

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, NOVEMBER 8, 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 Wednesday, December 5, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, October 11, 2012 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR WEDNESDAY, DECEMBER 5, 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, NOVEMBER 7, 2012, AT 2:00 P.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

- 1. DISCUSSING PERSONNEL MATTERS.**
- 2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF ABOUT ACTIONS WHICH THIS COMMISSION IS LITIGATING BEFORE OTHER ADMINISTRATIVE AGENCIES OR COURTS.**
- 3. DISCUSSING CASES WHICH WILL BE COMMENCED OR ADJUDICATED BY COMMISSION ACTION.**
- 4. REVIEWING LEGALLY PRIVILEGED OR CONFIDENTIAL MATTERS.**
- 5. DISCUSSING COLLECTIVE BARGAINING ISSUES.**
- 6. CONSIDERING THE PURCHASE OR LEASE OF REAL ESTATE.**

AN AGENDA FOR THE EXECUTIVE SESSION WILL BE DISTRIBUTED TO ALL COMMISSIONERS IN ADVANCE OF THIS SESSION. THIS NOTICE IS PROVIDED IN ACCORDANCE WITH ACT 84 OF 1986, KNOWN AS THE SUNSHINE ACT.

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

November 8, 2012

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2152321-TAS Vote 5-0.	A-2010-2152321	TOWNSHIP OF PENN - Application for roadway replacement and land appropriation in Penn Township, York County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2223807-TAS Vote 5-0.	C-2012-2223807	BUR OF INVESTIGATION & ENFORCEMENT VS JAMES ZARRIZSKI T/A JZ TRANSPORTATION - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. Whitehall, Lehigh County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2227326-TAS Vote 5-0.	C-2012-2227326	BUR OF INVESTIGATION & ENFORCEMENT VS HACKET HAULING INC - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2271679-TAS Vote 5-0.	A-2011-2271679	SONDRA GIVLER - Application for the right to transport as a common carrier by motor vehicle, persons paratransit service. Quarryville, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2277027-TAS Vote 5-0.	A-2011-2277027	GREAT VALLEY MOVING AND STORAGE INC - Application for the right to transport as a common carrier by motor vehicle, household goods in use. West Conshohocken, Montgomery 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>
2304787-TAS Vote 5-0.	A-2012-2304787 A-00119127	KUTZTOWN AREA TRANSPORT SERVICE INC - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service. Kutztown, Berks County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2308375-TAS Vote 5-0.	A-2012-2308375	BONNIE & MELVIN HACKART - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. New Providence, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2308996-TAS Vote 5-0.	A-2012-2308996	MELVIN S GROFF - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Leola, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2311747-TAS Vote 5-0.	A-2012-2311747	GREENE COUNTRIE COACH LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. West Chester, Chester County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2324223-TAS Vote 5-0.	R-2012-2324223	TRISTATE HOUSEHOLD GOODS TARIFF CONF WELESKI TRANSFER/JOHNSTOWN INC - Increase in Rates. Cambria County RECOMMENDATION: That the Commission approve the 12th Revised Page 52 to Tariff Freight Pa. PUC No. 50 to become effective 11/12/12.
2324229-TAS Vote 5-0.	R-2012-2324229	TRISTATE HOUSEHOLD GOODS TARIFF CONF MCNAUGHTON BROS, INC - Increase in rates. Indiana County RECOMMENDATION: That the Commission approve the 13th Revised Page 48 to Tariff Freight Pa. P.U.C. No. 50, to become effective 11/12/12.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2264753-AUD Vote 5-0.	D-2011-2264753	PPL ELECTRIC UTILITIES CORP - Universal Service Rider. RECOMMENDATION: That the Commission release the Audit Report to the public.
2317389-AUD Vote 5-0.	M-2012-2317389	PECO ENERGY COMPANY - GAS - Universal Service Fund Charge. RECOMMENDATION: That the Commission approve Supplement No. 127 to Tariff Gas-Pa. P.U.C. No. 2, reflecting a proposed USFC credit of \$0.1114 per MCF and attendant Variable Distribution Charge for Rate GR of \$3.7585 per MCF, to become effective 12/1/12.
2329090-AUD Vote 5-0.	M-2012-2329090	PECO ENERGY COMPANY - ELECTRIC - Generation Supply Adjustment. RECOMMENDATION: That the Commission approve Supplement No. 53 to Tariff Electric – Pa. P.U.C. No. 4, reflecting the proposed GSA-4 rates to become effective 12/1/12.

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2290911-BCS Vote 5-0.	M-2012-2290911	PECO ENERGY COMPANY - Universal Service and Energy Conservation Plan for 2013-2015 filed, and an amended Plan filed on or about 10/15/12, in accordance with the Commission's regulations at 52 PA. Code sections 54.71-78 and sections 62.1-62.8. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which partially approves PECO's Plan.

DIRECTOR OF REGULATORY OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2237952-DIR Statement by Commissioner Witmer. Vote 5-0.	I-2011-2237952	INVESTIGATION OF PA'S RETAIL ELECTRICITY MARKET - Proposed end state of default electric service from its Office of Competitive Market Oversight (OCMO). This proposed default service model was developed based on input from stakeholders participating in the Commission's pending Investigation of Pennsylvania's Retail Electricity Market, at this docket. Based upon the record developed during the Retail Markets Investigation, the Commission believes the proposed default service model will improve competition in the current retail electric market. RECOMMENDATION: That the Commission adopt the Tentative Order and solicit public comment on the issues discussed.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2134662-OSA (PP from 10/24/2012) Joint Statement by Vice Chairman Coleman and Commissioner Witmer. Vote 5-0.	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.
2164009-OSA Postponed until the Public Meeting of December 5, 2012.	F-2010-2164009	DANIELLE DOUGLAS VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 3/8/10, alleging that there were incorrect charges on her bill. On 3/31/10, PGW filed an Answer denying the allegations. Telephonic hearings were held on 5/10/11 and on 10/6/11. In an Initial Decision issued 2/2/12, ALJ Hoyer sustained the Complaint and directed PGW to recalculate the Complainant's monthly bills. The Complainant filed Exceptions on 3/10/12. PGW filed Replies to Exceptions on 3/26/12. RECOMMENDATION: That the Commission adopt the proposed Tentative Opinion and Order which grants the Complainant's Exceptions, in part, and modifies the ALJ's Initial Decision accordingly.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2164222-OSA Vote 5-0.	C-2010-2164222	ORLANDO RIVERA VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 3/9/10, alleging that PGW had overbilled his account. On 4/26/10, PGW filed an Answer, which denied the material allegations of the Formal Complaint. On 6/10/11 an evidentiary hearing was held. On 10/7/11, the Commission issued the Initial Decision of ALJ Nguyen. Exceptions were filed by the Complainant on 10/31/11. PGW filed Reply Exceptions on 11/7/11. By Order entered 1/12/12, the Commission remanded the proceeding to OALJ for further hearings on specific issues. On 7/5/12 the ALJ's Initial Decision on Remand was issued. The Complainant filed Exceptions on 7/25/12. PGW filed Replies on 8/6/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions and adopts the ALJ's Initial Decision on Remand.
2205782-OSA Vote 5-0.	M-2012-2205782	PECO ENERGY COMPANY - GAS - Investigation initiated by the Bureau of Investigation & Enforcement on 11/1/10. Investigation into PECO's conduct before and after a low level explosion and house fire that occurred on 12/26/09. On 12/2/11, BI&E and PECO filed a Settlement Agreement to resolve the investigation. As part of the Settlement, the Parties agreed that PECO would pay a civil settlement amount of \$35,000. By Order entered 6/12/12, the Commission proposed amending the Settlement to provide for a civil penalty of \$75,000, instead of the \$35,000 civil settlement amount proposed by the Parties. PECO filed Comments on 7/2/12, in response to the 6/12/12 Order. RECOMMENDATION: That the Commission approve the Settlement Agreement, as modified.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2206889-OSA Vote 5-0.	C-2010-2206889	PETRA INTERNATIONAL MINISTRIES VS PEOPLES NATURAL GAS - Complaint filed on 10/26/10, disputing a bill for natural gas usage in its building used for worship services. On 11/18/10, Peoples filed an Answer, denying that there were incorrect charges on the Complainant's bill. In an Initial Decision, issued 5/10/12, ALJ Long dismissed the Complaint with prejudice due to the Complainant's failure to appear for the scheduled evidentiary hearing. The Complainant filed Exceptions on 5/24/12. Peoples filed Replies to Exceptions on 6/11/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.
2262810-OSA Vote 5-0.	C-2011-2262810	GODFREY KALALUKA VS PENNSYLVANIA AMERICAN WATER COMPANY - Complaint filed on 9/8/11, contesting the amount of their overdue balance; PAWC's refusal to accept a medical certificate; and PAWC's termination procedures. PAWC filed an Answer on 10/6/11. After an evidentiary hearing, ALJ Jandebour issued an Initial Decision on 7/20/12 dismissing the Complaint. The Complainants filed Exceptions on 8/8/12. PAWC filed Reply Exceptions on 8/22/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainants' Exceptions, adopts the ALJ's Initial Decision, and dismisses the Complaint.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2279259-OSA Postponed until the Public Meeting of December 5, 2012.	C-2011-2279259	ROBYN IRVING VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 12/6/11, alleging that there were incorrect charges on her bill. On 1/9/12, PGW filed an Answer denying the allegations. By Initial Decision issued on 6/8/12, ALJ Nguyen dismissed the Complaint. The Complainant filed Exceptions on 7/15/12. Replies to Exceptions were filed by PGW on 8/6/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
2283641-OSA Vote 5-0.	P-2012-2283641	PECO ENERGY COMPANY - ELECTRIC - The Commission entered an Opinion and Order on 10/12/12 that, inter alia, approved a default service program for PECO for the period 6/1/13 to 5/31/15. On 10/29/12, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Tenants Union Representative Network, and the Action Alliance of Senior Citizens of Greater Philadelphia filed a Joint Petition for Clarification. On 10/31/12, PECO filed a Petition for Clarification and Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants reconsideration pending further review of the merits of the Joint Petition and the Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2302423-OSA Vote 5-0.	C-2012-2302423	<p>BUREAU OF INVESTIGATION & ENFORCEMENT VS GARY C WALK JR T/A WALK'S MOVING - Complaint instituted on 5/7/12, alleging that he failed to maintain evidence of insurance on file with the Commission. 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 6/28/12, the Commission noted that no timely response to the Complaint was received. Accordingly, the Respondent was directed to pay a civil penalty of \$500 within twenty days. On 7/12/12, the Respondent filed the instant Petition to Appeal Staff Action, with reference to the Secretarial Letter of 6/28/12. No response to the Petition has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which rescinds the Secretarial Letter issued on 6/28/12, rendering the Petition moot.</p>
2316193-OSA Vote 5-0.	C-2012-2316193	<p>BUREAU OF INVESTIGATION & ENFORCEMENT VS FLOYD C MATTHEWS - Complaint initiated on 7/27/12, alleging, inter alia, that the Respondent failed to pay its total assessment amounts for two fiscal years. In the Complaint, BI&E requested that: (1) the Respondent be ordered to pay an outstanding assessment balance of \$635, and a civil penalty of \$1,095; and (2) the Respondent's Certificate of Public Convenience be cancelled if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. BI&E subsequently filed a Motion for Default Judgment, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience be revoked. No Answer to the Motion was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2320651-OSA Vote 5-0.	A-2012-2320651 A-2010-2167292	VENUS TELEPHONE & SPRINT SPECTRUM - 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.
2323582-OSA Vote 5-0.	A-2012-2323582 A-311395F7016	IRONTON TELEPHONE & AT&T MOBILITY - Joint Petition filed on 9/10/12, 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.
2324915-OSA Vote 5-0.	A-2012-2324915	COMMONWEALTH TELEPHONE D/B/A FRONTIER & MCIMETRO - Joint Petition filed on 9/18/12, 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.
2325351-OSA Vote 5-0.	A-2012-2325351	VERIZON PA & WIDE VOICE - Joint Petition filed on 9/20/12, 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.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2325475-OSA Vote 5-0.	A-2012-2325475 A-311321F7000	VERIZON PA & BUFFALO-LAKE ERIE - Joint Petition filed on 9/20/12, seeking approval of Amendment No. 1 to 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.
2325480-OSA Vote 5-0.	A-2012-2325480 A-311321F7001	VERIZON NORTH & BUFFALO-LAKE ERIE - Joint Petition filed on 9/20/12, seeking approval of Amendment No. 1 to 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.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2198725-FUS (PP from 10/24/2012) Vote 5-0.	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 approves the application.
2221919-FUS (PP from 10/24/2012) Vote 5-0.	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 approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2305641-FUS Vote 5-0.	A-2012-2305641 A-2012-2305654	WIDE VOICE LLC - Application filed on 4/19/12, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA; and a Reseller Interexchange Carrier (detariffed) throughout the Commonwealth of PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2310366-FUS Vote 5-0.	R-2012-2310366	CITY OF LANCASTER - WASTEWATER - Supplement No. 36 to Tariff Sewer-Pa. P.U.C. No. 7, filed on 9/28/12, proposing an annual increase in revenues of \$551,609 (54.4%) for customers located outside the City to become effective 11/27/12. By Secretarial Letter dated 6/21/12, City of Lancaster was granted an extension until 9/30/12, to file using a 12/30/11 test year. The OCA has filed a formal complaint. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2315716-FUS Vote 5-0.	A-2012-2315716	KERRY STUTZMAN T/A DELAWARE VALLEY ENERGY SOLUTIONS - Application filed on 7/14/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and government customers in the electric distribution company services territories of PECO Energy, PPL Electric, Met Ed, Duquesne Light, Penelec, UGI Utilities, and West Penn Power within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2317908-FUS Vote 5-0.	A-2012-2317908	POWER TARGET LLC - Application filed on 8/2/12, for approval 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 the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2319095-FUS Vote 5-0.	A-2012-2319095	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 8/13/12, for approval of the reconstruction of a portion of the South Akron-Dillerville #1 and #2 138-69 kV Transmission Line in East, Hempfield and Manheim Townships, Lancaster County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2320489-FUS Joint Statement by Chairman Powelson and Commissioner Witmer. Vote 5-0.	A-2012-2320489	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 8/23/12, for approval of the right to offer, render, furnish, or supply water service to the public in a portion of Morris Township, Washington County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2321229-FUS Vote 5-0.	A-2012-2321229	BEST ENERGY LLC - Application filed on 8/9/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (under 25 kW), large commercial (over 25 kW), industrial, and governmental customers in the electric distribution company service territories of West Penn Power, PECO Energy, Duquesne Light, PPL Electric, Met Ed, Penelec, Penn Power, UGI Utilities, Pike County Light & Power, Citizens' Electric, and Wellsboro Electric within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2321379-FUS Joint Statement by Chairman Powelson and Commissioner Witmer. Vote 5-0.	A-2012-2321379	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 8/28/12, for approval of the right to offer, render, furnish, or supply water service to the public in additional portions of Lancaster Township, Butler County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2321508-FUS Vote 5-0.	M-2012-2321508 M-00930436	FAYETTE COUNTY'S 911 - System Renewal Plan filed on 8/29/12 by PEMA, requesting a formal review of the costs associated with the contribution rate of \$1.25 per access line per month and to 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>
2321748-FUS Vote 5-0.	R-2012-2321748	COLUMBIA GAS OF PA INC - Supplement No. 190 to Tariff Gas – Pa. P.U.C. No. 9 filed on 9/28/12, for approval for proposed changes in rates, rules, and regulations calculated to produce approximately \$77.3 million in additional annual revenues, an increase of 20.61%, effective 11/27/12. Formal complaints were filed by OCA, OSBA, and several individuals. Protests were also filed by numerous individuals. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed general rate increase filing and the effective date of the service life study report until 6/27/13, and institutes an investigation.
2322702-FUS Vote 5-0.	A-2012-2322702	TRADEMARK MERCHANT ENERGY LLC - Application filed on 8/27/12, 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 analyzing electricity loads and negotiating and/or re-negotiating third-party supply agreements for the purchase of electricity for small commercial (25 kw and under), large commercial (over 25 kw) and industrial customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2322833-FUS Vote 5-0.	M-2012-2322833 M-00930451	VENANGO COUNTY'S 911 - System Renewal Plan filed on 9/5/12 by PEMA, requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and to 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 \$1.50 per access line per month.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2326394-FUS Vote 5-0.	A-2012-2326394	PECO ENERGY COMPANY - ELECTRIC - Letter of Notification filed on 9/26/12, for approval to reconductor and reconfigure the Plymouth Meeting-Bryn Mawr 138kV Transmission Line in Plymouth, Upper Merion and Lower Merion Townships in Montgomery County and Radnor and Haverford Townships in Delaware County. Authority for this procedure is provided for at §57.72(d)(1)(i) and (v). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2326417-FUS Vote 5-0.	S-2012-2326417	LAST MILE INC D/B/A STING COMMUNICATIONS - Securities Certificate filed on 9/17/12, for registration of indebtedness in an aggregate principal amount of \$10,000,000, as a result of a Senior, Secured, Super-Priority Debtor-in-Possession Security Agreement being conducted under the jurisdiction of the United States Bankruptcy Court. Last Mile agreed to a voluntary extension of the consideration period until 11/9/12. RECOMMENDATION: That Commission register the securities certificate consistent with the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2312225-LAW Vote 5-0.	M-2012-2312225 M-2012-2291824	2012 ETC RECERTIFICATION REPORTS-HIGH COST SUPPORT - The Commission approved on 10/31/12, through notational voting, a Secretarial Letter certifying that T-Mobile is eligible to receive federal high cost support for the program years cited. Pursuant to 47 C.F.R. § 54.314, the Secretarial Letter was served on the same day on the Universal Service Administrative Co., and the Federal Communications Commission. RECOMMENDATION: That the Commission consistent with 4 Pa. Code § 1.43(c), record and enter this action in the minutes of this Public Meeting.
2331973-LAW Vote 5-0.	M-2012-2331973	ELECTRONIC ACCESS TO TESTIMONY - The Efficient Work Group was formed to streamline Commission paperwork requirements and processes. In order to alleviate certain administrative burdens on the Commission, as identified by the Group, the Commission proposes, that parties serving testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) be required, within five days of the final hearing in an adjudicatory proceeding, to either eFile or provide the Secretary's Bureau with a Compact Disc containing all testimony furnished to the court reporter during the proceeding. Through this practice, advisory staff will have electronic access to parties' testimony through the Commission's internal case and document management system. RECOMMENDATION: That the Commission approve the Secretarial Letter.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2292814-ALJ (PP from 10/24/2012) Motion by Commissioner Gardner. Vote 5-0.	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 (PP from 10/24/2012) Postponed until the Public Meeting of December 5, 2012.	F-2012-2293016	JOSEPH PALLA VS PEOPLES NATURAL GAS COMPANY - 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.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2302221-ALJ Vote 5-0.	R-2012-2302221	<p>UGI PENN NATURAL GAS COMPANY - Pre-filing and definitive annual purchased gas cost filing submitted 5/1/12 & 6/1/12, pursuant to 52 Pa. Code §§53.64 and 53.65. The filing proposed a PGC rate of \$4.7608/Mcf, applicable to Rate R and GL, and a PGC rate of \$4.6874/Mcf, applicable to Rate N and CIAC. Formal Complaints were filed by OCA, OSBA, and George Keener, a customer complainant. The PUC's Bureau of Investigation and Enforcement, filed a Notice of Appearance. This matter was referred to the OALJ for the scheduling of hearings and a Recommended Decision. On 6/14/12, a Prehearing Conference was held to establish a litigation schedule and resolve other procedural matters. On 8/13/12, a Stipulation In Partial Settlement Of Section 1307(f) Rate Investigation was filed, which was joined in or not opposed by all parties. This Partial Settlement was subject to the capacity release issue which was reserved for litigation and briefing. Main Briefs were filed on 8/9/12, and Reply Briefs were filed on 8/16/12.</p> <p>COMMISSION REVIEW: That the Commission approve without modification, the unopposed Partial Settlement, and that PNG's proposed treatment of capacity release revenues be rejected in favor of the OCA proposal.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

November 8, 2012

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2332572-AUD Vote 5-0.	M-2012-2332572	UGI UTILITIES, INC - ELECTRIC DIV - Default Generation Supply Service. RECOMMENDATION: That the Commission approve Supplement No. 108 to Tariff Electric - Pa. P.U.C. No. 5, reflecting the revised GSR rates to become effective 12/1/2012.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327529-FUS Vote 5-0.	R-2012-2327529	PEOPLES TWP LLC - Supplement No. 21 to Tariff Gas-Pa. P.U.C. No. 7, filed on 10/1/12, proposing to unbundle natural gas procurement costs from distribution rates and recover these costs through a gas procurement charge that will be included in Peoples TWP LLC's Price to Compare. The proposed tariff supplement was to become effective on 11/29/12. A formal complaint was filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff supplement and institutes an investigation.