

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JANUARY 23, 2014 (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
Pamela A. Witmer	John F. Coleman, Jr.	Robert F. Powelson	James H. Cawley	Gladys M. Brown

THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.

The Next Public Meeting is Tentatively Scheduled for Thursday, February 6, 2014 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 19, 2013 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 6, 2014 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.

**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

January 23, 2014

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2343081-AUD Vote 5-0.	D-2013-2343081	DUQUESNE LIGHT COMPANY - Transmission Service Charge for the Twelve Months ended 2/29/12. RECOMMENDATION: That the Commission release the Audit Report to the public.
2343082-AUD Vote 5-0.	D-2013-2343082	DUQUESNE LIGHT COMPANY - Consumer Education Surcharge for the Twelve Months Ended 12/31/11. RECOMMENDATION: That the Commission release the Audit Report to the public.
2343083-AUD Vote 5-0.	D-2013-2343083	DUQUESNE LIGHT COMPANY - Energy Efficiency and Conservation and Demand Response Surcharge for the Twelve Months Ended 5/31/12. RECOMMENDATION: That the Commission release the Audit Report to the public.
2343084-AUD Vote 5-0.	D-2013-2343084	DUQUESNE LIGHT COMPANY - Universal Service Charge for the Twelve Months Ended 10/31/12 and for the Seven Months Ended 10/31/11. RECOMMENDATION: That the Commission release the Audit Report to the public.
2343085-AUD Vote 5-0.	D-2013-2343085	DUQUESNE LIGHT COMPANY - Smart Meter Charge for the Twelve Months Ended 6/30/12 and the Twelve Months Ended 6/30/11. RECOMMENDATION: That the Commission release the Audit Report to the public.
2343087-AUD Vote 5-0.	D-2013-2343087	DUQUESNE LIGHT COMPANY - Small Commercial & Industrial Default Service Supply Charge for the Period 1/1/11 - 4/30/12 and Medium Commercial & Industrial Default Service Supply Charge for the Period 7/1/09 - 4/30/12. RECOMMENDATION: That the Commission release the Audit Report to the public.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2273310-OSA Vote 5-0.	A-2011-2273310	ROBESON TOWNSHIP - Application filed on 11/10/11, seeking to alter the pertinent crossing by the installation of automatically operated flashing warning lights. The Commission approved the application by Secretarial Letter of 8/3/12. On 8/27/12, Norfolk Southern filed a Petition for Appeal of Staff Action with respect to the Secretarial Letter, objecting to the directive that it pay compensation for damages for property taken, injured or destroyed. Per Order entered 10/11/12, the Commission assigned this matter to OALJ. The Parties engaged in settlement discussions, resulting in a Settlement submitted by the Parties on 9/16/13. In his Recommended Decision issued on 10/30/13, ALJ Cheskis recommended that the Commission adopt the Settlement. On 11/6/13, Norfolk Southern filed an Exception. No Reply Exceptions have been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) grants Norfolk Southern's Exception; and (2) adopts the Recommended Decision as modified by this Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2313679-OSA	F-2012-2313679	KISHA DORSEY VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 7/29/12, which alleged, inter alia, that she was unable to pay her gas utility bills and that she had received a notice her utility service was being terminated. As relief, she requested a payment arrangement. On 8/2/12, PGW filed an Answer in which it denied the material allegations of the Complaint and provided additional allegations of fact regarding the Complainant's payment history and prior payment arrangements. In an Initial Decision issued 7/17/13, Special Agent Hunt denied the Complainant's request for a payment arrangement on the portion of her account balance that is subject to CAP rates but granted the Complainant's request for a payment arrangement on the portion of her account balance that is not subject to CAP rates. The Commission exercised its right to review the Initial Decision and modified it in an Opinion and Order issued on 11/22/13. On 12/10/13, the Complainant filed a Petition for Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration.

Postponed until the Public Meeting of
February 6, 2014.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327744-OSA Withdrawn by the Office of Special Assistants.	F-2012-2327744	YOUNES CHTIOUI VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 9/26/12, alleging improper billing for gas service provided to a rental property that he owns. On 10/24/12, PGW filed an Answer denying the material allegations of the Complaint. An evidentiary hearing was held on 3/13/13. By Initial Decision issued 7/17/13, ALJ Pell dismissed the Complaint. On 8/5/13, the Complainant filed Exceptions to the Initial Decision. On 11/21/13, PGW filed Replies to the Complainant's Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which (1) denies the Exceptions; (2) adopts the Initial Decision; and (3) dismisses the Complaint.
2335357-OSA Vote 5-0.	C-2012-2335357	EMORY BLACKSHIR VS PECO ENERGY COMPANY - Formal Complaint filed on 11/12/12, alleging that there are incorrect charges on his bill, that he received a termination notice and that he would like a payment agreement. By Initial Decision, issued on 7/10/13, ALJ Melillo denied the Complaint. On 7/29/13, the Complainant filed Exceptions to the Initial Decision. PECO filed Replies to Exceptions on 8/12/13. By Opinion and Order entered on 11/14/13, the Complainant's Exceptions were denied, adopted the Initial Decision, and dismissed the Complaint. On 12/11/13, the Complainant filed a Petition for Rescission of the Commission's 11/14/13 Opinion and Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition for Rescission.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2353658-OSA Vote 5-0.	C-2013-2353658	STEPHEN J NOLL VS COLUMBIA GAS OF PENNSYLVANIA INC - Formal Complaint filed on 3/11/13, alleging that Columbia is threatening to terminate his gas utility service and that there are incorrect charges on his bill. On 4/9/13, Columbia filed an Answer in which it denied that there are incorrect charges on the bill, and acknowledged a pending termination. A telephonic hearing was held on 5/7/13. In an Initial Decision issued on 8/08/13, ALJ Hoyer denied the Complaint. The Complainant filed Exceptions on 8/23/13. Columbia filed Replies to Exceptions on 9/3/13. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
2386498-OSA <u>Statement by Commissioner Witmer.</u> Vote 5-0.	P-2013-2386498 C-20066892	STILLWATER SEWER CORP. - Complaint filed on 9/22/06 at Docket No. C-20066892, Ruben Collazo alleged that Stillwater is a de facto public utility and, as such, is under the Commission's jurisdiction. Per Order entered on 3/15/10, the Commission held that Stillwater Lakes Civic Association, of which Stillwater is a subsidiary, meets all of the requirements of a bona fide cooperative association and, as such, is exempt from Commission jurisdiction. On 8/15/13, Mr. Collazo filed the instant Petition to Rescind Order with reference to the March 2010 Order. On 10/15/13, Stillwater filed an Answer. The Petitioner subsequently filed a Reply to Answer and Stillwater filed a Letter-Response. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1203287-TUS Vote 5-0.	A-125150	INTERSTATE GAS MARKETING, INC - License issued on 5/30/07, to supply natural gas services as a supplier to large commercial (6,000 MCF or more annually) and industrial customers in the natural gas distribution company service territory of Peoples Natural Gas. On 10/25/13, Interstate filed an application to amend their gas license to offer, render, furnish, or supply natural gas supply services to large commercial (6,000 MCF or more annually) and industrial customers in the additional NGDC service territory of Peoples TWP, LLC. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2208469-TUS Vote 5-0.	A-2010-2208469	OASIS POWER LLC D/B/A OASIS ENERGY - Application filed on 10/24/13, and 11/13/13, for approval to amend its natural gas supplier license to add the additional natural gas distribution company service territories of Peoples Natural Gas, PECO Energy, and Columbia Gas. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2216375-TUS Vote 5-0.	A-2010-2216375	PLANET ENERGY(PENNSYLVANIA) CORP - Licensed by Orders entered on 2/25/11, and 5/20/11, to offer, render, furnish or supply natural gas supply services to residential, small commercial (less than 6,000 Mcf annually) and large commercial (6,000 Mcf or more annually) customers in the NGDC service territories of Columbia Gas, UGI Utilities, and PECO Energy. On 11/1/13, Planet Energy filed an application to amend its natural gas supplier license to add the additional natural gas distribution company service territories of National Fuel Gas, UGI Central Penn Gas, UGI Penn Natural, Peoples Natural Gas, and Peoples TWP. 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>
2238331-TUS Vote 5-0.	A-2011-2238331	UNITY ELECTRIC DISCOUNT LLC - Application filed on 10/11/13, for approval to amend its electric generation supplier license to serve residential, small commercial (25kW and under), large commercial (over 25 kW demand), industrial and governmental customers, as a broker/marketer, in the additional electric distribution company service territory of West Penn Power within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment to the electric generation supplier license.
2278312-TUS Vote 5-0.	C-2011-2278312	PUC- INVESTIGATION AND ENFORCEMENT VS PHILADELPHIA GAS WORKS - Leak Detection Pilot Program submitted on 9/19/13, in order to meet compliance with the Opinion and Order entered by the Commission at the subject docket. RECOMMENDATION: That the Commission accept, in part, and modify, in part, the Leak Detection Pilot Program filing.
2387207-TUS Vote 5-0.	A-2013-2387207	KEYTEX ENERGY SOLUTIONS LLC - Application filed on 10/2/13, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to residential, 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 Valley Energy, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, Peoples TWP, PECO Energy, Philadelphia Gas Works, National Fuel Gas, Peoples Natural Gas, Equitable Gas, and Columbia 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>
2387319-TUS Vote 5-0.	A-2013-2387319	MAA INC T/A INDUSTRIAL ENERGY - Application filed on 10/10/13, for approval to operate as a broker/marketer in the natural gas distribution company service territories of Columbia Gas, Equitable Gas, National Fuel Gas, PECO Energy, Peoples Natural Gas, Peoples TWP, Philadelphia Gas Works, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas and Valley Energy in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2388663-TUS Vote 5-0.	A-2013-2388663	PROGRESSIVE ENERGY CONSULTANTS LLC - Application filed on 9/20/13, for approval to operate as a broker/marketer engaged in the business of supplying natural gas 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 Valley Energy, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, Peoples TWP, PECO Energy, Philadelphia Gas Works, National Fuel Gas, Peoples Natural Gas, Equitable Gas, and Columbia Gas, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2390244-TUS Vote 5-0.	R-2013-2390244	CITY OF BETHLEHEM - BUREAU OF WATER - Supplement No. 11 to Tariff Water-Pa. P.U.C. No. 6, filed on 11/26/13, proposing an annual increase in rates of \$1,119,726 (15%) for customers outside the city limits to become effective 1/25/14. On 12/9/13, the OCA filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order which suspends the tariff supplement and institutes an investigation.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2393777-TUS Vote 5-0.	M-2013-2393777	ARMSTRONG COUNTY'S 911 - System Renewal Plan filed on 11/20/13, from PEMA, requesting a formal review of the costs associated with the county's contribution rate of \$1.50 per access line per month and to make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
2395510-TUS Vote 5-0.	P-2013-2395510	NEWTOWN ARTESIAN WATER CO. - Petition for permission to use deferred cost accounting and amortization in respect to certain well development costs, filed on 12/4/13. On 12/23/13, an answer to the Petition was filed by OCA. No protests were filed, and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order which approves the Petition.
2395719-TUS Vote 5-0.	S-2013-2395719 G-2013-2395728	COLUMBIA GAS OF PA INC - Securities certificate filed on 11/27/13, for registration of a securities certificate and approval of an affiliated interest agreement concerning the issuance of promissory notes between Columbia and its corporate affiliate NiSource Finance Corporation in a principal amount not to exceed \$150 million. Columbia voluntarily extended the statutory consideration period to 1/23/14. RECOMMENDATION: That the Commission register the securities certificate and approve the affiliated interest agreement consistent with the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2399763-TUS	M-2014-2399763	QUARTERLY EARNINGS REPORT - QUARTER 3 2013 - Bureau of Technical Utility Services staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for Pennsylvania 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.

Vote 4-1 with Commissioner Cawley
Dissenting.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2398793-LAW

P-2013-2398793

Vote 5-0.

VERIZON NORTH LLC

- Petitions filed for bona fide retail request deployment extensions until 5/1/14, relating to the three affected carrier service areas pursuant to 66 Pa. C.S § 3014(c)(5). Verizon asserts that delay in completing the project is attributable to the local electric cooperative terminating its joint use license agreement with Verizon and ordering Verizon to cease immediately all work on the coop's pole attachments and to remove all of its attachments from these same poles.

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>
2346200-ALJ Vote 5-0.	M-2013-2346200	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - 1307(e) System Benefits Charge Reconciliation Statement setting forth the over/under collections for the twelve month period ended 12/31/12, filed 1/30/13. A hearing was held 3/21/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2346913-ALJ Vote 5-0.	M-2013-2346913	ST. CLAIR BOROUGH ELECTRIC LIGHT DEPT - 1307(e) Purchased Power Reconciliation Statement setting forth the over/under collections for the year ended 12/31/12, filed 2/7/13. A hearing was held 3/21/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2359766-ALJ Vote 5-0.	M-2013-2359766	PENNSYLVANIA POWER CO. - 1307(e) Default Service Support Charge Reconciliation Statement setting forth the revenues and expenses for the DSS reconciliation period that began on 4/1/12 and ended on 3/31/13, filed 4/23/13. A hearing was held 6/5/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2359772-ALJ Vote 5-0.	M-2013-2359772	METROPOLITAN EDISON CO. - 1307(e) Default Service Support Charge Reconciliation Statement setting forth the revenues and expenses for the DSS reconciliation period that began on 4/1/12 and ended on 3/31/13, filed 4/23/13. A hearing was held 6/5/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2359798-ALJ Vote 5-0.	M-2013-2359798	PENNSYLVANIA ELECTRIC CO. - 1307(e) Default Service Support Charge Reconciliation Statement setting forth the revenues and expenses for the DSS reconciliation period that began on 4/1/12 and ended on 3/31/13, filed 4/23/13. A hearing was held 6/5/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2360493-ALJ Vote 5-0.	M-2013-2360493	PENNSYLVANIA ELECTRIC CO. - 1307(e) Solar Photovoltaic Requirements Charge Reconciliation Statement setting forth the revenues and expenses for the reconciliation period ending 3/31/13, filed 4/25/13. A hearing was held 6/5/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2360494-ALJ Vote 5-0.	M-2013-2360494	METROPOLITAN EDISON CO. - 1307(e) Solar Photovoltaic Requirements Charge Reconciliation Statement setting forth the revenues and expenses for the reconciliation period ending 3/31/13, filed 4/25/13. A hearing was held 6/5/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.
2360497-ALJ Vote 5-0.	M-2013-2360497	PENNSYLVANIA POWER CO. - 1307(e) Solar Photovoltaic Requirements Charge Reconciliation Statement setting forth the revenues and expenses for the reconciliation period ending 3/31/13, filed 4/25/13. A hearing was held 6/5/13. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement insofar as it is undisputed.