

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

WEDNESDAY, OCTOBER 24, 2012 (JC)

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, November 8, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, September 27, 2012 (JFC)

*****ANNOUNCEMENTS*****

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

**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

October 24, 2012

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2253974-TAS Vote 5-0.	A-2011-2253974 A-2011-2253975 A-2011-2253976	EXECUTIVE CAR & LIMOUSINE SERVICE INC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in Group and Party 11-15 passengers service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2299249-TAS Vote 5-0.	A-2012-2299249	RONALD L PFAHLER - 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.
2301558-TAS Vote 5-0.	A-2012-2301558	DANIEL Z MARTIN T/A DZ MARTIN - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Gap, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2304150-TAS Vote 5-0.	A-2012-2304150	WILLIAM H JUDY, SR - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Dauphin, Northumberland, and Schuylkill Counties. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2304464-TAS Vote 5-0.	A-2012-2304464	VALLEY LIMOUSINE AND CHARTER LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Latrobe, Westmoreland County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2307024-TAS

A-2012-2307024

Vote 5-0.

APEX LIMOUSINE INC
- Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Bristol, Bucks County
RECOMMENDATION:
That the Commission adopt the proposed Order approving the application.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2251421-AUD Vote 5-0.	D-2011-2251421	PEOPLES TWP - Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the 2009 Focused Management and Operations Audit. RECOMMENDATION: That the Commission makes the MEI Report and the Company's Implementation Plan public.
2252362-AUD Vote 5-0.	D-2011-2252362	PPL ELECTRIC UTILITIES CORP - Competitive Transmission Charge. RECOMMENDATION: That the Commission release the Audit Report to the public.
2255121-AUD Vote 5-0.	D-2011-2255121	PENNSYLVANIA POWER CO - Interim Default Service Supply Plan. RECOMMENDATION: That the Commission release the Audit Report to the public.
2259844-AUD Vote 5-0.	D-2011-2259844	PIKE COUNTY LIGHT & POWER CO - System Benefits Charge. RECOMMENDATION: That the Commission release the Audit Report to the public.
2285343-AUD Vote 5-0.	D-2012-2285343	PPL ELECTRIC UTILITIES CORP - Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the 2009 Focused Management and Operations Audit. RECOMMENDATION: That the Commission make the MEI Report and the Company's Implementation Plan public.
2296961-AUD Vote 5-0.	D-2012-2296961	PINE ROE NATURAL GAS CO, INC - Gas Cost Rate. RECOMMENDATION: That the Commission release the Audit Report to the public.
2305866-AUD Vote 5-0.	D-2012-2305866	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the 2009 Focused Management and Operations Audit. RECOMMENDATION: That the Commission make the MEI report and the Company's Implementation Plan public.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2315803-AUD Vote 5-0.	D-2012-2315803	ANNUAL REPORT, 66 PA C.S. § 516 AUDITS - Management Audits/Management Efficiency Investigations For Fiscal Year 2011-2012. RECOMMENDATION: That the Commission make the Annual Report public.
2323420-AUD Vote 5-0.	M-2012-2323420	PENNSYLVANIA ELECTRIC CO - Energy Efficiency and Conservation Charge. RECOMMENDATION: That the Commission approve proposed Supplement No. 25 to Tariff Electric- Pa. P.U.C. No. 80, reflecting adjusted EEC Charge rates to become effective 11/1/12.
2323422-AUD Vote 5-0.	M-2012-2323422	METROPOLITAN EDISON CO - Energy Efficiency and Conservation Charge. RECOMMENDATION: That the Commission approve proposed Supplement No. 27 to Tariff Electric- Pa. P.U.C. No. 51, reflecting adjusted EEC Charge rates to become effective 11/1/12.
2323424-AUD Vote 5-0.	M-2012-2323424	PENNSYLVANIA POWER CO - Energy Efficiency and Conservation Charge. RECOMMENDATION: That the Commission approve proposed Supplement No. 88 to Tariff Electric- Pa. P.U.C. No. 35, reflecting adjusted EEC Charge rates to become effective 11/1/12.
2324881-AUD Vote 5-0.	M-2012-2324881	PECO ENERGY COMPANY-ELECTRIC - Generation Supply Adjustment. RECOMMENDATION: That the Commission approve Supplement No. 52 to Tariff Electric - Pa. P.U.C. No. 4, reflecting the proposed GSA-4 rates to become effective 11/1/12.
2326449-AUD Vote 5-0.	M-2012-2326449	WALLY GAS CO - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.
2326451-AUD Vote 5-0.	M-2012-2326451	PINE ROE NATURAL GAS CO, INC - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327101-AUD Vote 5-0.	M-2012-2327101	HERMAN OIL & GAS COMPANY, INC - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.
2327119-AUD Vote 5-0.	M-2012-2327119	HERMAN RIEMER GAS COMPANY, INC - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.
2327605-AUD Vote 5-0.	M-2012-2327605	ANDREASSI GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.
2327759-AUD Vote 5-0.	M-2012-2327759	CHARTIERS NATURAL GAS CO, INC - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.
2328401-AUD Vote 5-0.	M-2012-2328401	CLARION RIVER GAS-ORWELL NATURAL GAS - Gas Cost Rate. RECOMMENDATION: That the Commission direct the company to bill a Staff recommended GCR of \$0.0786 per MCF and associated base cost of gas of \$2.7672 per MCF to become effective with service rendered on and after 11/1/12.
2328406-AUD Vote 5-0.	M-2012-2328406	WALKER GAS-ORWELL NATURAL GAS - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2328456-AUD Vote 5-0.	M-2012-2328456	NORTH EAST HEAT & LIGHT CO - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.
2329353-AUD Vote 5-0.	M-2012-2329353	SIGEL GAS COMPANY - Gas Cost Rate. RECOMMENDATION: That the Commission approve the GCR and associated base cost of gas reflected on Attachment B of the report, to become effective with service rendered on and after 11/1/12.

DIRECTOR OF REGULATORY OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2208332-DIR Vote 5-0.	L-2010-2208332 M-2010-2185981	FINAL RULEMAKING - Regulations on Marketing and Sales Practices for the Retail Residential Energy Market. Interim guidelines were developed by PUC's OCMO (Office of Competitive Market Oversight) as a result of meetings with the working groups, CHARGE (Committee Handling Activities for Retail Growth in Electricity) and SEARCH (Stakeholders Exploring Avenues to Remove Competitive Hurdles). The proposed regulations will be applicable to both electric generation suppliers and natural gas suppliers. RECOMMENDATION: That the Commission adopt the Final Order that issues the regulations.
2270442-DIR Vote 5-0.	M-2011-2270442	INTERIM GUIDELINES-STANDARDS FOR CHANGING AN EGS - Based on customer complaints and EGS concerns, and at the request of the Commissioners' offices, OCMO explored options to shorten the timeframe for a customer to switch EGSs. A change in EGS can take from 16 - 45 days. Based on discussions with CHARGE and the Retail Market Investigation (Docket No. I-2011-2237952) participants, OCMO drafted interim guidelines that are intended to reduce the time required to accomplish customer enrollments by reducing the confirmation period from 10 to 5 days. RECOMMENDATION: That the Commission adopt the proposed Final Order that issues the Interim Guidelines as described.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2074802-OSA Postponed until the Public Meeting of December 5, 2012.	C-2008-2074802	MITCHELL PFEFFER VS PECO - Formal Complaint filed on 11/6/08, alleging that there were incorrect charges on his electric and gas bills. PECO filed an Answer on 12/8/08. By Initial Decision issued 5/2/12, ALJ Heep: (1) sustained the Complaint, in part; (2) reduced the Complainant's arrearage; and (3) established a payment plan. PECO filed Exceptions on 5/12/12. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) grants the Exceptions, in part, and reverses them, in part; (2) reverses the Initial Decision in part; and (3) remands the case to the OALJ for further development of the record.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2134662-OSA Postponed until the Public Meeting of November 8, 2012.	C-2009-2134662	MARY KINGCADE VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 9/28/09, alleging that PGW failed to notify her or call the 811 service prior to excavating on her property. On 10/27/09, PGW filed an Answer denying the allegations. Hearings were held on 8/4/11 and on 10/19/11. In an Initial Decision, issued 5/23/12, ALJ Vero sustained the Complaint, in part, and directed that PGW cease and desist from further violations of the Public Utility Code and Commission regulations. The Complainant filed Exceptions on 6/11/12. PGW filed Replies to Exceptions on 6/22/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
2248188-OSA (PP from 10/11/2012) Vote 5-0.	C-2011-2248188	BUREAU OF TRANSPORTATION & SAFETY VS MADALYN MATY CIABATIONI T/A THE READING EXPRESS AIRPORT SHUTTLE - Complaint instituted on 6/30/11, alleging that failure to maintain evidence of insurance on file with the Commission. Petitioner did not file an answer to the Complaint. By Secretarial Letter issued 11/2/11, the Commission sustained the Complaint and cancelled Petitioner's Certificate of Public Convenience. On 4/9/12, the Petitioner filed a Petition requesting reinstatement of the Certificate and waiver of the civil penalty. By Order of 6/21/12, the Commission notified Petitioner that it would not grant the request for waiver of the civil penalty, but that Petitioner could re-file for reinstatement when the civil penalty was satisfied. On 8/16/12, Petitioner filed the instant Petition for Reinstatement. RECOMMENDATION: That the Commission adopt the propose Opinion and Order that grants the Petitions, subject to a condition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2270464-OSA Vote 5-0.	C-2012-2270464 A-3110923	BUR OF INVESTIGATION & ENFORCEMENT VS BLC MANAGEMENT D/B/A ANGLES COMM SOLUTIONS - Complaint instituted on 1/18/12, alleging failure to file its 2010 Annual Access Line Summary Report. In the Complaint, I&E requested that the Respondent be ordered to file its report and pay the Telecommunications Relay Service (TRS) surcharge revenues it owed, that the Respondent be assessed a civil penalty of \$250, and that the Respondent's Certificate of Public Convenience be revoked if it failed to file the report and pay the TRS surcharge. The Respondent did not file an Answer to the Complaint. As a result, I&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience be revoked. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.
2270781-OSA Vote 5-0.	F-2011-2270781	GAIL DEBROW VS PECO ENERGY COMPANY - Formal Complaint filed on 10/21/11, alleging that PECO charged her with an improper tampering fee. On 11/23/11, PECO filed an Answer denying the allegations. A hearing was held on 4/16/12. In an Initial Decision, issued on 6/26/12, ALJ Ky Van sustained the Complaint. PECO filed Exceptions on 7/6/12. No Replies to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants PECO's Exceptions, in part, and reverses the ALJ's Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2289325-OSA Vote 5-0.	A-2012-2289325	FAMILY TIES TRANSPORTATION LLC - Application filed on 1/17/12, for certain paratransit rights. Notice was published in the PA Bulletin. No protests were filed. By Letter of 5/8/12, the Applicant was mailed a request to provide verified statements in support of the Application by 6/8/12. Per Order of 8/30/12, the Commission noted that the Applicant failed to comply with the information request in a timely manner and the Application was dismissed. On 9/6/12, the Applicant filed a Petition for Reconsideration of the 8/30/12 Order. Per the Order of 9/27/12, the Petition was granted pending further review of, and consideration on, the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition; (2) rescinds the Order entered 8/30/12; and (3) refers this matter to the Bureau of Technical Utility Services for processing.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2303046-OSA Vote 5-0.	C-2012-2303046	<p>CARL HILL VS READING BLUE MOUNTAIN AND NORTHERN RAILROAD - Complaint filed on 5/2/12, alleging that the pertinent crossing is in need of repair. Two meetings were held at the crossing. By Order of 8/30/12, the Commission found that a hearing was not necessary and directed that certain repairs be made to the crossing within thirty days. On 9/18/12, Reading Blue Mountain & Northern Railroad filed "Exceptions" to the August 30 Order, which will be considered a Petition for Reconsideration. Per Order of 9/27/12, the Petition was granted pending further review of the merits. On 10/1/12, PennDOT filed a Motion to Strike the Petition and also an Answer to the Petition. By Secretarial Letter of 10/3/12, we afforded the Parties and opportunity to respond to PennDOT's Motion. On 10/12/12, the Railroad filed the following: (1) an Answer to PennDOT's Motion and New Matter; and (2) a Reply to PennDOT's Answer to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.</p>
2320227-OSA Vote 5-0.	A-2012-2320227 A-311395F7032	<p>CINGULAR WIRELESS & NORTH PENN TELEPHONE - Joint Petition filed on 8/21/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2320233-OSA Vote 5-0.	A-2012-2320233 A-311395F7029	CINGULAR WIRELESS & LACKAWAXEN TELECOM - Joint Petition filed on 8/21/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320236-OSA Vote 5-0.	A-2012-2320236 A-311395F7010	CINGULAR WIRELESS & LAUREL HIGHLAND TEL - Joint Petition filed on 8/21/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320358-OSA Vote 5-0.	A-2012-2320358 A-311395F7034	CINGULAR WIRELESS & VENUS TELEPHONE - Joint Petition filed on 8/21/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320359-OSA Vote 5-0.	A-2012-2320359 A-311395F7033	CINGULAR WIRELESS & SOUTH CANAAN TEL - Joint Petition filed on 8/22/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania 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>
2320360-OSA Vote 5-0.	A-2012-2320360 A-311395F7032	CINGULAR WIRELESS & PYMATUNING IND TEL - Joint Petition filed on 8/22/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320373-OSA Vote 5-0.	A-2012-2320373 A-311395F7011	CINGULAR WIRELESS & PALMERTON TELEPHONE - Joint Petition filed on 8/22/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320377-OSA Vote 5-0.	A-2012-2320377 A-311395F7013	CINGULAR WIRELESS & NORTH-EASTERN PA TEL - Joint Petition filed on 8/22/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320521-OSA Vote 5-0.	A-2012-2320521 A-2010-2167791	SPRINT SPECTRUM & HICKORY TELEPHONE CO - Joint Petition filed on 8/23/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania 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>
2320647-OSA Vote 5-0.	A-2012-2320647 A-2010-2166497	SPRINT SPECTRUM & NORTH-EASTERN PA TEL - Joint Petition filed on 8/22/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320648-OSA Vote 5-0.	A-2012-2320648 A-2010-2166553	SPRINT SPECTRUM & PENNSYLVANIA TELE - Joint Petition filed on 8/23/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2320998-OSA Vote 5-0.	A-2012-2320998	MCIMETRO ACCESS & FRONTIER COMM COMPANIES - Joint Petition filed on 8/27/12, seeking approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2321852-OSA Vote 5-0.	A-2012-2321852 A-2010-2166494	SPRINT SPECTRUM & YUKON-WALTZ TELE - Joint Petition filed on 8/30/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania 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>
2321868-OSA Vote 5-0.	A-2012-2321868 A-2010-2166564	SPRINT SPECTRUM & CITIZENS OF KECKSBURG - Joint Petition filed on 8/30/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2321913-OSA Vote 5-0.	A-2012-2321913 A-311395F7036	CINGULAR WIRELESS & YUKON-WALTZ TELE - Joint Petition filed on 8/30/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2322757-OSA Vote 5-0.	A-2012-2322757 A-310545F7005	NEXTEL & CONSOLIDATED COMM OF PENNSYLVANIA COMPANY - Joint Petition filed on 9/5/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania 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>
2322881-OSA Vote 5-0.	A-2012-2322881 A-310513F7005	SPRINT SPECTRUM & CONSOLIDATED COMM OF PENNSYLVANIA COMPANY - Joint Petition filed on 9/5/12, seeking approval of an Amendment to a Commercial Mobile Radio Service Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania 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>
2198725-FUS (PP from 10/11/2012) Postponed until the Public Meeting of November 8, 2012.	A-2010-2198725	UGI UTILITIES, INC-GAS DIVISION - Application filed on 9/7/10, for approval to abandon distribution service to two residential customers located in Sugarloaf, Luzerne County, both of whom are currently receiving service under Rate GBM of the Company's Tariff Gas - Pa. P.U.C. No. 5 in connection with the Company's Gas Beyond the Mains program. RECOMMENDATION: That the Commission adopt the proposed Order which denies the application.
2221919-FUS (PP from 10/11/2012) Postponed until the Public Meeting of November 8, 2012.	A-2011-2221919	UGI UTILITIES INC-GAS DIVISION - Application filed on 1/17/11, for approval to abandon distribution service to a single residential customer located in Quakertown. The customer is currently receiving service under Rate GBM of the Company's Tariff Gas - Pa. P.U.C. No. 5 in connection with the Company's Gas Beyond the Mains program. RECOMMENDATION: That the Commission adopt the proposed Order which denies the application.
2283821-FUS Vote 5-0.	A-2012-2283821	XOOM ENERGY PENNSYLVANIA LLC - Application filed on 12/16/11, for approval to become a licensed electric generation supplier in the electric distribution company service territories of Duquesne Light, Met-Ed, Penelec, and PPL Electric. On 2/7/12, XOOM filed an amended application for authority to operate in the additional EDCs of PECO Energy and West Penn Power. An EGS license was approved for XOOM on 7/19/12, but did not include the additional EDCs in the amended application. It has been determined that XOOM did satisfy all the requirements regarding its application to become a licensed electric generation supplier in the additional service territories of PECO and West Penn Power. RECOMMENDATION: That the Commission adopt the proposed Section 703(g) Order which approves the Order at Docket A-2012-2283821.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2300243-FUS Vote 5-0.	A-2012-2300243	MOSAIC NETWORKX LLC - Application filed on 3/28/12, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA and Verizon North. RECOMMENDATION: The Commission approve the application consistent with the proposed Order.
2305478-FUS Vote 5-0.	A-2012-2305478 A-2012-2305541	ACCESS ONE, INC - Application filed on 5/19/12, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA and Verizon North. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2316557-FUS Vote 5-0.	A-2012-2316557 A-2012-2316621 A-2012-2316622 A-2012-2316623 A-2012-2316624 A-2012-2316625 S-2012-2319321	A.R.C. NETWORKS INC & BROADVIEW NETWORKS - Joint Application filed on 7/27/12, for the indirect transfer of control of Broadview Networks, Inc., Broadview NP Acquisition Corporation, ATX Licensing, Inc., BridgeCom International, Inc., Eureka Telecom, Inc., and A.R.C. Networks, Inc., and Securities Certificate of Broadview Networks, Inc., with respect to the guarantee of debt in a principal amount up to \$200 million. On 8/14/12, Broadview Networks, Inc., filed a Securities Certificate and voluntarily agreed to extend the consideration period to 10/26/12. RECOMMENDATION: That the Commission adopt the proposed Order approving the indirect transfer of control and register the securities certificate consistent with the proposed Order.
2317390-FUS Vote 5-0.	M-2012-2317390 M-00960769	NORTHAMPTON COUNTY'S 911 - System Renewal Plan filed on 8/2/12, by 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. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2317815-FUS Vote 5-0.	S-2012-2317815 S-2009-2096834	PECO ENERGY COMPANY-ELECTRIC - Securities Certificate filed on 8/1/12, with respect to the issuance of debt in a principal amount not to exceed \$2.5 billion through some combination of mortgage bonds, accounts receivable financing, unsecured debt, collateralized notes and subordinate debentures. The \$2.5 billion financing authority sought replaces the authority granted in similar securities certificate registered on 5/1/09, at S-2009-2096834. PECO Energy Company voluntarily extended the consideration period to 10/26/12. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.
2317817-FUS Vote 5-0.	S-2012-2317817 S-2009-2096836	PECO ENERGY COMPANY-ELECTRIC - Securities Certificate filed on 8/1/12, with respect to the issuance of debt in a principal amount not to exceed \$2.5 billion through unsecured debt. The \$2.5 billion financing authority sought replaces the authority granted in similar securities certificate registered on 5/1/09, at S-2009-2096836. PECO Energy Company voluntarily extended the consideration period to 10/26/12. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.
2317819-FUS Vote 5-0.	S-2012-2317819 S-2009-2096838	PECO ENERGY COMPANY-ELECTRIC - Securities Certificate filed on 8/1/12, with respect to the issuance of debt in a principal amount not to exceed \$2.5 billion through collateralized notes. The \$2.5 billion financing authority sought replaces the authority granted in similar securities certificate registered on 5/1/09, at S-2009-2096838. PECO Energy Company voluntarily extended the consideration period to 10/26/12. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2317820-FUS Vote 5-0.	S-2012-2317820 S-2009-2096839	PECO ENERGY COMPANY-ELECTRIC - Securities Certificate filed on 8/1/12, with respect to the issuance of debt in a principal amount not to exceed \$2.5 billion through some subordinate debentures. The \$2.5 billion financing authority sought replaces the authority granted in similar securities certificate registered on 5/1/09, at S-2009-2096839. PECO Energy Company voluntarily extended the consideration period to 10/26/12. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.
2329072-FUS Vote 5-0.	M-2012-2329072	QUARTERLY EARNINGS REPORT SUMMARY - Q2 2012 - The Bureau of Technical Utility Services has completed a report representing the earned and adjusted returns on rate base and common equity capital for Pennsylvania 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

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2311408-LAW

M-2012-2311408

Vote 5-0.

WILLIAM F SRAY - REQUEST FOR REVIEW OF SOUTH FAYETTE TOWNSHIP ZONING ORDINANCE - Governor Corbett signed into law Act 13 on 2/14/12, which amended Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes. Act 13 tasks the Commission with issuing orders on disputed ordinances regarding the compliance of a local ordinance with the Act and provisions of the Municipalities Planning Code. On 6/21/12, Mr. William F. Sray filed a request, with a follow-up request filed on 8/9/12 (collectively, the Ordinance) pursuant to Section 3305(b) of the Act. An Answer to the Request for Review was filed by the Township on 9/7/12. Based upon a review of Mr. Sray's Request for Review and the Township's Answer, the Commission found that the Ordinance violates Chapter 32 and Sections 3302 and 3303 of the Act, and accordingly, that the Township is immediately ineligible to receive any funds collected under Chapter 32 of the Act. An Order was adopted by notational vote on 10/18/12, 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.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2292814-ALJ Postponed until the Public Meeting of November 8, 2012.	C-2012-2292814	DAWN SMITH VS PENNSYLVANIA ELECTRIC COMPANY - Formal Complaint filed on 3/6/12, alleging that Penelec was responsible for a fire at a rental property owned by Complainant and her husband which resulted in over \$2,000 in damage. In a Preliminary Objection filed 4/4/12, Penelec denied any responsibility for the fire and argued for dismissal of the Complaint on legal insufficiency/ jurisdictional grounds, and in New Matter filed 4/4/12, argued lack of standing on the part of the Complainant to represent her tenant and to assert a claim for losses on the tenant's behalf. A preliminary hearing to consider oral argument on the Preliminary Objection was held on 7/6/12. The ALJ granted Penelec's Preliminary Objection. COMMISSION REVIEW: That the Commission adopt the Initial Decision of ALJ Buckley, that grants the Preliminary Objection of Penelec and dismisses the Complaint.
2293016-ALJ Postponed until the Public Meeting of November 8, 2012.	F-2012-2293016	JOSEPH PALLA VS PEOPLES NATURAL GAS CO - Formal Complaint filed on 3/8/12, alleging improperly charged for natural gas service provided to his tenant over a two-year period and placing service into his name without notifying him of the existence of a foreign load at his rental property. A hearing was held on 6/1/12. COMMISSION REVIEW: That the Commission adopt the Initial Decision of ALJ Dunderdale, sustaining the complaint, issuing a civil penalty against Peoples', and ordering a credit to the account due to overcharges.
2309311-ALJ Vote 5-0.	M-2012-2309311	PECO ENERGY COMPANY-ELECTRIC - Enevy Efficiency & Conservation Annual Reconciliation Report. A public hearing was held on 7/30/12. The Commission's Bureau of I&E participated. COMMISSION REVIEW: That the Commission adopt the Recommended Decision of ALJ Colwell approving of the annual report, insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2309932-ALJ Vote 5-0.	C-2012-2309932	<p>DAVID MOORE JR VS PECO ENERGY ELECTRIC - Formal Complaint filed on 6/11/12, (which constituted a re-filing of an identical allegation made by the Complainant at C-2009-2111161), alleging that PECO improperly refused to change his rate from commercial to residential service despite the conversion of his business to a residence and demanding that a recalculation of Complainant's electric bill be made and a payment agreement be established. The prior complaint was dismissed by the Commission in an Order entered 5/3/11. On 6/22/12, PECO filed a Preliminary Objection contending that the Complaint is barred by the application of the doctrine of res judicata. The Complainant did not file a responsive pleading to PECO's Preliminary Objection. In an Initial Decision issued 7/18/12, the ALJ granted PECO's Preliminary Objection and dismissed the Complaint with prejudice.</p> <p>COMMISSION REVIEW: That the Commission adopt the Initial Decision of ALJ Buckley, that grants the Preliminary Objection of PECO and dismisses the Complaint with prejudice.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

October 24, 2012

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2315540-FUS Vote 5-0.	A-2012-2315540	PPL ELECTRIC UTILITIES CORP - Joint Petition and Letter of Notification filed on 7/19/12, for approval for a waiver of certain provisions of the Pa. PUC's regulations at 52 Pa. Code § 57.71 et seq., and a Letter of Notification pursuant to 52 Pa. Code Chapter 57.72, for approval of the siting and construction of the Paupack-Honesdale #1 and #2 138/69 kV Transmission Line in Paupack, Palmyra and Cherry Ridge Townships, Wayne County. Authority for this procedure is provided for at Pa. Code §§ 5.43, 57.72(d)(e). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that grants the Petition and approves the application.
2319704-FUS Vote 5-0.	A-2012-2319704	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 8/19/12, pursuant to 52 Pa. Code Chapter 57 Subchapter G, with respect to the Blooming Grove-West Damascus, Kimbles Tap 138/69 kV Transmission Line reconstruction in Palmyra and Lackawaxen Townships, Pike County. Authority for this procedure is provided for at §57.72(d)(1)(i). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.