

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MAY 23, 2013 (JC)

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, June 13, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 18, 2013 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, JUNE 13, 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 22, 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

May 23, 2013

BUREAU OF AUDITS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2312432-AUD

D-2012-2312432

AQUA PENNSYLVANIA, INC.

- Focused Management and Operations Audit

RECOMMENDATION:

That the Commission make the Audit Report and Aqua
Pennsylvania's Implementation Plan public.

Vote 5-0.

DIRECTOR OF REGULATORY OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2237952-DIR Vote 5-0.	I-2011-2237952	<p>INVESTIGATION OF PA'S RETAIL ELECTRICITY MARKET -CONSUMER EDUCATION MAILING - In its Secretarial Letter of 12/15/11, the Commission directed certain EDCs to produce and mail a Commission-endorsed postcard no later than 2/29/12, encouraging customers to shop for a competitive electric generation supplier as well as promoting www.PAPowerSwitch.com. At the conclusion of this mailing, the Commission then directed in the Final Order and Intermediate Work Plan of 3/1/12, that the Commission-endorsed postcard be re-established on an annual basis. In its Secretarial Letter of 12/20/12, the Commission proposed to dispense with the mailing of the annual postcard in 2013 and resume with the mailing of the postcard in 2014.</p> <p>RECOMMENDATION: That the Commission approve the Final Order.</p>
2362961-DIR Vote 5-0.	M-2013-2362961	<p>FIXED PRICE PASS-THROUGH CLAUSE - Before the Commission is a recommendation from the Commission's Office of Competitive Market Oversight (OCMO) regarding a proposal to provide guidance to Electric Generation Suppliers (EGS) as to the appropriate use of the "fixed price" labels when presenting products with pass-through clauses to potential customers and to provide for an additional labeling option. Pursuant to 52 Pa. Code §54.3, relating to standards and pricing practices for retail electricity service, electric distribution companies (EDCs) and EGSs or any entity that otherwise provides retail electricity service information to customers, shall use common and consistent terminology in customer communications and shall use the terms as defined in the Commission's "Consumer Dictionary for Electric Competition."</p> <p>RECOMMENDATION: That the Commission adopt the proposed Tentative Order that invites parties to comment on the issues described therein.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2270675-OSA Vote 5-0.	F-2011-2270675	<p>MARI JENSEN VS PECO ENERGY COMPANY - Petition for Reconsideration filed on 1/4/13, seeking reconsideration of the Opinion and Order entered 12/20/12, which modified the Initial Decision of ALJ Pell, and granted, in part, and denied, in part, the Complainant's Exceptions. On 1/15/13, the Complainant filed an Answer to PECO's Petition. On 1/10/13, the Commission entered an Opinion and Order which granted the Petition, pending further review on, and consideration of, the merits.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants, in part, and denies, in part, the Petition.</p>
2278282-OSA Vote 5-0.	C-2011-2278282	<p>PUC - INVESTIGATION AND ENFORCEMENT VS HOTT'S LLC - Complaint instituted on 12/21/11, alleging that it failed to maintain evidence of cargo insurance. The Respondent was notified that, unless its insurer filed evidence of insurance and Respondent paid the proposed penalty, it was required to file an Answer to the Complaint within 20 days. The Complaint was served on 12/29/11. The Respondent filed a timely Answer to the Complaint but did not pay the penalty. On 1/4/12, Respondent's insurer filed evidence of insurance effective 12/30/11. By Secretarial Letter of 2/8/13, the Commission stated that the Respondent had not paid the penalty and it was directed to pay the penalty within 20 days. On 3/21/13, the Respondent filed the instant Letter-Petition with reference to the February 2013 Secretarial Letter. No response has been received.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants the Petition, rescinds the February 2013 Secretarial Letter and refers this matter to the Office of ALJ for further proceedings as deemed necessary.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2297124-OSA Vote 5-0.	C-2012-2297124	<p>JAMES CREEHAN VS DUQUESNE LIGHT COMPANY</p> <p>- Complaint filed on 3/23/12, alleging the receipt of high bills due to a malfunctioning meter. The Respondent filed a timely Answer which alleged, inter alia, that the Complainant was attempting to relitigate issues which had been resolved in a prior complaint proceeding. On 1/11/13, the Initial Decision of ALJ Hoyer was issued, which found that the Complainant was attempting to relitigate issues that had been resolved in a prior proceeding. The ALJ dismissed the Complaint with prejudice. The Complainant filed Exceptions on 1/26/13. The Respondent filed Reply Exceptions on 2/11/13.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions to the extent consistent with the Opinion and Order, modifies the Initial Decision and dismisses the Complaint with prejudice.</p>
2321951-OSA Vote 5-0.	A-2012-2321951	<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 grants the Petition and approves the application.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2324886-OSA Vote 5-0.	C-2012-2324886	<p>PUC - INVESTIGATION AND ENFORCEMENT VS JOHN A KING</p> <p>- Complaint instituted on 9/26/12, alleging failure to maintain evidence of insurance. The Respondent was notified that, unless his insurer filed evidence of insurance on file with the Commission and he paid the proposed civil penalty, he was required to file an Answer to the Complaint within twenty days. The Respondent did not file an Answer. By Secretarial Letter of 4/9/13, it was noted that the Respondent had failed to pay the fine and/or to have his insurer file evidence of insurance. Accordingly, the Respondent was directed to pay a penalty of \$600 within 20 days. On 4/15/13, the Respondent filed the instant Petition for Appeal from Staff Action with reference to the April 2013 Secretarial Letter. No response to the Petition has been received.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition; and waives the civil penalties in the April 2013 Secretarial Letter.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2335062-OSA Vote 5-0.	C-2012-2335062	<p>PUC - INVESTIGATION AND ENFORCEMENT VS COLLEGEVILLE AIRPORT SERVICE T/A GREAT VALLEY CAB</p> <p>- Complaint filed on 11/20/12, alleging that failure to pay assessments for the 2011-2012 Fiscal Year. I&E requested that the Respondent be ordered to pay a total of \$326, consisting of its outstanding assessment balance of \$286 and a civil penalty of \$40, 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&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>
2361892-OSA Vote 5-0.	P-2013-2361892	<p>BEST RATE LIMOUSINE LLC</p> <p>- Applied on 10/1/12, for a waiver of the 8 model-year vehicle age limitation for 4 limousines. By correspondence dated 10/12/12, the Bureau of Technical Utility Services requested additional information. Best Rate submitted a response on 10/23/12, but on 11/6/12, TUS denied the application on the grounds it was incomplete. No Appeal from Staff Action was filed, so this became the final action of the Commission. On 5/3/13, Best Rate submitted a Letter-Petition requesting that a waiver be approved for 3 limousines. No responses to the Petition were filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition</p>

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184225-TUS Vote 5-0.	M-00031715F0003	SUSTAINABLE ENERGY FUND - Approval of the appointment of Robert S. Thomson to the Sustainable Energy Fund's Board of Directors. RECOMMENDATION: That the Commission approve the appointment of Robert S. Thomson to the Sustainable Energy Fund's Board of Directors.
2205479-TUS Vote 5-0.	A-2010-2205479	OASIS POWER LLC D/B/A OASIS ENERGY - Application filed on 1/20/11, and a license was granted to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power for residential and small commercial (25kw and under demand) customers in the electric distribution company service territory of PPL Electric. On 3/1/13, Oasis filed a request to amend its electric generation supplier license to also serve residential and small commercial (25kW and under) customers as a supplier of retail electric power customers in the additional electric distribution service territories of PECO Energy and Duquesne Light within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2237565-TUS Vote 5-0.	A-2011-2237565	PENNDOT - Application to replace Second Street Bridge, where State Route 0065-L23 cross track of CSX Transportation, Inc. in the Borough of Ellwood City, Lawrence County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2309909-TUS Vote 5-0.	A-2012-2309909	DEANNE LYNN CHERRY T/A CHERRY'S SERVICES - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2314713-TUS Vote 5-0.	A-2012-2314713	CITY OF PHILADELPHIA - Application to reconstruct the bridge carrying 41st Street over and above the tracks of the National Railroad Passenger Corporation in the City of Philadelphia, Philadelphia County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2325034-TUS Vote 5-0.	P-2012-2325034 C-2013-2345750 C-2013-2346375 C-2013-2345729 C-2013-2351090	PPL ELECTRIC UTILITIES CORP - Petition filed on 1/15/13, for approval of a DSIC. PPL Industrial Customers Alliance (PPLICA), OCA, and Eric Joseph Epstein filed comments. OSBA, OCA, PPLICA, and Eric Joseph Epstein filed Petitions to Intervene. Alan D. Whitehouse, John E. Hoag, Pamela Mosconi, and James Weaver, individual customers, filed formal complaints. RECOMMENDATION: That the Commission approve the petition consistent with the proposed Order.
2328664-TUS Vote 5-0.	A-2012-2328664	PARK POWER LLC - Application filed on 1/24/13, for approval to operate as an electric generation supplier serving residential and small commercial (25KW and under) customers in the electric distribution company service territories of PECO Energy, PPL Electric, and Duquesne Light. On 2/13/13, Park Power requested an amendment to its license to serve the additional EDC service territories of Met-Ed, Penelec, Penn Power, West Penn Power, UGI Utilities, Pike County Power & Light, Citizens' Electric and Wellsboro Electric for residential, small commercial (25kW and under demand), large commercial (over 25kW demand) and industrial customers. In addition, Park Power requests to add large commercial and industrial customers to its previously approved EDC service territories. 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>
2334962-TUS Vote 5-0.	A-2012-2334962	A & JA SHUTTLE SERVICE LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Bala Cynwd, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2335984-TUS Vote 5-0.	A-2012-2335984	ANTHONY F WILLIAMS T/A TONY WILLIAMS CAR SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Carnegie, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2336532-TUS Vote 5-0.	A-2012-2336532 A-00100359F0002	BAKER'S TRANSPORTATION SVC INC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in call and demand service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2337640-TUS Vote 5-0.	A-2012-2337640	BROADWAY ENERGY SOLUTIONS INC - Application filed on 11/19/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and government customers throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order.
2341201-TUS Vote 5-0.	A-2013-2341201	PERIGEE ENERGY LLC - Application filed on 12/19/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25kW demand), industrial, and governmental customers in all of the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2341301-TUS Vote 5-0.	M-2013-2341301 M-00900239	TRS ANNUAL SURCHARGE RECALCULATION 2013-2014 - Recalculation of the PA Telecommunications Relay Service Surcharge. The Commission has completed its annual recalculation of the PA TRS Surcharge and hereby notifies the LECs that the monthly residential and business monthly wireline access line surcharge to be applied from 7/1/13 through 6/30/14, will be set at \$0.08 per access line. This surcharge recalculation factors in cost estimates for TRS, TDDP, and PMASP operations. Additionally, the Commission will issue paper copies of the Order to the LECs only if the surcharge changes from the prior year. RECOMMENDATION: That the Commission adopt the proposed Order.
2343283-TUS Vote 5-0.	A-2013-2343283 A-00122960	AARON'S TRANSPORTATION SVCS, 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.
2344595-TUS Statement by Commissioner Cawley. Vote 5-0.	P-2013-2344595 P-2013-2346156 C-2013-2348849	PEOPLES TWP LLC - Petition filed on 2/1/13, for approval of a tariff waiver provisions related to customer service line replacement, its 1/23/13 petition seeks approval of a LTIIP, and its 1/31/13 petition seeks approval of a DSIC. OCA, OSBA, and I&E filed comments. OCA, OSBA, and Pennsylvania Independent Oil & Gas Association (PIOGA) filed Petitions 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>
2344596-TUS Statement by Commissioner Cawley. Vote 5-0.	P-2013-2344596 P-2013-2346161 C-2013-2348847	PEOPLES NATURAL GAS CO. LLC - Petition filed on 2/1/13, for approval of a tariff waiver provisions related to customer service line replacement, its 1/23/13 petition seeks approval of a LTIIP, and its 1/31/13 petition seeks approval of a DSIC. OCA, OSBA, and I&E filed comments. OCA, OSBA, U.S. Steel, and Pennsylvania Independent Oil & Gas Association (PIOGA) filed Petitions to Intervene. RECOMMENDATION: That the Commission approve the petitions consistent with the proposed Order.
2344857-TUS Vote 5-0.	A-2013-2344857 A-2013-2344862 A-2013-2344863	O1 COMMUNICATIONS EAST LLC - Application filed on 1/17/13, for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service areas of VZ PA and VZ North, and a Reseller Interexchange Carrier (detariffed) throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2345509-TUS Vote 5-0.	A-2013-2345509	BKE MECHANICAL INC D/B/A BKE ENERGY INC - Application filed on 1/8/13, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (25 kW and under demand), large commercial (over 25kW demand), 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.
2346902-TUS Vote 5-0.	A-2013-2346902 A-00000314F0010	MOTOR TRANSPORTATION CO., INC. - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2348842-TUS Vote 5-0.	R-2013-2348842	OLD CITY MOVERS INC - Increase in rates. RECOMMENDATION: That the Commission approve 1st Revised Page 73-B to Tariff Freight PA PUC No. 54 to become effective 5/27/13.
2348852-TUS Vote 5-0.	R-2013-2348852 A-00108285	ALLEGHENY VALLEY TRANSFER CO. - Increase in rates. RECOMMENDATION: That the Commission approve 3rd Revised Page 15 to Tariff Freight PA PUC No. 54, to become effective on 5/27/13.
2349791-TUS Vote 5-0.	A-2013-2349791	NORTH EASTERN STATES INC D/B/A ENTRUST ENERGY - Application filed on 2/18/13, for approval for a license as a supplier of natural gas services to residential, small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), governmental, and industrial customers in the natural gas distribution company service territory of Columbia Gas within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2349850-TUS Vote 5-0.	M-2013-2349850 M-00920314	BUTLER COUNTY'S 911 - System Renewal Plan filed on 2/26/12, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.25 per access line per month and to make a recommendation within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.
2352654-TUS Vote 5-0.	M-2013-2352654 M-00001335	JUNIATA COUNTY'S 911 - System Renewal Plan filed on 3/12/13, 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 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>
2353063-TUS Vote 5-0.	R-2013-2353063	B & K MOVING & HAULING, INC. - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Freight Pa. PUC No. 6 cancelling Tariff Freight PA PUC No. 5 to become effective 5/27/13.
2353297-TUS Vote 5-0.	R-2013-2353297 A-00108945	GARDNER MOVING COMPANY - Increase in rates. RECOMMENDATION: That the Commission approve Supplement 18 to Tariff Freight PA PUC No. 2 cancelling Supplement 16 to Tariff Freight PA PUC No. 2, to become effective 5/27/13.
2353505-TUS Vote 5-0.	R-2013-2353505	JOSEPH P RILEY & SONS MOVING COMPANY INC - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Freight PA PUC No. 5 cancelling Tariff Freight PA PUC No. 4, to become effective 5/27/13.
2354311-TUS Withdrawn by the Bureau of Technical Utility Services.	A-2013-2354311	PRESTIGE TRANSPORTATION LLC - Application for the right to begin to transport as a common carrier by motor vehicle, property, other than household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2355941-TUS Vote 5-0.	R-2013-2355941 A-00121505	CANTERBURY INTERNATIONAL INCORP - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Freight PA PUC No. 3 cancelling Tariff Freight PA PUC No. 2, to become effective 5/27/13.
2357931-TUS Vote 5-0.	A-2013-2357931	HEALTH GROUP TELECOMMUNICATIONS - Application filed on 4/10/13, seeking approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and 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>
2362121-TUS	M-2013-2362121	QUARTERLY EARNINGS REPORT SUMMARY 4TH QUARTER 2012 - Staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for PA non-telephone fixed utilities with jurisdictional operating revenues of over \$1,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups. RECOMMENDATION: That the Commission make the Earnings Report public.

Joint Statement by Chairman Powelson and Commissioner Witmer.
Dissenting Statement by Commissioner Gardner.
Dissenting Statement by Commissioner Cawley.
Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2074154-LAW

M-2008-2074154

Vote 5-0.

ACT 129 - REGISTRY OF CONSERVATION SERVICE PROVIDERS

- Order adopted on 2/5/09, that established the minimum experience and qualification requirements each Conservation Service Provider (CSP) must meet to be included on the CSP registry, in accordance with Act 129 of 2008, 66 Pa.C.S. § 2806.2. This 2009 CSP Registry Order also established the application for registration and the registration fee. During the more than three years since the establishment of the CSP registry, the Commission, electric distribution companies and CSPs have gained experience and knowledge in registering and qualifying CSPs to implement the Act 129 energy efficiency and conservation program. Based on this experience, newfound knowledge and Comments provided to the Tentative Order, changes to the CSP application and application process are being adopted.

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>
2321748-ALJ Statement by Commissioner Cawley. Vote 5-0.	R-2012-2321748	COLUMBIA GAS OF PA INC - Supplement No. 190 to Tariff Gas – Pa. P.U.C. No. 9, filed on 9/28/12, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$77.3 million in additional annual revenues, an increase of 20.61%. A hearing was held on 2/13/13. On 3/15/13, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJs Watson and Hoyer’s Recommended Decision approving the Settlement without modification.
2333775-ALJ Vote 5-0.	R-2012-2333775 C-2012-2337144	NATIONAL FUEL GAS DISTRIBUTION - Supplement No. 135 to Tariff Gas – Pa. P.U.C. No. 9 filed on 11/9/12, proposing to unbundle natural gas procurement costs from distribution rates and recover these costs through a gas procurement charge that will be included in the Company’s Price-To-Compare. On 12/20/12, the Commission entered an Order suspending Supplement No. 135 by operation of law until 6/21/13. A hearing was held on 3/7/13. A Joint Petition for Approval of Settlement of All Issues was filed on 3/27/13. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale’s Recommended Decision adopting the Settlement.
2333993-ALJ Motion by Commissioner Cawley. Vote 5-0.	R-2012-2333993 C-2012-2337124 C-2012-2337594	PHILADELPHIA GAS WORKS - Supplement No. 55 to Gas Service Tariff Pa.P.U.C. No. 2 filed on 11/13/12. Complaints, public statements and notices of appearance filed by OCA and OSBA on 12/3/12. A Petition to Intervene was filed 12/3/12 by PICGUG. On 3/27/13, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJ Pell’s Recommended Decision approving the Settlement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

May 23, 2013

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2092222-TUS Vote 5-0.	M-2009-2092222 M-2009-2112952 M-2009-2112956	MET-ED, PENELEC & PENN POWER - Request for approval to amend their respective Phase I Energy Efficiency and Conservation Charge (EE&C-C) Riders to remain in effect until all costs have been recovered. Met-Ed also requests approval to increase the budget for its Residential Direct Load Control Program to cover the costs of removal of the program's equipment and to recover the full costs associated with suspending the program, effective 5/31/13. RECOMMENDATION: That the Commission grant, in part, and deny, in part, the Petition and tentatively approve a new mechanism for the recovery of the full costs associated with suspending Met-Ed's Residential Direct Load Control Program.
2273650-TUS Statement by Commissioner Gardner. Vote 5-0.	P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670	MET-ED, PENELEC, PENN POWER & WEST PENN - Petition filed on 4/16/13, for approval of the Second Revised Default Service Plan (DSP) Programs. FirstEnergy filed the Second Revised DSP proposal to incorporate the directives of the Commission's Order entered 2/14/13. The Second Revised DSP includes revised Time of Use Riders for West Penn and Penn Power, a suspension of the Retail Opt-In Aggregation Program, revised tariffs, and revisions to the Customer Referral Program. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2302074-TUS Vote 5-0.	P-2012-2302074	<p>PPL ELECTRIC UTILITIES CORP - Petition filed on 3/11/13, for approval of the revised Retail Opt-In Program and a revised Standard Offer Program in compliance with the a 1/14/13 Order. On 3/25/13, PPL submitted a revised DSP to further address the directives of the 1/14/13 Order. The revised DSP included a procurement proposal of default service supply and related Alternative Energy Credits, an implementation plan, a proposed rate design, a tariff supplement and a request to continue the current time-of-use program. On 4/26/13, PPL filed an amendment to the DSP. The Amendment included an affiliated interest agreement (Docket No. G-2013-2363423) between PPL Electric and PPLSolutions, LLC for call center services for the Standard Offer Program. The Amendment also removed the Retail Opt-In Program from the DSP and revised the timeline for the Standard Offer Program of the DSP.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Order.</p>
2364201-TUS Vote 5-0.	M-2013-2364201	<p>CANADIAN PACIFIC RAILROAD - PennDOT notified the Commission on 5/2/13, of a safety concern regarding the condition of the existing bridge structure carrying State Route 1025 above grade, the single track of Canadian Pacific Railroad (CP), in Nicholson Borough, Lackawanna County. At the field investigation and conference held at the site on 5/14/13, it was observed that the bridge structure is in such poor condition, that it is necessary to close the bridge to all vehicular and pedestrian traffic to ensure the safety of the public.</p> <p>RECOMMENDATION: That the Commission direct PennDOT to close the bridge to all vehicular & pedestrian traffic and further to perform any engineering analysis to determine the feasibility and any remedial action to reopen the bridge safely to the public.</p>