

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, AUGUST 29, 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, September 12, 2013 at 10:00 A.M.

Minutes of the Meeting of Tuesday, July 16, 2013 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, SEPTEMBER 12, 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, AUGUST 28, 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

August 29, 2013

BUREAU OF CONSUMER SERVICES

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

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1197769-OSA

A-00122441

Vote 5-0.

PENNDOT

- Application filed on 2/16/06, seeking approval to reconstruct two above-grade rail crossings in the City of Sharon, and to establish a temporary rail crossing at East Budd Street. On 11/17/08, the Commission approved PennDOT's Application, and approved the temporary crossing. On 8/10/10, the City of Sharon filed an Application for approval to convert the temporary rail crossing at East Budd Street to a permanent crossing. On 9/6/11, Norfolk Southern filed a formal protest to the City's Application. On 9/6/11, Norfolk Southern filed an Application for approval to abolish a rail-highway crossing on West Budd Street in the City of Sharon. On 9/7/11, Norfolk Southern filed a Motion to Consolidate the three proceedings. On 8/29/12, the Parties filed a Settlement to address the disputed issues. On 2/21/13, the proceedings were consolidated. On 3/22/13, ALJ Hoyer issued a Recommended Decision approving the Settlement. On 3/28/13, Norfolk Southern filed Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that: (1) grants Norfolk Southern's Exceptions; (2) modifies the Recommended Decision; and (3) approves the Settlement.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2186754-OSA Vote 5-0.	C-2010-2186754	<p>ELCO CORP D/B/A A&S DELI VS PECO ENERGY COMPANY</p> <p>- Complaint filed on 7/9/10, alleging, inter alia, incorrect charges on an electric bill. On 7/29/10, PECO filed an Answer. In an Initial Decision, issued 3/1/11, ALJ Jones dismissed the Complaint for failure to comply with the ALJ's prior Orders. In an Order entered 10/14/11, the Commission modified the Initial Decision but affirmed the dismissal of the Complaint. After the Complainant appealed to the Commonwealth Court, the Court remanded the proceeding at the Commission's request. On 3/22/13, ALJ Jones issued an Initial Decision on Remand dismissing the Complaint with prejudice due to the Complainant's failure to appear for the scheduled evidentiary hearing. The Complainant filed Exceptions on 4/11/13; PECO filed Replies to Exceptions on 4/22/13.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the exceptions and modifies the Initial Decision.</p>
2201861-OSA Vote 5-0.	M-2012-2201861	<p>MXENERGY</p> <p>- Informal Investigation instituted by the Law Bureau Prosecutory Staff on 11/4/10, pertaining to alleged erroneous customer enrollments as well as the Company's marketing of its residential electric generation supplier services and specifically door-to-door sales practices. As a result of this investigation, Prosecutory Staff determined that MXenergy may have violated certain provisions of Chapter 57 of the Commission's Regulations. On 5/16/13, the Parties submitted a Settlement Agreement and Statement in Support to resolve this matter.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which issues the Settlement Agreement for comments.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2257858-OSA Vote 5-0.	M-2012-2257858	PUBLIC POWER, LLC - Informal Investigation instituted by the Bureau of Investigation & Enforcement on 4/6/12, pertaining to alleged erroneous customer enrollments within the PECO Energy service territory. As a result of the investigation, I&E determined that Public Power may have violated certain provisions of Chapter 54 and Chapter 57 of the Commission's Regulations. On 11/19/ 12, the Parties submitted a Settlement Agreement to resolve this matter. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which issues the Settlement Agreement for comments.
2275471-OSA Vote 5-0.	M-2013-2275471	PPL ELECTRIC UTILITIES CORP - Informal Investigation instituted by the Bureau of Investigation & Enforcement on 4/26/12, pertaining to alleged improper transfer of a restoration crew working to restore electric service in the wake of a 10/29/11 snowstorm. As a result of the investigation, I&E determined that PPL may have violated Section 1501 of the Public Utility Code and its own internal policies. On 3/29/13, the Parties submitted a Settlement Agreement to resolve this matter. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which issues the Settlement Agreement for comments.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2298302-OSA Vote 5-0.	F-2012-2298302	JOSE AND CARMEN FELICIANO VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 4/5/12, alleging that there were incorrect charges on their natural gas bills. On 5/2/12, PGW filed an Answer. A hearing was held on 7/24/12. In an Initial Decision issued 2/13/13, ALJ Fordham dismissed the Complaint. The Complainant filed Exceptions on 2/27/13. PGW filed Replies to Exceptions on 3/15/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision, consistent with the Opinion and Order.
2305431-OSA Vote 5-0.	F-2012-2305431	DAVID OLIVER VS PECO ENERGY COMPANY - Formal Complaint filed on 5/1/12, alleging that there were incorrect charges on his bill due to a faulty meter, that PECO provided inadequate service and requesting compensation. On 5/30/12, PECO filed an Answer, in which it denied the allegations, as well as a Preliminary Objection, in which it requested that the Commission dismiss the request for damages. On 6/2/12, the Complainant filed a response to the Preliminary Objection. A hearing was held on 10/22/12. By Initial Decision, issued on 2/14/13, ALJ Heep sustained the Complaint, in part, and denied it, in part. On 2/20/13, PECO filed Exceptions to the Initial Decision. 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>
2307244-OSA (PP from 08/15/2013) Vote 5-0.	C-2012-2307244	<p>PUC - INVESTIGATION AND ENFORCEMENT VS WEST PENN POWER COMPANY - Formal Complaint filed on 5/30/12, regarding a fatal accident that occurred when West Penn's electric distribution line fell onto a customer's property and alleging numerous violations of the Public Utility Code. On 10/9/12, West Penn filed an Answer and New Matter and Preliminary Objections to certain counts in the Complaint. I&E and West Penn filed a Joint Petition for Full Settlement of Proceeding on 2/13/13. On 2/26/13, Michael Goretzka and JoAnn Goretzka filed a Petition to Intervene. On 3/18/13, West Penn filed an Answer in Opposition to the Late-Filed Petition to Intervene. On 3/20/13, I&E filed an Answer in Opposition to the Petition to Intervene. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition to Intervene.</p>
2320322-OSA Vote 5-0.	C-2012-2320322 A-0122951	<p>PUC - INVESTIGATION AND ENFORCEMENT VS JETWAY TRANSPORT T/A MAINLINE TAXI - Settlement Agreement filed on 5/21/13, in order to satisfy the Complaints filed by I&E against Jetway Transport. In the Complaints, I&E averred that Jetway Transport allowed drivers to operate vehicles without a valid driver's license. I&E requested that a total civil penalty of \$1,050 be imposed for the violations. As part of the Settlement, Jetway Transport agreed to obtain driver history on a quarterly basis, and to comply with the Public Utility Code and the Commission's Regulations and policies in the future. I&E agreed to reduce the proposed civil penalty to \$400. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the Settlement Agreement as filed.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2330883-OSA (PP from 08/15/2013) Motion by Commissioner Gardner. Vote 5-0.	C-2012-2330883	PUC - INVESTIGATION AND ENFORCEMENT VS RODNEY P ANDREWS T/A CLASSIC LIMOUSINES - Complaint filed on 10/25/12, alleging failure to pay its assessment amounts for five fiscal years and failed to file an Assessment Report for one year. I&E requested that the Respondent be ordered to pay \$13,506.67, consisting of the outstanding assessment balance of \$10,876.67 and a civil penalty of \$2,630. 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 of Public Convenience be revoked. No Answer to the Motion was filed. On 3/7/13, I&E filed a Letter modifying its Complaint to only pursue collection of the Respondent's unpaid assessments for three of the fiscal years for \$5,792.67, and the associated civil penalty of \$2,630. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.
2338981-OSA Vote 5-0.	M-2013-2338981	UGI PENN NATURAL GAS COMPANY - Gas leaks were detected on 4/4/12 & 5/12/12, in a UGI Penn Natural Gas main located along Pennsylvania Business Route 309 in Wilkes-Barre. A temporary repair was performed. A permanent repair was completed on 5/30/12. As a result of this incident, the Commission's Gas Safety Division conducted an investigation of UGI-PNG's leak classification, surveys, and compliance with state and federal regulations. The Commission's Bureau of Investigation and Enforcement (I&E) concluded that UGI-PNG was not compliant with state and federal regulations. I&E and UGI-PNG engaged in negotiations, and filed a Settlement Agreement on 8/16/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order issuing the Settlement Agreement for comment.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2343453-OSA Vote 5-0.	C-2013-2343453	KIMBERLY LOPEZ VS PHILADELPHIA GAS WORKS - Complaint filed on 1/11/13, alleging an inability to afford her current payment agreement. On 2/5/13, PGW filed an Answer which denied the material allegations of the Complaint. A telephonic hearing was scheduled for 5/21/13 and held as scheduled. The Complainant did not appear and Special Agent Hunt was unable to contact her. PGW orally moved for the dismissal of the case due to the Complainant's failure to prosecute. In her Initial Decision, issued 6/5/13, Special Agent Hunt recommended that the Complaint be dismissed with prejudice. By Final Order issued on 7/3/13, the Commission adopted the Initial Decision of the Special Agent. On 7/11/13, the Complainant filed the instant Petition for Reconsideration. No response to the Petition has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, in part, and modifies the <i>July 2013 Order</i> .
2371056-OSA Vote 5-0.	A-2013-2371056 A-2008-2056948	WINDSTREAM PENNSYLVANIA AND COMCAST - Joint Petition filed on 6/26/13, requesting approval of Amendment No. 1 to the Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin on 7/13/13. 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>
2272310-TUS Vote 5-0.	A-2011-2272310 A-00022735	PENNDOT - Application filed on 11/7/11, for approval to replace the existing concrete arch bridge where State Route 0885, Section A35 crosses above the single track of Union Railroad Company in West Mifflin Borough, Allegheny County; and the allocation of costs incident thereto. RECOMMENDATION: That the Commission adopt the Order that appropriates the property, approves the right of way plan and approves the application directing the Department to replace the subject bridge and approaches thereto at its sole cost and expense.
2290597-TUS Postponed until the Public Meeting of September 12, 2013.	R-2012-2290597	PPL ELECTRIC UTILITIES CORP - Supplement No. 130 to Tariff Electric-Pa. P.U.C. No. 201 proposing a Storm Damage Expense Rider (SDER) in compliance with the Commission's Opinion and Order entered 12/28/12. On 3/28/13, the proposed tariff supplement was filed to become effective on 1/1/13. The OCA filed comments on 4/18/13, urging rejection of the proposed SDER. The Bureau of Investigation & Enforcement filed comments on 4/18/13, requesting approval of a modified SDER. Also on 4/18/13, PP&L Industrial Customer Alliance (PPLICA) filed comments urging rejection of PPL's request to establish an SDER. On 5/5/13, the OCA and PPLICA both filed reply comments urging rejection of the SDER and BIE's proposed modifications. PPL also filed reply comments on 5/5/13 requesting approval of the SDER as proposed. RECOMMENDATION: That the Commission adopt the proposed order that suspends the tariff supplement and institutes an investigation.
2331685-TUS Vote 5-0.	R-2012-2331685	WESTERN BERKS AMBULANCE ASSOC. - Increase in rates. RECOMMENDATION: That the Commission deny Tariff Paratransit Pa. PUC No. 4.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2333117-TUS Vote 5-0.	A-2012-2333117	PCA EMSTAR HOLDINGS LP T/A EMSTAR - Application by transfer for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2336383-TUS Vote 5-0.	A-2012-2336383	STAR CITY MOVING LLC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2340803-TUS Vote 5-0.	A-2012-2340803 A-00110099	PARK AVENUE LUXURY LIMOUSINE, INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2344250-TUS Vote 5-0.	A-2013-2344250	KENNETH GILL HEIMBUCH - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2344624-TUS Vote 5-0.	A-2013-2344624	PENNSYLVANIA AMERICAN WATER CO - WASTEWATER - Application filed on 1/17/13, for approval of: 1) the transfer by sale, of substantially all of Franklin Township Municipal Sewer Authority (FTMSA) properties and rights related to its wastewater system to PAWC; and, 2) the rights of PAWC to begin to offer or furnish wastewater service to the public in portions of Franklin Township, Adams County. The application was filed on 1/17/13. Proofs of publication and service to the appropriate entities were submitted. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2344796-TUS Vote 5-0.	A-2013-2344796	EXTREME HEALTH CARE SERVICES LLC - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2346369-TUS Vote 5-0.	A-2013-2346369	SAFETY 1ST PARATRANSIT INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2349272-TUS Vote 5-0.	A-2013-2349272	CAROL ANN FRAZIER - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2352768-TUS Vote 5-0.	A-2013-2352768	JAMES A RIGGINS JR - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2353838-TUS Vote 5-0.	A-2013-2353838	NORTH AMERICAN POWER AND GAS LLC - Application filed on 5/21/13, for approval to offer, render, furnish, or supply natural gas supply services to residential, small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial, and governmental customers in the natural gas distribution company service territories of Equitable Gas, UGI Utilities, National Fuel Gas, PECO Energy, and Peoples Natural Gas 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>
2354960-TUS Vote 5-0.	A-2013-2354960	PEOPLE TO PLACES, INC. - 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.
2356612-TUS Vote 5-0.	A-2013-2356612	MICHAEL MIZUR T/A LIMO 1 - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2357415-TUS Vote 5-0.	A-2013-2357415	RACING LIMOS OF HARRISBURG, LLC - 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.
2357419-TUS Vote 5-0.	A-2013-2357419	CLYDE L JACKSON JR - 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.
2357442-TUS Vote 5-0.	A-2013-2357442	HUGH A MCKNIGHT - 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.
2360884-TUS Vote 5-0.	A-2013-2360884	GLENN P. MONK T/A MONK'S VAN SERVICE - 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.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2361082-TUS Vote 5-0.	A-2013-2361082	JJ JASMAHN LTD D/B/A JASMAHN ENERGY - Application filed on 4/29/13, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25 kw demand) and industrial customers in all of the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2361644-TUS Vote 5-0.	A-2013-2361644	PASSIONATE CAR SERVICE INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2365773-TUS Vote 5-0.	A-2013-2365773	EMEX LLC - Application filed on 5/29/13, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to residential, small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial, and governmental customers in the natural gas distribution company service territories of PECO Energy, UGI Utilities, Philadelphia Gas Works, Peoples Natural Gas, Peoples TWP, Equitable Gas, Valley Energy, Columbia Gas, and National Fuel Gas, 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>
2368139-TUS Vote 5-0.	A-2013-2368139	DUQUESNE LIGHT COMPANY - Letter of Notification filed on 6/7/13, reconductoring, and construction of new tie lines for existing transmission lines in the Boroughs of Dravosburg, West Mifflin, and Jefferson Hills, Allegheny County and Union Township, Washington County. Authority for this procedure is provided for at Pa. Code § 57.72(d)(1)(i). No protest was filed and no hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2374566-TUS Vote 5-0.	A-2013-2374566	HOVEY ENERGY LLC - Application filed on 7/17/13, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of energy consulting that will serve residential, small commercial, large commercial, and industrial customers in all the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2374992-TUS Vote 5-0.	A-2013-2374992	DAVE LYNN - Application for Emergency Temporary Authority to transport as a common carrier by motor vehicle, persons upon call or demand. RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2375466-TUS Vote 5-0.	A-2013-2375466	AFFINITI PA LLC - Application filed on 7/15/13, for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider 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>
2376685-TUS Vote 5-0.	R-2013-2376685	DUQUESNE LIGHT COMPANY - Supplement No. 80 to Tariff Electric – Pa. P.U.C. No. 24 filed on 8/1/13, for approval to modify Rule 44 – Surge Protection Service by eliminating this optional service. Rule No. 44 provides residential customers an option to have a surge protection device installed at their meter for a fee of \$4.65/month. No customers have selected this optional service since the late 1990's. Supplement No. 80 was filed to become effective on 9/30/13. RECOMMENDATION: That the Commission adopt the proposed Order approving the tariff supplement.
2377632-TUS Vote 5-0.	M-2013-2377632	RNK, INC - Filing to reclaim 6 blocks of numbers that have not been put into service by RNK, Inc. No replies have been made to the Commission's repeated requests for information for these blocks. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2107155-LAW

L-2009-2107155

Postponed until the Public Meeting of
September 12, 2013.

**RULEMAKING - AMENDMENT 59.18 METER
LOCATION**

- Bureau of Transportation, Gas Safety Division, was directed by the PUC on 8/21/08, to institute an investigation into the issue of gas meter placement and relocation in the context of service disputes between gas distribution companies and their customers. The Gas Safety Division reviewed existing regulations, tariff language on meter location, and issued data requests to the largest gas utilities under Commission jurisdiction. The Gas Safety Division concluded that the Commission's existing regulation is vague, inadequate, and out-of-date with respect to the federal standards which the Commission has adopted. Therefore, on 7/28/11, the Commission adopted and entered a Proposed Rulemaking Order titled "Rulemaking Re Amendment to 52 Pa. Code § 59.18 Meter Location." Comments were filed by approximately 44 interested parties, including the Independent Regulatory Review Commission (IRRC). Numerous letters were also filed by individual homeowners.

RECOMMENDATION:

That the Commission adopt the Advance Notice of Final Rulemaking Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2313373-LAW Vote 5-0.	M-2012-2313373 M-00051865	ACT 129 EE&C PROGRAM - TECHNICAL REFERENCE MANUAL - The Commission adopted the 2009 update to the Technical Reference Manual (TRM) on 5/28/09. In that Order, the Commission directed the Bureau of Technical Utility Services to revise the TRM annually. In August 2009, the Commission contracted with GDS Associates, Inc. to be the Act 129 Statewide Evaluator (SWE), which, among other duties, is to assist in reviewing and providing suggested changes to the TRM. The SWE, in conjunction with a Technical Working Group, has reviewed the 2013 version of the TRM and proposes several changes and additions for the 2014 TRM update. The Commission seeks comments on the proposed 2014 TRM update. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2325045-LAW (PP from 08/15/2013) Vote 5-0.	P-2012-2325045	BLUE JAY WIRELESS LLC - Requested on 9/18/12, ETC designation as a "facilities based digital wireless carrier" in areas throughout PA where its underlying carriers, Verizon and Sprint provide coverage. The Petition was published in the Pennsylvania Bulletin on 10/3/12, at 42 Pa.B. 6606. The OCA filed Comments and Blue Jay filed Reply Comments as well as Responses to Staff Data Requests. The OCA supports Blue Jay's petition subject to certain clarifications. RECOMMENDATION: That the Commission adopts the Order approving the Petition.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2377631-LAW

P-2013-2377631
A-2012-2337292

Vote 5-0.

PENNDOT
- Order of 7/16/13, approved PennDOT's application to make alterations and improvements at public crossings at the tracks of Norfolk Southern Railway Company in Columbia Borough, Lancaster County. Since Norfolk Southern had not accepted PennDOT's determination of \$99,700 in damages, PennDOT seeks to transfer jurisdiction to the Court of Common Pleas of Lancaster County for a determination of damages due pursuant to Section 2704 of the Public Utility Code.
RECOMMENDATION:
That the Commission adopt the Order granting the petition.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2332152-ALJ Motion by Commissioner Witmer. Vote 5-0.	F-2012-2332152	MARGARITA KRON VS PHILADELPHIA GAS WORKS - Complaint filed on 9/30/12, alleging that Complainant received a bill from PGW for \$3,666.00 for two years of service to her after she requested that service at the service address be stopped. PGW filed its answer on 11/26/12. On 3/18/13, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Initial Decision sustaining the complaint.
2336109-ALJ Vote 5-0.	F-2012-2336109	JONATHAN BRIDGES VS PECO ENERGY COMPANY - Complaint filed on 11/20/12, requesting a payment arrangement reduction per month, plus budget billing per month, plus the current budget billing amount until all arrearage payments are made. PECO filed its answer on 12/7/12. A hearing was held on 3/15/13. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Initial Decision granting in part in that Complainant shall be granted a second reduced payment arrangement.
2356170-ALJ Vote 5-0.	M-2013-2356170	WEST PENN POWER CO. - Annual 1307(e) Reconciliation Statement for its Energy Efficiency and Conservation Surcharge for the period ending 5/31/13, filed on 4/1/13. A hearing was held on 5/17/13. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision accepting West Penn Power's filing insofar as it is unopposed.
2362029-ALJ Vote 5-0.	M-2013-2362029	UTILITIES, INC - WESTGATE - Purchased Water Adjustment Charge which reconciles over and under collections for the period 7/1/12 to 3/31/13, filed on 4/30/13. On 5/14/13, Westgate filed additional schedules updating the information provided in the original filing to provide actual total information. A hearing was held on 6/18/13. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision accepting Westgate's filing insofar as it is unopposed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2362298-ALJ Vote 5-0.	M-2013-2362298	PPL ELECTRIC UTILITIES CORP - Generation Supply Charge-2 Reconciliation report for the period 5/1/12 through 4/30/13, filed on 4/30/13. A hearing was held on 6/18/13. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision accepting PPL's filing insofar as it is unopposed.
2362299-ALJ Vote 5-0.	M-2013-2362299	PPL ELECTRIC UTILITIES CORP - Transmission Service Charge Reconciliation Report for the period 5/1/12 through 4/30/13, filed on 4/30/13. A hearing was held on 6/18/13. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision accepting PPL's filing insofar as it is unopposed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

August 29, 2013

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1163772-TUS Vote 5-0.	A-125103	STAND ENERGY CORPORATION - Application filed on 7/22/13, for approval to amend its natural gas supplier license to add the additional natural gas distribution company service territory of Peoples TWP LLC, within PA; and, to authorize Stand Energy Corporation to provide natural gas supply services to small commercial (under 6,000 MCF) and governmental customer classes in all its licensed NGDC territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2371789-TUS Statement by Chairman Powelson. Vote 5-0.	A-2013-2371789 P-2013-2371775	SUNOCO PIPELINE, L.P. - Application filed on 7/3/13, for approval seeking a Certificate of Public Convenience authorizing it to abandon service on a portion of its intrastate petroleum products pipeline transportation service in PA. Also, a Petition was filed for approval to temporarily suspend service on a portion of its intrastate petroleum products pipeline transportation service in PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application and the petition.

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO.

2371825-TUS

Vote 5-0.

DOCKET NO.

R-2013-2371825

NAME AND SUBJECT

DUQUESNE LIGHT COMPANY
- Supplement No. 77 to Tariff Electric Pa. P.U.C.
No. 24, filed on 7/1/13, proposing to reinstate Rider
No. 1, the Consumer Education Surcharge to
recover all education costs incurred in carrying out
the PUC's Retail Market Investigation mandates
and all other consumer education related expenses
incurred by the Company to conduct consumer
education activities ordered by the Commission.
Supplement No. 77 is being filed with an effective
date of 8/30/13.

RECOMMENDATION:

That the Commission adopt the proposed Order
which approves the tariff supplement.