

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, APRIL 4, 2013 (WG)

10:00 A.M.

**MAIN HEARING ROOM NO. 1
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

The Commission will act on various matters at today's meeting, which is open to the public. However, since adequate forums have been made available for public participation in cases before the Commission, there will be no opportunity for the public to address the Commission.

The attached agenda is complete at the time of issuance, but other items may be added and some stricken without further notice.

The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, its decision---except on routine, uncontested tariff filings---will be put in writing and served on the interested parties and made public at the time it is entered and served.

All public documents---such as orders, opinions, hearing transcripts, comments, initial and recommended decisions, and the like---relating to items on the agenda, may be examined in the Commission's File Room located in Room N-201, Second Floor, this Building.

The Commissioners seated on the bench are:

| | | | | |
|------------------------|-----------------------------|---------------------------|-------------------------|-------------------------|
| COMMISSIONER | VICE CHAIRMAN | CHAIRMAN | COMMISSIONER | COMMISSIONER |
| James H. Cawley | John F. Coleman, Jr. | Robert F. Powelson | Wayne E. Gardner | Pamela A. Witmer |

THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.

The Next Public Meeting is Tentatively Scheduled for Thursday, April 18, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 28, 2013 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 18, 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, APRIL 3, 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

April 4, 2013

BUREAU OF AUDITS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2316852-AUD Vote 5-0. | D-2012-2316852 | NATIONAL FUEL GAS DISTRIBUTION - Report on Statements of LIRA Rider F Reconciliation and the Consumer Education Charge Reconciliation. RECOMMENDATION: That the Commission release the Audit Report to the public. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2195541-OSA Vote 5-0. | A-2010-2195541 | DISCOUNT CAB SERVICE LLC - Application filed on 8/13/10, seeking call or demand authority in Berks County. Notice was published in the PA Bulletin. Protests were filed by several entities. A hearing was held on 8/8/12. In her Initial Decision, issued on 12/13/12, ALJ Barnes recommended that the Application be denied due to the Applicant's failure to establish all of the requirements of certification. On 12/31/12, the Applicant filed the following documents with the Commission: (1) Exceptions to the Initial Decision; and (2) a Petition to Reopen Proceeding. RECOMMENDATION: That the Commission adopt the proposed Order that: (1) grants the Applicant's Petition to Reopen; (2) vacates the Initial Decision; (3) deems the Exceptions to be moot; and (4) remands the proceeding to OALJ for such proceedings as may be appropriate. |
| 2264635-OSA Vote 5-0. | M-2012-2264635 | PPL ELECTRIC UTILITIES CORP - Informal investigation initiated on 10/21/11, concerning a residential account that had been terminated by PPL for non-payment. I&E determined that PPL may have violated certain provisions of Section 1501 of the Public Utility Code, Chapter 14 of the Code, and Chapter 56 of the Commission's Regulations. In order to resolve the allegations, the Parties filed a Settlement Agreement on 4/23/12. By Opinion and Order entered on 9/13/12, the Commission issued the Settlement Agreement for comment. The Pennsylvania Public Utility Law Project filed Comments on 10/3/12. PPL filed Reply Comments on 10/17/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the Settlement Agreement. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--|---|
| 2273650-OSA Vote 5-0. | P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670 | <p>MET-ED, PENELEC, PENN POWER & WEST PENN PWR - Joint Petition filed on 11/14/12, for approval its Revised Default Service Plan - Retail Market Enhancement Programs (Revised DSP-RME). On 2/15/13, the Commission entered an Order directing FirstEnergy to modify the Revised DSP-RME. On 3/4/13, Petitions for Clarification and/or Reconsideration of the 2/15/13 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. Answers to the Petitions were filed by FirstEnergy and RESA. By Order entered 3/14/13, the Commission, inter alia, granted the Petitions pending further review of and consideration on the merits.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petitions.</p> |
| 2304508-OSA Vote 5-0. | A-2012-2304508 | <p>GEORGE B HOLMAN & CO D/B/A HOLMAN MOVING - Application filed on 4/30/12, for approval of the transfer of the household goods in use authority of Larmore Inc. Upon review it was determined that additional information was needed before the Application could be processed. By Letter dated 8/8/12, TUS requested that the Applicant submit certain additional information within ten business days. By Order of 10/11/12, the Application was denied and dismissed on the basis of the Applicant's failure to timely comply with TUS' information request. On 2/16/13, the Applicant filed a Petition for Reconsideration of the October 2012 Order. No response has been filed to the Petition.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Applicant's Petition; (2) rescinds the October 2012 Order; and (3) refers this matter to TUS for further proceedings.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|---|---|
| 2312577-OSA Vote 5-0. | R-2012-2312577 G-2012-2312597 C-2012-2315323 | EQUITABLE GAS CO. - Application filed on 6/29/12, for Affiliated Interest Approval and Such Other Approvals, If Any, As May Be Necessary in Regard to the Acquisition of the Goodwin Gathering System from EQT Gathering, LLC and of the Tombaugh Gathering System from Equitrans, L.P. Equitable also filed Supplement No. 86 to Tariff Gas – Pa. P.U.C. No. 22. An evidentiary hearing was held on 11/15/12. On 12/14/12, Equitable, OCA, and OSBA filed a Joint Settlement Agreement. In a Recommended Decision, issued 2/8/13, ALJ Long denied the Application, Tariff, and Settlement. Equitable filed a Petition for Leave to Withdraw Application and Tariff Supplement, Without Prejudice, on 2/19/13. I&E filed an Answer to the Petition on 3/7/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition for Leave to Withdraw Application and Tariff Supplement, Without Prejudice. |
| 2318132-OSA Vote 5-0. | C-2012-2318132 | PUC - INVESTIGATION AND ENFORCEMENT VS DPI-TELECONNECT LLC - Complaint filed on 8/7/12, alleging that the Respondent failed to pay its assessment amount for FY 2010-2011. I&E requested that the Respondent be ordered to pay \$235 (consisting of the outstanding assessment balance of \$205 and a civil penalty of \$30) 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 Complaint. On 12/31/12, 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. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2318330-OSA Vote 5-0. | C-2012-2318330 | <p>PUC - INVESTIGATION AND ENFORCEMENT VS DIREC TRANSIT LLC - Complaint filed on 8/8/12, alleging that the Respondent failed to pay its assessment amount for FY 2011-2012. I&E requested that the Respondent be ordered to pay \$163 (consisting of the outstanding assessment balance of \$143 and a civil penalty of \$20) 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 Complaint. On 12/31/12, 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.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p> |
| 2326668-OSA Vote 5-0. | C-2012-2326668 | <p>PUC - INVESTIGATION AND ENFORCEMENT VS AARON'S TRANSPORTATION SERVICES LLC - Complaint filed on 9/28/12, alleging that the Respondent failed, inter alia, to pay its total assessment amount for the FY 2011-2012. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$143 (consisting of the outstanding assessment balance of \$81 and a civil penalty of \$62); 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 12/31/12, requesting that the Complaint be sustained and that the Respondent's Certificate be revoked. No Answer to the Motion was filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|--|
| 2329960-OSA Vote 5-0. | C-2012-2329960 | <p>PUC-INVESTIGATION AND ENFORCEMENT VS JATMON ENTERPRISES INC - Complaint filed on 10/18/12, alleging that the Respondent failed to pay its assessment amounts for four Fiscal Years and failed to file assessment reports for two years. I&E requested that the Respondent be ordered to pay \$21,697.33, consisting of the outstanding assessment balance of \$17,127.33 and a civil penalty of \$4,570. The Respondent did not file an Answer to the Complaint. On 12/31/12, 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. On 2/21/13, I&E filed a Letter amending its Complaint to only pursue collection of the Respondent's unpaid assessments for three of the Fiscal Years for \$16,759.33, and the associated civil penalty of \$4,570.</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> |
|--|--------------------------|---|
| 2330200-OSA Vote 5-0. | C-2012-2330200 | <p>PUC - INVESTIGATION AND ENFORCEMENT VS GARY J MARBELLA T/A EMPIRE LIMOUSINE & SEDAN SERVICE</p> <p>- Complaint filed on 10/19/12, alleging that the Respondent failed to pay its total assessment amount for four Fiscal Years. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$1,599.67, consisting of the outstanding assessment balance and a civil penalty; 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 that Respondent's Certificate be revoked. No Answer to the Motion was filed. On 2/13/13, I&E filed a Letter amending its Complaint so as to only pursue collection of Respondent's unpaid assessment for three Fiscal Years and the associated civil penalty.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p> |

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2336223-OSA

**C-2012-2336223
A-2009-2020820**

Vote 5-0.

PUC - INVESTIGATION AND ENFORCEMENT
VS FOXCREST TRANSPORT LLC
- Complaint filed on 12/3/12, alleging failure to maintain evidence of cargo insurance on file. Foxcrest was notified that, unless its insurer filed evidence of insurance and payment of the proposed civil penalty, Foxcrest was required to file an Answer to the Complaint within 20 days of the date of service of the Complaint. The Complaint was served on 12/4/12. Foxcrest filed an Answer on 12/27/12, which stated that it did have insurance coverage and enclosed a copy of an Insurance Renewal Declarations Page. However, the page was for liability, not cargo, insurance. By Secretarial Letter of 1/7/13, it was noted that Foxcrest had failed to pay the fine and/or to have its insurer file evidence of the proper type of insurance. Accordingly, Foxcrest was directed to pay a civil penalty of \$500 within 20 days. On 1/30/13, Foxcrest filed the instant Petition for Appeal from Staff Action. No response has been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which denies the Petition.

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|--|
| 2341584-OSA Vote 5-0. | P-2013-2341584 | <p>HUGHES LIMOUSINE SERVICE, INC - In a letter dated December 12/13/12, the Commission's Bureau of Technical Utility Services denied the Petitioner's request for a waiver from the Commission's Regulation in 52 Pa. Code § 29.333(e), which requires that a vehicle used in limousine service be no more than eight model years old, because the Petitioner did not file a timely application for a waiver and was not in compliance with the Commission's Regulations relative to the requirements that assessment payments be current. On 12/24/12, the Petitioner filed a Letter-Petition for Appeal from Staff Action , with reference to the December 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> |
| 2341595-OSA Vote 5-0. | P-2013-2341595 | <p>BEST LIMOUSINE COMPANY, INC - In a Letter dated 12/14/12, the Commission's Bureau of Technical Utility Services denied Petitioner's request for a waiver from the Commission's Regulation in 52 Pa. Code § 29.333(e), which requires that a vehicle used in limousine service be no more than 8 model years old, because the Petitioner did not submit a timely application for a waiver, and the application was incomplete. On 1/4/13, the Petitioner filed a Petition for Appeal from Staff Action), with reference to the December 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> |
|--|---|--|
| 2341943-OSA Vote 5-0. | P-2013-2341943 | THE PARRISH TRANSPORTATION CO - In a Letter dated 12/12/12, the Commission's Bureau of Technical Utility Services denied Petitioner's request for a waiver from the Commission's Regulation in 52 Pa. Code § 29.333(e), which requires that a vehicle used in limousine service be no more than 8 model years old. On 12/26/13, the Petitioner filed a Letter-Petition for Appeal from Staff Action, with reference to the December 2012 Letter. No response to the Petition has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition. |
| 2348951-OSA Vote 5-0. | A-2013-2348951 A-310489F7021 | FRONTIER COMM. OF LAKEWOOD & VZ WIRELESS - Joint Petition filed on 2/21/13, seeking approval of Amendment No. 2 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 on 3/9/13. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition. |
| 2349022-OSA Vote 5-0. | A-2013-2349022 A-310183F0002 | UNITED TELEPHONE D/B/A CENTURYLINK & SPRINT - Joint Petition filed on 2/2/13, 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> |
|---------------------------------|--------------------------|--|
| 1184203-TUS Vote 5-0. | A-311317 | NEON CONNECT INC - Application filed on 4/13/06. for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout PA. On 2/13/13, the application was further amended. No protests were filed and no hearings were held. RECOMMENDATION: The Commission approve the application consistent with the proposed Order. |
| 1185942-TUS Vote 5-0. | A-125130 | COMPASS ENERGY SERVICES, INC - Application filed on 5/21/04, for approval to operate as a supplier of natural gas services to large commercial (6,000 MCF or more annually), industrial and governmental customers in the natural gas distribution company service territories of Columbia Gas, UGI Utilities, UGI Central Penn, NFGD, and Equitable Gas. On 12/4/12, a request was filed to amend its license to include the additional natural gas distribution company service territories of PECO Gas and Peoples Natural Gas. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2094616-TUS Vote 5-0. | R-2009-2094616 | TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE - Extension of the Fuel Cost Recovery Surcharge Special Permission 28207. RECOMMENDATION: That the Commission adopt the proposed extension Order to be effective 4/18/13, and for an additional one year unless changed, cancelled, or further extended by the Commission. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|--|
| 2238331-TUS Vote 5-0. | A-2011-2238331 | UNITY ELECTRIC DISCOUNT LLC - Application filed on 11/27/12, for approval to amend its electric generation supplier license to serve residential, small commercial (25kW and under), large commercial (over 25 kw demand), industrial and governmental customers, as a broker/marketer, in the additional electric distribution company service territories of Duquesne Light, Met-Ed, PPL Electric, and UGI Utilities, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment to the electric generation supplier license. |
| 2294187-TUS Vote 5-0. | C-2013-2294187 | BUR OF INVESTIGATION & ENFORCEMENT VS KEVIN S CONROY - 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 cancelled. |
| 2299278-TUS Vote 5-0. | C-2013-2299278 | BUR OF INVESTIGATION & ENFORCEMENT VS R & R LIMOUSINE 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 Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---------------------------------|--------------------------|--|
| 2312277-TUS Vote 5-0. | A-2012-2312277 | MIRABITO NATURAL GAS LLC - Application filed on 5/29/12, for approval to offer, render, furnish, or supply natural gas supply 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 UGI Penn Natural Gas, Valley Energy, and UGI Central Penn Gas, within PA, as a supplier and broker/marketer. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2322521-TUS Vote 5-0. | A-2012-2322521 | REIBOLD STP INC - Application filed on 9/4/12. for approval to begin to offer, render, furnish, or supply wastewater service to the public in portions of Forward Township, Butler County. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order which approves the application. |
| 2324683-TUS Vote 5-0. | A-2012-2324683 | PENNSYLVANIA TURNPIKE COMMISSION - Application for approval of the construction of two new bridges in Homewood and Big Beaver Boroughs, Beaver County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended. |
| 2327532-TUS Vote 5-0. | A-2012-2327532 | ATLAS TRANSPORTATION INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Wayne, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2329914-TUS Vote 5-0. | A-2012-2329914 | BRIDGING THE GAP TRANSPORTATION - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia 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> |
|---|--|--|
| 2329967-TUS Vote 5-0. | A-2012-2329967 A-00123594 | DM FUHRER, LLC - Application for transfer of issued and outstanding stock. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2331730-TUS Vote 5-0. | A-2012-2331730 | EXCELLENT TAXI SERVICE LLC - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. RECOMMENDATION: That the Commission adopt the proposed Order denying and dismissing the application. |
| 2337131-TUS Vote 5-0. | A-2012-2337131 P-2012-2337075 | PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 11/31/12, pursuant to 52 Pa. Code Chapter 57.72 with respect to the re-termination of an existing transmission line in Monroe Township, Snyder County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. Also, a Petition was filed on 12/4/12, pursuant to Pa. Code §5.41 and 53 P.S. §10619 for a finding that a gas insulated switchyard building and a building to shelter control equipment at the proposed Sunbury 500 kV Gas Insulated Switchyard to be constructed in Monroe Township, Snyder County, is reasonably necessary for the convenience or welfare of the public. No protests were filed and one pre-hearing conference was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application and grants the petition. |
| 2337737-TUS (PP from 03/14/2013) Vote 5-0. | P-2012-2337737 | PHILADELPHIA GAS WORKS - Petition filed on 12/3/12, for approval of its Long-Term Infrastructure Improvement Plan (LTIP) and Distribution System Improvement Charge (DSIC). RECOMMENDATION: That the Commission approve the petition consistent with the proposed Order. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|------------------------------|---|
| 2339012-TUS Vote 5-0. | A-2012-2339012 A-00099861 | HERBERT U. CRAFT, JR. T/A CRAFT FUNERAL HOME - 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. |
| 2339445-TUS Vote 5-0. | A-2012-2339445 A-00122247 | ARDEN G MCCONNELL - 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. |
| 2340706-TUS Vote 5-0. | A-2012-2340706 | AMISH EXPRESS LLC - 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. |
| 2341976-TUS Vote 5-0. | A-2013-2341976 | US POWER TRADE LLC - Application filed on 12/27/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to small commercial (25 kW and under demand), large commercial (over 25kW demand), industrial, and governmental customers in all of the electric distribution companies (EDCs) service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2342011-TUS Vote 5-0. | M-2013-2342011 | CARBON COUNTY'S 911 - System Renewal Plan filed on 1/17/13, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2345844-TUS Vote 5-0. | A-2013-2345844 | TRANS-ALLEGHENY INTERSTATE LINE T/A TRAILCO - Letter of Notification filed on 1/30/13, pursuant to 52 Pa. Code Chapter 57.72, for approval of the installation of the Conemaugh-Seward 230 kV Transmission Line in East Wheatfield and West Wheatfield Townships, Indiana County. Authority for this procedure is provided for at Pa. Code §57.72(d). No protest was filed and no hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application. |
| 2346371-TUS Vote 5-0. | A-2013-2346371 A-2013-2346451 | PA AMERICAN WATER & LANCON WATER CO - Joint Application filed on 2/5/13, for approval of: 1) the transfer of the certificate of public convenience issued to LANCON in a portion of Lancaster Township, Butler County to PAWC; 2) the right of PAWC to begin to offer water service to the public in portions of Lancaster Township, Butler County; and, 3) the abandonment by LANCON of its water service area. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the joint application. |
| 2346655-TUS Vote 5-0. | R-2013-2346655 R-2013-2346657 R-2013-2346732 R-2013-2346739 R-2013-2346741 R-2013-2346751 | PA AMERICAN WATER COMPANY - Supplements filed on 2/6/13, Supplement No. 273 to Tariff Water - Pa. P.U.C No. 4, Supplement No. 20 to Tariff Wastewater - Pa. P.U.C No. 2, Supplement No. 9 to Tariff Wastewater - Pa. P.U.C No. 8, Supplement No. 1 to Tariff Wastewater - Pa. P.U.C No. 14, Supplement No. 1 to Tariff Wastewater - Pa. P.U.C No. 13, and Supplement No. 1 to Tariff Wastewater - Pa. P.U.C No. 12, to become effective 4/5/13, proposing a change in non-residential customer's billing periods after the Company implements new SAP CIS billing software. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order which recommends approval of the tariff supplements. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|--|
| 2348764-TUS Vote 5-0. | A-2013-2348764 | RRV ENTERPRISES INC T/A CONSUMER ACCESS - Application filed on 11/13/12, for approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the public in PA. RECOMMENDATION: The Commission adopt the proposed Order approving the application. |
| 2348946-TUS Vote 5-0. | A-2013-2348946 | WEST PENN POWER CO. - Letter of Notification filed on 2/19/13, pursuant to 52 Pa. Code Chapter 57.72 (d), with respect to the McCalmont – Bull Creek Jct 138 kV HV Transmission Line Tap to the Mt. Gathering Project in Butler Township, Butler County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|--|---|
| 2208332-LAW Vote 5-0. | L-2010-2208332 M-2010-2185981 | RULEMAKING - MARKETING & SALES PRACTICES FOR RETAIL RES ENERGY MARKET - RESA filed on 11/8/12, the Petition for Reconsideration and/or Clarification of the Commission's October 24, 2012 Final Rulemaking Order. On 11/19/12, the Pennsylvania Coalition Against Domestic Violence and the Pennsylvania Law Project filed its Answer. On 11/19/12, the OCA filed its Answer. RECOMMENDATION: That the Commission adopts the Order approving the petition. |
| 2294746-LAW Vote 5-0. | L-2012-2294746 | RULEMAKING RE: UNACCOUNTED-FOR-GAS - In February 2012, BI&E and Audits provided the Commission with their findings in a report titled Unaccounted-For-Gas In the Commonwealth of Pennsylvania. The report discussed the findings of the staff evaluation and made recommendations regarding how the Commission could address utility reporting of unaccounted for gas and ratemaking treatment of unaccounted for gas. In April 2012, the Commission issued its Proposed Rulemaking Order and received comments and reply comments from interested parties. The Final Rulemaking Order addresses comments and replies received and sets forth a final rule based on the Report and the comments at 52 Pa. Code Chapter 59, Section 59.111 as set forth in Annex A to the Final Order. RECOMMENDATION: That the Commission adopts the Order approving Final Rulemaking. |
| 2333760-LAW (PP from 03/14/2013) Motion by Commissioner Gardner. Vote 5-0. | P-2012-2333760 | DUQUESNE LIGHT COMPANY - Petition for authorization to defer expenses for accounting purposes only. Duquesne Light requests that the Commission allow it to defer approximately \$2,865,500 in implementation expenses related to the replacement of non-smart meter components in order to implement its FOCUS project. Duquesne Light asserts that the one-time costs are required in order to comply with certain Commission requirements. RECOMMENDATION: That the Commission adopt the proposed Order. |

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2349042-LAW

L-2013-2349042

Vote 5-0.

**RULEMAKING - MOTOR CARRIER VEHICLE LIST
& AGE REQUIREMENTS**

- Proposal to amend the current motor carrier passenger regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and, (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement.

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> |
|---|--------------------------|--|
| 2123948-ALJ (PP from 03/14/2013) Joint Motion by Commissioner Gardner and Commissioner Cawley. Vote 5-0. | 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. |
| 2242471-ALJ Vote 5-0. | I-2011-2242471 | INVESTIGATION - MARION TOWNSHIP - By Order dated 6/9/11, the Commission instituted an investigation in response to Marion Township's concern as to West Road Bridge's weight bearing capacity for emergency vehicles. A Stipulation of Settlement was filed on 5/24/12. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Recommended Decision approving the proposed settlement as being in the public interest. |
| 2254048-ALJ (PP from 02/28/2013) Vote 5-0. | C-2011-2254048 | JOSEPH THURBY JR VS WEST PENN POWER - Complaint filed on 7/19/11, alleging a reliability, safety or quality problem with his service. WPP filed its answer 8/16/11. Complainant later amended his complaint on 5/24/12. WPP filed an amended answer on 6/19/12. A hearing was held 9/24/12. COMMISSION REVIEW: That the Commission adopt ALJ Long's Initial Decision dismissing the complaint. |

OFFICE OF ADMINISTRATIVE LAW JUDGE

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2317174-ALJ Vote 5-0. | C-2012-2317174 | MARIA DURAN VS PHILADELPHIA GAS WORKS - Complaint filed on 7/13/12, alleging incorrect charges on her bills because the only gas appliance she had was a gas stove. An Answer was filed on 8/22/12. A hearing was held on 11/14/12. COMMISSION REVIEW: That the Commission adopt ALJ Heep's Initial Decision dismissing the complaint with prejudice. |
| 2324005-ALJ (PP from 03/14/2013) Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting. | 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 (PP from 03/14/2013) Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting. | 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> |
|---|--------------------------|--|
| 2327529-ALJ Vote 5-0. | R-2012-2327529 | PEOPLES TWP LLC - Supplement No. 21 to Tariff Gas –Pa. P.U.C. No. 7, filed on 10/1/12, to become effective 11/29/12, proposing to unbundle natural gas procurement costs from distribution rates and recover these costs through a gas procurement charge that will be included in its Price to Compare. By Order entered 11/8/12, the Commission instituted an investigation and suspended the filing until 5/9/13. On 1/23/13, a Joint Petition for Approval of Settlement of All Issues was filed. COMMISSION REVIEW: That the Commission adopt ALJ Johnson’s Recommended Decision approving the Settlement. |
| 2333157-ALJ (PP from 02/28/2013) Joint Motion by Chairman Powelson and Vice Chairman Coleman. Statement by Commissioner Cawley. Statement by Commissioner Witmer. Vote 5-0 with Commissioner Cawley Concurring in Result Only. | C-2012-2333157 | EILEEN FLOYD VS VERIZON PENNSYLVANIA LLC - Complaint filed on 10/30/12, alleging a reliability, safety or quality problem with her service. VZ filed an Answer with New Matter 11/29/12, also Preliminary Objections with a Notice to Plead. Complainant did not file an Answer to the Preliminary Objections. COMMISSION REVIEW: That the Commission adopt ALJ Salapa’s Initial Decision sustaining the Preliminary Objections and dismissing the complaint with prejudice for lack of jurisdiction |
| 2338698-ALJ Vote 5-0. | M-2012-2338698 | NATIONAL FUEL GAS DISTRIBUTION - Rider E – CEC Statement filed on 12/11/12, pursuant to Section 1307(e) of the Public Utility Code, 66 Pa. C.S. §1307(e). A hearing was held on 2/19/13. 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

April 4, 2013

BUREAU OF CONSUMER SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|-------------------|--|
| 2290911-BCS Statement by Commissioner Witmer. Vote 5-0. | M-2012-2290911 | PECO ENERGY COMPANY - ELECTRIC - Universal Service and Energy Conservation Plan for 2013-2015 filed on 2/28/12, and an amended Plan filed on 10/15/12, in accordance with the Commission's regulations at 52 Pa. Code §§ 54.71-78 and §§ 62.1-62.8. On 11/8/12, by Tentative Order, the Commission approved the USECP in part and called for comments. Comments and replies were filed and two hearings were held by OALJ. On 3/1/13, the record was certified to the Commission. RECOMMENDATION: That the Commission adopt the proposed Final Order. |

DIRECTOR OF REGULATORY OPERATIONS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|--|---|
| 2273650-DIR Vote 5-0. | P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670 | MET-ED, PENELEC, PENN POWER & WEST PENN - By Opinion and Order adopted on 8/2/12, the PUC addressed the Joint Petition for Approval of Their Default Service Programs. In that Opinion and Order, the Commission referred an issue to the Office of Competitive Market Oversight (OCMO) related to customer data availability for electric generation suppliers (EGSs). Specifically, the Commission directed the development of a report by OCMO no later than 2/15/13. Upon review of that report, the Commission is issuing this Secretarial Letter to summarize the information provided by OCMO and provide guidance and directives to the parties. RECOMMENDATION: That the Commission approve the issuance of the Secretarial Letter. |

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 - Revised Default Service Plan II filed on 12/11/12. On 2/14/13, the Commission entered an Order directing PECO to modify the Revised DSP II. On 3/1/13, the Philadelphia Area Industrial Energy Users Group (PAIEUG) filed a Petition for Clarification and/or Reconsideration of the 2/14/13 Order. On 3/7/13, PECO filed an Answer to the Petition. By Order entered 3/14/13, the Commission granted the Petition pending further review of, and consideration on, the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition. |
| 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 COMPANY - ELECTRIC - Tentative Order entered on 3/14/13, proposing to postpone implementation of Retail Opt-In Programs in electric distribution companies' default service plans. Several comments to the Tentative Order were filed. The Commission is now prepared to address those comments and issue a Final Order on Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Final Order which resolves the issues presented in the Tentative Order entered on 3/14/13. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|----------------------------------|--|
| 2349801-OSA Vote 5-0. | P-2013-2349801 C-2013-2349267 | SERVICE ELECTRIC TELEPHONE LLC - Complaint filed on 2/22/13. On 2/26/13, Service Electric filed a Petition for Emergency Order or, in the Alternative, a Motion to Expedite the Schedule for Decision of Complaint. A hearing on the Petition was held on 3/6/13. On 3/12/13, ALJ Cheskis issued an Order Denying Interim Emergency Relief and Certifying the Material Question to the Commission as to whether Service Electric has met the requirements for obtaining interim emergency relief set forth at 52 Pa. Code § 3.6(b). Both Parties filed a Brief on Material Question on 3/19/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|--------------------------|--|
| 2353476-LAW Vote 5-0. | P-2013-2353476 | SUNOCO PIPELINE, L.P. - Application filed on 3/11/13, for Special Permission to Decrease Rates on Less Than Statutory Notice, pursuant to 52 Pa. Code § 53.101, et seq. Sunoco Pipeline requested that Supplement No. 1 to Tariff - Pipeline Pa. P.U.C. No. 15 become effective on 4/1/13. A Final Order granting Sunoco Pipeline L.P.'s Application was entered by notational vote on 3/28/13, and served the same day. RECOMMENDATION: That the Commission, consistent with 4 Pa. Code § 1.43(c), record and enter this action in the minutes of this Public Meeting. |