its entirety without modification.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2301470-ALJ Motion by Commissioner Gardner Vote 5-0	C-2012-2301470	MEGAN MOHN VS PPL ELECTRIC UTILITIES CORP - Complaint filed 4/27/12, alleging PPL cut down trees under its power lines and stacked them under the power lines within sight of complainants' property causing an eyesore and potential hazard. On 5/21/12, PPL filed its Answer with New Matter and Preliminary Objections. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision sustaining the Preliminary Objections and dismissing the complaint with prejudice for lack of jurisdiction.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

September 13, 2012

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2200201-OSA	A-2010-2200201	PEREGRINE KEYSTONE GAS PIPELINE LLC - Application filed on 9/17/10. Numerous parties filed interventions and protests. Following public input hearings and evidentiary hearings, ALJ Colwell's Recommended Decision, issued 5/23/12, recommended that Peregrine's Application be denied. Peregrine filed a Petition to Withdraw Application on 6/8/12. On 6/28/12, MarkWest Liberty Midstream & Resources, LLC and Laurel Mountain Midstream, LLC filed a Joint Answer in Support of the Petition. On 6/28/12, the Pennsylvania Independent Oil and Gas Association (PIOGA) filed a Petition for Leave to File an Answer to the Petition, together with a proposed Answer in Support of the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants PIOGA's Petition for Leave to File Answer, grants Peregrine's Petition to Withdraw Application, and vacates the Recommended Decision.

Commissioner Cawley concurs in result only;
Commissioner Witmer concurs in result only.
Vote 5-0

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2251181-OSA Vote 5-0	R-2011-2251181 C-2011-2279173	<p>BOROUGH OF QUAKERTOWN - Supplement No. 14 (later corrected to Supplement No. 15) to Tariff Water Pa. PUC No. 1, filed on 11/30/11, which proposed an increase in rates calculated to produce \$278,854 or 87.9% in additional annual revenue for water service customers located outside Quakertown's municipal limits. On 12/20/11, the OCA filed a Formal Complaint. By Order entered 1/27/12, the proposed Supplement was suspended and an investigation was instituted into the reasonableness of the proposed rates. Also on 1/27/12, I&E filed a notice of appearance. ALJ Salapa conducted a public input hearing on 4/23/12, and an evidentiary hearing on 5/31/12. On 7/13/12 the Commission issued the Recommended Decision of ALJ Salapa. Exceptions were filed on 7/23/12 by the OCA and Quakertown. Reply Exceptions were filed on 7/30/12 by the OCA, Quakertown, and I&E.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that, inter alia, grants the Exceptions in part, denies them, in part, adopts the Recommended Decision, as modified by the Opinion and Order, and authorizes Quakertown to file revised tariffs.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2273650-OSA Vote 5-0	P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670	<p>MET-ED, PENELEC, PENN POWER & WEST PENN - By Order entered 8/16/12, the Commission, inter alia, granted in part, and denied in part, the Companies' Joint Petition for approval of their DSP. On 8/31/12, the following six Parties each filed Petitions for clarification, rehearing and/or reconsideration: (1) the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania; (2) the Constellation Energy Commodities Group, Inc., Constellation NewEnergy, Inc., Exelon Generation Company, LLC, and Exelon Energy Company; (3) the Companies; (4) the OCA; (5) the OSBA; and (6) the Retail Energy Supply Association.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the 8/31/12 Petitions pending review of and consideration on the merits.</p>

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1163598-FUS Vote 5-0	A-110152	<p>COMMUNITY ENERGY INC - Application filed on 6/29/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the PECO, Met Ed, PPL, Duquesne, and West Penn electric distribution company service territories within PA.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.</p>

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2283967-FUS Vote 5-0	A-2012-2283967	XOOM ENERGY PENNSYLVANIA LLC - A Natural Gas Supplier License was approved for XOOM Energy Pennsylvania, LLC (XOOM) on 7/19/12. It has been determined that XOOM, did not satisfy all the application requirements. XOOM will be afforded the opportunity to correct its filing deficiency. Upon receiving the complete application, the Bureau of Technical Utility Services will review and recommend a disposition. RECOMMENDATION: The Commission adopt the proposed Section 703(g) Order which temporarily rescinds the approved Order.
2314235-FUS Vote 5-0	R-2012-2314235	UGI UTILITIES, INC - GAS DIVISION - Supplement No. 95 to UGI Utilities, Inc.'s Tariff Gas-Pa. P.U.C. No. 5, Supplement No. 16 to UGI Penn Natural Gas, Inc.'s Tariff Gas-Pa. P.U.C. No. 8, and Supplement No. 7 to UGI Central Penn Gas, Inc.'s Tariff Gas-Pa. P.U.C. No. 4, filed on 7/13/12, proposing to unbundle natural gas procurement costs from distribution rates and recover these costs through a gas procurement charge that will be included in each company's Price to Compare, to become effective on 9/11/12. On 9/6/12, the effective date of the supplements was voluntarily postponed until 9/14/12. Formal complaints were filed against each supplement. RECOMMENDATION: The Commission adopt the proposed Order that suspends the tariff supplements and institutes an investigation.