

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, FEBRUARY 28, 2013 (PW)

10:00 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, March 14, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 24, 2013 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 14, 2013 AT 10:00 A.M. PA GAMING CONTROL BOARD, OFFICE OF HEARINGS & APPEALS, STRAWBERRY SQUARE COMPLEX, SECOND 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 27, 2013, 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
AND IN JR. EXECUTIVE CHAMBERS
3RD FLOOR KEYSTONE BUILDING**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

February 28, 2013

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1172824-OSA

A-00119379

Vote 5-0.

CITY OF PITTSBURGH

- Application filed on 11/4/02, seeking approval of the alteration of three bridges over the relevant crossings. On 5/11/06, the City filed an Amended Application. On 7/13/06, ALJ Gesoff issued his Recommended Decision upon Remand. On 8/21/06, the Commission adopted the ALJ's Recommended Decision Upon Remand. On 10/26/10, the Commission entered an Order denying a Joint Motion for Clarification and providing updated dates for the completion of the work outlined in the 2006 Order. On 9/24/12, the Allegheny Commons Initiative filed a Petition to Intervene in the instant proceeding. The following responses to the Petition were received: (1) an Answer in Opposition to the Petition, filed by Norfolk Southern Railway Company on 10/11/12; (2) a Motion to Dismiss the Petition, filed by the City on 10/10/12; and (3) a Response to Norfolk Southern's Answer and the City's Motion, filed by ACI on 10/31/12.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which denies the Petition, making moot the Motion to Dismiss.

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|--------------------------|--|
| 2226096-OSA Vote 5-0. | C-2011-2226096 | C LESLIE PETTKO VS PENNSYLVANIA AMERICAN WATER COMPANY - Formal Complaint filed on 2/8/11, alleging incorrect charges on his bill. PAWC filed a timely Answer which disputed the material allegations of the Complaint. On 4/30/12, the Complainant filed his direct testimony. On 5/29/12, PAWC filed a Motion for Summary Judgment. On 6/22/12, the Complainant filed an Answer to the Motion. On 7/5/12, the Complainant filed a Supplemental Opposition to the Motion. On 7/25/12, the Initial Decision of ALJ Cheskis was issued, which granted the Motion and dismissed the Complaint. On 8/10/12, the Complainant filed Exceptions. On 8/24/12, PAWC filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions, adopts the Initial Decision and dismisses the Complaint. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2263256-OSA Vote 5-0. | F-2011-2263256 | MARIA GONDA CAIACCIA VS DUQUESNE LIGHT COMPANY - Formal Complaint filed on 9/12/11, alleging that there were incorrect charges on her electric utility bill. On 10/11/11, Duquesne Light filed an Answer. Hearings were held on 2/21/12 and 5/15/12. In an Initial Decision issued 8/31/12, ALJ Long dismissed the Complaint. The Complainant filed Exceptions on 9/17/12. Duquesne 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 Initial Decision, consistent with the Opinion and Order. |
| 2272410-OSA Vote 5-0. | F-2011-2272410 | ANNE WILSON VS PECO ENERGY COMPANY - Formal Complaint filed on 11/4/11, alleging, inter alia, overbilling in the amount of approximately \$2,846. On 12/5/11, PECO file an Answer denying the allegations. A telephonic hearing was held on 4/16/12. In an Initial Decision, issued on 7/23/12, ALJ Heep dismissed the Complaint. The Complainant filed Exceptions on 8/13/12. PECO filed Replies to Exceptions on 8/22/12. 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. |
| 2278257-OSA Vote 5-0. | C-2011-2278257 | TONY CANNON VS VERIZON PENNSYLVANIA INC - Formal Complaint filed on 11/30/11, alleging various billing and telephone service issues. An evidentiary hearing was held on 9/13/12. By Initial Decision issued 10/31/12, ALJ Buckley recommended that the Complaint be dismissed. On 11/6/12, the Complainant filed Exceptions to the Initial Decision. On 11/29/12, Verizon filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2290597-OSA Vote 5-0. | R-2012-2290597 | PPL ELECTRIC UTILITIES CORP - By Order entered 12/28/12, the Commission, inter alia, authorized PPL to file tariffs, tariff supplements and/or tariff revisions designed to produce an annual distribution rate revenue increase of approximately \$71.065 million, effective for service rendered on or after 1/1/13. On 1/14/13, OCA filed a Petition for Reconsideration or Clarification. Answers to the Petition were filed on 1/24/13, by PPL and the Commission's Bureau of I&E. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order. |
| 2294930-OSA Vote 5-0. | R-2012-2294930 A-6310311 | ROSEMONT TAXICAB CO INC - Tariff filed on 3/22/12, proposing an increase in its revenues to cover increased operating expenses. By Order entered on 8/2/12, the Commission denied Rosemont's proposed tariff on the basis that Rosemont failed to provide information that would enable the Commission to assess the need for a rate increase. On 8/17/12, Rosemont filed a Petition for Reconsideration seeking reconsideration of the Opinion and Order entered on 8/2/12. Answers to the Petition have not been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition for Reconsideration and refers this matter to the Bureau of Technical Utility Services. |
| 2301664-OSA Vote 5-0. | P-2012-2301664 | DUQUESNE LIGHT COMPANY - By Order entered 1/25/13, the Commission granted, in part, Duquesne's Petition for Approval of a DSP. On 2/1/13, Duquesne filed a Petition for Clarification. No Answers to the Petition were received by the Commission. 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> |
|--------------------------|--------------------------|--|
| 2310988-OSA Vote 5-0. | F-2012-2310988 | DEE ANN EBERSOLE BROWN VS UNITED TELEPHONE D/B/A CENTURYLINK - Complaint filed on 6/20/12, alleging incorrect charges on her bills and a reliability, safety or quality problem with her services. By way of relief, she asked the Commission to order CenturyLink to correct the errors on the bills and pay restitution for anguish she suffered. On 10/9/12, the Commission issued ALJ Salapa's Initial Decision in which he dismissed the Complaint with prejudice for lack of jurisdiction. On 11/8/12 the Complainant filed Exceptions. Replies to Exceptions were filed by CenturyLink on 11/31/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Complainant's Exceptions, modifies the ALJ's ID, remands this case to the OALJ for such further proceedings as may be required and the issuance of an ID upon Remand. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2312445-OSA Vote 5-0. | C-2012-2312445 | <p>PUC - INVESTIGATION AND ENFORCEMENT VS WALTER H MCKEON INC - Complaint initiated on 7/3/12, 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 \$4,667, consisting of the outstanding assessment balance of \$4,062, and a civil penalty of \$605; 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 on 11/21/12, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience 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, sustains the Complaint and grants the relief requested therein.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2313522-OSA Vote 5-0. | C-2012-2313522 | <p>PUC - INVESTIGATION & ENFORCEMENT VS EASTERN CONNECTION OPERATING INC - Complaint initiated on 7/12/12, alleging that the 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 \$3,645, consisting of the outstanding assessment balance of \$2,300, and a civil penalty of \$1,345; and (2) the Respondent's Certificate of Public Convenience be cancelled if failure 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 on 11/21/12, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience 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> |
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| 2314235-OSA Vote 5-0. | R-2012-2314235 C-2012-2320395 C-2012-2321898 R-2012-2314224 C-2012-2320397 C-2012-2320645 R-2012-2314247 C-2012-2320398 C-2012-2320649 | <p>UGI UTILITIES, UGI PENN NAT, UGI CENTRAL - UGI Companies on 7/13/12, filed supplements to their gas tariffs to become effective 9/11/12. Complaints were filed by the OCA, OSBA, and Petitions to Intervene were filed by Shipley Energy, RESA, and South Jersey Energy Company. A Joint Petition for Settlement was filed proposing a settlement of all issues in the proceedings. On 1/17/13, the Recommended Decision of ALJ Fordham was issued, which recommended approval of the Settlement without modification. On 1/24/13, Shipley filed a Letter in Lieu of Exceptions supporting the recommendation to adopt the Settlement, but noting several technical concerns with the Recommended Decision. The Letter Exceptions were either supported by or not opposed by all Parties to the proceedings.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants Shipley's Letter Exceptions, modifies the Recommended Decision and adopts the proposed Settlement without modification.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|--------------------------|---|
| 2316131-OSA Vote 5-0. | A-2012-2316131 | DZ TAXI LLC - Application filed on 7/11/12, for certain call and demand authority. Upon review of the Application, TUS determined that additional information was needed before the Application could be published in the PA Bulletin. By Letter dated 9/26/12, TUS requested that the Applicant submit certain additional information within 10 business days. By Order of 12/5/12, the Application was denied and dismissed on the basis of the Applicant's failure to timely comply with the information request. On 12/14/12, the Applicant filed a Petition for Reconsideration of the December 2012 Order. No response has been filed to the Petition. Per Order of 12/20/12, the Petition was granted pending review of the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Applicant's Petition; (2) rescinds the December 2012 Order; and (3) refers this matter to TUS for further proceedings. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---------------------------------|--------------------------|--|
| 2327789-OSA Vote 5-0. | C-2012-2327789 | PUC - INVESTIGATION AND ENFORCEMENT VS POTOKA TRUCKING INC - Complaint initiated on 10/4/12, alleging failure to file an assessment report and to pay its assessment. I&E requested that the Respondent be ordered to pay \$120, consisting of an outstanding assessment balance of \$65 and a civil penalty of \$55, and that 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 or take other action. As a result, I&E filed a Motion for Default Judgment on 11/19/12, requesting that the Complaint be sustained and that, inter alia, 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, sustains the Complaint and grants the relief requested therein. |
| 2335147-OSA Vote 5-0. | C-2012-2335147 | MID ATLANTIC TRANSPORTATION SERVICES, INC - Per Letter of 11/21/12, the Commission's Bureau of Technical Utility Services stated that it had reviewed the information submitted by the Petitioner requesting a waiver of the requirement that a vehicle used in limousine service be no more than eight model years old. The November 2012 Letter denied the Petitioner's request because the Petitioner's application for a waiver had not been timely submitted, was deemed incomplete, and the carrier was not in compliance with Commission Regulations. On 12/5/12, the Petitioner filed a Letter-Petition for Appeal from Staff Action, with reference to the November 2012 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

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2339281-OSA

A-2012-2339281

Vote 5-0.

UNITED TELEPHONE D/B/A CENTURYLINK
AND XO COMMUNICATIONS SERVICES
- Joint Petition filed on 12/17/12, requesting 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 that grants the Joint Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|---|---|
| 2179537-TUS Vote 5-0. | A-2010-2179537 | EMEX LLC - Application filed on 5/14/10, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for large commercial customers in all the electric distribution service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2277294-TUS Vote 5-0. | A-2011-2277294 A-00118332 C-00018627 | PENNDOT - Application to replace the existing bridge where SR 2082 (Hulton Rd) crosses a single track of Norfolk Southern Railway Company and the Allegheny River in Harmar Township and the Borough of Oakmont, Allegheny County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended. |
| 2293977-TUS Vote 5-0. | A-2012-2293977 | ROBERT D ZIMMERMAN - 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. |
| 2298532-TUS Vote 5-0. | A-2012-2298532 | HIKO ENERGY LLC - Application filed on 7/19/12, for approval to operate as a supplier of natural gas services to 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 service territories of PECO Energy and UGI Utilities. On 11/30/12, HIKO Energy filed a request to amend its license to operate in the additional service territories of Columbia Gas, National Fuel Gas, Peoples National Gas, Philadelphia Gas Works, UGI Central Penn Gas, UGI Penn Natural Gas, and Valley Energy. RECOMMENDATION: That the Commission adopt the proposed Tentative Order which approves the application subject to conditions. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---------------------------------|--------------------------|--|
| 2303459-TUS Vote 5-0. | A-2012-2303459 | L & M MOVERS LP - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2305674-TUS Vote 5-0. | A-2012-2305674 | QRST2 LLC T/A QUICK RESPONSE MEDICAL TRANSPORT - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Delaware, Montgomery and Chester Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2307203-TUS Vote 5-0. | A-2012-2307203 | PENNSYLVANIA AMERICAN WATER CO - WASTEWATER - Application filed on 5/30/12, for approval of (1) the transfer, by sale, of substantially all of Koppel Borough's assets, properties and rights related to its wastewater system to PAWC, and (2) the rights of PAWC to begin to offer or furnish wastewater service to the public in all of Koppel Borough, Beaver County. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order that approves the application. |
| 2309603-TUS Vote 5-0. | A-2012-2309603 | GULFSTREAM AMBULANCE LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia, Montgomery, Bucks, Delaware, Chester and Philadelphia Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2317202-TUS Vote 5-0. | A-2012-2317202 | THREE KINGS TRANSPORTATION LLC - Application for the the transfer of the limousine operating rights of JJJ Rides, LLC. 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> |
|---------------------------------|--|--|
| 2329987-TUS Vote 5-0. | A-2012-2329987 | ENERGY PROCUREMENT PARTNERS - Application filed on 10/12/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25kW demand) and industrial 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. |
| 2333043-TUS Vote 5-0. | A-2012-2333043 A-2009-2147542 | 24-7 LIMO INC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2334044-TUS Vote 5-0. | A-2012-2334044 A-00115575 | RESCUE HOSE AND LADDER COMPANY - 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. |
| 2334046-TUS Vote 5-0. | A-2012-2334046 A-00119624 | HENRY K UMBLE T/A UMBLE TAXI SERVICE - 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. |
| 2334243-TUS Vote 5-0. | A-2012-2334243 A-00120400F4 | G.G.&C BUS COMPANY, INC T/A WASHINGTON CHARTERS - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in call or demand 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> |
|---------------------------------|--------------------------|---|
| 2335070-TUS Vote 5-0. | S-2012-2335070 | AUDUBON WATER COMPANY - Securities Certificate filed on 11/9/12, with respect to the issuance of debt in a principal amount not to exceed \$100,000. No protests were filed and no hearings were held. Audubon Water Company voluntarily extended the consideration period. RECOMMENDATION: That the Commission adopt the proposed Order. |
| 2335073-TUS Vote 5-0. | S-2012-2335073 | AUDUBON WATER COMPANY - Securities Certificate filed on 11/19/12, with respect to the issuance of debt in a principal amount not to exceed \$225,000. No protests were filed and no hearings were held. Audubon Water Company voluntarily extended the consideration period. RECOMMENDATION: That the Commission adopt the proposed Order. |
| 2335292-TUS Vote 5-0. | A-2012-2335292 | CAMERON COUNTY AMBULANCE SVC INC - 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. |
| 2336025-TUS Vote 5-0. | A-2012-2336025 | HAROLD & ANNA MARIE 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. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2336398-TUS Vote 5-0. | A-2012-2336398 | PREMIER LIMO INC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine 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> |
|------------------------------|------------------------------|---|
| 2337559-TUS Vote 5-0. | M-2012-2337559 M-00940567 | CHESTER COUNTY'S 911 - System Renewal Plan filed on 12/3/12, 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 proposed Order which approves a contribution rate of \$1.25 per access line per month. |
| 2337856-TUS Vote 5-0. | A-2012-2337856 | NORTHEASTERN ENERGY CONSULTANTS LLC - Application filed on 11/19/12, 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 energy consulting that will serve residential, small commercial, large commercial, industrial, and governmental customers in all electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2337913-TUS Vote 5-0. | M-2012-2337913 M-00920319 | BERKS COUNTY'S 911 - System Renewal Plan filed on 12/7/12, 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. |
| 2338686-TUS Vote 5-0. | A-2012-2338686 | DEFINITIVE ENERGY GROUP INC - Application filed on 12/12/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25 kW) and industrial customer classes in all the electric distribution company service territories. 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> |
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| 2338936-TUS Vote 5-0. | A-2012-2338936 P-2012-2338928 | PPL ELECTRIC UTILITIES CORP - Application filed on 12/12/12, pursuant to 52 Pa. Code Chapter 57 Subchapter G, for approval of the siting and construction of an extension of the existing Lycoming-Lock Haven #4 138/69 kV Transmission Line in Castanea Township, Clinton County. Authority for this procedure is provided for at §§57.71 -57.77. No protest was filed and no hearing was held. Also, a Petition was filed on 12/12/12, pursuant to 52 Pa. Code §5.41 and 53 P.S. §10619 for a finding that a building to shelter control equipment at the proposed Lock haven 38/69 kV Switchyard in Castanea Township, Clinton 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. |
| 2340487-TUS Vote 5-0. | A-2012-2340487 | UNITED FEDERAL DATA OF PENNSYLVANIA LLC - Application filed on 12/18/12, for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order. |
| 2343423-TUS Vote 5-0. | R-2013-2343423 | IRONTON TELEPHONE CO - 2013 Price Stability Index/Service Price Index filed on 2/1/13. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2343426-TUS Vote 5-0. | R-2013-2343426 | CITIZENS TELEPHONE CO. OF KECKSBURG - 2013 Price Stability Index/Service Price Index filed on 2/1/13. No tariffs were filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing. |
| 2343484-TUS Vote 5-0. | R-2013-2343484 | FRONTIER COMMUNICATION COMPANIES - 2013 Joint Price Stability Index/Service Price Index Report filed on 2/1/13, for Frontier Communications of Breezewood, LLC; Canton, LLC; Lakewood, LLC; Oswayo River, LLC; and Pennsylvania, LLC and accompanying tariff supplements requesting an aggregate rate increase of \$203,275.00. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the report and proposed rate increases. |
| 2343772-TUS Vote 5-0. | S-2013-2343772 | CHOICE ONE COMMUNICATIONS OF PA - Securities Certificate filed on 1/17/13, with respect to the guarantee of debt in a principal amount up to \$500 million. Choice One extended the consideration period to 3/1/13. RECOMMENDATION: That the 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> |
|---|--------------------------|---|
| 2056921-LAW (PP from 02/14/2013) | D-2008-2056921 | VERIZON PENNSYLVANIA LLC - Secretarial Letter dated 2/6/09, adopted the Resolution of Audit Recommendations Resulting from the Network Modernization Plan Audit of Verizon PA (Joint Report). The Joint Report summarized results of a workshop convened between Commission Staff and VZ to discuss resolution of the remaining unresolved recommendations and issues arising from the Commission's audit of Verizon's Sixth Biennial Update encompassing Verizon's NMP commitments for 2005 and 2006 and to establish benchmarks for Verizon's broadband provision performance. The Secretarial Letter also directed Staff and Verizon to reconvene the workshop in the latter part of 2012 to discuss and agree to provisioning benchmarks for the reporting periods ending in 2014 and 2015 that are to be encompassed in the Tenth and Eleventh Biennial Updates, respectively. The Secretarial Letter also provided that upon completion of the workshop, and no later than 12/31/12, details of the workshop shall be presented to Commission. RECOMMENDATION: That the Commission accept the letter dated 12/5/12 from Verizon's counsel as the amended Joint Report contemplated in the 2/6/09 Secretarial Letter, and approve the proposed Secretarial Letter for issuance. |
| 2266832-LAW | L-2011-2266832 | LICENSING REQUIREMENTS FOR NATURAL GAS SUPPLIERS - By Order entered 1/13/12, the Commission initiated a rulemaking to review the scope of its natural gas supplier regulations at 52 Pa. Code § 62.101 and § 62.102. Comments were filed by various interested parties. The Commission has reviewed those comments and issues this Advanced Notice of Final Rulemaking. RECOMMENDATION: That the Commission adopt the Advanced Notice of Final Rulemaking. |

Dissenting Statement By Commissioner Cawley.
Vote 4-1 with Commissioner Cawley Dissenting.

Vote 5-0.

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2271982-LAW (PP from 02/14/2013) Vote 5-0. | M-2011-2271982 | NATURAL GAS PIPELINE REPLACEMENT & PERFORMANCE PLANS - Tentative Order issued on 11/10/11, to address the safety and reliability of natural gas pipelines in PA. The Commission received numerous comments in January 2012. However, while those comments were under consideration, the General Assembly passed Act 11 of 2012. Act 11 allows electric, natural gas and wastewater utilities to petition the Commission for a Distribution System Improvement Charge (DSIC) to allow for the recovery of reasonable and prudently incurred costs related to the repair, improvement and replacement of infrastructure. RECOMMENDATION: That the Commission adopt the Final Order. |
| 2323362-LAW (PP from 02/14/2013) Dissenting Statement by Commissioner Cawley. Statement by Commissioner Witmer. Vote 4-1 with Commissioner Cawley Dissenting. | P-2012-2323362 | OFFICE OF CONSUMER ADVOCATE & DAVID K EBERSOLE JR - Joint Petition for a Declaratory Order that VZ PA has not met its legal obligation to the Greensburg Community Service Area 1125 Bona Fide Retail Request Group for accelerated deployment of advanced services pursuant to 66 Pa. C.S. § 3014(c) by directing the BFRR applicants to apply to Verizon Wireless for wireless 4G LTE broadband services instead of providing the applicants the lower priced DSL service they had requested in their applications. On 12/26/12, the Commission entered a Tentative Order denying the petition, but ordered VZ PA to submit responses contained therein relating to how VZ PA handled the BFRR from a customer service perspective. RECOMMENDATION: That the Commission adopt the proposed Final Order. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2324073-LAW Vote 5-0. | L-2012-2324073 M-2012-2317481 L-2012-2296005 | RULEMAKING - PAPER FILING - ELIMINATION OF COPIES - The Efficient Work Group was formed to streamline Commission paperwork requirements and processes. The Group has determined that the Commission should change some of its procedural regulations to reduce paper copy filings. On 7/19/12, the Commission adopted a Proposed Rulemaking Order, Docket No. L-2012-2296005 which recommended eliminating certain additional paper copy filing requirements. On 8/16/12, the Commission issued two Secretarial Letters announcing that the Commission was also temporarily waiving other requirements to file additional paper copies and waiving existing regulations to increase the size of qualified documents that may be eFiled. In addition to the regulations contained in the 7/19/12 Order and the two Secretarial Letters issued on 8/16/12, the Group has identified other regulations containing additional paper copy filing requirements, all of which have been recommended for elimination in the Proposed Rulemaking Order. RECOMMENDATION: That the Commission adopt the Proposed Rulemaking Order. |
| 2340409-LAW Vote 5-0. | P-2012-2340409 R-2012-2336379 | YORK WATER CO - Governor Corbett signed Act 11 of 2012 into law on 2/14/12, amending Chapters 3, 13 and 33 of the Public Utility Code. Section 1311(c) permits, in pertinent part, a utility that provides water and wastewater service to petition the Commission for authorization to prepare a combined water and wastewater filing so that the utility may seek to allocate a portion of its wastewater revenue requirement to the combined water and wastewater customer base. RECOMMENDATION: That the Commission adopt the proposed Order that grants the instant petition. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2341569-LAW Vote 5-0. | P-2013-2341569 | VPSI INC D/B/A VRIDE - Letter-Petition filed on 12/21/12, requesting clarification and/or waiver of the Commission's regulation at 52 Pa. Code § 29.105 regarding employee commuter vanpooling. On 1/24/13, VPSI Inc., submitted a letter amending its Petition for Clarification. RECOMMENDATION: That the Commission adopt the proposed Clarification Order. |
| 2342756-LAW Vote 5-0. | P-2013-2342756 | WEST PENN POWER CO - Petition filed on 1/11/13, seeking to change the 2/28/13 due date for its USECP and the 10/31/15 due date for the evaluation to 2/28/14, and 10/31/16, respectively, to align WPP's reporting requirements with those of its affiliated FirstEnergy Corporation EDCs. RECOMMENDATION: That the Commission adopt the proposed Order. |
| 2345492-LAW Vote 5-0. | M-2013-2345492 | 1307(e) RECONCILIATION STATEMENT PILOT PROGRAM - The Commission seeks to streamline administrative procedures governing Section 1307(e) reconciliation statements through a one-year pilot program. RECOMMENDATION: That the Commission adopt the Tentative Order. |

OFFICE OF ADMINISTRATIVE LAW JUDGE

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|--------------------------|---|
| 2228324-ALJ Vote 5-0. | C-2011-2228324 | DONALD MARTIN SR VS VERIZON PA - Complaints filed on 2/28/11 and 1/19/12, respectively, alleging, inter alia, a billing dispute; reliability and quality of service issues with his residential telephone service; and reasonable service issues related to VZ's customer service automated system and VZ's response to service outage and quality problems. VZ filed individual answers addressing each complaint. Numerous hearings were held. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Initial Decision denying the complaints. |
| 2302261-ALJ Motion by Chairman Powelson. Vote 5-0. | R-2012-2302261 | RIEMER GAS COMPANY INC - Supplement No. 18 to Tariff Gas - PA P.U.C. No. 3, filed on 4/30/12, containing proposed changes in rates, rules, and regulations calculated to produce additional annual revenues to become effective 8/1/12. On 11/26/12, a Joint Petition for Settlement of Rate Investigation was filed. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Recommended Decision approving the Settlement without modifications. |
| 2312772-ALJ Vote 5-0. | M-2012-2312772 | PENNSYLVANIA ELECTRIC 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. 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> |
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| 2313621-ALJ Vote 5-0. | M-2012-2313621 M-2009-2093217 | DUQUESNE LIGHT COMPANY - Rider 15 – Energy Efficiency and Conservation and Demand Response Surcharge Rider Reconciliation Report for the period ended 5/31/12, filed on 7/2/12. 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. |
| 2331887-ALJ Vote 5-0. | M-2012-2331887 | PECO ENERGY COMPANY - ELECTRIC - Reconciliation Statement for the Transmission Service Charge Section 1307(e) Mechanism for the period of 11/1/11 through 9/30/12, filed on 10/31/12. A hearing was held on 11/27/12. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis’ Recommended Decision accepting the Statement insofar as it undisputed. |
| 2331900-ALJ Vote 5-0. | M-2012-2331900 | NORTH EAST HEAT & LIGHT CO. - Over/Under Collections Gas Cost Rate Section 1307(e) Statement for the Rolling Twelve Months Ending 8/12, filed on 10/26/12. A hearing was held on 11/27/12. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis’ Recommended Decision accepting the Statement insofar as it undisputed. |
| 2332576-ALJ Vote 5-0. | M-2012-2332576 | WALKER GAS - ORWELL NATURAL GAS CO - Section 1307(e) Gas Cost Rate Reconciliation Statement setting forth the over/under collections for the twelve month period ending 8/31/12, filed on 11/2/12. 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. |
| 2332696-ALJ Vote 5-0. | M-2012-2332696 | UGI UTILITIES, INC - ELECTRIC DIVISION - Customer Assistance Program Rider Reconciliation Statement for the Period 10/1/11 through 9/30/12, filed on 10/29/12. On 12/12/12, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell’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> |
|---------------------------------|--------------------------|---|
| 2332703-ALJ Vote 5-0. | M-2012-2332703 | UGI PENN NATURAL GAS COMPANY - Universal Service Program Rider Reconciliation Statement for the period of 10/1/11 through 9/30/12, filed on 10/29/12. A hearing was held on 12/12/12. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the statement insofar as it is undisputed. |
| 2332710-ALJ Vote 5-0. | M-2012-2332710 | UGI CENTRAL PENN GAS, INC - Section 1307(e) Universal Service Program Rider Reconciliation Statement for the Period of 10/1/11 through 9/30/12, filed on 10/29/12. A hearing was held on 12/12/12. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the statement insofar as it is undisputed. |
| 2332717-ALJ Vote 5-0. | M-2012-2332717 | UGI UTILITIES, INC - GAS DIVISION - Section 1307(e) Low Income Self Help Program Rider Reconciliation Statement for the Period of 10/1/11 through 9/30/12, filed on 10/29/12. A hearing was held on 12/12/12. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the statement insofar as it is undisputed. |

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

February 28, 2013

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|--|--|
| 2333992-OSA Vote 5-0. | M-2012-2333992 M-2012-2289411 M-2009-2093215 | PECO ENERGY COMPANY - ELECTRIC - Petition filed on 11/1/12, requesting that the Commission approve: 1) the Act 129 Phase II EE&C Plan; (2) proposed tariffs to recover Plan costs; (3) Phase II treatment of certain Phase I costs; and (4) a contract between PECO and a conservation service provider. The Phase II Implementation Order states that the Commission will approve or reject all or part of a Phase II Plan at public meeting within 120 days of the filing of a Plan. The matter was assigned to the OALJ for hearing and ALJ Buckley certified the record to the Commission on 1/28/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that, grants, in part, and denies, in part, PECO's Petition. |

BUREAU OF VGEJ PÆCN UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|-------------------|--|
| 2335954-FUS Statement by Commissioner Gardner. Vote 5-0. | A-2012-2335954 | VALLEY ENERGY, INC - Application filed on 10/25/12, for approval to offer, render, furnish, or supply natural gas supply services as a natural gas distribution company to the additional territory of Asylum Township, Bradford County in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |