

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JANUARY 24, 2013 (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, February 14, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 20, 2012 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 14, 2013 AT 10:00 A.M. AT THE PA GAMING CONTROL BOARD, OFFICE OF HEARINGS & APPEALS, STRAWBERRY SQUARE COMPLEX, 2ND FLOOR (adjacent to the food court). 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, JANUARY 23, 2013, AT 2:30 PM, IN THE R. 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**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

January 24, 2013

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2288264-TAS Vote 5-0.	A-2012-2288264	ALLEGHENY COUNTY - Application to construct a new crossing that crosses over and above the tracks of CSX Transportation, Inc., in Rankin Borough, Allegheny County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2295525-TAS Vote 5-0.	A-2012-2295525	GALEN E SWEIGART JR T/A G SWEIGART TRANSPORT SERVICES - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2299341-TAS Vote 5-0.	A-2012-2299341	UNI-MED LLC T/A UNITED MEDICAL CARE - 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, as amended.
2304396-TAS Vote 5-0.	A-2012-2304396	LIVE LIFE TRANSPORTATION CLUB LLC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2306718-TAS Vote 5-0.	A-2012-2306718	CLARION COUNTY TAXI, INC - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. 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>
2309340-TAS Vote 5-0.	A-2012-2309340	ATLANTIS LIMOUSINE SERVICE 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 approving the application.
2310677-TAS Vote 5-0.	A-2012-2310677	STEVEN NOLT T/A NOLT'S VAN SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2317300-TAS Vote 5-0.	A-2012-2317300	GEGEN LLC - Application for a brokerage license. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2317870-TAS Vote 5-0.	A-2012-2317870	SUCCESS AMERICA - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2328373-TAS Vote 5-0.	A-2012-2328373 A-00123182	DEWAYNE ROYER - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2329498-TAS Vote 5-0.	A-2012-2329498	JUSTIN NEAL DETTERLINE T/A D & L CAB CO - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Red Lion, York County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2334476-TAS Vote 5-0.	R-2012-2334476	READ'S MOVING SYSTEMS, INC - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Freight Pa. PUC No. 3, to become effective 1/28/13.
2334838-TAS Vote 5-0.	R-2012-2334838	MAROADI TRANSFER & STORAGE, INC - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Freight Pa. PUC No. 6, to become effective on 1/28/13.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1197264-OSA Vote 5-0.	A-00122379	GREGORY E RUFFO T/A RUFFO'S AUTO REPAIR - Letter of 10/4/12, TUS stated that it had reviewed the information submitted by Gregory E. Ruffo t/d/b/a Ruffo's Auto Repair, relative to the Respondent's request for a waiver from the requirement that a vehicle used in limousine service be no more than 8 model years old {52 Pa. Code Section 29.333(e)}. The October 2012 Letter denied the Respondent's request because the Respondent was not in compliance with the Commission's Regulations relative to the requirements that assessment reports be submitted annually and that all civil penalties and assessments be current. On 10/23/12, the Respondent filed a Letter-Petition for Appeal from Staff Action. No response to the Petition has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the petition, in part, and refers the matter to TUS for such further action as may be warranted.
2256679-OSA Vote 5-0.	C-2011-2256679	BUR OF INVESTIGATION & ENFORCEMENT VS AUGUSTUS REED JR - Complaint initiated on 10/5/11, alleging failure to file assessment reports for the calendar years 2007, 2008, 2009, and 2010. The Respondent was notified that, if an answer was not filed within 20 days of receipt of the Complaint, BI&E would request that the Commission issue an order imposing a civil penalty. By Secretarial Letter of 5/24/12, the Commission noted that no timely response to the Complaint had been received. Accordingly, the Respondent was directed to pay a civil penalty of \$1,000 within 20 days. On 6/6/12, the Respondent filed the instant Petition for Appeal from Staff Action, with reference to the May 2012 Secretarial Letter. No response to the Petition has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2274277-OSA Vote 5-0.	C-2011-2274277	MARY JANE HODAK & JUDITH HODAK VS PENNSYLVANIA ELECTRIC COMPANY - Formal Complaint filed on 11/15/11, alleging a reliability, safety or quality problem with electric service to their residence beginning in 11/09. By Initial Decision issued 11/5/12, ALJ Dunderdale found, inter alia, that Complainants did not meet their burden of proving that Penelec violated the Commission's regulations by failing to provide reasonable and adequate customer service. The ALJ recommended that the Complaint be dismissed without prejudice. The Hodaks filed Exceptions on 7/14/12, and Penelec filed Replies to Exceptions on 7/27/12. The Hodaks filed Additional Exceptions on 8/16/12 and 9/12/12, and Penelec filed a Motion to Strike Complainant's Additional Exceptions on 8/21/12. The Hodaks filed a letter in response to the Motion on 8/27/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Motion, denies the Exceptions and adopts Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2290597-OSA Vote 5-0.	R-2012-2290597	<p>PPL ELECTRIC UTILITIES CORP - Supplement No. 118 to Tariff – Electric Pa. P.U.C. No. 201, filed on 3/30/12, to become effective 6/1/12, containing proposed changes in rates, rules, and regulations. By Recommended Decision, issued on 10/19/12, ALJ Colwell recommended, inter alia, that the company be permitted to file tariffs or tariff supplements containing rates designed to produce a \$63,830,000 increase to the Company’s present revenues. Multiple Parties filed Exceptions to the Recommended Decision on 11/8/12. By Order entered 12/28/12, the Commission modified the Recommended Decision. OCA filed a Petition for Reconsideration or Clarification on 1/14/13.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the petition, pending further review of, and consideration on, the merits.</p>
2315797-OSA Vote 5-0.	C-2012-2315797	<p>BUR OF INVESTIGATION & ENFORCEMENT VS BEVERLY A HALL & RICH LENGEL T/A LEMIRAGE LIMOUSINE - Complaint initiated on 7/25/12, alleging that the Respondent failed, inter alia, to pay its total assessment amount for the 7/1/10 to 6/30/11, and the 7/1/11 to 6/30/12 Fiscal Years. In the Complaint, BI&E requested that: (1) the Respondent be ordered to pay \$1,676, consisting of the outstanding balances of \$1,461, and a civil penalty of \$215; and (2) the Respondent's Certificate be cancelled if it failed to pay the amount owing. The Respondent did not file an Answer to the Complaint. As a result, BI&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and that the Respondent's Certificate be revoked. No Answer to the Motion was filed.</p> <p>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>
2316212-OSA Joint Motion by Commissioner Gardner and Commissioner Witmer. Vote 5-0.	C-2012-2316212	BUR OF INVESTIGATION & ENFORCEMENT VS WILLIAM C SUTTON - Complaint initiated on 8/7/12, alleging failure to maintain evidence of insurance on file with the Commission. The Respondent was notified that, unless its insurer filed evidence of insurance with the Commission and it paid the proposed civil penalty, it was required to file an Answer to the Complaint within 20 days of the date of service of the Complaint. The Complaint was served on 8/9/12. The Respondent did not file an Answer or pay the penalty. On 8/17/12, Respondent's insurer filed evidence of insurance effective 7/17/12. By Secretarial Letter of 9/13/12, the Commission noted that no timely response to the Complaint and no payment of the penalty had been received. The Respondent was directed to pay a penalty of \$500 within 20 days. On 10/3/12, the Respondent filed the instant Petition for Appeal from Staff Action, with reference to the Secretarial Letter. No response has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2317176-OSA (PP from 12/20/2012) Vote 5-0.	C-2012-2317176	MARIA POVACZ VS PECO ENERGY COMPANY - Formal Complaint filed on 7/13/12, alleging, inter alia, that she had not given permission for PECO to install a smart meter at her premises and asking to “opt out” of the smart meter installation program. On 8/22/12, PECO filed an Answer and Preliminary Objections, averring that the Complaint should be dismissed because it is legally insufficient. On 8/30/12, the Complainant filed an Answer to PECO’s Preliminary Objections. In his Initial Decision, issued on 10/4/12, ALJ Cheskis recommended that PECO’s Preliminary Objections be granted and that the Complaint be dismissed with prejudice. On 10/22/12, the Complainant filed Exceptions to the Initial Decision. On 11/2/12, PECO filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) denies the Complainant's Exceptions; (2) adopts the Initial Decision; and (3) dismisses the Complaint with prejudice.
2335730-OSA Vote 5-0.	A-2012-2335730	VERIZON PA & VOXBEAM TELECOM - Joint Petition filed on 11/21/12, 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.
2335749-OSA Vote 5-0.	A-2012-2335749	VERIZON NORTH & VOXBEAM TELECOM - Joint Petition filed on 11/21/12, 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.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184225-FUS Vote 5-0.	M-00031715F0003	SUSTAINABLE ENERGY FUND - Approval of one appointment to the Board of Directors of the Sustainable Energy Fund of Central Eastern Pennsylvania. Pursuant to Bylaws, the Board is requesting the Commission approve the appointment Bernard Zavatone. RECOMMENDATION: That the Commission approve the appointment of Bernard Zavatone to the Sustainable Energy Fund's Board of Directors.
2130885-FUS Vote 5-0.	A-2009-2130885	STEVEN WILLETT D/B/A ENERGY CHOICE SOLUTIONS - Petition filed on 7/25/12, for approval to abandon its Electric Generation Supplier License. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application for abandonment.
2285985-FUS Vote 5-0.	R-2012-2285985	PEOPLES NATURAL GAS CO - Supplement No. 9 to Tariff Gas – PA PUC No. S-2 filed on 10/9/12, for approval to propose to revise Rate LGA Local Gas Aggregation Service's Aggregation Fee from its current rate of \$0.08 per Mcf to \$0.0436 per Mcf. RECOMMENDATION: That the Commission adopt the proposed Order that approves the tariff supplement.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2315536-FUS Vote 5-0.	R-2012-2315536	IMPERIAL POINT WATER SERVICE CO - Supplement No. 16 to Tariff Water-Pa. P.U.C. No. 2, filed on 10/31/12, proposing an annual increase in revenues of \$61,321 (29.0%) to become effective 12/30/12, and voluntarily postponed to 1/25/13. By Secretarial Letter dated 8/14/12, the Respondent was granted an extension of time to file using a 12/31/11 test year to 10/31/12. Formal Complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2320270-FUS Vote 5-0.	A-2012-2320270	SAVE WAVE ENERGY LLC - Application filed on 7/5/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (25 kW and under), large commercial (Over 25 kW), industrial and governmental customers classes in the electric distribution company territories of Duquesne Light, MetEd, PECO Energy, Penn Power, PPL Electric, and West Penn Power within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the electric generation supplier license application.
2328582-FUS Vote 5-0.	A-2012-2328582	SYR SOLUTIONS LP - Application filed on 10/10/12, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to large commercial (6,000 MCF), industrial, and governmental customers in the service territories of Valley Energy, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, Peoples TWP, PECO Energy, Philadelphia Gas Works, National Fuel Gas, Peoples Natural Gas, Equitable Gas, and Columbia Gas, 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>
2328664-FUS Vote 5-0.	A-2012-2328664	PARK POWER LLC - Application filed on 10/5/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential and small commercial customers in the EDC territories of PECO Energy, PPL Electric, and Duquesne Light. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2329304-FUS Vote 5-0.	A-2012-2329304	METROPOLITAN EDISON CO - Letter of Notification filed on 10/11/12, with respect to the Harley Davidson-Pleasureville 115 kV (986 Line) Transmission Line Reconductor Project situated in Springettsbury Township, York County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2331930-FUS Vote 5-0.	A-2012-2331930	CHOOSE ENERGY INC - Application filed on 10/4/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged that will serve residential and small commercial (25kw and under demand) customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2331941-FUS Vote 5-0.	M-2012-2331941 M-00950675	BRADFORD COUNTY'S 911 - System Renewal Plan filed on 11/1/12, 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>
2333761-FUS Vote 5-0.	A-2012-2333761 A-2012-2333851	PA AMERICAN WATER & OLWEN HEIGHTS WATER - Joint Application filed on 11/2/12, for approval of (1) the transfer, by sale, of the water works property and rights of OHWC to PAWC; (2) the commencement by PAWC of water service to the public in portions of Roaring Brook Township, Lackawanna County presently being served by OHWC; and, (3) the abandonment by OHWC of all water service to the public. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the joint application.
2336662-FUS Vote 5-0.	R-2012-2336662	ROCK SPRING WATER CO - Supplement No. 8 to Tariff Water-Pa. P.U.C. No. 4, filed on 11/27/12, proposing an annual increase in revenues of \$21,813 (18.9%) to become effective 2/1/13. On 1/10/13, OCA filed a formal complaint. RECOMMENDATION: That the Commission adopt the proposed Order which suspends the tariff supplement and institutes an investigation.
2342452-FUS Vote 5-0.	M-2013-2342452	QUARTERLY EARNINGS REPORT SUMMARY - QUARTER 3 2012 - Quarterly Earnings of Pennsylvania Utilities for the Quarter ended 9/30/12. The Bureau of Technical Utility Services staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for 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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2233841-LAW Vote 5-0.	L-2011-2233841 M-2009-2140262	RULEMAKING AMENDING 52 PA CODE, CHAPTER 33 - Notice issued on 11/6/09, inviting comments pursuant to its review of existing Railroad Transportation Regulations found at 52 Pa. Code Chapter 33. After reviewing the comments and replies, the Commission initiated a Proposed Rulemaking by Order entered 4/1/11. Comments to the Proposed Rulemaking were filed by interested parties. This Final Rulemaking Order addresses those comments and makes various changes to the Commission railroad regulations. RECOMMENDATION: That the Commission adopt the proposed Order.
2319361-LAW Vote 5-0.	L-2012-2319361 M-2008-2062697	PROPOSED RULEMAKING-WATER AUDIT METHODOLOGY - Tentative Opinion and Order issued on 11/10/11 at M-2008-2062697, wherein the Commission ordered all Class A water utilities (over \$1,000,000 in annual revenues) to implement the Water Audit methodology. The Tentative Opinion and Order became final 1/27/12. By way of this Advance Notice of Proposed Rulemaking Order, the Commission seeks comments from all interested parties on appropriate revisions to the regulation at 52 Pa. Code § 65.20. RECOMMENDATION: That the Commission adopt the proposed Order.
2327036-LAW Vote 5-0.	P-2012-2327036	PPL ELECTRIC UTILITIES CORP - Petition for temporary exemption from 52 Pa. Code § 56.97(a) {Procedures upon customer or occupant contact prior to termination}, so it may continue offering customers the opportunity to establish payment agreements through its website and interactive voice capabilities (IVR). RECOMMENDATION: That the Commission adopt the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2312633-ALJ Vote 5-0.	M-2012-2312633	PENNSYLVANIA POWER CO - Section 1307(e) Energy Efficiency and Conservation Charge Reconciliation Statement of Revenues and Expenses filed on 6/29/12, for the year ended 5/31/12. On 9/6/12, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2312766-ALJ Vote 5-0.	M-2012-2312766	METROPOLITAN EDISON CO - Section 1307(e) Energy Efficiency and Conservation Charge Reconciliation Statement of Revenues and Expenses filed on 6/29/12, for the year ended 5/31/12. On 9/6/12, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2315922-ALJ Vote 5-0.	M-2012-2315922	NRG ENERGY CENTER HARRISBURG LLC - Section 1307(e) Steam Cost Rate Reconciliation Statement filed on 7/25/12, setting forth the over/under collections for the twelve month period which ended on 6/30/12. A hearing was held on 10/24/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.
2317195-ALJ Vote 5-0.	M-2012-2317195	PIKE COUNTY LIGHT & POWER CO - GAS - Section 1307(e) Gas Cost Rate Reconciliation Statement filed on 7/27/12, setting forth the over/under collections for the period 7/11 through 6/12. A hearing was held on 9/28/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2317199-ALJ Vote 5-0.	M-2012-2317199	VEOLIA ENERGY PHILADELPHIA INC - Section 1307(e) Steam Cost Rate Reconciliation Statement filed on 7/31/12, setting forth the over/under collections for the twelve month period which ended on 6/30/12. A hearing on 10/24/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.
2317299-ALJ Vote 5-0.	M-2012-2317299	DUQUESNE LIGHT COMPANY - Section 1307(e) Annual Smart Meter Reconciliation filed on 8/10/12, for the period of 7/1/11 through 6/30/12. A hearing was held on 9/24/12. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Recommended Decision accepting the statement insofar as it is undisputed.
2325258-ALJ Vote 5-0.	C-2012-2325258	THERESA GAVIN VS PECO ENERGY COMPANY - Complaint filed on 9/13/12, in opposition to the PECO's installation of smart meters. Complainant requested that she be permitted to "opt out" of the smart meter program for health and safety reasons. On 9/25/12, PECO filed an Answer and Preliminary Objections. No Answer to the Preliminary Objection was filed by the Complainant. COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Initial Decision granting the Preliminary Objections and dismissing the complaint.
2331743-ALJ Vote 5-0.	M-2012-2331743	HERMAN OIL & GAS COMPANY, INC - Section 1307(e) Gas Cost Rate Reconciliation Statement filed on 10/26/12, setting forth the over/under collections for the twelve-month period which ended 8/31/12. A hearing was held on 11/27/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2332513-ALJ Vote 5-0.	M-2012-2332513	HERMAN RIEMER GAS COMPANY - Section 1307(e) Gas Cost Rate Reconciliation Statement filed on 11/1/12, setting forth the over/under collections for the twelve-month period which ended 8/31/12. A hearing was held on 11/27/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.
2332575-ALJ Vote 5-0.	M-2012-2332575	CLARION RIVER GAS - DIV OF ORWELL NATURAL GAS COMPANY - Section 1307(e) Gas Cost Rate Reconciliation Statement filed on 11/2/12, setting forth the over/under collections for the twelve-month period ending 8/31/12. A hearing was held on 11/27/12. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the statement insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

January 24, 2013

DIRECTOR OF ADMINISTRATION

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2343305-BAS Vote 5-0.		PAPOWERSWITCH VENDOR - Selection of a vendor for maintenance and upgrade related services through June 2013. 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>
2301664-OSA Partial Dissenting Statement by Commissioner Gardner. Statement by Commissioner Witmer. Statement by Commissioner Cawley. Vote 5-0 with Commissioner Gardner Partially Dissenting.	P-2012-2301664	DUQUESNE LIGHT COMPANY - Petition filed on 4/27/12, requesting that the Commission approve its DSP for the period from 6/1/13 to 5/31/15. A hearing was held on 9/13/12. On 11/15/12, ALJ Dunderdale issued a Recommended Decision. Exceptions were filed on 12/5/12 by Duquesne; OCA; OSBA; Dominion Retail, Inc. d/b/a Dominion Energy Solutions; First Energy Solutions Corp. (FES); and the Retail Energy Supply Association (RESA). Replies to Exceptions were filed on 12/17/12, by Duquesne; OCA; OSBA; Duquesne Industrial Intervenors; Dominion; FES; RESA; Constellation NewEnergy; Exelon Generation Co.; Citizen Power; and, the Coalition for Affordable Utility Service and Energy Efficiency. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

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<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2302074-OSA Partial Dissenting Statement by Commissioner Gardner. Statement by Commissioner Witmer. Statement by Commissioner Cawley. Vote 5-0 with Commissioner Gardner Partially Dissenting.	P-2012-2302074	PPL ELECTRIC UTILITIES CORP - Petition filed on 5/1/12, requesting approval of its DSP II for the period from 6/1/13 to 5/31/15. Following an on-the-record proceeding, a Recommended Decision by ALJ Colwell was issued on 11/15/12. Exceptions and/or Reply Exceptions were filed by PPL, OCA, the PP&L Industrial Customer Alliance, the Retail Energy Supply Association, FirstEnergy Solutions Corp., Dominion Retail Inc., and Interstate Gas Supply, Inc., Constellation NewEnergy, Inc. and Exelon Generation Company, LLC, and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2308997-OSA Joint Motion of Chairman Powelson and Vice Chairman Coleman. Statement by Commissioner Gardner. Vote 5-0.	C-2012-2308997	DWT"QH"INVESTIGATION (ENFORCEMENT XU UGI UTILITIES INC - Complaint initiated on 6/11/12, alleging various state and federal gas safety violations. UGI filed an Answer on 7/2/12, denying the allegations. On 10/3/12, BI&E and UGI, UGI Penn Natural Gas, Inc., and UGI Central Penn Gas, Inc. (UGI Companies) filed a Joint Settlement Petition. In the Initial Decision, issued 10/31/12, ALJ Salapa granted the Petition to Intervene of Manuel Cruz, sustained the Complaint, and approved the Settlement. Mr. Cruz filed Exceptions on 11/20/12. The UGI Companies and BI&E filed Replies to Exceptions on 11/28/12 and 11/30/12, respectively. On 12/7/12, Mr. Cruz filed a Petition for Remand. On 12/12/12, UGI and BI&E filed responses to the Petition. On 12/17/12, Mr. Cruz filed a Request for Oral Argument. BI&E and UGI filed Answers in Opposition on 12/20/12 and 12/27/12, respectively. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.