

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MARCH 14, 2013 (JC)

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, April 4, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 14, 2013 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 4, 2013 AT 10:00 A.M. IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING, 400 NORTH STREET. AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.

ALSO, THE COMMISSION HELD AN EXECUTIVE SESSION ON WEDNESDAY, MARCH 13, 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
IN JR. EXECUTIVE CHAMBERS
3RD FLOOR KEYSTONE BUILDING**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

March 14, 2013

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2268422-AUD Vote 5-0.	D-2011-2268422	METROPOLITAN EDISON CO - Energy Efficiency and Conservation Charge. RECOMMENDATION: That the Commission release the Audit Report to the public.
2268423-AUD Vote 5-0.	D-2011-2268423	PENNSYLVANIA ELECTRIC CO - Energy Efficiency and Conservation Charge. RECOMMENDATION: That the Commission release the Audit Report to the public.
2268424-AUD Vote 5-0.	D-2011-2268424	PENNSYLVANIA POWER CO - Energy Efficiency and Conservation Charge. RECOMMENDATION: That the Commission release the Audit Report to the public.
2269361-AUD Vote 5-0.	D-2011-2269361	DUQUESNE LIGHT CO - Focused Management and Operations Audit. RECOMMENDATION: That the Commission makes the Audit Report and Duquesne Light's Implementation Plan public.
2349706-AUD Vote 5-0.	M-2013-2349706	NEWTOWN ARTESIAN WATER CO. - Purchased Water Adjustment Charge. RECOMMENDATION: That the Commission approve the request for waiver from its PWAC Tariff Rider to allow the PWAC to become effective 4/1/13 on a 39-day notice in lieu of a 45-day notice, to coincide with the start of a new billing period.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1205473-OSA (PP from 02/28/2013)	A-00123748	LESTER SAUDER - Complaint instituted on 9/20/12, alleging that he failed to maintain evidence of cargo insurance on file with the Commission. The Respondent was notified that unless his insurer filed evidence of insurance and he paid the proposed civil penalty, he was required to file an Answer to the Complaint within 20 days. The Complaint was served on 9/22/12. The Respondent did not file an Answer or pay the civil penalty. On 9/28/12, the Respondent's insurer filed evidence of insurance. By Secretarial Letter of 11/15/12, the Commission noted that no timely Answer was filed and no payment of the fine had been received. Accordingly, the Respondent was directed to pay a civil penalty of \$500 within 20 days. On 12/24/12, Sauder filed a Letter-Petition with reference to the Secretarial Letter of 11/15/12. No response to the Petition has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the petition.

**Motion by Vice Chairman Coleman.
Vote 5-0.**

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	<p>BUR OF INVESTIGATION & ENFORCEMENT VS GERMANTOWN CAB CO - Complaint filed 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. On 2/14/13 the Commission denied the Respondent's Exceptions and Motion for a Declaratory Order. On 3/1/13, the Respondent filed a Petition for Reconsideration of the 2/14/13 Order.</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>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2245451-OSA Vote 5-0.	C-2011-2245451	JOEY MALUCHNIK VS PENNSYLVANIA ELECTRIC COMPANY - Formal Complaint filed on 5/23/11, alleging unexplained high bills on his residential account dating back to 2006. On 6/28/11, Penelec filed an Answer and New Matter. An initial telephonic hearing was held on 12/5/11 and a further telephonic hearing was held on 4/23/12. In an Initial Decision issued 7/24/12, ALJ Dunderdale dismissed the Complaint in part, and sustained it in part, and directed Penelec to pay a civil penalty of \$1,000 for the violation of 66 Pa. C.S. § 1501 by failing to conduct a high bill investigation. Penelec filed Exceptions to the Initial Decision on 8/13/12. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) grants the Exceptions; (2) modifies the Initial Decision; and (3) dismisses the Complaint.
2273650-OSA Vote 5-0.	P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670	MET-ED, PENELEC, PENN POWER, WEST PENN - Joint Petition filed on 11/14/12, by FirstEnergy for approval of the Revised Default Service Plan Retail Market Enhancement Programs of Met Ed, Penelec, Penn Power and West Penn Power. On 2/15/13, the Commission entered an Order directing FirstEnergy to modify the Revised Default Service Plan. On 3/4/13, Petitions for Clarification and/or Reconsideration of the 2/14/13 Order were filed by: (1) FirstEnergy; and (2) Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Penn Power Users Group and West Penn Power Industrial Intervenors. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition, pending further review of, and consideration on, the merits; and (2) addresses the deadline for FirstEnergy to file a Revised DSP, as directed by the 2/15/13 Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2274306-OSA Vote 5-0.	F-2011-2274306	ANTHONY DITSIOUS VS PENNSYLVANIA ELECTRIC COMPANY - Four Complaints filed on 11/16/11, regarding minimum charges and reconnection fees that he paid for service to his four-unit apartment building. On 12/15/11, Penelec filed an Answer and New Matter, a Motion to Consolidate and Preliminary Objections. By two Interim Orders issued on 3/29/12 by ALJ Johnson, the Motion to Consolidate was granted and the Preliminary Objections were denied. After an evidentiary hearing on 4/4/12, the ALJ issued an Initial Decision on 11/1/12 dismissing the Complaints. The Complainant filed Exceptions on 11/14/12. Penelec filed Reply Exceptions on 12/3/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions in part and grants them in part, adopts the ALJ's Initial Decision as modified by the Opinion and Order, and dismisses the Complaints.
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 12/11/12, PECO submitted its Revised Default Service Plan, requesting comments from the Parties. Comments to the Revised Plan were filed by various Parties. On 2/14/13, the Commission entered an Order directing PECO to modify its Revised Plan. On 3/1/13, Philadelphia Area Industrial Energy Users Group filed a Petition for Clarification and/or Reconsideration of the 2/14/13 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, pending further review of, and consideration on, the merits.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2302918-OSA Vote 5-0.	A-2012-2302918	EMINENT MEDICAL TRANSPORT INC - Application filed on 5/7/12, seeking the right to provide paratransit service. By Order entered 2/14/13, the Commission dismissed the Application. On 2/28/13, Eminent Medical Transport filed a Petition for Reconsideration of the 2/14/13 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, pending further review of, and consideration on, the merits.
2305049-OSA Vote 5-0.	C-2012-2305049	WALTER HODOROWSKI FOR JEAN HODOROWSKI VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 5/8/12, requesting a payment arrangement. On 5/18/12, the Complaint was served on PGW. On 6/7/12, PGW filed an Answer. A telephonic hearing was held on 8/7/12. In an Initial Decision issued 10/31/12, ALJ Buckley dismissed the Complaint. The Complainant filed Exceptions on 11/19/12, but failed to provide an original signature. The signed Exceptions were filed on 12/14/12. No Replies to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the 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>
2317397-OSA Vote 5-0.	C-2012-2317397	<p>BUR OF INVESTIGATION & ENFORCEMENT VS GOLDEN CHARTER SERVICE INC - Complaint filed on 8/3/12, and on 9/14/12 an Amended Complaint was filed, alleging that the Respondent failed to file an assessment report and to pay its assessment. I&E requested that the Respondent be ordered to pay \$884, consisting of its outstanding assessment balance of \$359 and a civil penalty of \$525, and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Amended Complaint. The Respondent paid the assessment amount on 9/14/12. I&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and that the Respondent be directed to pay the \$525 civil penalty. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment, sustains the Amended Complaint and directs Respondent to pay a civil penalty.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2318060-OSA Vote 5-0.	C-2012-2318060	BUR OF INVESTIGATION AND ENFORCEMENT VS ANTHONY RODILOSSO - Complaint filed on 8/7/12, and on 9/24/12, filed an Amended Complaint alleging failure to file an assessment report and to pay his assessment. I&E requested that the Respondent be ordered to pay \$679, consisting of his outstanding assessment balance of \$179 and a civil penalty of \$500, and that the Respondent's Certificate of Public Convenience be revoked if he failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Amended Complaint. On 11/21/12, I&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and that, inter alia, the Respondent's Certificate 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.
2320355-OSA Vote 5-0.	A-2012-2320355	GERMAN AND THARAMEL LLC T/A PA MEDICAL RESPONSE - Application filed on 6/1/12, seeking the right to provide paratransit service. By Order entered 2/14/13, the Commission dismissed the Application. On 3/1/13, German and Tharamel filed a Petition for Reconsideration of the 2/14/13 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, pending further review of, and consideration on, the merits.
2321951-OSA Vote 5-0.	A-2012-2321951	PEARL EXPRESS LLC - Application filed on 7/30/12, seeking the right to provide scheduled route service. By Order entered 2/14/13, the Commission dismissed the Application. On 2/28/13, Pearl Express filed a Petition for Reconsideration of the 2/14/13 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, pending further review of, and consideration on, the merits.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2325066-OSA Vote 5-0.	C-2012-2325066	<p>BUR OF INVESTIGATION & ENFORCEMENT VS HATHAWAY SPECIALIZED HAULING INC - Complaint filed on 9/19/12, alleging that the Respondent failed, inter alia, to pay its total assessment amount for the 2008-2009, 2009-2010, and 2010-2011 Fiscal Years. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$4,564, consisting of the outstanding assessment balance of \$1,364, and a civil penalty of \$3,200; and (2) the Respondent's Certificate be cancelled if it failed to pay. The Respondent did not file an Answer. As a result, I&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and the Respondent's Certificate be revoked. No Answer was filed. On 1/28/13, I&E filed a Letter with the Parties stating that it was amending its Complaint so as to only pursue collection of the unpaid assessments for the 2009-2010 and 2010-2011 Fiscal Years, an amount of \$998. I&E is also pursuing collection of civil penalties in the amount of \$1,200.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Motion for Default Judgment, sustains the Complaint as amended, and grants the relief requested therein.</p>
2326044-OSA Vote 5-0.	A-2012-2326044	<p>BRIGITTES DIGITS LLC - Application filed on 9/12/12, for the right to begin to transport persons in limousine service. By Order entered 2/14/13, the Commission denied the Application. On 2/28/13, Brigittes Digits filed a Petition for Reconsideration of the 2/14/13 Order.</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>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2342184-OSA Vote 5-0.	A-2013-2342184 A-311229F7018	FRONTIER COMM OF BREEZEWOOD AND US CELLULAR - Joint Petition filed on 1/18/13, 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.
2343235-OSA Vote 5-0.	A-2013-2343235 A-2008-2077491	FRONTIER COMMUNICATIONS AND COMCAST PHONE - Joint Petition filed on 1/14/13, requesting approval of an Interconnection Agreement pursuant to Section 252(i) 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.
2343827-OSA Vote 5-0.	A-2013-2343827 A-311229F7002	UNITED TELEPHONE/CENTURYLINK AND US CELLULAR - Joint Petition filed on 1/18/13, 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.
2344581-OSA Vote 5-0.	A-2013-2344581	VERIZON PENNSYLVANIA AND TRANSBEAM - Joint Petition filed on 1/16/13, seeking approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2344582-OSA Vote 5-0.	A-2013-2344582	VERIZON NORTH AND TRANSBEAM - Joint Petition filed on 1/16/13, 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>
1147862-TUS Vote 5-0.	A-110116	CORAL POWER, LLC - Application filed on 3/25/09, for approval to abandon its electric generation supplier license. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application for abandonment.
2241088-TUS Vote 5-0.	C-2013-2241088	BUR OF INVESTIGATION & SAFETETY VS BERGER SANITATION SERVICE INC - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2261310-TUS Vote 5-0.	C-2013-2261310	BUR OF INVESTIGATION & ENFORCEMENT VS DAVID P UNGER - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be revoked.
2261337-TUS Vote 5-0.	C-2013-2261337	BUR OF INVESTIGATION & ENFORCEMENT VS DAVID P TODD - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be revoked.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2284063-TUS Vote 5-0.	C-2013-2284063	BUR OF INVESTIGATION & ENFORCEMENT VS SHERMANS VALLEY TRUCKING LLC - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. RECOMMENDATION: That the Commissioner adopt the proposed Order directing that the complaint be sustained and the certificate be revoked
2294067-TUS Vote 5-0.	C-2013-2294067	BUR OF INVESTIGATION & ENFORCEMENT VS YOUNG'S ENVIRONMENTAL CLEANUP INC - Complaint alleging failure to submit a satisfactory safety fitness review and failure to maintain adequate, efficient and safe service and facilities. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2305990-TUS Vote 5-0.	A-2012-2305990	TRIPLE PLAY TRANSPORTATION 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.
2309345-TUS Vote 5-0.	A-2012-2309345	INSTANT RESPONSE 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 as amended.
2325270-TUS Vote 5-0.	A-2012-2325270	PM TRANSPORTATION SERVICES INC - 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 denying the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327527-TUS Vote 5-0.	A-2012-2327527	FIRST POINT POWER LLC - Application filed on 9/28/12, 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 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.
2329406-TUS Vote 5-0.	A-2012-2329406	LANCASTER CITY CABS LLC - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2331777-TUS Vote 5-0.	A-2012-2331777 A-2009-2134352	JOEL B SHOWALTER - 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
2335120-TUS Vote 5-0.	A-2012-2335120	ASSET ENERGY LLC - Application filed on 11/20/12, 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), industrial, and governmental customers in the electric distribution company service territory of Duquesne Light in 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>
2336030-TUS Vote 5-0.	A-2012-2336030	GROOM ENERGY SOLUTIONS LLC - Application filed on 11/9/12, 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), 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.
2337763-TUS Vote 5-0.	A-2012-2337763	ENERGY PROFESSIONALS LLC - Application filed on 11/29/12, 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), and industrial customers in all of the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2338282-TUS Vote 5-0.	P-2012-2338282	COLUMBIA GAS OF PA INC - Petition for approval of Long-Term Infrastructure Improvement Plan (LTIP) filed on 12/7/12 and Distribution System Improvement Charge (DSIC) filed on 1/2/13. The Columbia Industrial Intervenors and OCA filed comments. OSBA, OCA, CII, and Penn State University filed Petitions to Intervene. G. Thomas Smeltzer filed a Formal Complaint. Other parties filed informal letter comments. RECOMMENDATION: The Commission approve the petitions consistent with the proposed Order.
2339482-TUS Vote 5-0.	A-2012-2339482 A-00120353	ELAM L STOLTZFUS - 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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2339786-TUS Vote 5-0.	A-2012-2339786	LITTLE DEEP LLC D/B/A POWER USA - Application filed on 12/19/12, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to residential, small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial, and governmental customers in the service territory of Columbia Gas within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2339957-TUS Vote 5-0.	M-2012-2339957 M-00930388	JEFFERSON COUNTY'S 911 - System Renewal Plan filed on 12/21/12 from 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: The Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
2340604-TUS Vote 5-0.	M-2012-2340604 M-00920311	FRANKLIN COUNTY'S 911 - System Renewal Plan filed on 12/14/12, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.24 per access line per month and to make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: The Commission adopt the proposed Order which approves a contribution rate of \$1.24 per access line per month.
2343018-TUS Vote 5-0.	A-2013-2343018 A-2013-2343017	NORTH PENN LONG DISTANCE - Application filed on 12/27/12, for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service area of Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company; and, a Competitive Access Provider 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>
2343479-TUS Vote 5-0.	R-2013-2343479	COMMONWEALTH TEL D/B/A FRONTIER COMM - 2013 Price Stability Index/Service Price Index Report Filing of 2/1/13, and accompanying tariff supplement, requesting a rate increase of \$1,180,381.00. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order approving the report and proposed rate increases.
2345282-TUS Vote 5-0.	M-2013-2345282 M-00001373	SALSGIVER TELECOM, INC - Filing is made to reclaim 1 block of numbers and 1 code of numbers that have not been put into service by Salsgiver Telecom. No replies have been made to the Commission's repeated requests for information for these blocks. RECOMMENDATION: The Commission adopt the proposed Order.
2346419-TUS Vote 5-0.	A-2013-2346419	CERTAIN COMMUNICATIONS CORPORATION - Application filed on 1/22/13, for approval to offer, render, furnish or supply telecommunication services as a Reseller Interexchange Carrier (detariffed) throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2346635-TUS Vote 5-0.	S-2013-2346635 S-2008-2079849	COLUMBIA WATER CO - Securities certificate filed on 2/4/13, for the issuance of a commercial promissory note in the amount of \$412,886. Additionally, Columbia Water agreed to an extension of the consideration period until 3/15/13. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.
2349639-TUS Vote 5-0.	R-2013-2349639 R-2013-2349642	SUGAR VALLEY TELEPHONE CO - 2013 combined Price Index/Service Price Index Report Filing of of 3/1/13, and accompanying tariff supplements requesting an aggregate rate increase of \$10,371. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order approving the report and proposed rate increases

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2188361-LAW Vote 5-0.	M-2011-2188361	POLICY STATEMENT PASSENGER TRANSPORTATION SVC - Proposed Policy Statement issued on 3/18/11, addressing the scope of the Commission's jurisdiction over passenger transportation services provided or administered by municipal corporations and instrumentalities of the state. The Commission received comments in response to the Proposed Policy Statement from the PennDOT, York Adams Transportation Authority, Barker Brothers t/d/b/a Pittsburgh North Aire Ride and Mid Mon Valley Transit Authority. The Final Policy Statement Order addresses the comments received and sets forth a Final Policy Statement. RECOMMENDATION: That the Commission adopt the Final Policy Statement Order.
2317274-LAW (PP from 02/28/2013) Vote 5-0.	L-2012-2317274 M-2012-2293611	RULEMAKING - REVIEW OF INFRASTRUCTURE IMPROVEMENT PLANS - Act 11, amending Chapters 3, 13, and 33 of the Title 66 of the PA Consolidated Statutes, was adopted on 2/14/12. The changes to Chapters 3 and 13 allows inter alia, jurisdictional utilities (water and wastewater utilities, EDCs and NGDCs or a city natural gas distribution operation) to petition for a DSIC. The Commission issued a Final Implementation Order at M-2012-2293611 that established proposes procedures and guidelines to carry out the ratemaking provisions of Act 11 in Chapters 3 and 13. As a precondition to a utility seeking to implement a DSIC mechanism, it must have an approved long-term infrastructure improvement plan (LTIIP). The Commission was tasked with promulgating regulation addressing the periodic review of LTIIPs. RECOMMENDATION: That the Commission adopt the Proposed Rulemaking Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2123948-ALJ Postponed until the Public Meeting of April 4, 2013.	M-2009-2123948	DUQUESNE LIGHT COMPANY - Petition for Approval of its Final Smart Meter Plan filed on 6/29/12, in which it requested final approval from the Commission of its Final SMP. A Petition for Approval of Settlement on was filed 12/7/12. Non-signatories were provided an opportunity until 12/21/12 in which to object, consent and/or comment on the agreement. No responses were received. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Initial Decision approving the Settlement.
2324005-ALJ Postponed until the Public Meeting of April 4, 2013.	F-2012-2324005	ARTAFIA ROBERTSON VS PHILADELPHIA GAS WORKS - Complaint filed on 9/3/12, alleging there were incorrect charges on her bill. PGW filed an Answer and New Matter on 10/4/12. A hearing was held on 12/18/12. COMMISSION REVIEW: That the Commission adopt ALJ Jones' Initial Decision dismissing the complaint with prejudice for failure to prosecute.
2325085-ALJ Postponed until the Public Meeting of April 4, 2013.	F-2012-2325085	DANIEL J BROWN VS PECO ENERGY COMPANY - Complaint filed on 9/12/12, alleging high bills and requesting a payment agreement. PECO filed an Answer and New Matter 9/21/12. Both the hearing notice and Prehearing Order were returned by the Post Office as undeliverable. A Hearing was held 12/20/12, at which time PECO moved to dismiss the complaint due to Complainant failing to appear. COMMISSION REVIEW: That the Commission adopt ALJ Pell's Initial Decision granting PECO's Motion to Dismiss the complaint, with prejudice, for lack of prosecution.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2336250-ALJ Vote 5-0.	M-2012-2336250	WEST PENN POWER CO - Transmission Service Charge Section 1307(e) Reconciliation Statement filed on 11/28/12, setting forth the over/under collections for the twelve-month period which ended on 12/31/12. A hearing was held on 1/10/13. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement insofar as it is undisputed.
2337086-ALJ Vote 5-0.	M-2012-2337086	PPL ELECTRIC UTILITIES CORP - Universal Service Rider Section 1307(e) Reconciliation Statement filed on 11/30/12, setting forth the over/under collections for the twelve-month period which ended on 11/30/12. A hearing was held on 1/10/13. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement insofar as it is undisputed.
2337296-ALJ Vote 5-0.	M-2012-2337296	PENNSYLVANIA POWER CO - Universal Service Charge Section 1307(e) Reconciliation Statement filed on 11/29/12, setting forth the over/under collections for the twelve-month period which ended on 10/31/12. A hearing was held on 1/10/13. 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>
2337315-ALJ Vote 5-0.	M-2012-2337315	DUQUESNE LIGHT COMPANY - Universal Service Charge Section 1307(e) Reconciliation Statement filed on 11/30/12, setting forth the over/under collections for the twelve-month period which ended on 10/31/12. A hearing was held on 1/10/13. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement insofar as it is undisputed.
2337534-ALJ Vote 5-0.	M-2012-2337534	PENNSYLVANIA ELECTRIC CO - Universal Service Charge Section 1307(e) Reconciliation Statement filed on 11/29/12, setting forth the over/under collections for the twelve-month period which ended on 10/31/12. A hearing was held on 1/10/13. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement insofar as it is undisputed.
2337535-ALJ Vote 5-0.	M-2012-2337535	METROPOLITAN EDISON CO - Universal Service Charge Section 1307(e) Reconciliation Statement filed on 11/29/12, setting forth the over/under collections for the twelve-month period which ended on 10/31/12. A hearing was held on 1/10/13. 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

March 14, 2013

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 P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670 P-2012-2302074 P-2012-2301664	PECO ENERGY, FIRST ENERGY COMPANIES, PPL ELECTRIC, AND DUQUESNE LIGHT - In each of major EDC default service proceedings, the Commission directed, inter alia, the petitioning EDCs to implement 2 retail market enhancement programs. One was a Retail Opt-In Program and the second was a Standard Offer Referral Program. The Commission further directed that these two retail market enhancement programs were to have staggered implementation dates approximately one month apart. The Commission has tentatively decided to reconsider the implementation of the Retail Opt-In Program for each of the affected EDCs in their default service plans for service beginning June 1, 2013. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2334387-OSA Statement by Commissioner Cawley. Vote 5-0.	M-2012-2334387 M-2012-2334392 M-2012-2334395 M-2012-2334398	MET-ED, PENELEC, PENN POWER, WEST PENN - Joint Petition filed on 11/13/12, requesting that the Commission approve: (1) the Companies' Act 129 Phase II EE&C Plans; (2) their Petition for Consolidation of Proceedings; and (3) their proposed tariffs to recover Plan costs. Numerous Parties filed comments and intervened in the proceeding. On 1/28/13, a Joint Petition for Full Settlement of Non-Reserved Issues and Statements in Support was filed. 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 Barnes certified the record to the Commission on 2/7/13. 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>
2334388-OSA Vote 5-0.	M-2012-2334388 M-2009-2093216 M-2012-2289411	PPL ELECTRIC UTILITIES CORP - Petition filed on 11/15/12, requesting that the Commission approve its Act 129 Phase II EE&C Plan. The Phase II Implementation Order states that the Commission will approve or reject all or part of a Phase II Plan at a 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 2/13/13. RECOMMENDATION: that the Commission adopt the proposed Opinion and Order.
2334399-OSA Vote 5-0.	M-2012-2334399 M-2009-2093217 M-2012-2289411	DUQUESNE LIGHT COMPANY - Petition filed on 11/15/12, requesting approval of the Company's Phase II Energy Efficiency and Conservation Plan. The Phase II Implementation Order states that the Commission will approve or reject all or part of a Phase II Plan at a 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 2/14/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.