

# **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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## **PUBLIC MEETING**

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**THURSDAY, MAY 9, 2013 (PW)**

**10:00 A.M.**

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

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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 23, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 4, 2013 (WG)

**\*\*\*ANNOUNCEMENTS\*\*\***

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 23, 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, MAY 8, 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.**

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**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**

**May 9, 2013**

**BUREAU OF AUDITS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2344341-AUD</b>  <b>Vote 5-0</b>	<b>D-2013-2344341</b>	CITIZEN POWER - Energy Education and Services Program for the twelve months ended 12/31/2011 RECOMMENDATION: That the Commission release the Audit Report to the public.
<b>2356652-AUD</b>  <b>Vote 5-0</b>	<b>M-2013-2356652</b>	WEST PENN POWER CO. - Energy Efficiency and Conservation Surcharge RECOMMENDATION: That the Commission approve Supp. No. 227 to Tariff Electric - Pa PUC No. 39 and Supp. No. 168 to Tariff Electric - Pa PUC No. 37, reflecting the revised EE&C rates to become effective 6/1/2013.

**BUREAU OF CONSUMER SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2308007-BCS</b>  <b>Vote 5-0</b>	<b>M-2012-2308007</b>	EQUITABLE GAS CO. - Universal Service and Energy Conservation Plan for 2013-2015 filed on 6/1/12, in accordance with the Commission's regulations at 52 Pa. Code Sections 62.1-62.8. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which addresses Equitable's Plan.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2171553-OSA	C-2010-2171553	CHUCK V. DE NINNO VS PEOPLES NATURAL GAS COMPANY LLC - Complaint filed on 4/21/10, alleging improper billing for gas service and requesting that the Respondent bill the responsible party. On 5/13/10, the Respondent filed an answer denying the allegations in the Complaint. The Petitioner subsequently filed an Amended Complaint and the Respondent filed an Answer to the Amended Complaint on 7/8/10. A hearing was held on 4/28/11. On 9/6/11, ALJ Johnson issued an Initial Decision, which dismissed the Complaint. On 11/10/11, the Commission entered a Final Order adopting the Initial Decision. On 10/3/12, the Petitioner filed a Petition to Rescind Order and Leave to File Exceptions Nunc Pro Tunc. The Respondent filed an Answer to the Petition on 10/26/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition to Rescind Order and Leave to File Exceptions Nunc Pro Tunc.

Vote 5-0

## OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
<b>2320355-OSA</b>  Vote 5-0	<b>A-2012-2320355</b>	<p>GERMAN AND THARAMEL LLC T/A PA MEDICAL RESPONSE</p> <p>- Application filed on 6/1/12, for paratransit service. A Protest was filed, and on 11/6/12 a restrictive amendment was filed which eliminated Bucks County from the requested service territory. The unopposed Application was referred to the Commission's Bureau of Technical Utility Services for review and resolution. Upon review of the Application, TUS determined that additional information was needed before the Application could be processed. Two Letters were sent requesting additional information. By Order of 2/14/13, the Application was denied and dismissed on the basis of the Applicant's failure to timely comply with TUS' information request. On 3/1/13, the Applicant filed a Petition for Reconsideration. No response has been filed to the Petition.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition, in part, and denies it, in part; (2) vacates the February 2013 Order; and (3) refers the matter to TUS for further action.</p>
<b>2321951-OSA</b>  Postponed until 5/23/2013	<b>A-2012-2321951</b>	<p>PEARL EXPRESS LLC</p> <p>- Application filed on 7/30/12, seeking the right to provide scheduled route service. Public Notice was given in the PA Bulletin and no protests were filed. By Order entered 2/14/13, the Commission dismissed the Application, stating, inter alia, that the applicant had not demonstrated the technical ability to provide the proposed service. On 2/28/13, Pearl Express filed a Petition for Reconsideration of the February 2013 Order. No response was filed to the Petition. 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 denies the Petition.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2325248-OSA</b>  <b>Vote 5-0</b>	<b>F-2012-2325248</b>	<p>GNANA CHINNIAH VS PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Complaint filed on 9/12/12, alleging incorrect charges on his bill for electric service to property he owns but rents to a tenant. On 10/12/12, the Respondent filed an answer denying the allegations in the Complaint and alleging the Complainant was properly charged after the Respondent discovered a foreign load at the service address. ALJ Salapa conducted a hearing on 1/15/13. On 2/13/13, the ALJ issued an Initial Decision, which dismissed the Complaint. The Complainant filed Exceptions on 3/4/13; the Respondent did not file Replies to Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the ALJ's Initial Decision.</p>
<b>2326226-OSA</b>  <b>Vote 5-0</b>	<b>C-2012-2326226</b>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS DBH TRANSPORTATION INC</p> <p>- Complaint filed on 9/26/12, alleging failure to file an Assessment Report for the 2010 calendar year and to pay its assessment for the 2011-2012 fiscal year. I&amp;E requested that the Respondent be ordered to pay \$2,367, consisting of its outstanding assessment balance of \$1,192 and a civil penalty of \$1,175, 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&amp;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:</p> <p>That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2329984-OSA</b>  Vote 5-0	<b>C-2012-2329984</b>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS AMERICAN CYBER CORPORATION T/A DISCOUNT PLUS</p> <p>- Complaint filed on 10/18/12, alleging failure to file an Assessment Report for the 2010 calendar year and to pay its assessments for the 2010-2011 and 2011-2012 fiscal years. I&amp;E requested that the Respondent be ordered to pay \$82, consisting of its outstanding assessment balance of \$28 and a civil penalty of \$54, 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 11/20/12, I&amp;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>
<b>2331111-OSA</b>  Vote 5-0	<b>C-2012-2331111</b>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS ALLEGHENY COIN COMPANY INC T/A ALLEGHENY TELEPHONE</p> <p>- Complaint filed on 10/26/12, alleging failure to pay its total assessment amount for three fiscal years. In the Complaint, I&amp;E requested that: (1) Respondent be ordered to pay \$2,283, consisting of the outstanding assessment balance of \$1,118, and a civil penalty of \$1,165; and (2) Respondent's Certificate be cancelled if it failed to pay. Respondent did not file an Answer to the Complaint. As a result, I&amp;E filed a Motion for Default Judgment requesting that the Complaint be sustained and Respondent's Certificate 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**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2332987-OSA</b>  <b>Vote 5-0</b>	<b>C-2012-2332987</b>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS NETWORK US INC</p> <p>- Complaint filed on 11/17/12, alleging failure to pay its assessment amount for four fiscal years and failed to file an Assessment Report for 2010. I&amp;E requested that the Respondent be ordered to pay \$474.34 (consisting of the outstanding assessment balance of \$369.34 and a civil penalty of \$105) 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. On 2/25/13, I&amp;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 3/22/13, I&amp;E filed a Letter modifying its Complaint to only pursue collection of the Respondent's unpaid assessments for two fiscal years for \$125.34, and the associated civil penalty of \$105.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2335066-OSA</b>	<b>C-2012-2335066</b>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS C &amp; J SERVICES INC</p> <p>- Complaint filed on 11/20/12, alleging failure to file an Assessment Report for the 2010 calendar year and to pay its assessment for the 2011-2012 fiscal year. I&amp;E requested that the Respondent be ordered to pay \$1,116, consisting of its outstanding assessment balance of \$101 and a civil penalty of \$1,015, 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 2/13/13, I&amp;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>

Vote 5-0

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2340584-OSA	C-2012-2340584	BERGER DEVELOPMENT LP VS PHILADELPHIA GAS WORKS - Complaint filed on 12/20/12, alleging incorrect charges on its bill in the amount of \$67,483. Complainant alleged a municipal lien was filed on its property based on disputed billing amounts and requested the removal of charges from its account. On 1/16/13, Respondent filed an Answer denying the allegations in the Complaint, and Preliminary Objections and Motion to Strike Impertinent Matter. The Complainant did not file a response to the Preliminary Objections. On 2/5/13, ALJ Salapa issued an Initial Decision sustaining Respondent's Preliminary Objections and dismissed the Complaint for lack of subject matter jurisdiction to adjudicate the validity of a lien. On 2/19/13, the Complainant filed Exceptions and the Respondent filed Replies to Exceptions on 3/7/13. RECOMMENDATION: That the Commission grant the Exceptions, in part, deny the Exceptions, in part, modify the ALJ's Initial Decision, and remand the proceeding to OALJ for further proceedings.

Vote 4-1

Vice Chairman Coleman dissent

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2340624-OSA</b>  Vote 5-0	<b>C-2013-2340624</b>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS MAURICE O AGENGA</p> <p>- Complaint filed on 1/17/13, alleging failure to maintain evidence of insurance with the Commission. Respondent was notified that, unless its insurer filed evidence of insurance and Respondent paid the proposed penalty, Respondent was required to file an Answer to the Complaint within 20 days of service of the Complaint, which was on 1/22/13. Respondent filed an Answer on 2/5/13 which stated that the Complaint had been filed erroneously. The Secretarial Letter of 2/8/13 stated that Respondent did not file a timely Answer to the Complaint and directed Respondent to pay a penalty of \$500. On 2/26/13, Respondent filed the instant Petition for Appeal from Staff Action. No response has been received.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which grants the Petition and refers this matter to OALJ for further proceedings as necessary.</p>
<b>2345713-OSA</b>  Vote 5-0	<b>P-2013-2345713</b>	<p>AIRPORT LIMOUSINE SERVICE, INC.</p> <p>- In a Letter dated 1/10/13, 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 1/29/13, the Petitioner filed a Petition for Appeal from Staff Action, with reference to the January 2013 Letter. No response to the Petition has been received.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which denies the Petition.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2350891-OSA</b>  <b>Vote 5-0</b>	<b>A-2013-2350891</b>	UNITED TELEPHONE D/B/A CENTURYLINK AND MCIMETRO - Joint Petition filed on 3/1/13, requesting approval of Amendment No. 1 to an Interconnection, Collocation and Resale 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.
<b>2351324-OSA</b>  <b>Vote 5-0</b>	<b>A-2013-2351324</b>	UNITED TELEPHONE D/B/A CENTURYLINK AND 365 WIRELESS - Joint Petition filed on 3/6/13, requesting approval 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.
<b>2351469-OSA</b>  <b>Vote 5-0</b>	<b>A-2013-2351469</b>	UNITED TELEPHONE D/B/A CENTURYLINK AND SPECTROTEL - Joint Petition filed on 3/6/13, requesting approval an Master Resale 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.
<b>2352137-OSA</b>  <b>Vote 5-0</b>	<b>A-2013-2352137</b>	UNITED TELEPHONE D/B/A CENTURYLINK AND CRICKET COMMUNICATIONS - Joint Petition filed on 3/8/13, requesting 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 that grants the Joint Petition.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2352139-OSA</b> <b>Vote 5-0</b>	<b>A-2013-2352139</b>	VERIZON PA AND PEG BANDWIDTH - Joint Petition filed on 3/7/13, 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.
<b>2352140-OSA</b> <b>Vote 5-0</b>	<b>A-2013-2352140</b>	VERIZON NORTH AND LOCAL ACCESS - Joint Petition filed on 3/7/13, 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.
<b>2352201-OSA</b> <b>Vote 5-0</b>	<b>A-2013-2352201</b>	FRONTIER COMM (COLLECTIVELY) AND COMCAST - Joint Petition filed on 3/11/13, 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.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2250705-TUS</b> Vote 5-0	<b>C-2012-2250705</b>	BUR OF INVESTIGATION & ENFORCEMENT VS DAN JOY TRUCKING INC - Complaint alleging failure to achieve 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.
<b>2297304-TUS</b> Vote 5-0 Commissioner Gardner concurs in result only	<b>P-2012-2297304</b>	PECO ENERGY COMPANY - ELECTRIC - Petition for Expedited Approval of Certain Revisions to its Initial Dynamic Pricing and Customer Acceptance Plan. PECO requests that the Commission, on an expedited basis: (1) find that the Dynamic Pricing Plan, as revised, satisfies the dynamic rate requirements of Act 129; and (2) reaffirm its prior approval of PECO's proposed recovery of Dynamic Pricing Plan costs through Generation Supply Adjustment ("GSA") filings. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2303448-TUS</b> Vote 5-0	<b>A-2012-2303448</b>	HAZLETON AMBULETTE SERVICES - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended.
<b>2308589-TUS</b> Vote 5-0	<b>A-2012-2308589</b>	JOSEPH G MILLER - 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 denying the application.
<b>2317828-TUS</b> Vote 5-0	<b>A-2012-2317828</b>	RUSSEL L REYNOLDS - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2319501-TUS</b> <b>Vote 5-0</b>	<b>A-2012-2319501</b>	RICKEY E FISHER - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2325953-TUS</b> <b>Vote 5-0</b>	<b>A-2012-2325953</b>	JAKE SMUCKER - 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 denying the application.
<b>2326022-TUS</b> <b>Vote 5-0</b>	<b>A-2012-2326022</b>	DENISE BARRETT T/A LUV & CARE TRANSPORTATION SERVICES - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2329509-TUS</b> <b>Vote 5-0</b>	<b>A-2012-2329509</b>	DAVID HYDO T/A BEDFORD TRANSPORTATION CO - Application for the right to begin to transport as a common carrier by motor vehicle, persons in call or demand service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2330559-TUS</b> <b>Vote 5-0</b>	<b>A-2012-2330559</b>	FIRST CALL VENTURES LLC T/A FIRST CALL MOVERS - Application for the license to operate as a broker, arranging for the transportation of household goods in use, between points in Pennsylvania. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2330793-TUS</b> <b>Vote 5-0</b>	<b>A-2012-2330793</b>	PENNDOT - Application for approval to suspend the crossing and remove the existing overhead bridge where State Route 1022 crosses over track of CSX Transportation in Rostraver Township, Westmoreland County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.



## BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2331152-TUS Vote 5-0	A-2012-2331152	MILLENNIUM LIMOUSINE GROUP 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. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2333034-TUS Vote 5-0	A-2012-2333034	KEN ROBINSON LIMOUSINE SERVICE LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2334208-TUS Vote 5-0	A-2012-2334208	LUXE LIMOUSINE SERVICES INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2336474-TUS Vote 5-0	A-2012-2336474	DONNA M MILLAN - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2339001-TUS Vote 5-0	A-2012-2339001	SHIMSHEK ENERGY LLC - Application filed on 12/14/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a licensed electric generation 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 companies' service territories throughout 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>
2343216-TUS  Vote 5-0	A-2013-2343216 A-00079650Fs 2, 5, 7	RED LION BUS CO. - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in scheduled route service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2344480-TUS  Vote 5-0	A-2013-2344480 A-00112993F0002	LOCK HAVEN TAXI, INC. - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2344491-TUS  Vote 5-0	A-2013-2344491 A-00109347C0001	H MICHAEL & CATHERINE K STRITE T/D/B/A COLONIAL TOUR AND TRAVEL - Application for the discontinuance of service and cancellation of its license as a broker arranging the transportation of persons in Pennsylvania. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2344504-TUS  Vote 5-0	A-2013-2344504 A-00122113	CHARLES J. MARTIN - 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.
2347340-TUS  Vote 5-0	P-2013-2347340	PECO ENERGY COMPANY - GAS - Petition filed 2/8/13, for approval of a Long-Term Infrastructure Improvement Plan. Philadelphia Area Industrial Energy Users Group (PAIEUG) and OCA filed comments. The International Brotherhood of Electrical Workers Local 614 filed a Petition to Intervene. RECOMMENDATION: That the Commission approve the petitions consistent with the proposed Order.

## BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2347781-TUS Vote 5-0	A-2013-2347781	SOUTHERN CROSS TRADING T/A LEXINGTON MOVING & STORAGE - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2348990-TUS Vote 5-0	A-2013-2348990	ATLAS COMMODITIES LLC - Application filed on 2/13/13, 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 large commercial (over 25 kW), industrial and governmental customer classes in the electric distribution company service territories of Penn Power, Duquesne Light, PPL Electric, West Penn Power, Penelec, Met-Ed, and PECO Energy. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2350006-TUS Vote 5-0	A-2013-2350006 A-2013-2350007	NRG ENERGY CENTER HARRISBURG AND PGH - Joint Application filed on 2/22/13, for Approval of an Indirect Transfer of Control Resulting from an Internal Restructuring of NRG Energy, Inc. On 3/25/13, OCA and OSBA filed a Petition to Intervene. No further protests were received and hearings were not requested. RECOMMENDATION: That the Commission adopt the proposed Order.
2350036-TUS Vote 5-0	S-2013-2350036	LEATHERSTOCKING GAS COMPANY LLC - Securities certificate filed on 2/25/13, in respect to the issuance of long-term debt in a principal amount not to exceed \$1.5 million. Leatherstocking agreed to a voluntary extension of the consideration period until 5/10/13. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2350899-TUS</b>  Vote 5-0	<b>A-2013-2350899</b>	PA AMERICAN WATER AND POCONO MT LAKE FOREST COMMUNICATION ASSOCIATION - Application filed on 3/1/13, for approval of the transfer by sale, of the water works property and rights of Pocono Mountain Lake Forest Community Association to PAWC, and the commencement by PAWC of water service to the public in additional portions of Delaware Township, Pike County, presently being served by PMLFCA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
<b>2354080-TUS</b>  Vote 5-0	<b>S-2013-2354080</b> <b>S-2013-2354093</b>	RCN TELECOM SERVICES (LEHIGH AND PHILA) - Securities certificate filed on 3/20/13, to amend existing debt arrangements as guarantors in connection with the debt financing of their parents, RCN Telecom Services, LLC and Yankee Cable Acquisition, LLC, for up to \$1.2 billion in aggregate. RCN Telecom voluntarily extended the statutory consideration period to 5/9/13. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.
<b>2354974-TUS</b>  Vote 5-0	<b>A-2013-2354974</b> <b>A-2013-2354840</b> <b>A-2013-2354976</b> <b>A-2013-2354978</b> <b>A-2013-2354980</b>	AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY - Application filed on 3/8/13, for approval to offer, render, furnish or supply telecommunication services as a: CLEC in the service areas of VZ PA, VZ North and Frontier Communications of PA; Reseller Interexchange Carrier (detariffed) throughout PA and; Facilities-Based 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.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2355662-TUS  Vote 5-0	P-2013-2355662	PECO ENERGY COMPANY - ELECTRIC - Petition filed on 4/4/13, for approval to treat equipment, installation and information technology costs for its Residential DLC Program as operation and maintenance expenses instead of capital costs. RECOMMENDATION: That the Commission grant the Petition & amend its Order approving PECO's Phase I Plan entered 10/28/09, as revised, and find that PECO may treat equipment costs for its Residential DLC Program as operation & maintenance expenses instead of capital costs.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2345492-LAW</b>  Vote 5-0	<b>M-2013-2345492</b>	SECTION 1307(e) RECONCILIATION STATEMENT PILOT PROGRAM - Tentative Order issued on 2/28/13, proposing a one-year pilot program with streamlined procedures governing the filing and review of Section 1307(e) reconciliation statements. The Energy Association of Pennsylvania and OCA filed comments to the Tentative Order. RECOMMENDATION: That the Commission adopt the Final Implementation Order.
<b>2346923-LAW</b> <b>(PP from 04/18/2013)</b>  Vote 5-0 Statement by Commissioner Cawley	<b>L-2013-2346923</b>	RULEMAKING - GAS COST RATES - 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.
<b>2354869-LAW</b>  Vote 5-0 Statement by Commissioner Witmer	<b>P-2013-2354869</b>	WINDSTREAM PENNSYLVANIA LLC - Petitions for a bona fide retail request extension of three months to 7/3/13, relating to its Sheakleyville NRT-1 pursuant to 66 Pa. C.S. § 3014(c)(5). Windstream asserts that the delay in completing the project is attributable to difficulties in acquiring access to certain land. Windstream acquired an easement on 2/22/13, but will not be able to complete the construction by the 4/3/13 deadline. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2357248-LAW</b>  Vote 5-0	<b>P-2013-2357248</b>	VERIZON PA - Petition for bona fide retail request deployment extension until 7/7/13, relating to its Leeper Carrier Service Area 3120, pursuant to 66 Pa. C.S. § 3014(c)(5). Verizon asserts that delay in completing the project is attributable to difficulties in acquiring access to needed rights-of-way. RECOMMENDATION: That the Commission adopt the proposed Order.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2295974-ALJ</b>  Vote 5-0 Statement by Vice Chairman Coleman Statement by Commissioner Gardner	<b>C-2012-2295974</b>	<p>PUC - BUREAU OF INVESTIGATION AND ENFORCEMENT VS UGI UTILITIES INC - GAS DIVISION</p> <p>- Formal Complaint filed on 3/30/12, alleging various violations of law and state and federal regulations in connection with a gas explosion on 10/31/11, in Millersville, which caused property damage. I&amp;E requested that the Commission impose a civil penalty on UGI and direct the Company to take numerous remedial actions. On 4/23/12, UGI filed an Answer which denied many of the material allegations in the Complaint. On 2/26/13, a Joint Settlement Petition Resolving All Issues Among All Parties was filed.</p> <p>COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Initial Decision approving the Settlement.</p>
<b>2325962-ALJ</b>  Vote 5-0	<b>A-2012-2325962</b>	<p>SIGNATURE SEDAN SERVICE INC</p> <p>- Application filed on 9/12/12, seeking authority to transport as a common carrier, persons in luxury limousine service between points in the counties of Montgomery, Bucks, Chester, Lehigh and Delaware. On 12/22/12, the Application was published in the Pennsylvania Bulletin establishing a deadline for filing any Protests of 1/7/13. Mid-Atlantic Transportation Services, Inc., filed a timely Protest. On 2/19/13, Signature Sedan filed a Motion to Dismiss Protest of Mid-Atlantic Transportation Services, Inc. Mid-Atlantic did not file an Answer to the Motion.</p> <p>COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Initial Decision granting the Motion to Dismiss Protest of Mid-Atlantic Transportation Services, Inc.</p>

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2333983-ALJ</b>  Vote 5-0 Motion by Commissioner Cawley	<b>R-2012-2333983</b>	EQUITABLE GAS CO. - Supplement No. 91 to Tariff Gas – Pa. P.U.C. No. 22, filed on 11/13/12, to become effective 1/12/13. By order entered 12/20/12, the Commission suspended the effective date of the proposed tariff until 6/21/13 and instituted an investigation. A hearing was held on 3/7/13. A Joint Petition for Settlement of Rate Investigation and Statements in Support were filed on 3/27/13. COMMISSION REVIEW: That the Commission adopt ALJ Long’s Recommended Decision approving the Settlement.
<b>2344642-ALJ</b>  Vote 5-0	<b>M-2013-2344642</b>	EQUITABLE GAS CO. - Section 1307(e) Universal Service Charge and Energy Conservation Charge Reconciliation Statement filed on 1/23/13, setting forth the over/under collections for the twelve month period ending 8/31/12. A hearing was held on 3/22/13. COMMISSION REVIEW: That the Commission adopt ALJ Salapa’s Recommended Decision accepting the statement insofar as it is undisputed.
<b>2344897-ALJ</b>  Vote 5-0	<b>M-2013-2344897</b>	NATIONAL FUEL GAS DISTRIBUTION - Section 1307(e) LIRA Discount Charge Rider Universal Service Charge Reconciliation Statement filed on 1/25/13, setting forth the over/under collections for the twelve month period ending 9/30/12. A hearing was held on 3/22/13. 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**

**May 9, 2013**

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2273650-OSA (PP from 05/09/2013)</b>	<b>P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670</b>	<b>MET-ED, PENELEC, PENN POWER &amp; WEST PENN</b> - Letter of 2/28/13 (Assignment Request) for the approval of the assignment of default service Supply Master Agreements (SMAs) from a successful bidder to FirstEnergy Solutions Corp. (FES). By Secretarial Letter dated 4/16/13, the Assignment Request was denied. Also on 4/16/13, FES filed an Appeal of Staff Action. An Answer to the Appeal was filed by Exelon Generating Company, LLC on 4/30/13. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that grants the Appeal, reverses the Secretarial Letter, and approves the Assignment Request.
<b>Vote 4-1 Dissenting statement by Commissioner Gardner Statement by Commissioner Witmer</b>		
<b>2333992-OSA</b>	<b>M-2012-2333992</b>	<b>PECO ENERGY COMPANY - ELECTRIC</b> - Petition filed on 11/1/12, requesting approval of its Phase II EE&C Plan (Phase II Plan) for the period 6/1/13 to 5/31/16. By Opinion and Order entered 2/28/13, the Commission permitted PECO to implement its Phase II Plan and directed PECO to address specific concerns with the Plan. On 3/15/13, PECO filed a Petition to amend its Phase II Plan to continue its Mass Market Direct Load Control Program and to make other minor corrections and revisions to the Plan. Answers were filed by Citizens for Pennsylvania's Future on 4/10/13 and Converge, Inc., on 4/15/13. Comments were filed by the OCA on 4/15/13. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that, inter alia, grants the Petition.
<b>Vote 5-0</b>		

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2337737-TUS  Vote 5-0	P-2012-2337737	PHILADELPHIA GAS WORKS - By Order Entered 4/4/13, PGW was ordered to file a revised proposed DSIC tariff or further support for its position in order to address the inconsistencies noted in the Order. On 4/15/13, PGW filed its Response to the 4/4/13 Order. In April 2013, various customers filed Oppositions to the DSIC, and one customer supported the DSIC. On 4/25/13, OCA and the Philadelphia Industrial and Commercial Gas Users Group individually filed comments to the PGW Response. On 5/1/13, PGW filed Reply Comments. RECOMMENDATION: That the Commission approve the petition consistent with the proposed Order.