

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

TUESDAY, JULY 16, 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, August 15, 2013 at 10:00 A.M.

Minutes of the Meeting of Thursday, May 23, 2013 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 15, 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 WILL HOLD AN EXECUTIVE SESSION ON TUESDAY, JULY 16, 2013, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 10:30 A.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

July 16, 2013

BUREAU OF ADMINISTRATION

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2367324-BAS Vote 5-0.	M-2013-2367324	ASSESSMENT OF LEC FOR BROADBAND OUTREACH & AGGREGATION FUND - Assessments for the Broadband Outreach and Aggregation Fund approved on 6/13/13, contained an error in computation. Revised letters with corrected computation were issued on 6/26/13. RECOMMENDATION: That the Commission approve the revised computation of the amount of the assessments for the Broadband Outreach and Aggregation Fund for Fiscal Year July 1, 2013 to June 30, 2014.

BUREAU OF AUDITS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2327611-AUD

D-2012-2327611

Vote 5-0.

NEWTOWN ARTESIAN WATER CO
- Management Efficiency Investigation Evaluating the
Implementation of Selected Recommendations from the
2010 Focused Management and Operations Audit.
RECOMMENDATION:
That the Commission make the Report and the
Company's Implementation Plan public.

DIRECTOR OF REGULATORY OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2355751-DIR Statement by Commissioner Cawley. Vote 5-0.	M-2013-2355751	EDC CUSTOMER ACCOUNT NUMBER ACCESS MECHANISM FOR EGSs - Office of Competitive Market Oversight's (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 Final Order.
2369981-DIR Vote 5-0.		APPOINTMENT - Position of Director, Bureau of Audits, effective 6/12/13. RECOMMENDATION: That the Commission ratify the appointment of Dennis Hosler to the position of Director, Bureau of Audits.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1174446-OSA Vote 5-0.	A-00119454F0002 A-00119454C0601	JEROME P. BAYLOR T/A ACTION ENTERPRIZES - Complaint initiated on 3/15/06, alleging failure to maintain evidence of insurance on file with the Commission. The Complaint was served on 3/27/06, and Petitioner did not file an Answer. By Order entered 7/26/06, the Commission sustained the Complaint and cancelled Petitioner's Certificate. On 2/21/12, Petitioner filed a Petition for Rescission of the 2006 Order and also sought reinstatement of its Certificate. By Order entered 5/10/12, we denied the Petition for Rescission and advised Petitioner to either file a Petition for Reinstatement or, in the alternative, to file a new Application for a Certificate. On 4/30/13, Petitioner filed the instant Petition for Reinstatement. No response to the Petition has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that refers the matter to OALJ.
2150021-OSA Vote 5-0.	C-2009-2150021	LIDIA SHAN VS VERIZON PENNSYLVANIA INC - Formal Complaint filed on 12/29/09, challenging the rates in Verizon's tariff for temporary suspension of service. Verizon filed an Answer on 1/20/10. A hearing was held on 9/23/10. In an Initial Decision, issued 4/13/12, ALJ Fordham dismissed the Complaint. The Petitioner filed Exceptions on 4/23/12. Verizon filed Replies to Exceptions on 5/14/12. By Order entered 8/31/12, the Commission denied the Exceptions and adopted the Initial Decision. The Petitioner filed a Petition for Rescission on 3/18/13. Verizon filed an Answer to the Petition on 4/1/13. 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>
2247862-OSA Vote 5-0.	A-2011-2247862 A-2011-2264762 A-2011-2264773	PENNSYLVANIA ELECTRIC CO. - Application filed on 6/3/11. An evidentiary hearing was held on 12/13/11. On 2/22/12, ALJ Long issued an Initial Decision that granted Penelec's Application. On 3/12/12, Exceptions to the Initial Decision were filed by Rebecca Beegle Fair (Petitioner). On 6/7/12, the Commission entered an Order denying the Exceptions and approving the Application. On 12/31/12, the Petitioner filed a Letter in the nature of a Petition for Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying the Petition for Reconsideration.
2251178-OSA (PP from 05/23/2013) Vote 5-0.	C-2011-2251178 C-2011-2253878 et al	KATHLEEN MORAN-ROBERTO VS UGI PENN NATURAL GAS INC - Formal Complaint filed on 6/10/11, requesting that PNG install a gas line to her residence or continue to supply propane at natural gas rates. On 8/9/11, PNG filed an Answer denying the request. Ten similar Complaints were filed against the Company. On 1/11/12, ALJ Jandebeur issued an Interim Order Consolidating Cases for purposes of hearing. Hearings were held on 4/5/12 and 4/6/12. A Main Brief was filed by OCA on 5/10/12. On 5/30/12, Reply Briefs were filed by PNG and the Bureau of Investigations & Enforcement. On 6/6/12, the OCA filed a Reply Brief. By Initial Decision issued on 9/12/12, ALJ Jandebeur dismissed the Complaints. The OCA filed Exceptions on 10/2/12. PNG filed Replies to Exceptions on 10/12/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2267349-OSA Vote 5-0.	A-2011-2267349 A-2011-2267352 A-2011-2267353 A-2011-2267416 A-2011-2267418 A-2011-2267426 A-2011-2267429 A-2011-2267446 A-2011-2267448	PPL ELECTRIC UTILITIES CORP - Applications filed on 10/11/11, seeking a finding pursuant to 15 Pa. C.S. § 1511(c) that the service to be furnished by PPL through its proposed exercise of eminent domain to acquire a right-of-way and easement over the property of various individuals for its proposed Richfield-Dalmatia 69 kV transmission tie line and the siting of its proposed Meiserville 69-12 kV substation is necessary or proper for the service, accommodation convenience or safety of the public. After a public input hearing and evidentiary hearings, the filing of briefs and reply briefs, the Recommended Decision of ALJs Salapa and Cheskis was issued on 12/24/12, which denied the Applications finding that PPL had failed to show a need for the proposed project. PPL filed Exceptions on 1/14/13. Reply Exceptions were filed on 1/24/13, by various Parties. PPL filed a Motion to Strike certain portions of the Reply Exceptions on 2/1/13. An Answer to the Motion to Strike was filed on 2/21/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants PPL's Motion to Strike; grants, in part, and denies, in part, PPL's Exceptions; modifies the Recommended Decision; and grants the Applications.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2278312-OSA Joint Motion by Chairman Powelson and Vice Chairman Coleman. Statement by Commissioner Gardner. Vote 5-0.	C-2011-2278312	PUC- INVESTIGATION AND ENFORCEMENT VS PHILADELPHIA GAS WORKS - Complaint initiated on 12/15/11, alleging various gas safety violations of Commission and Federal Regulations. I&E and PGW filed a Joint Petition for Settlement on 11/14/12. The Settlement provided that, inter alia, PGW would pay a civil settlement amount of \$400,000 and contribute \$100,000 to the smoke alarm program operated by the Fire Prevention Division of the Philadelphia Fire Department. In an Initial Decision, issued on 1/28/13, ALJ Jones approved the Settlement. PGW filed Exceptions on 2/4/13, and I&E filed Replies to Exceptions on 2/11/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the Initial Decision.
2286040-OSA Vote 5-0.	C-2012-2286040	DANIEL BRUNDA VS PPL ELECTIC UTILITIES CORP - Formal Complaint filed on 2/1/12, alleging that there was a reliability, safety, or quality problem with his utility service caused by electromagnetic radiation (EMR) from PPL's power lines adjacent to the Complainant's property in Lansford. On 2/21/12, PPL filed an Answer. A hearing was held on 8/16/12. In an Initial Decision issued 12/27/12, ALJ Dunderdale dismissed the Complaint. The Complainant filed Exceptions on 1/15/13. PPL filed Replies to Exceptions on 1/28/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision to dismiss the Complaint.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2297606-OSA Vote 5-0.	C-2012-2297606	LEON ZUCKERMAN VS COLUMBIA GAS OF PA - Formal Complaint filed on 3/2/12. On 4/27/12, Columbia filed an Answer. A hearing was held on 10/16/12. By Initial Decision issued on 12/12/12, ALJ Buckley dismissed the Complaint with prejudice for failure to prosecute. The Complainant filed Exceptions on 1/15/13. Columbia filed Replies to Exceptions on 1/25/13. A Final Order was entered on 1/16/13, dismissing the Complaint with prejudice. 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.
2300642-OSA Vote 5-0.	C-2012-2300642	ROBIN BEATY VS VERIZON PENNSYLVANIA INC - Formal Complaint filed on 4/20/12, alleging that there were incorrect charges on their telephone utility bill. On 5/18/12, Verizon PA filed an Answer and New Matter. A hearing was held on 7/16/12. In an Initial Decision issued 12/31/12, ALJ Barnes dismissed the Complaint. The Complainant filed Exceptions on 1/7/13. Verizon PA filed Replies to Exceptions on 2/1/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision, as modified, consistent with the Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2314680-OSA Vote 5-0.	F-2012-2314680	KIMBERLY HRENYO VS PPL ELECTRIC UTILITIES CORP - Formal Complaint filed on 7/5/12, alleging improper billing for the past several years due to a defective meter. For relief, the Complainant is requesting credit for years of unreasonably high bills. An evidentiary hearing was held on 11/8/12. By Initial Decision issued 1/3/13, ALJ Barnes denied the Complaint. On 1/12/13, the Complainant filed Exceptions to the Initial Decision. On 1/21/13, PPL filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants the Exceptions in part, and denies them, in part, and adopts the ALJ's Initial Decision, as modified, consistent with the Opinion and Order.
2315572-OSA Vote 5-0.	C-2012-2315572	JOHN SNOW VS EQUITABLE GAS COMPANY - Complaint filed on 7/9/12, alleging that a faulty gas meter caused an explosion and fire at his residence and that the Respondent was responsible for the fire. The Complainant requested, inter alia, payment for damages. On 8/16/12, the Respondent filed Preliminary Objections arguing the Commission lacks jurisdiction over the payment of damages and arguing legal insufficiency and insufficient specificity in the Complaint. On 10/1/12, ALJ Dunderdale issued a First Interim Order granting the Preliminary Objections in part (as to lack of jurisdiction) but denied them as to legal insufficiency and insufficient specificity in the Complaint. The ALJ conducted a hearing on 11/27/12. On 2/22/13, the ALJ issued an Initial Decision which sustained the Complaint and imposed a civil penalty of \$30,000 on the Respondent. On 3/14/13, the Respondent filed Exceptions. The Complainant did not file Replies to Exceptions. RECOMMENDATION: That the Commission grant the Exceptions, in part, deny the Exceptions, in part, reverse the ALJ's Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2329943-OSA Vote 5-0.	C-2012-2329943	<p>THOMAS SKIFFINGTON VS MCI COMMUNICATIONS SERVICES INC D/B/A VERIZON BUSINESS</p> <p>- Complaint filed on 10/11/12, alleging incorrect charges on telecommunications bills. On 11/7/12, the Respondent filed an Answer and New Matter and Preliminary Objections alleging the Complaint raised issues outside the Commission's jurisdiction and sought its dismissal. On 1/10/13, ALJ Barnes issued an Initial Decision sustaining the Preliminary Objections and dismissing the Complaint. No Exceptions were filed. On 2/21/13, the Complainant filed a request to withdraw the Complaint because the Parties were engaged in settlement negotiations. By Secretarial Letter dated 4/12/13, the Commission treated the Complainant's letter as a Petition to Withdraw a Pleading and directed the Parties to provide a status update of negotiations. On 4/18/13, the Respondent filed a response to the Secretarial Letter. The Complainant did not file a response.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition to Withdraw a Pleading, but gives the Complainant ten days to file objections.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2339662-OSA Vote 5-0.	C-2012-2339662	<p>PUC - INVESTIGATION AND ENFORCEMENT VS DELUXE DELIVERY SERVICE INC - Complaint initiated on 12/19/12, alleging that the Respondent failed to pay its total assessment amount for the 2011-1012 Fiscal Year. In the Complaint, I&E requested, inter alia, that: (1) the Respondent be ordered to pay \$846; and (2) the Respondent's Certificate be cancelled if it failed to pay the amount owing. The Respondent did not file an Answer to the Complaint. As a result, I&E filed a Motion for Default Judgment on 4/23/13, requesting that the Complaint be sustained and that the Respondent's Certificate be revoked. No Answer to the Motion was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p>
2339668-OSA Vote 5-0.	C-2012-2339668	<p>PUC - INVESTIGATION AND ENFORCEMENT VS P&N TRANSPORTATION AND LEASING T/A SERVICE TRUCK LINES - Complaint initiated on 12/19/12, alleging that the Respondent failed, inter alia, to pay its total assessment amount for the 2011-2012 Fiscal Year. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$1,373, consisting of the outstanding assessment balance and a civil penalty; and (2) the Respondent's Certificate be cancelled if it failed to pay the amount owing. The Respondent did not file an Answer to the Complaint. As a result, I&E filed a Motion for Default Judgment on 4/23/13, requesting that the Complaint be sustained and that the Respondent's Certificate be revoked. No Answer to the Motion was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2340824-OSA (PP from 06/13/2013) Vote 4-1 with Commissioner Cawley Dissenting.	M-2012-2340824	KEYSTONE CAB SERVICE, INC. - Request for Waiver of Vehicle Age Requirement Application filed on 9/28/12, requesting permission to use 16 vehicles that were more than 8 model years old. By letter dated 11/29/12, TUS denied the Application on the grounds that, inter alia, Keystone Cab failed to provide sufficient justification regarding why the vehicles in question were worthy of consideration to remain in service. Keystone Cab filed an Appeal from Staff Action on 12/19/12. No response to the Appeal has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Appeal from Staff Action.
2341128-OSA (PP from 06/13/2013) Vote 4-1 with Commissioner Cawley Dissenting.	M-2012-2341128	DOLLAR TAXI LLC - Request for Waiver of Vehicle Age Requirement Application filed on 9/28/12, requesting permission to use 4 vehicles that were more than 8 model years old. By letter dated 11/29/12, TUS denied the Application on the grounds that, inter alia, Dollar Taxi failed to provide sufficient justification regarding why the vehicles in question were worthy of consideration to remain in service. Dollar Taxi filed an Appeal from Staff Action on 12/19/12. No response to the Appeal has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Appeal from Staff Action.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2341129-OSA (PP from 06/13/2013) Statement by Chairman Powelson. Dissenting Statement by Commissioner Cawley. Vote 4-1 with Commissioner Cawley Dissenting.	M-2012-2341129	GOOD CAB, LLC - In a Letter dated 11/29/12, the Commission's Bureau of Technical Utility Services denied the request for waiver from the Commission's Regulation in 52 Pa. Code § 29.314(d), which requires that a vehicle used in call or demand service be no more than 8 model years old. On 12/19/12, Good Cab filed an Appeal from Staff Action, with reference to the November 2012 Letter. No response to the Appeal has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Appeal from Staff Action.
2341130-OSA (PP from 06/13/2013) Vote 4-1 with Commissioner Cawley Dissenting.	M-2012-2341130	AMIGO TAXI, LLC - In a Letter dated 11/29/12, the Commission's Bureau of Technical Utility Services denied Amigo Taxi's request for a waiver from the Commission's Regulation in 52 Pa. Code § 29.314(d), which requires that a vehicle used in call and demand service be no more than 8 model years old. On 12/19/12, Amigo Taxi filed an Appeal from Staff Action, with reference to the November 2012 Letter. No response to the Appeal has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Appeal from Staff Action.
2341131-OSA (PP from 06/13/2013) Vote 4-1 with Commissioner Cawley Dissenting.	M-2012-2341131	EZ TAXI LLC - Request for Waiver of Vehicle Age Requirement Application filed on 9/28/12, requesting permission to use 18 vehicles that were more than 8 model years old. By letter dated 11/29/12, TUS denied the Application. EZ Taxi filed an Appeal from Staff Action on 12/19/12. No response to the Appeal has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Appeal from Staff Action.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2341133-OSA (PP from 06/13/2013) Vote 4-1 with Commissioner Cawley Dissenting.	M-2012-2341133	DIAMOND TAXI LLC - In a Letter dated 11/29/12, the Commission's Bureau of Technical Utility Services denied the request for waiver from the Commission's Regulation in 52 Pa. Code § 29.314(d), which requires that a vehicle used in call or demand service be no more than 8 model years old. On 12/19/12, Diamond Taxi filed an Appeal from Staff Action, with reference to the November 2012 Letter. No response to the Appeal has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Appeal from Staff Action.
2342729-OSA Vote 5-0.	P-2013-2342729	WGM TRANSPORTATION, INC. - Per Letter of 12/13/12 (December 2012 Letter), the Commission's Bureau of Technical Utility Services (TUS) stated that it had reviewed the information submitted by the Petitioner relative to the Petitioner's request for a waiver from the requirement that a vehicle used in call and demand service be no more than eight model years old. 52 Pa. Code § 29.314(d). The December 2012 Letter denied the Petitioner's request because the Petitioner had not timely submitted an application for a waiver, and the Petitioner was not in compliance with the Commission's Regulations relative to the requirements that assessment payments be current. On 1/9/13, the Petitioner filed a Letter-Petition for Appeal from Staff Action, with reference to the December 2012 Letter. No response to the Petition has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2362285-OSA Vote 5-0.	A-2013-2362285	WINDSTREAM CONESTOGA AND COMCAST - Joint Petition filed on 5/1/13, 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.
2362951-OSA Vote 5-0.	A-2013-2362951	SOUTH CANAAN AND SERVICE ELECTRIC - Joint Petition filed on 5/13/13, seeking approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2363732-OSA Vote 5-0.	A-2013-2363732	WINDSTREAM AND METTEL - Joint Petition filed on 5/14/13, requesting approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184239-TUS Vote 5-0.	M-00031715F0004	METROPOLITAN EDISON/PENELEC - Sustainable Energy Fund Appointment of Mr. Joseph J. Jacobsen as an Advisory Board Member. RECOMMENDATION: That the Commission approve the appointment to the Advisory Board for the Metropolitan Edison Company/Pennsylvania Electric Company Sustainable Energy Fund.
1184239-TUS Vote 5-0.	M-00031715F0004	METROPOLITAN EDISON/PENELEC - Sustainable Energy Fund Appointment of Mr. Gregory J. Winger as an Advisory Board Member. RECOMMENDATION: That the Commission approve the appointment to the Advisory Board for the Metropolitan Edison Company/Pennsylvania Electric Company Sustainable Energy Fund.
2098011-TUS Vote 5-0.	A-2009-2098011	JUST ENERGY PENNSYLVANIA CORP - Status Report filed on 4/9/13, regarding compliance with the Public Utility Code, Commission Orders and Regulations and any additional license conditions as directed by Commission Orders, entered 12/28/09 and 1/10/13. RECOMMENDATION: That the Commission adopt the proposed Order regarding additional license conditions.
2289779-TUS Vote 5-0.	A-2012-2289779	AMBIT NORTHEAST LLC - Application filed on 4/16/13, for approval to amend its natural gas supplier license to begin to offer, render, furnish or supply natural gas supply services to residential and small commercial customers (less than 6,000 Mcf annually) in the additional natural gas distribution company service territory of PECO Energy Company. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.
2304401-TUS Vote 5-0.	A-2012-2304401	PENNDOT - Application for the approval to alter the public at-grade crossing, crosses the single track of Pittsburgh & Ohio Central Railroad Company in Chartiers Township, Washington 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>
2318093-TUS Vote 5-0.	A-2012-2318093	PENNDOT - Application for the approval to replace the existing above-grade crossing with a new relocated bridge where State Route 0903 (River Street), crosses three existing tracks of Reading Blue Mountain & Northern Railroad and one track of Norfolk Southern Railway in Jim Thorpe Borough, Carbon County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2320355-TUS Vote 5-0.	A-2012-2320355	GERMAN AND THARAMEL LLC T/A PA MEDICAL RESPONSE - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Delaware County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2324909-TUS Vote 5-0.	A-2012-2324909	CATAWESE COACH LINES INC - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating eleven (11) to fifteen (15) passengers, including the driver. Northumberland County RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2325962-TUS Vote 5-0.	A-2012-2325962	SIGNATURE SEDAN SERVICE INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Bucks, Chester, Delaware, Lehigh, and Montgomery Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2331737-TUS Vote 5-0.	A-2012-2331737	JOSEPH A TRAPUZZANO T/A BROADWAY LIMOUSINE - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating eleven (11) to fifteen (15) passengers, including the driver. Allegheny, Beaver, Butler, Washington, and Westmoreland Counties 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>
2334206-TUS Vote 5-0.	A-2012-2334206	KIRK LIVERY, INC. - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating eleven (11) to fifteen (15) passengers, including the driver. Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, and Westmoreland Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2335221-TUS Vote 5-0.	A-2012-2335221	ENERGY MANAGEMENT RESOURCES OF MISSOURI INC - Application filed on 10/26/12, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial, and governmental customers in the natural gas distribution company service territories of UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, Peoples TWP, PECO Energy, Philadelphia Gas Works, National Fuel Gas Distribution Corp, Peoples Natural Gas, Equitable Gas, and Columbia Gas within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2335325-TUS Vote 5-0.	A-2012-2335325	STEEL VALLEY AMBULANCE INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Homestead, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2336002-TUS Vote 5-0.	A-2012-2336002	MAE E MOSSER - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Allenwood, Union County 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>
2336379-TUS Vote 5-0.	R-2012-2336379	YORK WATER CO - Supplement No. 111 to Tariff Water-Pa. P.U.C. No. 14 and Supplement No. 1 to Tariff Wastewater-Pa. P.U.C. No. 1, filed on 5/29/13, proposing an annual increase in revenues of \$7,144,352 (16.8%) to become effective 8/1/13. By Secretarial Letter dated 4/1/13, the Commission granted Respondent an extension of time to file this proposed rate increase request until 5/30/13. On 6/4/13, the OCA filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order which suspends the tariff supplements and institutes an investigation.
2337292-TUS Vote 5-0.	A-2012-2337292 A-00097826	PENNDOT - Application for the approval to alter the public at-grade crossing by the installation of new automatically operated flashing-light crossing warning signals with short arm gates and new full depth rubber rail seal/asphalt crossing surface crosses at-grade the single track of Norfolk Southern Company in Columbia Borough, Lancaster County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2337893-TUS Vote 5-0.	A-2012-2337893	CHOICE ENERGY LLC D/B/A 4 CHOICE ENERGY LLC - Application filed on 12/5/12, for approval to become a licensed electric generation supplier as a supplier of retail electric power to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand) 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>
2338278-TUS Vote 5-0.	A-2012-2338278	PEOPLE SERVING PEOPLE ENTERPRISES - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Cumberland, Dauphin, Lancaster, Lebanon, Northumberland, Perry, Schuylkill, Snyder, and York Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2338907-TUS Vote 5-0.	A-2012-2338907	ALPHA LIMOUSINE SERVICES INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Upper Darby, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2339760-TUS Vote 5-0.	A-2012-2339760	DNX TRANSPORTATION INC T/A LATINO XPRESS - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service. Hazleton, Luzerne County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2342534-TUS Vote 5-0.	A-2013-2342534	J G NAUGHTON INC - Application for the transfer of 100% of the stock. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2342745-TUS (PP from 06/13/2013) Joint Dissenting Statement by Commissioner Gardner and Commissioner Cawley. Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting.	P-2013-2342745 C-2013-2348777	EQUITABLE GAS CO. - Petition filed on 1/11/13, for approval of its Long-Term Infrastructure Improvement Plan; and on 1/29/13, filed a Petition for approval of its Distribution System Improvement Charge (DSIC). OCA and OSBA filed comments. OCA, OSBA, and Pennsylvania Independent Oil & Gas Association, filed Petitions to Intervene. RECOMMENDATION: That the Commission approve the petition consistent with the proposed Order.
2344298-TUS Vote 5-0.	A-2013-2344298	LIAMS VAN LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Lancaster County 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>
2347108-TUS Vote 5-0.	P-2013-2347108	PIKE COUNTY LIGHT & POWER CO - ELECTRIC - Petition filed on 2/7/13, for authorization to defer, for accounting purposes, certain unanticipated expenses relating to hurricane damage. RECOMMENDATION: That the Commission approve the proposed Order approving the Petition.
2347931-TUS Vote 5-0.	A-2013-2347931	PPL ELECTRIC UTILITIES CORP - Application filed on 2/12/13, for approval of the siting and construction of the Long Pond #1 and #2 138/69 kV Transmission Tap Line in Tobyhanna Township, Monroe County. No protest was filed and no hearing was held. Also, a Petition filed on 2/12/13, for approval for a finding that a building to shelter control equipment at the proposed Long Pond 69-12 kV Substation in Tobyhanna Township, Monroe County, is reasonably necessary for the convenience or welfare of the public and therefore, exempt from any local zoning ordinance. No protest was filed. A hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the Application and grants the Petition.
2350873-TUS Vote 5-0.	A-2013-2350873	A-1 MOVERS LLC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. Mt Pleasant, Westmoreland County RECOMMENDATION: That the Commission adopt the proposed Order denying the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2351254-TUS Vote 4-0 with Commissioner Gardner Recusing.	A-2013-2351254	CHRISTINE BATCHELOR D/B/A BATCHELOR ENERGY LLC - Application filed on 2/27/13, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to small commercial (under 25kW demand), large commercial (over 25kW demand), industrial, and governmental customers in the electric distribution company service territories of PECO Energy, PPL Electric, Met-Ed, Penelec, and West Penn Power in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2351260-TUS Vote 5-0.	P-2013-2351260	METROPOLITAN EDISON CO. - Petition filed on 3/6/13, for Authorization to Defer, for Regulatory Accounting and Reporting Purposes, Certain Extraordinary Losses from Storm Damage. On 3/25/13, the OCA filed an Answer to the Petition. On 6/25/13, Met-Ed and the OCA filed a joint stipulation. RECOMMENDATION: That the Commission adopt the proposed Order.
2353468-TUS Vote 5-0.	R-2013-2353468	COMMUNITY TRANSIT OF DELAWARE COUNTY - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2353775-TUS Vote 5-0.	A-2013-2353775	LAND O'LAKES INC - Application filed on 3/21/13, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier, to small commercial (under 25kW demand), large commercial (over 25kW demand), industrial facilities owned and operated by Applicant in the Electric Distribution Company (EDC) company service territories of Met-Ed, Penelec, and PPL Electric in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2354081-TUS Vote 5-0.	A-2013-2354081	HERMAN OIL & GAS COMPANY, INC. - Application filed on 3/20/13, for Approval of an Asset Purchase Agreement for the sale of Herman Oil and Gas Company, Inc., from Mark E. Smith to Andrew E. Smith. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the Asset Purchase Agreement.
2355561-TUS Vote 5-0.	A-2013-2355561	AMERICAN POWER & GAS OF PENNSYLVANIA LLC (AP&G) - Application filed on 4/1/13, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier, engaged in the business of supplying electricity to the following customer groups: residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial and governmental customers in the electric distribution company service territories of Duquesne Light, Met-Ed, Penelec, West Penn, PPL Electric, UGI Utilities, Penn Power, PECO Energy, Pike County Light & Power. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2356696-TUS Vote 5-0.	A-2013-2356696	MID ATLANTIC ENERGY SERVICES LLC - Application filed on 4/4/13, 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 the electric distribution company service territories of West Penn, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO Energy, PPL Electric, and UGI Utilities within 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>
2356801-TUS Vote 5-0.	A-2013-2356801 A-2013-2356881	PA AMERICAN WATER AND BERRY HOLLOW WATER - Joint Application filed on 4/9/13, for approval of the transfer, by sale, of the water works property and rights, the right to offer, render, furnish, or supply water service to the public in Lower Mount Bethel Township, Northampton County, and the abandonment by Berry Hollow Water Company, Inc., of all water service. No protests were filed and no hearings were conducted. RECOMMENDATION: That the Commission adopt the proposed Order that approves this joint application.
2356851-TUS Vote 5-0.	A-2013-2356851	QX TELECOM LLC - Application filed on 3/7/13, for approval of the Company's Discontinuance and Abandonment of Interexchange Carrier and Interexchange Carrier Reseller Services to the public within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2356912-TUS Vote 5-0.	A-2013-2356912	LEATHERSTOCKING GAS COMPANY LLC - Application filed on 4/4/13, for approval requesting that the Commission issue a Certificate of Public Convenience approving the provision of natural gas utility service in Wyalusing Township and Wyalusing Borough, Bradford County. Proofs of publication and service to appropriate entities were filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2360677-TUS Vote 5-0.	A-2013-2360677 A-2013-2360679 A-2013-2360681	365 WIRELESS LLC - Application filed on 4/4/13, for approval to offer, render, furnish or supply telecommunication services as a: CLEC in the service areas of Verizon PA and Verizon North; and, Facilities-Based Interexchange Carrier 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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2360866-TUS Vote 5-0.	A-2013-2360866 A-2013-2360868 A-2013-2360870 A-2013-2360871 A-2013-2360872 A-2013-2361019	TNCI OPERATING COMPANY LLC - Application filed on 4/16/13, for approval to offer, render, furnish or supply telecommunication services as a: Reseller Interexchange Carrier throughout PA; Facilities-Based Interexchange Carrier throughout PA; CLEC in the service areas of Verizon PA, Verizon North, and CenturyLink; and, Competitive Access Provider PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2361111-TUS Vote 5-0.	R-2013-2361111	PECO ENERGY COMPANY-ELECTRIC - Supplement No. 75 to Electric Tariff – Pa. P.U.C. No. 4, filed on 4/30/13, for approval to revise Electric Tariff Rule 12.1 Service Continuity, Limitation on Liability for Service Interruptions and Variations. The filing was also served on OCA, the OSBA, and the PUC's Bureau of Investigation and Enforcement. RECOMMENDATION: That the Commission adopt the proposed Order which approves the tariff supplement.
2362113-TUS Vote 5-0.	M-2013-2362113	LACKAWANNA COUNTY'S 911 - System Renewal Plan filed on 5/7/13, 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 to PEMA 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.
2363272-TUS Vote 5-0.	R-2013-2363272	DEBO MOVING AND STORAGE, INC. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2363494-TUS Vote 5-0.	R-2013-2363494	JAMES C LOGAN INC. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2363500-TUS Vote 5-0.	R-2013-2363500	FRICK TRANSFER, INC. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2363506-TUS Vote 5-0.	R-2013-2363506	GLOSE MOVING & STORAGE, INC. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2363519-TUS Vote 5-0.	R-2013-2363519	DIANE GARLAND T/A SHIVELY'S - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2363526-TUS Vote 5-0.	R-2013-2363526	ADAM MEYER, INC. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2364376-TUS Vote 5-0.	R-2013-2364376	MCKEAN & BURT T/A ALL WAYS MOVING & STORAGE - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2364385-TUS Vote 5-0.	R-2013-2364385	GLOSE MOVING & STORAGE, INC. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2364407-TUS Vote 5-0.	R-2013-2364407	PARROT HEAD TRANSPORTATION T/A TWO MEN AND A TRUCK - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2364481-TUS Vote 5-0.	S-2013-2364481	PENNSYLVANIA AMERICAN WATER COMPANY - Securities Certificate filed on 5/21/13, with respect to the issuance of debt in a principal amount not to exceed \$67 million. No protests were filed and no hearings were held. On 6/3/13, PAWC voluntarily extended the consideration period to 7/16/13. 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>
2366255-TUS Vote 5-0.	R-2013-2366255	TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2366269-TUS Vote 5-0.	R-2013-2366269	FRANK O'NEILL MOVING INC - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2367095-TUS Vote 5-0.	R-2013-2367095	MILLENNIUM MOVING CO. - Rate Increase. RECOMMENDATION: That the Commission approve the Proposed Tariff to become effective on 7/19/13.
2367138-TUS Vote 5-0.	S-2013-2367138	COLUMBIA WATER CO. - Securities Certificate filed on 6/3/13, with respect to the issuance of debt in a principal amount not to exceed \$350,000. The company voluntarily extended the consideration period to 7/19/13. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.
2367991-TUS Vote 5-0.	A-2013-2367991	AMERICAN TELECHARGE, INC. - Application filed on 5/28/13, for approval of the Company's Discontinuance and Abandonment of CLEC 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>
2368017-TUS Vote 5-0.	A-2013-2368017	OLS, INC T/A GEORGIA ON-LINE SERVICES - Application filed on 6/4/13, for 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.
2371435-TUS Dissenting Statement by Commissioner Gardner. Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting.	M-2013-2371435	QUARTERLY EARNINGS REPORT - Bureau of Technical Utility Services report to the Commission regarding quarterly earnings of Pennsylvania utilities for the quarter ended 3/31/13, 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 \$10,000,000. 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.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1151789-LAW Vote 5-0.	A-310898 A-310898F0002 A-310898F0003	NAVIGATOR TELECOMMUNICATION LLC - Failure to file a number of reports and pay the annual assessment over the last two years. The Commission has learned that the company has been out of business since July 2012, its contact phone numbers are disconnected, and several other state public service commissions are in the process of deactivating the company for failure to meet compliance requirements. This company is a competitive access provider, a competitive local exchange carrier, and a telecommunications interexchange reseller certificated at A-310898, A-310898F0002, and A-310898F0003, respectively. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2074154-LAW Vote 5-0.	M-2008-2074154	ACT 129 - 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. On 1/10/13, the Commission proposed changes to the CSP application, renewal and information update processes. On 5/23/13, the Commission adopted some of the changes and sought additional comments. With this Order, the Commission adopts the use of the CSP registry application form as modified by this Order. RECOMMENDATION: That the Commission adopt the proposed Order

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2154595-LAW Vote 5-0.	A-2010-2154595	PENNDOT - By Order adopted and entered 9/27/12, the application was approved for the right-of-way plans reestablishing limited access highway and authorizing acquisition of right-of-way for S.R. 0070, Section 10Q R/W in Westmoreland County. The Order approved the appropriation by PennDOT of property belonging to Pittsburgh and West Virginia Railroad Company pursuant to Section 2704 of the Public Utility Code, 66 Pa.C.S. § 2704. On 2/21/13, PennDOT filed a petition with this Commission to Transfer Jurisdiction to the Court of Common Pleas of Westmoreland County, requesting that this Commission, pursuant to 66 Pa.C.S. § 2704. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.
2312382-LAW Vote 5-0.	P-2012-2312382 D-2012-2281826	NORTH EAST HEAT & LIGHT CO. - Request filed on 11/24/10, for relief and exemption from interest charges on overcollections which accrued during the 2009/2010 GCR year. The Commission denied NEH&L's request for relief, at Docket No. P-2010-2214432 (Final Order entered 10/28/11), but granted NEH&L's request for the Commission's Small Gas Task Force (SGTF) to examine issues involving the GCR mechanism and to review interest rate issues raised by NEH&L as applicable to small gas utilities. On 4/12/12, the Commission's Small Gas Task Force (SGTF) issued a report to review the interest rate issue pursuant to the Commission's October 2011 Order. On 6/26/12, based on the Small Gas Task Force and Audit Reports, NEH&L filed a letter requesting, inter alia, to remain a Group II Gas Utility. RECOMMENDATION: That the Commission adopt the Order approving the petition.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2352721-LAW

A-2013-2352721

Vote 5-0.

ABLE CO LTD

- Application of abandonment filed pursuant to Section 1102(a)(2) of the Public Utility Code, consistent with previous directives in Orders issued by the Commonwealth Court at Docket No. 539 M.D. 2011 and the Commission at Docket No. C-20042415 that Able Co., must abandon service to its existing customers in Sugarcreek Township, Armstrong County when National Fuel Gas Distribution Corporation completes its new gas mainline extension and associated service lines to these same customers. Both of these Orders also required the establishment by the Commission of an escrow account as part of the abandonment process.

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>
2330877-ALJ Vote 5-0.	R-2012-2330877 C-2012-2336716 C-2012-2330916 C-2012-2340430 C-2013-2346871	NORTH HEIDELBERG SEWER COMPANY - Tariff changes filed on 10/24/12, proposing changes in rates, rules, and regulations calculated to produce 77.6% in additional revenues. A hearing was held on 3/14/13. On 5/28/13, a Joint Petition for Settlement of all Rate Issues was filed proposing rate increases to be phased in over four years of a total increase of 54%, as well as a four-year stay out and other consumer protections. On 6/4/13, a Motion to Include Application in the Record was filed seeking admission of evidence in support of the Joint Petition. No answers or objections were filed in response to either the Joint Petition or the Motion. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision approving the Joint Petition and granting the Motion to Include Application in the Record is adopted.
2351696-ALJ (PP from 06/13/2013) Vote 5-0.	C-2013-2351696	BARBARA JOHNSON VS PECO ENERGY COMPANY - Complaint filed on 2/22/13, objecting to the monthly off-peak meter charge on Complainant's electric bill. On 3/19/13, PECO filed preliminary objections asserting that the Commission approved a \$1.75 customer charge for each off-peak meter and requesting that the Commission dismiss the complaint. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision sustaining the preliminary objections and dismissing the complaint.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

July 16, 2013

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2372643-AUD Vote 5-0.	M-2013-2372643	PENNSYLVANIA ELECTRIC CO. - Universal Service Charge Rate. RECOMMENDATION: That the Commission approve Penelec's proposed Supp. No. 41 to Tariff Electric - Pa PUC No. 80, reflecting a USC rate of \$0.00629 per KWH, to become effective 8/1/13.
2372646-AUD Vote 5-0.	M-2013-2372646	PENNSYLVANIA POWER CO. - Universal Service Charge Rate. RECOMMENDATION: That the Commission approve Penn Power's proposed Supp. No. 100 to Tariff Electric - Pa PUC No. 35, reflecting a USC rate of \$0.00276 per KWH, to become effective 8/1/13.
2372648-AUD Vote 5-0.	M-2013-2372648	METROPOLITAN EDISON CO. - Universal Service Charge Rate. RECOMMENDATION: That the Commission approve Met-Ed's proposed Supp. No. 42 to Tariff Electric - Pa PUC No. 51, reflecting a USC rate of \$0.00529 per KWH, to become effective 8/1/13.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2109324-OSA Vote 5-0.	I-2009-2109324	<p>CLEAN TREATMENT SEWAGE COMPANY - Final Plan for Improvements filed by PA American Water on 2/7/13. In response, Clean Treatment Sewage Company (CTSC) filed Comments on 3/12/13, and the OCA filed Comments on 4/11/13. On 6/25/13, PAWC filed a letter indicating that PAWC and the OCA had reached an agreement on the OCA's proposals to the Final Plan. On 7/2/13, PAWC, CTSC, the OCA, and the Bureau of Investigation and Enforcement (I&E) (collectively, Joint Petitioners) filed a Joint Petition for Settlement. In conjunction with the Settlement, the Joint Petitioners request that the Commission approve the Final Plan, as modified by the 6/25/13 letter, and that the Commission amend the Orders entered on 5/25/12 and 10/11/12, at this Docket (subject to the condition that CTSC withdraws its appeals of those Orders).</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the Joint Petition for Settlement and the Final Plan for Improvements, as modified, and amends the prior Opinions and Orders in this proceeding (subject to condition).</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2334388-OSA Vote 5-0.	M-2012-2334388 M-2009-2093216 M-2012-2289411	PPL ELECTRIC UTILITIES CORP - Petition filed on 11/15/12, requesting approval of its Act 129 Phase II EE&C Plan (Phase II Plan). On 3/14/13, the Commission entered an Opinion and Order in the above-captioned proceeding that, inter alia, approved, in part, and rejected, in part, PPL's Phase II Plan, and directed PPL to file a revised Phase II Plan that incorporated certain modifications within sixty days. On 5/13/13, PPL filed its Revised Phase II Plan in compliance with the Commission's 3/14/13 Opinion and Order. To meet the sixty-day timeframe for a decision on the Revised Phase II Plan, the Commission engaged in a notational voting process on the final Opinion and Order on 7/11/13. The final Opinion and Order was entered on 7/11/13. RECOMMENDATION: That, consistent with 4 Pa. Code § 1.43(c), the Commission's notational vote on this matter be recorded and entered in the minutes of the Public Meeting.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2341534-OSA	R-2013-2341534 C-2013-2344453 C-2013-2347291 C-2013-2350002	NATIONAL FUEL GAS DISTRIBUTION - Definitive Purchased Gas Cost rate filing of 2/1/13, pursuant to 66 Pa.C.S. § 1307(f). I&E filed a notice of appearance, and formal complaints were filed by OCA and OSBA, as well as Gerard McEnery, a customer of NFG. The matter was assigned to the OALJ for the scheduling of hearings culminating in the issuance of a Recommended Decision. On 4/25/13, NFG, I&E, OCA and OSBA entered into a Partial Settlement in which all issues but one were settled. The sole disputed issue involved a proposal by NFG to change the way it calculates the C-factor component of the PGC rate in its quarterly update filings. On 5/14/13, the Commission issued the Recommended Decision of ALJ Long, which recommended, inter alia, that the Partial Settlement be approved, and that NFG's proposed methodology for calculating the C-factor in quarterly updates be rejected. Exceptions were filed by NFG on 5/24/13, and Replies to Exceptions for filed by I&E and OCA on 5/31/13.
Motion by Commissioner Cawley. Vote 4-1 with Commissioner Gardner Dissenting.		RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which, inter alia, grants, in part, and denies, in part, the Exceptions of NFG; approves the Partial Settlement; and rejects NFG's proposal with regard to the calculation of the C-factor.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2273650-TUS Vote 5-0.	P-2011-2273650 P-2011-2273668 P-2011-2273669 P-2011-2273670	MET-ED, PENELEC, PENN POWER & WEST PENN - Joint Petition filed on 2/28/13, for approval to Amend the Commission's 8/12/12 Order and the 11/8/12 Secretarial Letter Approving Default Service Procurement Bidding Rules (Petition to Amend). Included in the Petition to Amend is a proposal to add a second procurement auction for industrial default service customers in September 2013 and a proposal for First Energy to temporarily procure supply for industrial default service customers directly from PJM Interconnection, Inc. through 11/30/13. RECOMMENDATION: That the Commission adopt the proposed Order. The Petition to Amend is granted, consistent with the Order.
2301664-TUS Vote 5-0.	P-2012-2301664	DUQUESNE LIGHT COMPANY - Revised Retail Market Enhancement Program Design and Cost Recovery Compliance filed on 3/11/13, and Revised Default Service Plan Compliance filed on 3/22/13, as a result of the Commission Opinion and Order Entered 1/25/13. RECOMMENDATION: That the Commission adopt the proposed Final Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1160738-LAW Vote 5-0.	M-00011468	PERFORMANCE MEASURES REMEDIES - Silverpoint reviewed six months of wholesale performance and metrics and remedies reporting by Verizon PA pursuant to metrics and remedies implemented at various times at Docket No. M-00011468. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2072850-LAW Vote 5-0.	M-2008-2072850 D-2008-2063177	GAS BEYOND THE MAINS - The Commission's Order at Docket No. D-2008-2063177, released a report on the Management Efficiency Investigation of UGI Utilities, Inc., and UGI Penn Natural Gas, Inc., and initiated an investigation concerning Gas Beyond Main (GBM) Programs. Commission Staff prepare an internal report to the Commission which set forth certain findings and recommendations on GBM programs and propane distribution systems. RECOMMENDATION: That the Commission issue the Tentative Order requesting public comment on its determinations regarding GBM programs.
2324075-LAW Postponed until the Public Meeting of August 15, 2013.	M-2012-2324075	INTERIM GUIDELINES FOR NATURAL GAS DISTRIBUTION COMPANIES - Review of the comments filed in response to the Tentative Order adopted at the 9/27/12 Public Meeting proposing interim guidelines for natural gas eligible customer lists similar to those established for the electric industry in 2011. RECOMMENDATION: That the Commission approve the Final Order.