

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, APRIL 18, 2013 (JFC)

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, May 9, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, March 14, 2013 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 9, 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 17, 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 18, 2013

BUREAU OF AUDITS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2311577-AUD

D-2012-2311577

EQUITABLE GAS CO
- Universal Service & Energy Conservation (USEC)
Rider D Reconciliation.
RECOMMENDATION:
That the Commission release the Audit Report to the
public.

Vote 5-0.

DIRECTOR OF REGULATORY OPERATIONS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|--|
| 2355751-DIR Vote 5-0. | M-2013-2355751 | EDC CUSTOMER ACCOUNT NUMBER ACCESS MECHANISM - Office of Competitive Market Oversight (OCMO) recommendation regarding a proposal to provide for procedures facilitating Electric Generation Suppliers (EGS) access to the Electric Distribution Company (EDC) account numbers of newly enrolled customers in instances where the account number is not available from either the customer or from the Eligible Customer List (ECL). RECOMMENDATION: That the Commission adopt the proposed Tentative Order that invites parties to comment on the issues described. |

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1193385-OSA

C-20054723

Vote 5-0.

CECILE AND EDWARD COBLE VS NORFOLK SOUTHERN RAILWAY CO
- Complaint filed on 6/13/05, alleging an at-grade crossing in Carroll Township should be abolished. Two evidentiary hearings were held and a Recommended Decision was issued on 10/16/07, sustaining the Complaint. The Commission adopted the Recommended Decision by Order entered 3/10/08. By Order entered on 5/19/11, the Commission approved a Settlement filed by several Parties, as well as the cul-de-sac plans attached to the Settlement. On 8/14/12, Norfolk Southern filed a Petition to Amend Order. On 1/29/13, Norfolk Southern filed a Revised Petition to Amend Order and to Withdraw Prior Petition, requesting that the Commission, inter alia, amend the Order entered on 5/19/11, and approve the plans attached to its Revised Petition. No Answers have been filed in response to the Revised Petition.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order which grants the Revised Petition to Amend Order and to Withdraw Prior Petition.

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|------------------------------------|--|
| 2195549-OSA Vote 5-0 with Commissioner Cawley Concurring in Result Only. | C-2010-2195549 | GARY GASKINS VS VERIZON PA - Complaint filed on 8/23/10, alleging a service problem involving an invaded telephone line and over-charging for services. On 4/9/12, the Initial Decision issued by ALJ Dunderdale, sustained the Complaint in part, and denied it in part. No Exceptions were filed by the Parties. However, the Commission exercised its rights under Section 332(h) of the Code to review the ALJ's Decision and issued a Tentative Opinion and Order on 7/11/12, in which it found, inter alia, that Verizon PA violated Section 1501 of the Code and Section 63.63 of the Commission Regulations. The Commission also requested Parties to file Comments in order for the Commission to ascertain the appropriate civil penalties for these violations. On 7/31/12, Verizon PA filed Comments. No other Comments were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which modifies the Commission's Tentative Opinion and Order. |
| 2212946-OSA Vote 5-0. | C-2010-2212946 A-639601 | BUR OF TRANSPORTATION & SAFETY (BUR OF INVESTIGATION & ENFORCEMENT) VS YORK CAB - Complaint instituted on 12/9/10, alleging failure in 12/09 to provide a current list of the vehicles it used under its call or demand authority. The Petitioner did not file an Answer and the Commission issued a Secretarial Letter on 4/5/11 sustaining the Complaint and directing the Petitioner to pay a \$250 civil penalty. On 10/17/12, the Petitioner filed a Petition for Rescission regarding the Secretarial Letter. No responses to the Petition have been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Rescission. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|--------------------------|--|
| 2247936-OSA Statement by Commissioner Gardner. Vote 5-0. | P-2011-2247936 | OFFICE OF SMALL BUSINESS ADVOCATE - On 6/6/11, Petition filed Seeking Intervention by the Commission in merger proceedings of Exelon Corporation and Constellation Energy Group before the Federal Energy Regulatory Commission, a Complaint Seeking Investigation by the Commission into the proposed merger, and a Petition for Declaratory Order. On 12/20/12, ALJ Buckley issued a Recommended Decision denying the OSBA Petition. On 1/9/13, Exelon Corporation filed a Response to the Recommended Decision agreeing with the ALJ's decision with respect to the OSBA Petition, but seeking the elimination of Ordering Paragraph No. 6. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the request in the Response of Exelon Corporation and adopts the ALJ's Recommended Decision. |
| 2284621-OSA Vote 5-0. | C-2012-2284621 | GUY GIORDANO VS UGI UTILITIES, INC. - Formal Complaint filed on 1/15/12, for refusing multiple requests for an extension of the existing natural gas main around Harveys Lake, PA. The Complainant requested, inter alia, that the Commission direct PNG to complete the main extension. By Initial Decision issued 9/12/12, ALJ Jandebaur dismissed the Formal Complaint. The Complainant filed Exceptions on 10/12/12. PNG did not file Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions, in part, and denies them, in part; adopts the Initial Decision, as clarified by the Opinion and Order; and dismisses the Formal Complaint. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2294067-OSA Vote 5-0. | C-2013-2294067 | <p>BUR OF INVESTIGATION & ENFORCEMENT VS YOUNG'S ENVIRONMENTAL CLEANUP INC - Complaint initiated on 1/16/13, alleging failure of a safety fitness review. A second safety fitness review was conducted on 7/25/12, which resulted in an "Unsatisfactory" rating. In the Complaint, the Respondent was notified that, if it failed to file an Answer, I&E would request that the Commission enter an Order cancelling Respondent's Certificate. The Respondent failed to file a timely Answer. Per Order entered 3/14/13, the Respondent's Certificate was cancelled. On 3/28/13, the Respondent filed a Petition for Reconsideration. No response to the Petition was filed. The Commission engaged in a notational voting process on the final Order. The final Order was entered on 4/11/13.</p> <p>RECOMMENDATION: That the Commission, consistent with 4 Pa. Code § 1.43(c), record and enter this action into the minutes of the public meeting.</p> |
| 2298163-OSA Vote 5-0. | F-2012-2298163 | <p>VANCE VAN PATTEN VS PEOPLES NATURAL GAS COMPANY - Formal Complaint filed on 4/2/12, alleging that he was not obligated to pay the total amount of his accumulated arrearage, and requesting a payment arrangement. An evidentiary hearing was held on 7/10/12. By Initial Decision issued 10/22/12, ALJ Long recommended that the Complaint be sustained in part and dismissed in part. On 11/13/12, the Complainant filed Exceptions to the Initial Decision. On 11/26/12, Peoples filed Replies to Exceptions.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the Initial Decision.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2300615-OSA Vote 5-0. | C-2012-2300615 | PATRICIA ROBINSON VS PECO ENERGY COMPANY - Complaint filed on 4/20/12, alleging incorrect charges on her electric bill. On 5/7/12, PECO filed an Answer denying the material allegations in the Complaint. A hearing was held on 8/1/12. The Complainant did not appear at the hearing, and counsel for PECO moved to dismiss the matter for failure to prosecute. ALJ Heep granted the Motion. In an Initial Decision, issued 9/13/12, ALJ Heep dismissed the Complaint with prejudice due to the Complainant's failure to appear for the scheduled hearing of which she had notice. The Initial Decision became final by Order entered 11/9/12. The Complainant filed a Petition for Reconsideration on 11/24/12. PECO filed an Answer to the Petition on 12/6/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration. |
| 2300999-OSA Vote 5-0. | F-2012-2300999 | BARBARA MEDAGLIA VS METROPOLITAN EDISON COMPANY - Formal Complaint filed on 4/25/12, requesting a payment agreement. On 5/17/12, Met-Ed filed an Answer. A hearing was held on 7/10/12. By Initial Decision issued on 9/11/12, Special Agent Alexander dismissed the Complaint. The Complainant filed Exceptions on 10/12/12. A final Order was entered on 11/09/12, dismissing the Complaint. Due to a procedural issue, we shall consider the Complainant's Exceptions as a Petition for Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition for Reconsideration and remands this matter to the Office of ALJ for such further proceedings as deemed necessary. |

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 | <p>EMINENT MEDICAL TRANSPORT INC - Application filed on 5/7/12, for paratransit service. Several entities filed Protests. On 9/27/12, a restrictive amendment was filed. The unopposed Application was referred to TUS, which determined that additional information was needed. By Order of 2/14/13, the Application was dismissed on the basis of the Applicant's failure to comply with the information request. On 2/28/13, the Applicant filed a Petition for Reconsideration. No response has been filed. Per Order of 3/14/13, the Petition was granted pending further review of the merits.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition; (2) vacates the February 2013 Order; and (3) refers this matter to TUS for further proceedings.</p> |
| 2305069-OSA Vote 5-0. | C-2012-2305069 | <p>MARJORIE DAVIS VS COLUMBIA GAS OF PA INC - Formal Complaint filed on 5/11/12, requesting reimbursement for the amount she paid to have a gas leak repaired. On 6/5/12, Columbia filed an Answer and New Matter as well as Preliminary Objections. On 7/13/12, ALJ Johnson issued an Order Granting In Part and Denying In Part Respondent's Preliminary Objections. A hearing was held on 7/24/12. By Initial Decision issued on 9/28/12, ALJ Johnson dismissed the Complaint. The Complainant filed Exceptions on 10/19/12. Columbia filed Replies to Exceptions on 10/29/12.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2310366-OSA Vote 5-0. | R-2012-2310366 | <p>CITY OF LANCASTER - WASTEWATER - Supplement No. 36 to Tariff Sewer Pa. PUC No. 7, filed on 9/28/12, proposing an increase in rates calculated to produce \$551,609 in additional annual revenues from customers located outside the City. Formal Complaints were filed by the OSBA, OCA and Ms. Jane O. Larkin. By Order entered 11/8/12, a formal investigation was instituted to determine the lawfulness, justness and reasonableness of the City's existing and proposed rates, rules and regulations. Tariff Supplement No. 36 was suspended until 6/27/13. A public input hearing was held on 12/10/12. On 1/18/13, the City, the OCA, the OSBA and the I&E filed a Joint Petition for Settlement. On 3/13/13 the Commission issued the Recommended Decision of ALJ Buckley, which recommended that the Settlement be adopted. On 3/20/13, Ms. Jane O. Larkin filed Exceptions, and on 3/28/13, the City filed Replies to Exceptions.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions, and grants the Joint Petition for Settlement that adopts the proposed Settlement in its entirety.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|--------------------------|---|
| 2314500-OSA Vote 5-0. | C-2012-2314500 | <p>PUC - INVESTIGATION AND ENFORCEMENT VS VALLEY LIMOUSINE SERVICE LLC - Complaint initiated on 7/18/12. After being apprised of a different address, I&E filed an Amended Complaint on 10/25/12, alleging that the Respondent failed, inter alia, to pay its total assessment amounts for the 2010-2011 and 2011-2012 Fiscal Years. In the Complaint, I&E requested that: the Respondent be ordered to pay \$3,886, consisting of the outstanding assessment balance of \$1,641, and a civil penalty of \$2,245; and 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. I&E filed a Motion for Default Judgment on 11/28/12, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience be cancelled. 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> |
|--|--------------------------|--|
| 2318472-OSA Vote 5-0. | C-2012-2318472 | <p>MARK MAZZA VS PECO ENERGY COMPANY - Formal Complaint filed on 8/1/12, which was the sixth complaint that the Complainant has filed against PECO in the last four years. The Complaint challenges a ten-day notice of service termination from PECO. On 8/14/12, PECO filed Preliminary Objections, averring that this Complaint should be dismissed under the doctrine of lis pendens, in light of the five previous complaints that the Complainant has filed in the past four years. In her Initial Decision, issued on 12/31/12, ALJ Barnes recommended that PECO's Preliminary Objections be sustained and that the Complaint be dismissed with prejudice. On 1/19/13, the Complainant filed Exceptions to the Initial Decision. No response to the Exceptions has been filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Complainant's Exceptions in part and denies them, in part; vacates the ALJ's Initial Decision; and remands to OALJ for such further proceedings as may be necessary.</p> |
| 2326044-OSA Vote 5-0. | A-2012-2326044 | <p>BRIGITTES DIGITS LLC - Application filed on 9/12/12, for limousine service. Public notice was given in the PA Bulletin on 12/8/12. No protests were filed. By Order of 2/14/13, the Application was denied, based on the Applicant's lack of propensity to operate legally and safely. On 2/28/13, the Applicant filed a Petition for Reconsideration. No response has been filed to the Petition. Per Order of 3/14/13, the Petition was granted pending further review of, and consideration on, the merits.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which (1) grants the Petition to the extent consistent with the Opinion and Order; (2) vacates the February 2013 Order; and (3) refers the matter to OALJ for further proceedings.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---------------------------------|--------------------------|--|
| 2326678-OSA Vote 5-0. | C-2012-2326678 | <p>PUC - INVESTIGATION AND ENFORCEMENT VS ALFRED R DIEHL</p> <p>- Complaint initiated on 9/28/12, alleging failure, inter alia, to pay total assessment amount for four Fiscal Years. I&E requested that: (1) the Respondent be ordered to pay \$280, consisting of his outstanding assessment balance of \$70 and a civil penalty of \$210; and (2) Respondent's Certificate be cancelled if he failed to pay. Respondent did not file an Answer to the Complaint. I&E filed a Motion for Default Judgment. No Answer to the Motion was filed. On 3/7/13, I&E filed a Letter amending its Complaint so as to only pursue collection of Respondent's unpaid assessment for three Fiscal Years.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p> |
| 2341134-OSA Vote 5-0. | M-2012-2341134 | <p>TOUCH OF CLASS LIMO, INC.</p> <p>- In a Letter dated 12/3/12, 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. On 12/18/13, 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.</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> |
|--------------------------|--------------------------|--|
| 2342751-OSA Vote 5-0. | P-2013-2342751 | CLASSIC LIMOUSINE TRANSPORTATION LLC - In a Letter dated 12/26/12, 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 eight model years old. On 1/9/13, 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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|------------------------------|---|
| 1148931-TUS Vote 5-0. | A-125007 | PECO ENERGY T/A EXELON ENERGY - Petition filed on 12/18/12, for approval to abandon its natural gas supplier license. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application for abandonment. |
| 2287507-TUS Vote 5-0. | C-2013-2287507 | BUR OF INVESTIGATION & ENFORCEMENT VS EAGLE LIMOUSINE & MOTORCOACH INC - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled. |
| 2291824-TUS Vote 5-0. | M-2012-2291824 | IMPLEMENTATION OF FCC ORDER - Implementation of the Federal Communications Commission's Order of 11/18/11 as Amended or Revised and Coordination with Certain Intrastate Matters. Procedural and Protective Order implementing FCC-mandated Step 2 Intrastate Access Charge Revisions, establishing timelines for tariff filings, prescribing template for supporting information and granting Protective Order. RECOMMENDATION: That the Commission adopt the proposed Order. |
| 2323013-TUS Vote 5-0. | A-2012-2323013 | LASCELLES BONNER T/A LB LIMOUSINE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Lehigh County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2325302-TUS Vote 5-0. | A-2012-2325302 A-00120361 | MARIAH LIMOUSINE INC - Application for transfer of issued and outstanding stock. RECOMMENDATION: That the Commission adopt the proposed Order denying and dismissing the application. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|-------------------------------------|--|---|
| 2326082-TUS Vote 5-0. | A-2012-2326082 A-00108503 | A LIMOUSINE SERVICE, INC. - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2327017-TUS Vote 5-0. | A-2012-2327017 | SCHWABEN CREEK TRANSPORTATION LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Rebeck, Northumberland County RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended. |
| 2329755-TUS Vote 5-0. | A-2012-2329755 | MERCY AMBULANCE & EMS INC T/A MERCY AMBULANCE - 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. |
| 2332948-TUS Vote 5-0. | A-2012-2332948 | IRON ENERGY LLC D/B/A KONA ENERGY - Application filed on 11/1/12, 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 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. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--|---|
| 2338957-TUS Motion by Commissioner Witmer. Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting. | R-2012-2338957 R-2012-2338959 R-2013-2343051 R-2013-2343053 | US LEC OF PA, PAETEC, AND WINDSTREAMS - Supplement No. 31 to Tariff PA P.U.C. No. 1 of US LEC of PA; Supplement No. 35 to Tariff PA P.U.C. No. 3 of PAETEC Communications; Supplement No. 6 to Tariff PA P.U.C. No. 2 of Windstream Communications; Supplement No. 6 to Tariff PA P.U.C. No. 5 of Windstream D&E Systems, filed on 12/14/12 and 1/14/13, proposing to implement a Collection Fee of \$12.00 for Business Customers with any unpaid balance when the previous month's bill has not been paid in full prior to the next billing date. This flat-rate collection fee is in addition to the existing percentage-based late payment charge of 1.5% per month for business customers of the companies. RECOMMENDATION: That the Commission adopt the proposed Order approving the tariff supplements and requiring the submission of supporting cost data. |
| 2345257-TUS Vote 5-0. | A-2013-2345257 | BEST PRACTICE ENERGY LLC - Application filed on 12/20/12, 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 supplying electricity to small commercial (25kW and under) large commercial (over 25 kW), industrial and governmental customer in all the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the electric generation supplier license application. |
| 2346158-TUS Vote 5-0 with Commissioner Cawley Concurring in Result Only. | R-2013-2346158 | NORTH PENN TELEPHONE CO. - Simplified Ratemaking Plan (SRP) and accompanying tariff supplement, filed on 2/20/13, requesting an aggregate rate increase of \$101,000. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the SRP Filing and proposed rate increases. |

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--|--|
| 2346485-TUS Vote 5-0. | M-2013-2346485 M-00930418 | BEDFORD COUNTY'S 911 - System Renewal Plan filed on 2/5/13, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and to make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month. |
| 2348538-TUS Vote 5-0. | A-2013-2348538 | TRANS-ALLEGHENY INTERSTATE LINE T/A TRAILCO AND PENELEC - Letter of Notification filed on 2/13/13, for approval of the Transmission Line Extensions to the Four Mile Junction Substation Project in Harbor Creek Township, Erie County. Authority for this procedure is provided for at Pa. Code §57.72(d)(1)(i)(iii) and (vi). No protest was filed and no hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application. |
| 2350509-TUS Vote 5-0. | R-2013-2350509 | CITY OF DUBOIS - BUREAU OF WATER - Supplement No. 18 to Tariff Water-Pa. P.U.C. No. 4, filed on 3/1/13, proposing an annual increase in revenues of \$490,734 (97.3%) for customers located outside the City to become effective 4/30/13. The OCA has filed a formal complaint. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation. |
| 2351314-TUS Vote 5-0. | A-2013-2351314 | LEAST COST ROUTING INC T/A LONG DISTANCE CHARGES - Application filed on 2/22/13, seeking approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the public within PA. 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> |
|---------------------------------|--------------------------|---|
| 2353620-TUS Vote 5-0. | S-2013-2353620 | DUQUESNE LIGHT COMPANY - Securities certificate filed on 3/18/13, for registration of a securities certificate in respect to the issuance of First Mortgage Bonds, remarketed Pollution Control Revenue Refunding Bonds or intercompany loans from its parent company Duquesne Light Holdings, Inc. in an aggregate principal amount not to exceed \$450 million. RECOMMENDATION: That the Commission register the securities certificate. |
| 2353630-TUS Vote 5-0. | S-2013-2353630 | LUMOS NETWORKS OF WEST VIRGINIA AND FIBERNET TELECOMMUNICATIONS OF PA - Securities Certificates filed on 3/15/13, to serve as guarantors in the refinancing of an existing senior secured credit facility of their corporate parent Lumos Network Operating Company for up to \$425 million in aggregate. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 1199733-LAW Vote 5-0. | P-00072335 | PHILADELPHIA GAS WORKS - Petition filed on 9/7/07, requesting that the Commission issue a declaratory order approving other valid methods of assigning responsibility for a prior arrearage at a particular location consistent with Section 1407(e) of the Public Utility Code. Answers were filed by Community Legal Services of Philadelphia and OCA. On 10/27/11, PGW filed a Petition to Withdraw its Petition of 9/7/07 for declaratory order regarding Chapter 14 of the Public Utility Code. PGW submits that the issue is now moot due to a revision of 52 Pa. Code § 56.35(b)(2) pursuant to the Revised Final Rulemaking Order entered 6/13/11 at L-00060182. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition. |
| 2275830-LAW Vote 5-0. | P-2011-2275830 | Q LINK WIRELESS LLC - Application filed on 11/29/11, seeking approval to be designated as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of PA for the limited purpose of receiving federal low-income universal service support for prepaid wireless services. Q Link filed several supplements to its Application, which set forth other pertinent information. Subsequently to the filing of its Application, Q Link had filed several Compliance Plans with the FCC outlining the measures it will take to implement the conditions imposed in the FCC's Lifeline Reform Order for its wireless service. The Compliance Plan was approved by the FCC on 8/8/12. RECOMMENDATION: That the Commission grant the application for designation as an Eligible Telecommunications Carrier. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2343560-LAW Vote 5-0. | P-2013-2343560 M-00011468 | VERIZON PENNSYLVANIA LLC - Petition filed 1/14/13, requesting a waiver of certain service quality results measured under the Pennsylvania Performance Assurance Plan. The requested waiver relates to services Verizon PA provided to CLECs in November 2012 under the effects of Hurricane Sandy. The Petition seeks to recognize the effect of Hurricane Sandy on Verizon PA operations as a force majeure event under the terms of the Pennsylvania Performance Assurance Plan. Participants in the Pennsylvania Carrier Working Group did not objection to the Commission granting the waiver. Similarly, no commentators objected to the granting of the Petition. RECOMMENDATION: That the Commission adopt the Order approving the Petition. |
| 2346923-LAW (PP from 04/04/2013) Postponed until the Public Meeting of May 9, 2013. | L-2013-2346923 | RULEMAKING - RECOVERY OF FUEL COSTS BY GAS UTILITIES - Final Order entered on 10/28/11, regarding the North East Heat & Lighting Company's Request for Relief from interest charges pursuant to 52 Pa. Code §53.66(d) (related to overcollections). North East's request was granted for the Commission's Small Gas Task Force to examine issues involving the Gas Cost Rate Mechanism. RECOMMENDATION: That the Commission adopt the Order approving the Petition. |

OFFICE OF ADMINISTRATIVE LAW JUDGE

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
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| 2279168-ALJ (PP from 04/04/2013) Motion by Chairman Powelson. Statement by Commissioner Witmer. Vote 5-0. | C-2011-2279168 | CURT ECKROTH VS VERIZON PENNSYLVANIA INC - Complaint filed on 12/5/11, alleging a reliability, safety or quality problem with his service. VZ filed an Answer and New Matter and Preliminary Objections on 1/17/12. A hearing was held 8/30/12. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Initial Decision sustaining the complaint in part, and denying the complaint in part. |
| 2317175-ALJ (PP from 04/04/2013) Vote 5-0. | C-2012-2317175 | SHIRLEY A THOMAS VS PECO ENERGY COMPANY - Complaint filed on 7/13/12, disputing an alleged past due balance in excess of \$5,000, which accrued at her previous service address. Respondent filed an Answer and New Matter on 8/6/12. A hearing was held on 10/3/12. COMMISSION REVIEW: That the Commission adopt ALJ Jones' Initial Decision denying the complaint. |
| 2328614-ALJ Vote 5-0. | P-2012-2328614 | PECO ENERGY COMPANY - GAS - Section 1308(a) tariff statement filed on 9/28/12, proposing to remove procurement costs from base rates and reformulate its Price to Compare. An Amended Petition was filed 1/10/13. A Joint Petition for Complete Settlement was filed on 3/1/13. COMMISSION REVIEW: That the Commission adopt ALJs Vero and Guhl's Recommended Decision approving the Joint Petition for Complete Settlement. |
| 2344569-ALJ Vote 5-0. | M-2013-2344569 | NEWTOWN ARTESIAN WATER CO. - Annual DSIC Reconciliation Filing with the statement of over/under collections for the period ended 12/31/12. A hearing was held on 3/11/13. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving 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> |
|---------------------------------|--------------------------|---|
| 2344573-ALJ Vote 5-0. | M-2013-2344573 | COLUMBIA WATER CO. - Annual DSIC Reconciliation Filing with the statement of over/under collection for the twelve months ended 12/31/12. A hearing was held on 3/11/13. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving the statement insofar as it is undisputed. |
| 2344577-ALJ Vote 5-0. | M-2013-2344577 | UNITED WATER PENNSYLVANIA INC - Annual DSIC Filing with the statement of over/(under) collections of costs and expenses for the year ended 12/31/12. A hearing was held on 3/11/13. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving the statement insofar as it is undisputed. |
| 2345466-ALJ Vote 5-0. | M-2013-2345466 | YORK WATER CO. - Annual DSIC Reconciliation Filing of revenues and expenses for the twelve months ending 12/31/12. A hearing was held on 3/11/13. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving the statement insofar as it is undisputed. |
| 2346445-ALJ Vote 5-0. | M-2013-2346445 | PENNSYLVANIA AMERICAN WATER COMPANY - Annual DSIC Reconciliation Statement for the year ended 12/31/12. A hearing was held on 3/11/13. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving the statement insofar as it is undisputed. |
| 2347304-ALJ Vote 5-0. | M-2013-2347304 | DUQUESNE LIGHT COMPANY - Customer Education Surcharge for the Reconciliation Period of 1/1/12 to 12/31/12. A hearing was held on 3/11/13. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision approving the statement insofar as it is undisputed. |

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

April 18, 2013

BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2337337-TUS Vote 5-0. | A-2012-2337337 | SPRINT COMMUNICATIONS CO. L.P. - Application filed on 11/26/12, for Approval of a General Rule Indirect Transfer of Control. Petitions to Intervene and Protests were filed by Core Communications, Inc., and Line Systems, Inc. on 12/28/12 and 12/31/12, respectively. RECOMMENDATION: That the Commission adopt the proposed Order. |