

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, NOVEMBER 13, 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, December 4, 2014 at 10:00 A.M.

Minutes of the Meeting of Thursday, October 2, 2014 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 4, 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.

ALSO, THE COMMISSION HELD AN EXECUTIVE SESSION ON WEDNESDAY, NOVEMBER 12, 2014, AT 2:00 P.M. IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH 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
THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

November 13, 2014

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2207924-BCS	M-2010-2207924 M-2011-2231038	FIRSTENERGY COMPANIES - Petition filed on 8/1/14, seeking to amend the 2012-2014 Universal Service and Energy Conservation Plans (USECPS) for Met-Ed, Penelec, and Penn Power. Also on 8/1/14, FirstEnergy separately filed a Petition to amend the 2011-2013 USECP for West Penn Power. Both petitions seek to make immediate changes to the companies' Low Income Usage Reduction Programs, also known as WARM. On 8/18/14, OCA filed comments in support of FirstEnergy's Petitions. RECOMMENDATION: That the Commission approve the FirstEnergy Company's Petitions.
2366301-BCS	M-2013-2366301	PHILADELPHIA GAS WORKS - Universal Service and Energy Conservation Plan (USECP) for 2014-2016 filed on 5/31/13, in accordance with the Commission's regulations at 52 Pa. Code §§ 62.1-62.8. On 4/3/14, by Tentative Order, the Commission approved the USECP in part and called for comments. All comments have been filed. RECOMMENDATION: That the Commission adopt the proposed Final Order, which addresses Philadelphia Gas Works' Proposed 2014-2016 Plan.

Oral Statment by Commissioner
Brown.
Vote 5-0.

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1198655-OSA (PP from 10/23/2014)	A-310922F7004	CORE COMMUNICATIONS INC - On 7/10/14, the Commission entered an Opinion and Order addressing, inter alia, Exceptions in response to the Recommended Decision issued by ALJ Salapa in this proceeding. On 8/1/14, Core filed a Petition for Reconsideration and Clarification and Windstream PA filed a Petition for Reconsideration of the 7/10/14 Order. On 8/7/14, the Commission entered an Order to grant the 2 Petitions pending review of and consideration on the merits. On 8/11/14, each party filed an Answer to the other's Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2300845-OSA Vote 5-0.	A-2012-2300845 A-00122788 A-2013-2346854 A-2013-2346866	YOURWAY TRANSPORT INC - Yourway Transport applied for authority to provide 3 different modes of passenger transportation: call or demand, airport transfer and limousine. J & J Leasing & Rentals, Quick Service Taxi, and Lehigh Valley Transportation Services filed Protests. Hearings were held on 12/9/13, 12/12/13, 1/6/14 and 1/7/14. Quick Service withdrew its Protest. The remaining parties filed Main and Reply Briefs. The Initial Decision of ALJ Jones, issued on 7/31/14, recommended that the applications be granted. On 8/20/14, J & J filed Exceptions to the Initial Decision. On 9/2/14, the Applicant filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) denies J & J's Exceptions; (2) approves the application; and (3) adopts the Initial Decision.

2320112-OSA

M-2013-2320112

INFORMAL INVESTIGATION OF RESCOM ENERGY LLC

Vote 5-0.

- In September 2012 and July 2013, the Bureau of Investigation and Enforcement (I&E) instituted informal investigations of ResCom pertaining to allegations of slamming and related unauthorized electric generation supplier marketing practices within PA. Based on its investigations, I&E was prepared to file a formal complaint against ResCom. On 12/2/13, the parties submitted a Settlement Agreement and Statements in Support of the Settlement Agreement to resolve this matter. On 3/19/14, the Commission issued an Order directing the parties to file Supplemental Statements in Support of the Settlement. The parties filed Supplemental Statements on 4/11/14. By Order entered 6/20/14, the Commission issued the Settlement for comments. On 7/8/14, the Parties filed a Joint Supplemental Statement in Support of the Settlement.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which approves the Settlement Agreement.

2334103-OSA

**A-2012-2334103
A-8915269**

610 HAULING LLC T/A COLLEGE HUNKS HAULING JUNK

Vote 5-0.

- Application filed on 11/5/12. Protests were filed on 5/24/13. A hearing was held before ALJ Vero on 2/11/14, at which the protests were withdrawn based upon a Restrictive Amendment. On 4/3/14, ALJ Vero entered an Order reassigning the application from the OALJ to the Bureau of Technical Utility Services (TUS). By letter dated 5/20/14, TUS informed 610 Hauling that the application was incomplete and requested additional information. By Order entered 8/21/14, the Commission denied 610 Hauling's application for failure to respond to the request for additional information in the TUS 5/20/14 letter. On 9/5/14, 610 Hauling filed a Petition to Reopen and for Reconsideration, claiming that it had provided the requested information. No response was filed to the Petition. An Opinion and Order granting reconsideration pending review of and consideration on the merits was adopted and entered on 9/16/14.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which: (1) grants the Applicant's petition; (2) vacates the 8/21/14 Order; and (3) refers this matter to TUS for such further proceedings as may be warranted.

2386063-OSA

F-2013-2386063

**LORAIN SHERMOT VS METROPOLITAN EDISON
COMPANY**

Vote 5-0.

- Formal Complaint filed on 10/1/13, alleging that she had multiple medical conditions and should continue to receive medical certifications to prevent termination of her electric service. The Complainant also alleged that Met-Ed improperly added extra charges to her bill. On 10/23/13, Met-Ed filed an Answer to the Complaint denying the material allegations set forth therein. An evidentiary hearing was convened on 2/4/14; however the Complainant did not participate. By Initial Decision issued 4/4/14, ALJ Guhl dismissed the Complaint for failure to prosecute. On 4/24/14, the Initial Decision became final, pursuant to 66 Pa. C.S. § 332(h). On 5/20/14, the Complainant filed a Petition for Rescission of the Commission's final action, and on 6/5/14, Met-Ed filed an Answer to the Petition. On 6/23/14, the Complainant filed a Motion to Disqualify Counsel.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which: (1) denies the Petition for Rescission; and (2) denies the Motion to Disqualify Counsel.

2390562-OSA

C-2013-2390562

**NRG POWER MIDWEST LP, ET AL VS DUQUESNE LIGHT
COMPANY**

Vote 5-0.

- Supplement No. 81 to Tariff Electric – Pa. P.U.C. No. 24 filed on 8/2/13, proposing to increase rates to produce additional annual operating revenues of approximately \$76.3 million. On 10/28/13, NRG filed a Formal Complaint alleging that Rider No. 18 may be discriminatory. On 1/16/14, a Joint Petition for Approval of Non-Unanimous Settlement, which was opposed by NRG, was filed. On 3/25/14, Duquesne filed a Motion to Sever from the Base Rate Proceeding the Rider 18 portion of the Complaint filed by NRG. By Order entered 4/23/14, the Commission approved the Settlement and held in abeyance the Rider No. 18 issues for resolution in a separate recommended decision. By Recommended Decision, issued on 6/4/14, ALJ Johnson recommended that the NRG Complaint be sustained. On 6/19/14, Duquesne and the Beaver Falls Municipal Authority filed Exceptions to the Recommended Decision. Replies to Exceptions were filed by NRG on 6/26/14.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2395502-OSA

Vote 5-0.

**A-2013-2395502
A-00110765**

SUSQUEHANNA VALLEY LIMOUSINE INC

- Application filed on 12/3/13, for airport transfer service in all counties in PA. Notice of the Application was provided in the Pa. Bulletin of 12/21/13. No Protests were filed. By Letter of 1/29/14, the Commission's Bureau of Technical Utility Services (TUS) requested that the Applicant provide statements in support of the Application by 3/3/14. The Applicant requested an extension and it was granted. The Applicant submitted statements in support on 4/23/14. By Order entered on 6/5/14, the application was granted as to Montour and Union counties. On 8/1/14, the Applicant filed a Letter-Petition for Amendment of the 6/5/14 Order, seeking authority to operate in 23 additional counties. No response has been filed to the Petition.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the petition, in part, and refers this matter to TUS for further proceedings.

2409973-OSA

Vote 5-0.

C-2014-2409973

PUC - INVESTIGATION AND ENFORCEMENT VS MARVIN B JONES

- Complaint filed on 3/13/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2409976-OSA

C-2014-2409976

**PUC - INVESTIGATION AND ENFORCEMENT VS
CHRISTOPHER M FISH**

Vote 5-0.

- Complaint filed on 3/13/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410243-OSA

C-2014-2410243

**PUC - INVESTIGATION AND ENFORCEMENT VS JACK A
LENKER INC**

Vote 5-0.

- Complaint filed on 3/14/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410263-OSA

C-2014-2410263

Vote 5-0.

**PUC - INVESTIGATION AND ENFORCEMENT VS R H KUHN
CO INC**

- Complaint filed on 3/14/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410288-OSA

C-2014-2410288

Vote 5-0.

**PUC - INVESTIGATION AND ENFORCEMENT VS FRIENDS
TOWING INC**

- Complaint filed on 3/14/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410537-OSA

C-2014-2410537

PUC - INVESTIGATION AND ENFORCEMENT VS ANTHONY S PILEGGI, FRANK PILEGGI AND JAMES PILEGGI

Vote 5-0.

- Complaint filed on 3/14/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint, and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410599-OSA

C-2014-2410599

PUC - INVESTIGATION AND ENFORCEMENT VS SHANAHAN TRANSFER & STORAGE CO

Vote 5-0.

- Complaint filed on 3/17/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$2,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and Sustains the Complaint.

2410611-OSA

C-2014-2410611

**PUC - INVESTIGATION AND ENFORCEMENT VS JBJ
ENTERPRISES INC T/A TBJ TRUCKING**

Vote 5-0.

- Complaint filed on 3/17/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410657-OSA

C-2014-2410657

**PUC - INVESTIGATION AND ENFORCEMENT VS JEFFREY
ALLEN DILLINGER**

Vote 5-0.

- Complaint filed on 3/17/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410732-OSA

C-2014-2410732

Vote 5-0.

**PUC - INVESTIGATION AND ENFORCEMENT VS
TRANSPORTATION SOLUTIONS INC**

- Complaint filed on 3/10/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/23/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410766-OSA

C-2014-2410766

Vote 5-0.

**PUC - INVESTIGATION AND ENFORCEMENT VS THE
EAGLE'S NEST INC**

- Complaint filed on 3/10/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/23/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410803-OSA

C-2014-2410803

**PUC - INVESTIGATION AND ENFORCEMENT VS TRINITY
TRANSPORT INC**

Vote 5-0.

- Complaint filed on 3/18/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/29/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410804-OSA

C-2014-2410804

**PUC - INVESTIGATION & ENFORCEMENT VS OVER THE
TOP HEAVY HAULING LLP**

Vote 5-0.

- Complaint filed on 3/18/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/29/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2410998-OSA

C-2014-2410998

Vote 5-0.

**PUC - INVESTIGATION AND ENFORCEMENT VS SONES
TRANSPORT INC**

- Complaint filed on 3/10/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and recommended that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/24/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411003-OSA

C-2014-2411003

Vote 5-0.

**PUC - INVESTIGATION AND ENFORCEMENT VS MILRO
SERVICES INC**

- Complaint filed on 3/11/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/24/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint, and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411029-OSA

C-2014-2411029

PUC - INVESTIGATION AND ENFORCEMENT VS BOBBY WHOLESALE DISTRIBUTOR INC

Vote 5-0.

- Complaint filed on 3/11/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/24/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411032-OSA

C-2014-2411032

PUC - INVESTIGATION AND ENFORCEMENT VS SIEMENS WATER TECHNOLOGIES TRANSPORT CORP

Vote 5-0.

- Complaint filed on 3/11/14, alleging a failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/24/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411080-OSA

C-2014-2411080

PUC - INVESTIGATION AND ENFORCEMENT VS CHKE TOWING INC T/A RICK'S TOWING SERVICE

Vote 5-0.

- Complaint filed on 3/12/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/24/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411081-OSA

C-2014-2411081

PUC - INVESTIGATION AND ENFORCEMENT VS BFL INC

Vote 5-0.

- Complaint filed on 3/12/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411082-OSA

C-2014-2411082

PUC - INVESTIGATION AND ENFORCEMENT VS R & K TRUCKING INC

Vote 5-0.

- Complaint filed on 3/12/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011, and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation, and recommended that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that, if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint, and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty, and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411085-OSA

C-2014-2411085

PUC - INVESTIGATION AND ENFORCEMENT VS PLH ERECTORS INC

Vote 5-0.

- Complaint filed on 3/12/14, alleging a failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411086-OSA

C-2014-2411086

**PUC - INVESTIGATION AND ENFORCEMENT VS
EXECUTIVE TRKING ASSOCIATES LLC**

Vote 5-0.

- Complaint filed on 3/12/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2411091-OSA

C-2014-2411091

**PUC - INVESTIGATION AND ENFORCEMENT VS ROBERT M
WARNER SR T/A WARNER ENTERPRISES**

Vote 5-0.

- Complaint filed on 3/12/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2412486-OSA

C-2014-2412486

PUC - INVESTIGATION AND ENFORCEMENT VS KELLY YENNY TRUCKING LLC

Vote 5-0.

- Complaint filed on 3/25/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/29/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2412509-OSA

C-2014-2412509

PUC - INVESTIGATION AND ENFORCEMENT VS MARSDEN L AYRES T/A AYRES TRUCKING & SON

Vote 5-0.

- Complaint filed on 3/26/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/29/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2413354-OSA

C-2014-2413354

PUC - INVESTIGATION AND ENFORCEMENT VS RUSSELL J FORSHEY T/A RUSSELLS AUTO SERVICE

Vote 5-0.

- Complaint filed on 3/31/14, alleging a failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$3,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/25/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2413875-OSA

C-2014-2413875

PUC - INVESTIGATION & ENFORCEMENT VS INMATE COMMUNICATIONS CORP

Vote 5-0.

- Complaint filed on 4/1/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2012 calendar year. I&E recommended a total civil penalty of \$1,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/23/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2413886-OSA

C-2014-2413886

**PUC- INVESTIGATION AND ENFORCEMENT VS
SOUTHERN BLAIR EMERGENCY MEDICAL SERVICE INC**

Vote 5-0.

- Complaint filed on 4/1/14, alleging a failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2011, and 2012 calendar years. I&E recommended a total civil penalty of \$2,000 for this violation, and recommended that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that, if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/23/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint, and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty, and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not timely paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2414450-OSA

C-2014-2414450

**PUC - INVESTIGATION AND ENFORCEMENT VS GARY A
LADIGAN T/A GARY A LADIGAN TRUCKING**

Vote 5-0.

- Complaint filed on 4/1/14, alleging a violation of 66 Pa. C.S. § 510(b) for failure to file an assessment report demonstrating its gross intrastate operating revenues for the 2011 and 2012 calendar years. I&E recommended a total civil penalty of \$2,000 for this violation and that the Respondent be directed to file assessment reports on a going-forward basis. I&E also requested that if the Respondent did not pay the civil penalty, the Commission issue an Order cancelling the Respondent's Certificate of Public Convenience. On 7/28/14, I&E filed a Motion for Default Judgment stating that the Respondent did not file an Answer to the Complaint and did not pay the civil penalty. The Motion requests that the Respondent be ordered to pay the civil penalty and that the Bureau of Technical Utility Services be directed to cancel the Respondent's Certificate if the civil penalty is not paid.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion and sustains the Complaint.

2421556-OSA P-2014-2421556
(PP from 10/23/2014)

Joint Motion by Chairman Powelson
and Vice Chairman Coleman.
Vote 5-0.

JOHN R EVANS SMALL BUSINESS ADVOCATE VS
FIRSTENERGY SOLUTIONS CORP

- Petition for Declaratory Order naming FirstEnergy Solutions Corporation (FES) as respondent, filed on 5/15/14. The Petition seeks a Commission order that FES is not permitted to recover the costs billed to it by PJM for ancillary services costs as a pass-through event under the terms of its fixed price contract with its customers. FES filed Preliminary Objections to the Petition. On 7/22/14, ALJ Dunderdale issued the First Interim Order - Disposition of Preliminary Objections, denying the objections. FES filed a Petition for Interlocutory Review raising two material questions. On 8/14/14, the Commission issued a Secretarial Letter extending consideration of the Petition for Interlocutory Review.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Petition and answers the material questions.

2425989-OSA C-2014-2425989

Joint Motion by Chairman Powelson
and Vice Chairman Coleman.
Vote 5-0.

FES INDUSTRIAL & COMMERCIAL CUSTOMER COALITION
VS FIRSTENERGY SOLUTIONS CORP

- Formal Complaint filed on 6/9/14 . On 7/1/14, FES filed an Answer and New Matter, together with Preliminary Objections. On 8/6/14, ALJ Dunderdale issued a First Interim Order – Disposition of Preliminary Objections, addressed to the preliminary objections filed by FES. On 8/26/14, FES filed a Petition for Interlocutory Review and Answer to Material Questions arising from the 8/6/14 Order. Briefs in support and in opposition were filed by the parties on 9/5/14. On 9/9/14, the Commission issued a Secretarial Letter waiving the 30-day deadline for consideration of the Petition.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2427655-OSA C-2014-2427655

Motion by Vice Chairman Coleman.
Vote 5-0.

ATTORNEY GENERAL PA & OFFICE OF CONSUMER
ADVOCATE VS BLUE PILOT ENERGY LLC

- Formal Complaint filed on 6/20/14. On 7/10/14, Blue Pilot filed an Answer, together with Preliminary Objections. On 8/20/14, ALJs Cheskis and Barnes issued an Order granting in part and denying in Part Blue Pilot's Preliminary Objections. On 9/8/14, the OAG and the OCA filed a Joint Petition for Interlocutory Review and Answer to Material Questions. Briefs in support and in opposition were filed by the parties on 9/18/14. The Commission issued a Secretarial Letter on 10/3/14 waiving the regulation requiring that the Commission issue a decision within 30 days of the date the Petition was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2432542-OSA

**P-2014-2432542
A-6415103**

LB LIMOUSINE SERVICE LLC

Vote 5-0.

- Per Letter of 7/2/14, the Commission's Bureau of Technical Utility Services (TUS) stated that it had reviewed the information submitted by LB Limousine Service relative to the its request for a waiver from the requirement that 4 vehicles used in limousine service be no more than 8 model years old. 52 Pa. Code § 29.333(e). The 7/2/14 letter denied the Petitioner's request because the application was incomplete. On 7/11/14, the Petitioner filed a Letter-Petition for Reconsideration of Staff Action with reference to the 7/2/14 letter. No response to the Petition has been received.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the petition, in part, and refers the matter to TUS for such further action as may be warranted.

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 CO/PA ELECTRIC CO - Sustainable Energy Fund Appointment of Advisory Board Member. RECOMMENDATION: That the Commission approve the appointment of Chady Zablit to the Advisory Board for the Met-Ed/Penelec Sustainable Energy Fund.
2125776-TUS Vote 5-0.	A-2009-2125776	PENNSYLVANIA TURNPIKE COMMISSION - Application for approval of the construction of the crossings, above grade, at points where the Pennsylvania Turnpike (Interstate 76) over the Right-of-Way of Middletown and Hummelstown Railroad, (formerly the Middletown and Hummelstown Branch of the Reading Railroad) located in Lower Swatara Township, Dauphin County, PA (DOT 591 495 H). RECOMMENDATION: That the Commission adopt the proposed Order granting an exemption from our clearance requirements.
2201675-TUS Vote 5-0.	A-2010-2201675	SHIPLEY CHOICE LLC - Application filed on 9/9/14, requesting an amendment to its natural gas supply services license for the additional natural gas distribution company service territories of Valley Energy, Peoples TWP, UGI Penn Natural Gas, PGW, National Fuel Gas Distribution, Peoples Natural Gas, and Peoples Natural Gas-Equitable Division. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2406887-TUS (PP from 10/23/2014) Vote 5-0.	A-2014-2406887 A-2014-2406886	CONSTRUCTURE TECHNOLOGIES LLC - Application filed on 1/20/14, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA and a Reseller Interexchange Carrier (detariffed) throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

2417492-TUS	A-2014-2417492	<p>BTU DIRECT MARKETING LLC</p> <p>- Application filed on 4/22/14, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to residential, small commercial, large commercial, 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, PGW, National Fuel Gas Distribution, Peoples Natural Gas, Peoples Natural Gas-Equitable Division, and Columbia Gas, within the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2426142-TUS	A-2014-2426142	<p>OPTIMUM GROUP LLC</p> <p>- Application filed on 6/12/14, for approval to become a licensed electric generation supplier as a broker/marketer for large commercial customers in all of the electric distribution company service territories within the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2427035-TUS	R-2014-2427035 C-2014-2449257	<p>VENANGO WATER COMPANY</p> <p>- Supplement No. 19 to Tariff Sewer-Pa. P.U.C. No. 3 filed on 9/1/14, proposing an annual increase in revenues of \$13,692 (9.97%) to become effective 12/5/14. On 10/22/14, the OCA filed a Formal Complaint.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
2427189-TUS	R-2014-2427189 C-2014-2449251	<p>B E RHODES SEWER COMPANY</p> <p>- Supplement No. 8 to Tariff Sewer-Pa. P.U.C. No. 2 filed on 9/18/14, proposing an annual increase in revenues of \$20,266 (29.44%) to become effective 12/5/14. On 10/22/14, the OCA filed a Formal Complaint.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		

2430516-TUS **A-2014-2430516**
A-2014-2430602
A-2014-2430601

Vote 5-0 with Commissioner Cawley
Concurring in Result Only.

CLOUD COMPUTING CONCEPTS LLC

- Application filed on 6/17/14, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA and Verizon North; and Reseller Interexchange Carrier throughout the Commonwealth of PA. No protests were filed and no hearings were held.

RECOMMENDATION:

That the Commission approve the application consistent with the proposed Order.

2430841-TUS **A-2014-2430841**

Vote 5-0.

PENNSYLVANIA AMERICAN WATER CO (WASTEWATER)

- Application filed on 7/7/14, for approval of the right to offer, render, furnish, or supply wastewater service in a portion of West Caln Township, Chester County, PA. Proofs of publication and service to 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.

2430945-TUS **R-2014-2430945**
C-2014-2449258

Vote 5-0.

PLUMER WATER COMPANY

- Supplement No. 13 to Tariff Water-Pa. P.U.C. No. 2 filed on 9/18/14 proposing an annual increase in revenues of \$11,409 (35.17%) to become effective 12/5/14. On 10/22/14, the OCA filed a Formal Complaint.

RECOMMENDATION:

That the Commission adopt the proposed Order.

2432600-TUS **A-2014-2432600**

Vote 5-0.

RESIDENTS ENERGY LLC

- Application filed on 6/19/14, for approval for a license to offer, render, furnish or supply natural gas supply services as a supplier to residential, small commercial, large commercial, and industrial 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, PGW, National Fuel Gas Distribution, Peoples Natural Gas, Peoples Natural Gas-Equitable Division, and Columbia Gas, within the Commonwealth of PA.

RECOMMENDATION:

That the Commission adopt the proposed Order which approves the application.

2434532-TUS	A-2014-2434532	<p>THE YORK WATER COMPANY</p> <p>- Application filed on 7/23/14, for approval of: the transfer, by sale, of the water works property, and rights of the Lincoln Estates Mobile Home Park to York Water, and 2) the rights of York Water to begin to offer or furnish water service in a portion of Cumberland Township, Adams County, PA. Proofs of publication and service to the appropriate entities were submitted by York Water. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order that approves the application.</p>
Vote 5-0.		
2435574-TUS	A-2014-2435574	<p>POWER KIOSK</p> <p>- Application filed on 8/4/14, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial, large commercial, industrial and governmental customers in the electric distribution company service territory of PECO Energy Company.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2437219-TUS	<p>A-2014-2437219</p> <p>A-2014-2437221</p> <p>A-2014-2437222</p> <p>A-2014-2437223</p> <p>A-2014-2437224</p>	<p>SHENTEL COMMUNICATIONS LLC</p> <p>- Application filed 8/4/14, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA, Verizon North, and United Telephone Co. d/b/a CenturyLink; Reseller Interexchange Carrier (detariffed) and Competitive Access Provider throughout the Commonwealth. On 8/4/2014, the subject application was filed. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve the application consistent with the proposed Order.</p>
<p><u>Statement</u> by Commissioner Brown.</p> <p>Vote 5-0 with Commissioner Cawley</p> <p>Concurring in Result Only.</p>		
2438008-TUS	<p>R-2014-2438008</p> <p>P-00981410F1000</p>	<p>UNITED TELEPHONE CO OF PA D/B/A CENTURYLINK</p> <p>- 2014 Price Stability Index/Service Price Index Report Filing and Supplement No. 149 to Tariff Telephone Pa P.U.C. No. 27 filed on 9/2/14, requesting an aggregate rate increase of \$808,686. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order approving the Report and proposed rate increases.</p>
Vote 5-0.		

2438483-TUS	A-2014-2438483	<p>EDF ENERGY SERVICES LLC</p> <p>- Application filed on 8/7/14, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to small commercial, large commercial, and industrial customers in the electric distribution company service territories of Citizens' Electric, PECO Energy, PPL Electric Utilities, Met-Ed, Penelec, UGI Utilities, Duquesne Light, Penn Power, Wellsboro Electric, Pike County Light and Power, and West Penn Power in the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2442602-TUS	M-2014-2442602	<p>LAWRENCE COUNTY</p> <p>- 911 System Renewal Plan received on 9/4/14 from the Pennsylvania Emergency Management Agency (PEMA), with the request that the Commission formally review the costs associated with the County's contribution rate of \$1.25 per access line per month and make a recommendation to PEMA within 90 days of the receipt date.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves a County contribution rate of \$1.25 per access line per month.</p>
Vote 5-0.		
2444494-TUS	S-2014-2444494	<p>AQUA PENNSYLVANIA INC</p> <p>- Securities certificate filed on 9/18/14 with respect to the issuance of debt in a principal amount not to exceed \$65 million. No protests were filed and no hearings were held. Aqua voluntarily extended the consideration period to 11/14/14.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>
Vote 5-0.		

2445211-TUS

A-2014-2445211

MUIRFIELD ENERGY INC

Vote 5-0.

- Application filed on 9/30/14, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to residential, small commercial, large commercial, 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, PGW, National Fuel Gas Distribution, Peoples Natural Gas, Peoples Natural Gas-Equitable Division, and Columbia Gas, within the Commonwealth of PA.

RECOMMENDATION:

That the Commission adopt the proposed Order which approves the application.

2446487-TUS

A-2014-2446487

DQE COMMUNICATIONS LLC

**Statement by Commissioner Brown.
Vote 5-0 with Commissioner Cawley
Concurring in Result Only.**

- Application for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout the Commonwealth. On 10/6/2014, the subject's Application was filed. No protests were filed and no hearings were held.

RECOMMENDATION:

That the Commission approve the application consistent with the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2349042-LAW (PP from 10/23/2014)	L-2013-2349042	<p>RULEMAKING - MOTOR CARRIER VEHICLE LIST, AGE AND MILEAGE REQUIREMENTS FOR TAXIS AND LIMOUSINES</p> <p>- On 4/4/13, Commission proposed to amend its motor carrier passenger regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d) in our regulations; (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage limitation. The Proposed Order was published on 10/19/13 in the Pa. Bulletin, with comments by interested parties due 30 days thereafter. Comments were filed by various parties.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the Final Rulemaking Order.</p>
2382739-LAW Vote 5-0.	P-2013-2382739	<p>BUFFALO-LAKE ERIE WIRELESS SYSTEMS CO LLC D/B/A BLUE WIRELESS</p> <p>- Petition filed on 9/10/13, seeking approval to be designated as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of PA, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended. Blue Wireless seeks designation as an ETC for the limited purpose of receiving federal low-income universal service support for prepaid wireless services. Notice of Blue Wireless's ETC petition was published in the Pa. Bulletin at 43 Pa.B. 5781 on 9/28/13. On 10/18/13, the OCA filed Comments in response to Blue Wireless's ETC Petition. Blue Wireless filed Reply Comments on 10/28/13. Blue Wireless also filed supplements to its original ETC petition that set forth other additional pertinent information.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

2391804-LAW A-2013-2391804

Vote 5-0.

DANACH LLC

- By order adopted 6/19/14, the Commission affirmed the Initial Decision of ALJ Pell dismissing the Protest of Germantown Cab to the Application of Danach to provide limousine service. The 6/19/14 Order was appealed to the Commonwealth Court and, upon the Commission's Application for Remand, the Court returned jurisdiction to the Commission so that it could reconsider the 6/19/14 Order pursuant to Section 703(d) of the Public Utility Code. On 9/9/14, the Commission issued a Secretarial letter providing notice of its intention to reconsider the 6/19/14 Order and requesting any comments be submitted within 30 days. No comments were filed.

RECOMMENDATION:

That the Commission adopt the proposed Order.

**2415045-LAW A-2014-2415045
P-2014-2442001
A-2014-2415047**

Vote 5-0.

LYFT INC

- Petition for Reconsideration of the Commission's Order entered on 10/23/14. The 10/23/14 Order concerned whether certain information, provided during the course of a hearing before the ALJ, should be treated as proprietary and protected from disclosure. Lyft filed a Petition for Protective Order on 8/29/14. In response, Protestants to Lyft's application filed objections. On 9/2/14, an Interim Order by the presiding ALJs was issued which denied Lyft's request for a protective order. Lyft has filed a Petition for Interlocutory Review of the 9/2/14 Order, which the Commission denied on the merits by the 10/23/14 Order. Lyft requests reconsideration of that Order.

RECOMMENDATION:

That the Commission adopt the proposed Order.

2437967-LAW P-2014-2437967

**Joint Motion by Commissioner
Witmer and Commissioner Brown.
Vote 5-0.**

PIKE COUNTY LIGHT & POWER COMPANY

- On 9/10/14, Pike filed a corrected cover letter to its 7/29/14 Petition for Waiver of the PUC's accelerated switching regulations at 52 Pa. Code §§ 57.171-57.180. Pike served its petition on the BI&E, the OSBA, and the OCA. On 9/19/14, PUC staff sent a data request to Pike, seeking clarification and elaboration on the nature and scope of Pike's waiver request. On 10/1/14, OCA filed an answer to Pike's Petition. Pike filed responses to the PUC's data request on 10/3/14.

RECOMMENDATION:

That the Commission adopt the proposed Order.

2444571-LAW P-2014-2444571
(PP from 10/23/2014)

Vote 5-0.

BUDGET PREPAY INC

- Petition for waiver of the re-certification requirements set forth in the Commission's 6/12/12 Order designating Budget Prepay as an Eligible Telecommunications Carrier was filed on 9/8/14.

RECOMMENDATION:

That the Commission adopt the Order approving the Petition.

2446413-LAW M-2014-2446413
M-2014-2446419

Vote 5-0.

YELLOW CAB CO OF PITTSBURGH AND RAY RAY CAB
COMPANY LLC D/B/A PITTSBURGH CITY CAB

- On 9/11/14, the Commission issued, by certified mail, its General Assessment Invoices to Yellow Cab and Ray Ray Cab. On 10/6/14, Yellow Cab and Ray Ray Cab filed untimely objections to this assessment invoice. On 10/16/14, the Commission issued Secretarial Letters notifying Yellow Cab and Ray Ray Cab that the Commission could not consider their assessment objections as they were untimely filed. On 10/27/14, Yellow Cab and Ray Ray Cab each filed a Motion for Extension of Time Pursuant to 52 Pa. Code §1.15; Petition for Reconsideration Pursuant to 52 Pa. Code §5.44; and/or Petition to Reinstate Right to File Objection to Assessment, Nunc Pro Tunc.

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>
2388427-ALJ	C-2013-2388427	KEVIN WASHINGTON VS PHILADELPHIA GAS WORKS - Complaint filed 10/15/13 requesting restoration of gas service, a payment arrangement and requesting the Commission hold PGW responsible and accountable for its operational errors. PGW filed an answer on 11/6/13. A hearing was held 3/13/14. COMMISSION REVIEW: That the Commission adopt ALJ Jones' Initial Decision which sustains in part the Complaint regarding PGW be held responsible and accountable for its operational errors and denies in part the restoration of service and payment arrangement.
2404303-ALJ	F-2014-2404303	SANDRA HOPELY VS PECO ENERGY COMPANY - ELECTRIC - Complaint filed 1/30/14 in a timely appeal to a BCS informal decision alleging that Complainant was unreasonably being held responsible for Larene Fraley's electric bills at 4615 Van Kirk Street, Philadelphia, PA. PECO filed an answer 2/17/14. A hearing was held 4/17/14. COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Initial Decision denying the Complaint.
2406274-ALJ	R-2014-2406274 C-2014-2413419 C-2014-2417238 C-2014-2418801 C-2014-2416868 C-2014-2416873 C-2014-2422692 C-2014-2422693 C-2014-2429053	COLUMBIA GAS OF PENNSYLVANIA INC - Supplement No. 211 to Tariff Gas - Pa. P.U.C. No. 9 filed 3/21/14 proposing to increase rates to produce additional annual operating revenues of 11.09%, over present revenues. By Order entered 4/23/14, the Commission suspended the supplement until 12/20/14. Protective Order issued 7/31/14. A hearing was held on 8/4/14. Joint Petition for Settlement was filed on 9/5/14. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Recommended Decision approving the settlement without modification.

Motion by Commissioner Brown.
Statement by Commissioner Witmer.
Vote 5-0.

Vote 5-0.

Motion by
Commissioner
Witmer.
Vote 5-0.

2429159-ALJ C-2014-2429159
(PP from 10/23/2014)

Motion by Vice Chairman Coleman.
Vote 5-0.

JOSEPH NADAV VS RESPOND POWER LLC

- Complaint filed on 5/9/14, alleging that the electric generation supplier charged excessive rates. Respond Power filed an Answer as well as Preliminary Objections on 7/21/14. Complainant filed an Answer on 7/29/14 to Respondent's Preliminary Objections.

COMMISSION REVIEW:

That the Commission adopt ALJ Salapa's Initial Decision sustaining the Preliminary Objections and dismissing the Complaint for lack of jurisdiction.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

November 13, 2014

OFFICE OF SPECIAL ASSISTANTS

2416127-OSA

A-2014-2416127

RASIER - PA LLC

Joint Motion by Chairman Powelson and Commissioner Witmer.

Dissenting Statement by Vice Chairman Coleman.

Statement by Commissioner Brown.

Verbal Statement by Commissioner Cawley.

Vote 4-1 with Vice Chairman Coleman Dissenting.

- Application filed on 4/14/14, for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in Allegheny County. By Recommended Decision issued 9/25/14, ALJs Long and Watson recommended that the Application be denied. On 10/10/14, Rasier-PA filed Exceptions to the Recommended Decision. Concord Limousine and Executive Transportation Company filed Exceptions on 10/14/14 (beyond the required due date). On 10/20/14, JB Taxi and the Insurance Federation of PA filed Replies to Exceptions. Also, on 10/20/14, Rasier-PA filed a letter reply the Exceptions of Concord and Executive.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2422713-OSA

C-2014-2422713

PUC - INVESTIGATION & ENFORCEMENT VS LYFT INC

Vote 5-0.

- By Interim Order on Motion to Compel, dated 10/3/14, ALJs Long and Watson granted a Motion to Compel filed by the Commission's Bureau of Investigation and Enforcement (I&E) and directed Lyft to provide answers to interrogatories pertaining to trip information. On 10/10/14, Lyft filed a Petition for Interlocutory Review and Answer to Material Question regarding whether it should be required to provide the requested information. I&E filed a Motion to Strike the Petition on 10/10/14. I&E also filed a Brief in Opposition to the Petition on 10/20/14. On 10/30/14, Lyft filed an Answer to I&E's Motion to Strike the Petition.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

[Joint Motion](#) by Chairman Powelson
and Commissioner Witmer.
[Dissenting Statement](#) by Vice Chairman
Coleman.
[Statement](#) by Commissioner Brown.
[Verbal Statement](#) by Commissioner
Cawley.
[Vote 4-1](#) with Vice Chairman Coleman
Dissenting.

RASIER-PA LLC

- Application filed on 6/2/14, for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in PA. By Recommended Decision issued 9/25/14, ALJs Long and Watson recommended that the Application be denied. On 10/14/14, Rasier-PA filed Exceptions to the Recommended Decision. Various common carrier Protestants also filed Exceptions on 10/14/14. On 10/20/14, Rasier-PA, JB Taxi t/a County Taxi Cab and the Insurance Federation of PA filed Replies to Exceptions. On 10/24/14 various common carrier Protestants filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.