

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**WEDNESDAY, MARCH 11, 2015 (GB)**

**10:00 A.M.**

**MAIN HEARING ROOM NO. 1  
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

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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:

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
<b>Pamela A. Witmer</b>	<b>John F. Coleman, Jr.</b>	<b>Robert F. Powelson</b>	<b>James H. Cawley</b>	<b>Gladys M. Brown</b>

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

The Next Public Meeting is Tentatively Scheduled for Thursday, March 26, 2015 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 12, 2015 (PW)

**\*\*\*ANNOUNCEMENTS\*\*\***

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 26, 2015, AT 10:00 A.M. IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING, 400 NORTH STREET. AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.

ALSO, THE COMMISSION WILL HOLD AN EXECUTIVE SESSION ON WEDNESDAY, MARCH 11, 2015, IMMEDIATELY FOLLOWING PUBLIC MEETING 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.

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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**  
**March 11, 2015**

**BUREAU OF AUDITS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2323036-AUD</b>	<b>D-2012-2323036</b>	PECO ENERGY COMPANY - GAS - Universal Service Fund Charge for the 12-month periods ended 11/30/12, 11/30/11, 11/30/10 and 11/30/09. The auditor's report did not disclose any adverse findings. RECOMMENDATION: That the Commission release the Audit Report to the public.

Vote 5-0.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2402502-OSA</b>  Vote 5-0.	<b>A-2014-2402502</b>	<b>KEVIN M BERTRAM T/A AMERICA'S CAR SERVICE</b>  - Application filed on 1/13/14, for approval to begin operating as a common carrier for transportation of persons in call or demand service in the City of Reading, Berks County, and in Spring Township, Centre County, PA. Reading Checker Cab, Reading Metro Taxi Cab, and Reading Yellow Cab filed Protests to the application. A telephonic hearing was convened on 7/9/14, but the Petitioner failed to appear for the hearing. Counsel for the Protestants made a motion to dismiss the application for failure to prosecute. By Initial Decision, issued 9/8/14, ALJ Cheskis granted the motion and dismissed the application with prejudice. The Initial Decision became final by Final Order entered 10/29/14. The Petitioner filed a Petition for Rescission or Amendment on 12/29/14. No Answers were filed in response to the petition.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order which grants the petition, rescinds the 10/29/14 Order and remands the proceeding to OALJ for such further proceedings as may be warranted.
<b>2413368-OSA</b>  Vote 5-0.	<b>C-2014-2413368</b>	<b>MICHAEL ROBINSON VS PECO ENERGY COMPANY-ELECTRIC</b>  - Complaint filed on 3/17/14, alleging a reliability, safety or quality problem with PECO's electric service. On 4/17/14, PECO filed an Answer to the Complaint. A hearing was held on 6/5/14. On 10/10/14, ALJ Dunderdale issued an Initial Decision dismissing the Complaint. The Complainant submitted Exceptions on 11/24/14, which were untimely filed. No Replies to Exceptions were filed by PECO. Since the Exceptions were not timely filed, they will be considered as a Petition for Rescission and Amendment. No Answer was filed.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order that denies the petition.

**2416855-OSA**      **C-2014-2416855**      **ANDREE LOMBARD VS PECO ENERGY COMPANY**  
**Vote 5-0.**      - Formal Complaint filed on 4/9/14, requesting, inter alia, reinstatement of a payment agreement. On 4/23/14, PECO filed an Answer denying the material allegations in the Complaint. A hearing was held on 8/19/14. In the Initial Decision, issued 10/10/14, ALJ Heep dismissed the Complaint. The Complainant filed Exceptions on 10/23/14. PECO filed Replies to Exceptions on 10/27/14.  
**RECOMMENDATION:**  
That the Commission adopt the proposed Opinion and Order which denies the Exceptions and modifies the Initial Decision.

**2434910-OSA**      **A-2014-2434910**      **NORFOLK SOUTHERN RAILWAY COMPANY**  
**Vote 5-0.**      - Application filed on 7/30/14, for approval to alter 2 public at-grade crossings in the Township of O'Hara and Tarentum Borough, Allegheny County, PA. By a Secretarial Letter issued on 11/19/14, the Commission approved the application. On 12/12/14, Norfolk Southern filed a Petition for Reconsideration from Staff Action with reference to the 11/19/14 Secretarial Letter. On 1/5/15, an Answer to the petition was filed by the PA Department of Transportation.  
**RECOMMENDATION:**  
That the Commission adopt the proposed Opinion and Order that grants the petition and modifies the 11/19/14 Secretarial Letter.

**2436679-OSA**      **A-2014-2436679**      **WHEELS TAKE YOU THERE TRANSPORTATION SERVICE LLC**  
**Vote 5-0.**      - Application filed on 7/17/14, seeking the right to transport passengers, as a motor contract carrier, between points in Philadelphia to points in Pennsylvania and return. No protests were filed. On 9/15/14, the Bureau of Technical Utility Services sent a letter to the Applicant requesting additional information. By Secretarial Letter issued on 11/4/14, the Commission dismissed the application based on the Public Utility Code provision that dual operation by motor carriers is not permitted. On 11/17/14, the Applicant filed a Petition for Reconsideration of Staff Action. No response to the petition has been filed.  
**RECOMMENDATION:**  
That the Commission adopt the proposed Opinion and Order which denies the petition and the application.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1167840-TUS</b>	<b>A-125108</b>	<b>SNYDER BROTHERS INC</b> - Application filed on 12/16/14, for approval to amend its natural gas supplier license to include the additional natural gas distribution company service territories of PECO Energy, UGI Utilities, UGI Central Penn Gas, and UGI Penn Natural Gas. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>Vote 5-0.</b>		
<b>2304407-TUS</b>	<b>A-2012-2304407</b>	<b>CCES LLC D/B/A CLEAN CURRENTS</b> - Application filed on 3/28/14, for approval to abandon its electric generation supplier license. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application for abandonment.
<b>Vote 5-0.</b>		
<b>2393366-TUS</b>	<b>A-2013-2393366</b>	<b>GREENLIGHT ENERGY INC</b> - Application filed on 11/20/13, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier for residential, small commercial, large commercial, industrial, and governmental customers within the Commonwealth of PA. Greenlight failed to fully respond to Commission staff data requests concerning missing information. Greenlight has been given ample opportunity to respond/comply. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which denies the application.
<b>Vote 5-0.</b>		
<b>2395754-TUS</b>	<b>A-2013-2395754</b>	<b>PENNDOT</b> - Application of Penndot for approval to widen and replace the bridge superstructure where State Route 3093, Section F10 crosses over a single track owned by Westmoreland County Industrial Development Corp., and operated on by Southwest PA Railroad Co. (DOT #544500B) in New Stanton Borough, Westmoreland County. <b>RECOMMENDATION:</b> That the Commission adopt the propose Order approving the application as amended.
<b>Vote 5-0.</b>		

<b>2423806-TUS</b>	<b>A-2014-2423806</b>	<p><b>SAM LAWRENCE ENERGY LLC</b></p> <p>- Application filed on 5/20/14, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for residential, small commercial, large commercial, industrial, and governmental customers within the Commonwealth of PA. Sam Lawrence failed to respond to Commission staff data requests concerning missing information. Sam Lawrence has been given ample opportunity to respond/comply.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order which denies the application.</p>
Vote 5-0.		
<b>2427239-TUS</b>	<b>A-2014-2427239</b>	<p><b>SAM LAWRENCE ENERGY LLC</b></p> <p>- Application filed on 5/19/14, 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 within the Commonwealth of PA. Sam Lawrence failed to respond to Commission staff data requests concerning missing information. Sam Lawrence has been given ample opportunity to respond/comply.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order which denies the application.</p>
Vote 5-0.		
<b>2441953-TUS</b>	<b>A-2014-2441953</b>	<p><b>PENNSYLVANIA AMERICAN WATER CO - WASTEWATER</b></p> <p>- Application filed on 9/9/14, for approval to 1) transfer, by sale, substantially all of Shippenville Borough properties and rights related to its wastewater system to PAWC-WD and 2) the rights of PAWC-WD to supply wastewater service to the public in Shippenville Borough and an additional portion of Elk Township, Clarion County, PA.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		

<b>2445425-TUS</b>	<b>A-2014-2445425</b>	<p>AGERA ENERGY LLC</p> <p>- Application filed on 10/1/14, for approval to operate as a supplier of natural gas supply services to residential, small commercial, large commercial, industrial and governmental customers in the service territories of PECO Energy, NFGD Corp., Peoples TWP, Peoples Natural Gas Co., Peoples Natural Gas Co. - Equitable Division, and Columbia Gas of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
<b>2448240-TUS</b>	<b>R-2014-2448240 A-00115183</b>	<p>PLYMOUTH TAXI INC T/A WESTSIDE CAB</p> <p>- Increase in rates.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve Tariff Call or Demand Pa. PUC No. 4 to become effective 3/16/15.</p>
Vote 5-0.		
<b>2449857-TUS</b>	<b>R-2014-2449857 A-00108814, F.4, Am-A</b>	<p>BUCKS TRANSIT CO. INC</p> <p>-Increase in rates</p> <p>RECOMMENDATION</p> <p>That the Commission approve Tariff Airport Transfer Pa. PUC No. 2 to become effective on 3/16/15.</p>
Vote 5-0.		
<b>2451080-TUS</b>	<b>A-2014-2451080</b>	<p>ENERGY TRANSFER RETAIL POWER LLC</p> <p>- Application filed on 11/3/14, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to large commercial and industrial customers in all of the electric distribution company service territories 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.		



<b>2455005-TUS</b>  <b>Vote 5-0.</b>	<b>A-2014-2455005</b>	<b>AMERICAN UTILITY MANAGEMENT INC</b> - Application filed on 11/12/14, for approval to become a licensed electric generation supplier as a broker/marketer to residential, small commercial and large commercial customers in all the electric distribution company service territories within the Commonwealth of PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2456011-TUS</b>  <b>Vote 5-0.</b>	<b>A-2014-2456011</b>	<b>THE YORK WATER COMPANY</b> - Application filed on 12/3/14, for approval of the right to begin to offer or furnish water service to the public in additional portions of York and Windsor Townships, York County, PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>2457990-TUS</b>  <b>Vote 5-0.</b>	<b>A-2014-2457990</b>	<b>AUI ASSOCIATES INC</b> - Application filed on 11/21/14, for approval to operate as a broker/marketer of natural gas supply services to residential, small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of PECO Energy and Philadelphia Gas Works within the Commonwealth of PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2462446-TUS</b>  <b>Vote 5-0.</b>	<b>A-2015-2462446</b>	<b>WEST PENN POWER COMPANY</b> - Letter of Notification filed on 1/8/15, for approval of the proposed North Fayette – Smith 138 kV Transmission Line Relocation Project in Robinson Township, Washington County, PA. Authority for this procedure is provided for at Pa. Code §57.72(d)(1)(vi). No protest was filed and no hearing was held. <b>RECOMMENDATION</b> That the Commission adopt the proposed Order that approves the application.

<b>2462459-TUS</b>	<b>A-2015-2462459</b>	<p><b>WEST PENN POWER COMPANY</b></p> <p>- Letter of Notification filed on 1/8/15, for approval of the proposed MarkWest – Imperial Branch 138 kV Transmission Line Project in Robinson Township, Washington County, PA. Authority for this procedure is provided for at Pa. Code §57.72(d)(1)(vi). No protest was filed and no hearing was held.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order that approves the application.</p>
Vote 5-0.		
<b>2462725-TUS</b>	<b>R-2015-2462725</b>	<p><b>PENNSYLVANIA AMERICAN WATER COMPANY</b></p> <p>- Supplement No. 289 to Tariff Water-PA P.U.C. No. 4 filed on 1/16/15, for approval to propose to standardize the main extension process for non bona fide customers. No protests were filed and no hearings were held.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
<b>2464047-TUS</b>	<b>R-2015-2464047</b>	<p><b>TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC</b></p> <p>- Increase in rates.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission approve 11th Revised Page 82 to Tariff Freight Pa. PUC No. 50 to become effective on 3/16/15.</p>
Vote 5-0.		
<b>2464054-TUS</b>	<b>R-2015-2464054</b>	<p><b>TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC</b></p> <p>- Increase in rates.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission approve 11th Revised Page 76 to Tariff Freight Pa. PUC No. 50 to become effective on 3/16/15.</p>
Vote 5-0.		
<b>2464496-TUS</b>	<b>R-2015-2464496</b>	<p><b>TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC</b></p> <p>- Increase in rates.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission approve 11th Revised Page 72 to Tariff Freight Pa. PUC No. 50 to become effective on 3/16/15.</p>
Vote 5-0.		

**2466863-TUS**

**A-2015-2466863**

**STARPOWER COMMUNICATIONS LLC**

**Vote 5-0.**

- Application filed on 2/6/15, for approval to seek the Commission's approval of the Company's discontinuance and abandonment of Interexchange Carrier Reseller services within the Commonwealth of PA.

**RECOMMENDATION:**

That the Commission adopt the proposed Order approving the application.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1164388-LAW</b>	<b>A-311145</b>	<b>YAK COMMUNICATIONS (AMERICA)</b> - YAK Communications (America) Inc., a telecommunications interexchange reseller certificated at A-311145, is out of business as confirmed by the company itself in a September 2014 letter to the Commission and by Commission staff's unsuccessful efforts to reach the company since the date of that letter. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Tentative Order.
<b>Vote 5-0.</b>		
<b>2424864-LAW</b>	<b>M-2014-2424864</b>	<b>ACT 129 ENERGY EFFICIENCY PROGRAM - PHASE III</b> - The PA General Assembly charged the Commission with establishing an EE&C Program. The Commission is also charged with the responsibility to evaluate the costs and benefits of the EE&C Program every 5 years and adopting additional reductions in consumption and peak demand if the benefits of the program exceed its costs. 66 Pa. C.S. § 2806.1(c)(3), (d)(2). With this Tentative Implementation Order, the Commission begins the process of evaluating the costs and benefits of the EE&C Program and proposing additional incremental reductions in consumption and peak demand for Phase III of the program. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Tentative Order.
<b>Statement by Commissioner Witmer.</b>		
<b>Vote 5-0.</b>		
<b>2465852-LAW</b>	<b>P-2015-2465852</b>	<b>LYFT INC</b> - On 2/3/15, Lyft a Petition for Waiver of the Commission's existing vehicle age regulations at 52 Pa. Code § 29.314 and/or the 6-month delay in the effective date of the forthcoming vehicle age/mileage regulations so that Lyft's drivers may immediately operate vehicles between eight and ten model years of age for the 2015 calendar year. Lyft served the Petition on the Bureau of Investigation & Enforcement, the OSBA, the OCA, Persun & Heim P.C., Michal S. Henry LLC, David William Donley Esq., the Insurance Federation of PA, and the Philadelphia Parking Authority. No answers were filed to the Petition. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>Vote 5-0.</b>		

2468992-LAW M-2015-2468992

ENERGY EFFICIENCY AND CONSERVATION PROGRAM -  
2016 PA TOTAL RESOURCE COST (TRC) TEST

Statement by Commissioner Cawley.  
Vote 5-0.

- The Commission is charged with establishing an energy efficiency and conservation (EE&C) program applicable to certain jurisdictional electric distribution companies (EDCs). The Commission is also charged with establishing a method to evaluate the benefits and costs of the EDCs' EE&C plans. With this Tentative Implementation Order, the Commission begins the process of reviewing and establishing the 2016 TRC Test for evaluating the benefits and costs of the EDCs' EE&C Plans for Phase III of the Program.

RECOMMENDATION:

That the Commission adopt the proposed Order.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2435752-ALJ (PP from 02/26/2015)	A-2014-2435752 A-2014-2435833	PPL INTERSTATE ENERGY COMPANY AND PPL ELECTRIC UTILITIES CORPORATION  - On 7/30/14, PPL Interstate Energy Co. and PPL Electric Utilities Corp., both owned by PPL Corp., applied for the approvals needed to complete a transaction with Riverstone Holdings, LLC which transfers the ownership of PPL IEC to Riverstone as part of a larger transaction which transfers the assets of the generation side of PPL Corp. to Riverstone. Ownership of PPL EU is not affected although some joint assets and affiliated interest agreements may be. On 12/30/14, a Joint Petition for Settlement was filed with the Commission.  COMMISSION REVIEW:  That the Commission adopt ALJ Colwell's Recommended Decision approving the settlement without modification.

Motion by Chairman Powelson.  
Vote 5-0.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Carry-In Agenda**

**March 11, 2015**

**OFFICE OF SPECIAL ASSISTANTS**

**AGENDA NO.**

**2419774-OSA**

**DOCKET NO.**

**R-2014-2419774**

**R-2014-2419776**

**NAME AND SUBJECT**

**WELLSBORO ELECTRIC COMPANY AND CITIZENS' ELECTRIC COMPANY OF LEWISBURG**

**Vote 5-0.**

- Tariff supplements filed on 5/1/14, requesting approval of a non-bypassable Customer Choice Support Charge (CCSC). By Recommended Decision, issued on 12/19/14, ALJ Cheskis recommended that the companies' proposed CCSC be approved with one modification, that recovery be extended to 5 years from 2 years. On 1/8/15, Exceptions to the Recommended Decision were filed by the companies, the Bureau of Investigation & Enforcement (I&E) and the OCA. Replies to Exceptions were filed by the companies and the OCA on 1/21/15. On 2/12/15, the Commission entered an Order granting, in part, the Exceptions filed by I&E and the OCA, and rejecting the Recommended Decision. The companies filed a Petition for Reconsideration on 2/27/15.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order granting reconsideration, pending review of and consideration on the merits.