

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, FEBRUARY 14, 2013 (JFC)

10:15 A.M.

**PA GAMING CONTROL BOARD
OFFICE OF HEARINGS & APPEALS, STRAWBERRY SQUARE**

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 28, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 10, 2013 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 28, 2013 AT 10:00 A.M. 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, FEBRUARY 13, 2013, AT 10:00 A.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**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

February 14, 2013

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2295161-AUD Vote 5-0.	D-2012-2295161	CITIZENS' ELECTRIC COMPANY - Generation Supply Service Rate (GSSR) for the Twelve Months Ended 12/31/11. RECOMMENDATION: That the Commission release the Audit Report to the public.
2295162-AUD Vote 5-0.	D-2012-2295162	WELLSBORO ELECTRIC CCOMPANY - Generation Supply Service Rate (GSSR) for the Twelve Months Ended 12/31/11. RECOMMENDATION: That the Commission release the Audit Report to the public.

DIRECTOR OF REGULATORY OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2237952-DIR	I-2011-2237952	INVESTIGATION OF PA'S RETAIL ELECTRICITY MARKET - Before the Commission is the end state of default electric service from its Office of Competitive Market Oversight (OCMO). This default service model was developed based on input from stakeholders participating in the Commission's Investigation of Pennsylvania's Retail Electricity Market, as well as a review of comments to the Commission's November 8 Tentative Order. Based upon the record developed during the Retail Markets Investigation, the Commission believes the default service model will improve competition in the current retail electric market. RECOMMENDATION: That the Commission adopt the Final Order.

Joint Statement by Chairman Powelson and Vice Chairman Coleman.
Statement by Commissioner Cawley.
Statement by Commissioner Witmer.
Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1185377-OSA Vote 5-0.	A-00120698	<p>ABSOLUTE HEALTH SYSTEMS, LLC - Complaint instituted on 7/2/12, alleging failure to maintain evidence of insurance on file with the Commission. By Secretarial Letter issued 9/13/12, the Commission noted that the Respondent had failed, inter alia, to file an answer to the Complaint and also had failed to file evidence of insurance. Accordingly, the September 2012 Secretarial Letter, inter alia, cancelled the Respondent's Certificate. On 11/20/12, the Respondent filed a Petition for Reinstatement for Purpose of Transfer. No response has been filed to the Petition.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the petition, subject to certain conditions.</p>
2112929-OSA Vote 5-0.	A-2009-2112929	<p>PENNDOT - Application filed on 6/11/09. On 2/25/10, the Commission approved the application and directed PennDOT to replace the structure at its initial cost and expense. The Commission directed the final allocation of costs and expenses incident to the construction of the crossing, as well as the assignment of future maintenance responsibilities and any other relevant matters, to be conducted by the OALJ at such time as PennDOT completed the work and sought reimbursement of the costs associated with replacement of portions of the structure over which it alleged CSXT had maintenance responsibility. On 10/22/12, a Stipulation of Settlement between CSXT, PennDOT and I&E was filed. In the Recommended Decision issued on 12/7/12, ALJ Dunderdale recommended that the Stipulation be approved. On 12/12/12, CSXT filed an Exception for Purposes of Clarification. No response to the Exception has been filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exception and adopts the Recommended Decision, as modified.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2175330-OSA Vote 5-0.	C-2010-2175330	BUR OF INVESTIGATION & ENFORCEMENT VS GERMANTOWN CAB CO - Complaint instituted on 8/4/10, alleging various violations that were discovered during an inspection by the Commission's enforcement officers. On 8/23/10, the Respondent filed an Answer denying the allegations. An evidentiary hearing was held on 10/25/11. On 2/10/12, the Respondent filed a Motion for a Declaratory Order and a Brief in Support of the Motion. On 3/6/12, I&E filed Preliminary Objections to the Motion and a Brief in Support. In an Initial Decision, issued 7/18/12, ALJ Fordham denied the Respondent's Motion and sustained the Complaint. The Respondent filed Exceptions on 8/7/12. I&E filed Replies to Exceptions on 8/17/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.
2207800-OSA Vote 5-0.	C-2010-2207800	DARRYL HICKS VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 10/27/10, alleging, inter alia, that there were incorrect charges on his bill. On 11/22/10, PGW filed an Answer and New Matter denying the allegations. A hearing was held on 2/6/12. In an Initial Decision, issued on 7/12/12, ALJ Fordham dismissed the Complaint. The Complainant filed Exceptions on 8/8/12. PGW filed Replies to Exceptions on 8/20/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's 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>
2219826-OSA (PP from 01/24/2013) Vote 5-0.	C-2011-2219826	BUR OF INVESTIGATION & ENFORCEMENT VS LIMOUSINE SERVICE TRANSPORTATION INC - Complaint initiated on 1/13/11 for failure to file evidence of insurance. By Secretarial Letter of 4/12/11, the Commission noted that the Respondent had been notified of the Complaint and had failed to answer it. The Commission deemed the allegations of the Complaint to be admitted and directed the Respondent to pay the civil penalty. By Order of 5/24/12, the Commission, inter alia, vacated the 4/12/11 Secretarial Letter and remanded the proceeding to OALJ. In her Initial Decision, issued on 9/12/12, ALJ Jones recommended that the Complaint should be dismissed and that Respondent's Certificate should be reinstated, subject to a condition. I&E filed Exceptions to the Initial Decision and the Respondent filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2247941-OSA Vote 5-0.	C-2011-2247941 C-2011-2242464	THOMAS OLUP VS PENNSYLVANIA AMERICAN WATER - Formal Complaint filed on 6/13/11, alleging that a faulty water main caused damage and safety problems at his residence. On 7/12/11, PAWC filed an Answer and New Matter denying the allegations, as well as Preliminary Objections. A hearing was held on 1/19/12. By Initial Decision issued on 7/18/12, ALJ Long dismissed the Complaint. The Complainant filed Exceptions on 8/07/12. Replies to Exceptions were filed by PAWC on 8/17/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2253209-OSA Vote 5-0.	C-2011-2253209	ULONDA BEATY VS PPL ELECTRIC UTILITIES CORP - Formal Complaint filed on 7/14/11, requesting a payment arrangement. On 8/9/11, PPL filed an Answer. A hearing was held on 2/8/12, with a rescheduled hearing held on 4/20/12. In an Initial Decision issued 8/22/12, Special Agent Alexander dismissed, in part, and sustained, in part, the Complaint. The Complainant filed Exceptions on 9/19/12. PPL filed Replies to Exceptions on 10/1/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.
2281997-OSA Vote 5-0.	F-2012-2281997	MIRO KAMENIK VS PECO ENERGY COMPANY - Formal Complaint filed on 12/28/11, in which he alleged his inability to pay his electric and natural gas utility bills. On 1/26/12, PECO filed an Answer. A telephonic hearing was held on 5/14/12. In an Initial Decision issued 8/21/12, Special Agent Hunt denied the Complaint. The Complainant filed Exceptions on 9/7/12. PECO filed Replies to Exceptions on 9/28/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision, consistent with the Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2303471-OSA Vote 5-0.	C-2012-2303471	BRITTANY VOHRER VS PECO ENERGY COMPANY - Formal Complaint filed on 4/30/12, alleging that PECO refused her request to establish electric service in her name at the residence of her grandmother with whom she and her daughter resided. On 5/22/12, PECO filed an Answer in which it denied a number of the material allegations of fact and conclusions of law in the Complaint and requested that the Complaint be dismissed. By Initial Decision issued 10/10/12, ALJ Jones recommended that the Complaint be dismissed with prejudice due to the Complainant's failure to appear at the hearing and prosecute the Complaint. On 11/2/12, the Complainant filed Exceptions to the Initial Decision. On 11/13/12, PECO filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision.
2316995-OSA Vote 5-0.	A-2012-2316995	LIFESTAR AMBULANCE, INC - Certificated carrier operating in the City of Philadelphia and in Chester County since 8/31/09. On 8/1/12, the Applicant filed an application seeking to provide contract carrier service for Medical Transport System, LLC, in the additional Counties of Bucks and Montgomery. By Order entered 12/5/12, the application for contract carrier rights was denied and dismissed. On 12/21/12, the Applicant filed a Petition for Reconsideration of the December 2012 Order. No response has been filed to the Petition. Per Order of 12/31/12, the Petition was granted pending further review of, and consideration on, the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying the petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327785-OSA Vote 5-0.	C-2012-2327785	<p>BUR OF INVESTIGATION & ENFORCEMENT VS K G TRUCKING LLC</p> <p>- Complaint instituted on 10/14/12, alleging failure, inter alia, to pay its total assessment amount for the 7/1/11 to 6/30/12 Fiscal Year. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$109, consisting of the outstanding assessment balance of \$52, and a civil penalty of \$57; and (2) the Respondent's Certificate of Public Convenience be cancelled if it failed to pay the amount owing. 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 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>
2330856-OSA Vote 5-0.	C-2012-2330856	<p>BUR OF TECHNICAL UTILITY SERVICES VS FRED AMENDOLA T/A VENUS LIMOUSINE</p> <p>- Per Letter of 11/7/12 (November 2012 Letter), the Commission's Bureau of Technical Utility Services stated that it had reviewed the information submitted by Fred Amendola t/a Venus Limousine relative to the Respondent's request for a waiver from the requirement that a vehicle used in limousine service be no more than eight model years old. The November 2012 Letter denied the Respondent's request because the Respondent's application for exemption from the "eight-year" rule had not been timely submitted and was also deemed incomplete. On 11/26/12, the Respondent filed a Letter-Petition for Appeal from Staff Action with reference to the November 2012 Letter. No response to the Petition has been received.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the petition.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2338581-OSA Vote 5-0.	A-2012-2338581 A-311275F7003	COMMONWEALTH TELEPHONE T/A FRONTIER COMMUNICATIONS COMMONWEALTH AND CINGULAR WIRELESS - Petition filed on 12/11/12, 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.
2338932-OSA Vote 5-0.	A-2012-2338932	CONSOLIDATED COMMUNICATIONS OF PENNSYLVANIA AND T-MOBILE - Joint Petition filed on 12/13/12, seeking approval of an Interconnection Agreement and an Amendment 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.
2338956-OSA Vote 5-0.	A-2012-2338956 A-311067F7002	UNITED TELEPHONE D/B/A CENTURYLINK AND AT&T MOBILITY - Joint Petition filed on 12/13/12, seeking approval of an Amendment 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>
1154864-TUS Vote 5-0.	A-125094	COLONIAL ENERGY INC - Application filed on 8/30/01, and approval was granted for a license to supply natural gas services as a supplier to customers in the natural gas distribution company (NGDC) service territory of UGI Utilities. On 9/21/06, a modification was granted to their license, authorizing them to supply natural gas services in the additional NGDC territory of PECO Energy. On 10/12/12, Colonial Energy filed an application to offer, render, furnish, or supply natural gas supply services as a supplier and broker/marketer to small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial, and governmental customers in the additional NGDC service territories of 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.
1167840-TUS Vote 5-0.	A-125108	SNYDER BROTHERS INC - Application filed on 12/7/12, for approval to amend its natural gas supplier license to add residential, small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial and governmental customers in the natural gas distribution company (NGDC) service territory of Peoples TWP, LLC. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

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<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1206859-TUS Vote 5-0.	A-110173	AMERICAN POWERNET MANAGEMENT LP - Request filed on 7/29/11, to amend its electric generation supplier license as a broker/marketer to include residential and small commercial (25kW and under) customers in Mixed Meter Scenarios. On 10/6/11, APNM filed a request to further amend its electric generation supplier license for approval to offer, render, furnish or supply electricity as a supplier. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendments to the electric generation supplier license.
2133285-TUS Vote 5-0.	A-2009-2133285 A-00101219	BERYL ACRES SEWAGE - Joint Application filed on 9/11/09, nunc pro tunc, of the Estate of Samuel and Beryl Bottone d/b/a Beryl Acres Sewage Treatment Plant for approval of (1) the sale of its wastewater system to Robert Michael Merashoff, Jr. and (2) the abandonment of wastewater service by the Estate of Samuel and Beryl Bottone d/b/a Beryl Acres Sewage Treatment Plant located in the Beryl Acres Plan of Lots in a portion of North Bethlehem Township, Washington County. Robert Michael Merashoff, Jr. will retain the fictitious name of d/b/a Beryl Acres Sewage Treatment Plant that would maintain continuity with the Commission and DEP. No protests were filed no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order that approves the joint application.
2278221-TUS Vote 5-0.	A-2011-2278221	EMPIRE AMBULANCE INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Huntingdon Valley, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

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<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2285271-TUS Vote 5-0.	A-2012-2285271	RALPH NELSON WALTMAN JR - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order denying and dismissing the application.
2294868-TUS Vote 5-0.	A-2012-2294868	JOHN D HEBERT T/A J D HEBERT TRANSPORTATION - 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. York County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2301127-TUS Vote 5-0.	A-2012-2301127	HESS SMALL BUSINESS SERVICES LLC - Application filed on 7/19/12, for approval to operate as a supplier of natural gas services to small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial and governmental customers in the natural gas distribution company service territories of UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, PECO Energy, and Philadelphia Gas Works. On 12/4/12, HSBS requested an amendment to its license for the additional natural gas distribution company service territories of Equitable Gas, Peoples TWP, Peoples Natural Gas, Columbia Gas , and National Fuel Gas within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2301506-TUS Vote 5-0.	A-2012-2301506	BONNIE L ANDERSON - 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. East Waterford, Juniata County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2302918-TUS Vote 5-0.	A-2012-2302918	EMINENT MEDICAL TRANSPORT INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application.
2316981-TUS Vote 5-0.	A-2012-2316981	CARRIED AWAY RECREATION - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Greenville, Mercer County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2317004-TUS Vote 5-0.	A-2012-2317004	PRN TRANSIT SERVICE INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2317200-TUS Vote 5-0.	A-2012-2317200	BONICK'S BODY GUARD SERVICES LLC T/A BONICK'S LIMO - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Plains Township, Luzerne County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2320355-TUS Vote 5-0.	A-2012-2320355	GERMAN AND THARAMEL LLC T/A PA MEDICAL RESPONSE - 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 dismissing the application.
2321489-TUS Vote 5-0.	A-2012-2321489	SUGARCREEK TOWNSHIP AMBULANCE SERVICE - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Armstrong, Butler and Clarion Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2321951-TUS Vote 5-0.	A-2012-2321951	PEARL EXPRESS LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in scheduled route service. RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application.
2322682-TUS Vote 5-0.	A-2012-2322682 A-2012-2322686 A-2012-2322689 A-2012-2322693 A-2012-2322696	LOCAL ACCESS LLC - Application filed on 8/3/12, for approval to offer, render, furnish or supply telecommunication services as a: 1) CLEC in the service areas of VZ PA, VZ North and United Telephone d/b/a CenturyLink; 2) Reseller Interexchange Carrier (detariffed) throughout PA; and, 3) Facilities-Based Interexchange Carrier (detariffed) throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: The Commission approve the application consistent with the proposed Order.
2322734-TUS Vote 5-0.	A-2012-2322734 P-2012-2322863	PPL ELECTRIC UTILITIES CORP - Application filed on 8/30/12, for approval of the siting and construction of the West Hershey #1 & #2 138 kV Transmission Tap Line in Derry Township, Dauphin County. No protest was filed and no hearing was held. Also, a Petition filed on 8/30/12, for a finding that a building to shelter control equipment at the proposed West Hershey 69-13 kV Substation in Derry Township, Dauphin County, is reasonably necessary for the convenience or welfare of the public and therefore, exempt from any local zoning ordinance. No protest was filed. A hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application and grants the petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2322960-TUS Vote 5-0.	A-2012-2322960	KRAMER MILL WOODCRAFT LLC T/A AL'S EXPRESS - 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. East Earl, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2323773-TUS Vote 5-0.	A-2012-2323773	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 9/10/12, for approval of the right to offer, render, furnish, or supply water service to the public in an additional portion of West Caln Township, Chester County. No protests were filed and no hearings were conducted. RECOMMENDATION: The Commission adopt the proposed Order that approves this application.
2324082-TUS Vote 5-0.	A-2012-2324082	HONESDALE VOLUNTEER AMBULANCE CORPS INC T/A HONESDALE EMS - 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.
2325112-TUS Vote 5-0.	A-2012-2325112	S-Z TRUCKING LLC - 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. Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2325273-TUS Vote 5-0.	A-2012-2325273	RPA ENERGY INC - Application filed on 9/17/12, for approval to become a licensed electric generation supplier (EGS) as a supplier to residential, and small commercial (25kw and under) customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2325313-TUS Vote 5-0.	A-2012-2325313	LEROY CAMPBELL & JAVIAN A ARMSTRONG CO-PARTNERS - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Cumberland and Franklin Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2326044-TUS Vote 5-0.	A-2012-2326044	BRIGITTES DIGITS 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 denying and dismissing the application.
2326281-TUS Vote 5-0.	A-2012-2326281	EUGENE R MOWERY - 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.
2327227-TUS Vote 5-0.	A-2012-2327227 A-2012-2327366	TRANSBEAM INC - Application filed on 9/13/12, for approval to offer, render, furnish or supply telecommunication services as a: CLEC in Philadelphia within the operating territory of VZ PA in PA; and, Reseller Interexchange Carrier throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: The Commission approve the application consistent with the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327584-TUS Vote 5-0.	A-2012-2327584	ENERGY.ME MIDWEST LLC T/A ENERGY.ME - Application filed on 9/28/12, for approval to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25kW demand), industrial, and governmental customers in the electric distribution company service territories of PECO Energy, PPL Electric, Duquesne Light, Met-Ed, Penelec, Penn Power, and West Penn Power, in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2328361-TUS Vote 5-0.	A-2012-2328361	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 10/9/12, for approval of (1) the transfer, by sale, of waterworks property and rights of the Indian Rocks Property Owners Association, Inc. of Ledgesdale to PAWC; and, (2) the commencement by PAWC of water service to the public in portions of Salem Township, Wayne County, presently being served by Indian Rocks. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order that approves the application.
2328427-TUS Vote 5-0.	A-2012-2328427 A-00118278	SOUTH CENTRAL EMERGENCY MED SERVICES - 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.
2330207-TUS Vote 5-0.	A-2012-2330207	WILLIAMSPORT AREA AMBULANCE SERVICE COOPERATIVE T/A SUSQUEHANNA REGIONAL EMS - 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.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2334259-TUS Vote 5-0.	A-2012-2334259	L5E LLC - Application filed on 11/13/12, 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 demand), large commercial (over 25kW demand), industrial, and governmental customers in all of the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2334497-TUS Vote 5-0.	R-2012-2334497	ROSTRAVER/WEST NEWTON EMERGENCY SERVICES - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Paratransit PA PUC No. 2, to become effective 2/18/13.
2335819-TUS Vote 5-0.	A-2012-2335819	NORTH EASTERN STATES INC T/A ENTRUST ENERGY - Application filed on 10/19/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial and governmental customers in the electric distribution company service territories of Duquesne Light, Met-Ed, PECO Energy, Penn Power, Penelec, PPL Electric, and West Penn Power in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the electric generation supplier license application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2337446-TUS Statement by Commissioner Witmer. Vote 5-0.	A-2012-2337446	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 12/4/12, 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: The Commission adopt the proposed Order that approves the application.
2338996-TUS Vote 5-0.	P-2012-2338996	PPL ELECTRIC UTILITIES CORP - Petition filed on 12/13/12, seeking authority to defer certain expenses associated with storm damage caused by Hurricane Sandy occurring late October 2012 in its service territory for regulatory accounting and reporting purposes. RECOMMENDATION: The Commission approve the proposed Order approving the petition.
2339475-TUS Vote 5-0.	R-2012-2339475	PECO ENERGY COMPANY-ELECTRIC - Supplement No. 61 to Tariff Electric – Pa. P.U.C. No. 4 filed on 12/14/12, proposing to modify Rule 18.7 Reconnection Charge by adding a remote reconnection charge. The remote charge of \$20 reduces customer cost for reconnect and reduces PECO’s operational expenses by reducing the need for a truck to be dispatched to physically reconnect a customer’s service. RECOMMENDATION: That the Commission adopt the proposed Order approving Supplement No. 61 to Tariff Electric – Pa. P.U.C. No. 4, to become effective 2/14/13.
2339775-TUS Vote 5-0.	A-2012-2339775 A-2012-2339776 A-2012-2339773	NMG TELECOM LLC - Application filed on 12/11/12, for approval to offer, render, furnish or supply telecommunication services as a Reseller Interexchange Carrier (detariffed) throughout PA; and, a CLEC in the service areas of VZ PA and VZ North. No protests were filed and no hearings were held. RECOMMENDATION: The Commission approve the application consistent with the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1180794-LAW Vote 5-0.	A-311283	CERTAINTY TECH TELECOM LLC - Failure to properly notify the Commission of a transfer of ownership, has failed to pay its annual assessments in 2008, 2009, 2010, and 2011, and currently does not operate in PA. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2341935-LAW Vote 5-0.	P-2013-2341935	PEOPLES NATURAL GAS CO LLC - Petition pursuant to SFAS No. 71 and 66 Pa. C.S. § 1701, for authorization to establish a regulatory asset (or liability) for amounts that otherwise would be recorded to equity under Statements of Financial Accounting Standards (SFAS) No. 158, related to accounting for the overfunded and underfunded status of its pension plan for salaried employees and its postretirement health care and life insurance benefits program (OPEB Plan). Peoples states that the establishment of a regulatory asset would allow the utility, in future rate-based proceedings, to be able to recover pension and OPEB plan contributions and properly fund its future obligations. RECOMMENDATION: That the Commission adopt the proposed Order.
2343445-LAW Vote 5-0.	P-2013-2343445 A-2010-2155225	PENNDOT - Petition filed to Transfer Jurisdiction to Court of Common Pleas of Westmoreland County for a Determination of Damages Due, pursuant to Section 2704 of the Public Utility Code. RECOMMENDATION: That the Commission adopt the Order.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2343874-LAW

P-2013-2343874

Vote 5-0.

VERIZON NORTH LLC
- Petitions for a bona fide retail request deployment extension of approximately two months to 3/21/13, relating to its Pleasantville CSA 3001 pursuant to 66 Pa. C.S. § 3014(c)(5). Verizon North asserts that the delay is attributable to 33 new poles that must be set and placed by Warren Electric Cooperative. Warren Electric Cooperative will not be able to complete its project until 2/28/13. After the new poles are set and placed, Verizon expects that it will be able to complete construction by 3/21/13.
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>
2170467-ALJ Vote 5-0.	C-2010-2170467	GEORGIANA WOODHALL & MILLIE GALAGAZA VS EQUITABLE GAS - Formal Complaint filed on 4/14/10, alleging, among other things, that Complainants were expecting a greater reduction in their gas bill with the installation of a new furnace. Equitable filed its answer on 4/30/10. A hearing was held 10/18/10. COMMISSION REVIEW: That the Commission adopt ALJ Long's Initial Decision dismissing the complaint for failure to carry the burden of proof.
2304631-ALJ Vote 5-0.	A-2012-2304631 A-2012-2304648 A-2012-2304649 A-2012-2304653	PPL ELECTRIC UTILITIES CORP - Application filed on 5/15/12, for approval of the siting and construction of the Blooming Grove-Jackson and Peckville-Jackson 138/69 kV Transmission line in Monroe County. Three other applications were filed for a finding and determination that the service to be furnished by PPL through its proposed exercise of eminent domain to acquire a right-of-way and easement over and across the lands of the three property owners for the proposed transmission line. No protests or opposition were received. A hearing was held on 10/3/12. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision approving the application.
2312767-ALJ Vote 5-0.	M-2012-2312767	PENNSYLVANIA ELECTRIC CO - Energy Efficiency and Conservation Charge 1307(e) Reconciliation Statement of Revenues and Expenses for the EEC-C Reconciliation Year Ended 5/31/12, filed on 6/29/12. 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.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2312769-ALJ Vote 5-0.	M-2012-2312769	PENNSYLVANIA POWER CO - Price to Compare and Hourly Reconciliation Statement of Revenue and Expenses for the Reconciliation Year Ended 5/31/12, filed on 6/29/12. That filing was amended 7/13/12. 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.
2312770-ALJ Vote 5-0.	M-2012-2312770	METROPOLITAN EDISON CO - Price to Compare and Hourly Reconciliation Statement of Revenue and Expenses for the Reconciliation Year Ended 5/31/12, filed on 6/29/12. That filing was amended 7/13/12. 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.
2332010-ALJ Vote 5-0.	P-2012-2332010	UGI UTILITIES, INC - ELECTRIC DIVISION - Petition filed on 11/1/12, for approval to extend the current default service plan set to expire on 5/31/13 for twelve months so that its expiration will coincide with the expiration of the default service plan for the rest of its customer classes. This class has the potential of 43 customers, with only 13 customers receiving default service in 9/2012. OCA intervened for the sole purpose of monitoring the case for any effect on the residential customers and has no objection to this Petition. No other entity participated. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving of the Petition.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

February 14, 2013

BUREAU OF ADMINISTRATION

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2114141-BAS Vote 5-0.	M-2009-2114141	ACT 129 STATE WIDE EVALUATOR - The Commission has been charged by the Pennsylvania General Assembly pursuant to Act 129 of 2008 ("Act 129") with establishing an Energy Efficiency and Conservation Program. The EE&C Program requires each EDC with at least 100,000 customers to adopt a plan to reduce energy demand and consumption within its service territory. The Commission seeks a Statewide Evaluator to evaluate the EDCs' Phase II Energy Efficiency and Conservation Programs. RECOMMENDATION: That the Commission approve the selection for the Act 129 State Wide Evaluator.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2283641-OSA Vote 5-0.	P-2012-2283641	PECO ENERGY COMPANY-ELECTRIC - Opinion and Order entered 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 12/14/12, RESA filed a Petition for Reconsideration Nunc Pro Tunc or for Amendment. On 12/27/12, PECO and the OSBA filed Answers in Opposition to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2320369-OSA Vote 5-0.	P-2012-2320369 M-2012-2289411 M-2008-2069887	PPL ELECTRIC UTILITIES CORP - Phase II Implementation Order adopted on 8/2/12, that established the standards for electric distribution companies' (EDCs') Energy Efficiency and Conservation Plans for 6/1/13 to 5/31/16, pursuant to Act 129 of 2008. The Order established specific energy reduction targets for each EDC and provided an opportunity for the EDCs to contest their targets by filing a petition for an evidentiary hearing by 8/20/12. PPL filed its Petition on 8/20/12 seeking, inter alia, an affirmation that an EDC retains the right to request modifications to its Phase II targets. The matter was assigned to the OALJ for hearing and ALJ Barnes certified the record to the Commission on 11/1/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that, inter alia, grants, in part, and denies, in part, the Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2273650-VWU Motion by Commissioner Cawley. Vote 5-0.	P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670	METROPOLITAN EDISON CO. - Joint Petition filed on 11/14/12, for approval of the Revised Default Service Plan (DSP) Retail Market Enhancement (RME) Programs of Met Ed, Penelec, Penn Power and West Penn Power (FirstEnergy). FirstEnergy filed a revised RME proposal to incorporate the directives of the Commission's Order entered 8/16/12. The revised RME Programs include revised Time of Use Riders for West Penn and Penn Power, a Retail Opt-In Aggregation Program, procedures for EGSS to pay the costs of the ROI Aggregation Program and the Customer Referral Program, and revisions to the RME Programs. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2283641-VWU

P-2012-2283641

PECO ENERGY COMPANY-ELECTRIC
- Petition for approval of its Revised Default
Service Plan, filed on 12/11/12.

RECOMMENDATION:

That the Commission adopt the proposed Opinion
and Order.

Vote 5-0.