

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MAY 7, 2015 (GB)

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 Tuesday, May 19, 2015 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 9, 2015 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR TUESDAY, MAY 19, 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 HELD AN EXECUTIVE SESSION ON WEDNESDAY, MAY 6, 2015, AT 2:00 PM 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

May 07, 2015

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2409384-AUD	D-2014-2409384	YORK WATER COMPANY - Focused Management and Operations Audit. York Water has submitted an implementation plan dated 4/21/15, indicating acceptance of 15 recommendations and partial acceptance of one recommendation. RECOMMENDATION: That the Commission make the Audit Report and Implementation Plan public.

Vote 5-0.

OFFICE OF COMPETITIVE MARKET OVERSIGHT

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2449397-OCM	P-2014-2449397	<p>UGI UTILITIES INC - ELECTRIC DIVISION</p> <p>- Petition of UGI Utilities, Inc. – Electric Division to Defer Implementation of Portions of Revised Standards for changing a customer's Electric Generation Supplier at 52 Pa. Code §§ 57.174 and 57.180 and to implement an alternative method to address certain Variable Rate Disputes. The Commission's regulations require jurisdictional electric distribution companies to be capable of effectuating a 3-business day, off-cycle switch by 12/15/14 when a residential or small commercial customer requests a change in electric supplier. See 52 Pa. Code §§ 57.173, 57.174, and 57.180.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2097639-OSA	P-2009-2097639 R-2009-2139884	PHILADELPHIA GAS WORKS - Petition filed on 4/10/15, to Amend or Rescind the Commission's Opinion and Order entered 7/29/10, at Docket Nos. R 2009-2139884, et al. The 7/29/10 Order approved a settlement, which included PGW's Demand Side Management Plan (DSM Phase I). In its Petition, PGW is requesting that the Commission extend the DSM Phase I Plan from 9/1/15, until the earlier of: (1) 8/31/16, or (2) the effective date of a Phase II compliance plan, which was filed on 12/23/14, and is currently assigned to the OALJ. On 4/14/15, the Commission issued a Secretarial Letter directing that any Answers to the Petition shall be received on or before the close of business on 4/20/15. No Answers to the Petition have been received by the Commission. RECOMMENDATION: That the Commission approve the proposed Opinion and Order that grants the Petition.
2325034-OSA	P-2012-2325034 C-2013-2346390 C-2013-2345750 C-2013-2346375 C-2013-2345729 C-2013-2351090	PPL ELECTRIC UTILITIES CORPORATION - Petition filed on 1/15/13, for Approval of a Distribution System Improvement Charge (DSIC), which included proposed Supplement No. 127 to Electric – Pa. P.U.C. No. 201 to introduce a DSIC Rider into PPL's tariff. By Order entered 5/23/13, the Commission approved PPL's DSIC subject to resolution of certain issues. A hearing was held on 10/29/13. In a Recommended Decision issued 8/1/14, ALJ Melillo approved PPL's DSIC contingent upon PPL's compliance with the ALJ's recommendations. PPL and the OCA filed Exceptions on 8/21/14. PPL and the PP&L Industrial Customer Alliance (PPLICA) filed Replies to Exceptions on 9/2/14. By Order entered 4/9/15, the Commission, inter alia, granted PPL's Exceptions, denied the OCA's Exceptions, and modified the Recommended Decision. On 4/24/15, PPLICA filed a Petition for Reconsideration of the 4/9/15 Order. RECOMMENDATION: That the Commission grant the Petition for Reconsideration pending further review of, and consideration on, the merits.

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. On 10/28/13, NRG filed a Formal Complaint alleging that Rider No. 18 may be discriminatory. 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 of the base rate case 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. Exceptions and Replies were filed. By Order entered 11/13/14, the Commission entered an Order dismissing in part the Complaint. NRG filed a Petition for Reconsideration on 12/1/14. By Order entered 12/4/14, we granted the Petition pending further review of and consideration on the merits. On 12/11/14, Duquesne and BFMA filed Answers to the Petition for Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration.
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2402184-OSA	C-2014-2402184	ERNESTINE CRANKFIELD VS UGI UTILITIES INC Vote 5-0. - Formal Complaint filed on 1/22/14, alleging that UGI failed to provide clear billing statements and also failed to properly handle payments she made on her account. On 2/12/14, UGI filed an Answer to the Complaint. A hearing was held on 4/7/14. On 9/9/14, ALJ Dunderdale's Initial Decision dismissing the Complaint was issued. The Complainant filed Exceptions on 10/27/14. UGI filed Replies to Exceptions on 12/4/14. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision, consistent with the Opinion and Order.
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2404945-OSA A-2014-2404945

Vote 5-0.

MANITO TRANSPORTATION SERVICES INC

- Application filed on 9/10/14, to provide paratransit service. Various entities filed protests to the application. On 11/21/14, the Applicant and the various Protestants filed a Restrictive Amendment, limiting the Applicant's proposed service territory to Franklin County. On or about 12/4/14, the Bureau of Technical Utility Services (TUS) sent a letter to the Applicant requesting that the Applicant submit verified statements in support of the Application by 1/5/15. On 12/31/14, the Applicant filed a letter requesting an extension of time to submit the verified statements. By Secretarial Letter issued on 1/7/15, TUS denied the Application based on the Applicant's failure to timely reply to the data request. The Applicant filed a Petition for Reconsideration of Staff Action on 1/26/15. No response to the petition has been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Petition for Reconsideration of Staff Action.

**2425024-OSA P-2014-2425024
P-2014-2425245**

Vote 5-0.

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

- Petition filed on 4/17/15, seeking expedited consideration of their request to amend or waive the minimum 3-bid requirement set forth in the 2/27/15 Opinion and Order approving the companies' 4th Default Service Plan (DSP IV) for the period 6/1/15 through 5/30/18. In place of the 3-bid minimum, the companies seek approval of their proposal to accept a 2-bid minimum with the condition that the companies prepare and submit a benchmark report with the final bid results. On 4/21/15, the OCA filed an Answer to the Petition. On 4/22/15, the OSBA filed a letter in lieu of an Answer.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which denies the petition.

2425989-OSA	C-2014-2425989	<p>FES INDUSTRIAL & COMMERCIAL CUSTOMER COALITION VS FIRSTENERGY SOLUTIONS CORPORATION</p> <p>- Formal Complaint filed on 6/9/14. The matter was assigned to the OALJ for the issuance of a Recommended Decision. On 8/6/14, presiding ALJ Dunderdale issued a First Interim Order – Disposition of Preliminary Objections, addressed to preliminary objections to the Complaint 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 Interim Order. Briefs in support and in opposition were filed by the parties on 9/5/14. On 12/12/14, the Commission entered an Opinion and Order that answered the material questions consistent with the discussion therein. On 12/29/14 FES filed its Petition seeking clarification. On 1/8/15, the FES ICCC filed an Answer opposing the relief requested.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which denies the petition.</p>
Vote 5-0.		
2430768-OSA	C-2014-2430768	<p>WILLIAM J FEMEA SR VS UGI UTILITIES INC - ELECTRIC DIVISION</p> <p>- Formal Complaint filed on 6/30/14, alleging, among other things, an inability to pay his electric bills. On 7/22/14, UGI filed an Answer to the Complaint. A hearing was held on 9/19/14. On 12/24/14, the Commission issued an Initial Decision of Special Agent Hunt dismissing the Complaint. The Complainant submitted Exceptions on 1/8/15. UGI filed Replies to Exceptions on 2/23/15.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Special Agent's Initial Decision, consistent with the Opinion and Order.</p>
Vote 5-0.		

2434982-OSA C-2014-2434982

Vote 5-0.

PUC - INVESTIGATION AND ENFORCEMENT VS BIG LEAGUE LIMOUSINE INC

- Complaint filed on 7/31/14, alleging that Respondent failed to pay its assessment amount for Fiscal Year 2012-2013. I&E requested that the Respondent be ordered to pay \$4,444 (consisting of the outstanding assessment balance of \$3,864 and a civil penalty of \$580) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 10/29/14, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment and the civil penalty are not paid. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.

2444507-OSA C-2014-2444507

Vote 5-0.

PUC - INVESTIGATION AND ENFORCEMENT VS UNI-TEL COMMUNICATIONS GROUP

- Complaint filed on 9/25/14, alleging that Respondent failed to pay its assessment amount for Fiscal Year 2009-2010. I&E requested that the Respondent be ordered to pay the outstanding assessment balance of \$54 and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment. The Respondent did not file an Answer to the Complaint. On 1/12/15, I&E filed a Motion for Default Judgment requesting that the Commission direct the Respondent to pay the outstanding assessment and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment is not timely paid. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2347340-TUS	P-2013-2347340	PECO ENERGY COMPANY-GAS - Petition filed on 2/4/15, for approval of its Modified Gas Long-Term Infrastructure Improvement Plan. Vote 5-0. Chairman Powelson <u>Statement</u> Commissioner Cawley <u>Statement</u> RECOMMENDATION: That the Commission adopt the proposed Order that approves PECO Energy Company's Modified Gas LTIP.
2409835-TUS	A-2014-2409835	PENNDOT - Application filed 3/11/14, for approval to replace the existing seven-span steel deck truss/box beam bridge that carries State Route 436 over one track of the Buffalo and Pittsburgh Railroad, Inc. (DOT No. 148 900 D) Mahoning Shadow Trail, Mahoning Creek, and Water Street with a four-span steel girder bridge in Punxsutawney Borough, Jefferson County; and the allocation of costs incident thereto. Vote 5-0. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2433357-TUS	A-2014-2433357	ENERGY AUCTION HOUSE INC - Application filed on 7/23/14, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Peoples Natural Gas Co., Peoples TWP, PECO Energy, and Columbia Gas within PA. Vote 5-0. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2437548-TUS	A-2014-2437548	SAVE MONEY ON YOUR ELECTRIC BILL INC - Application filed on 7/26/14, for approval 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 PA. Vote 5-0. RECOMMENDATION: That the Commission adopt the proposed Order which denies the application.

2440440-TUS Vote 5-0.	A-2014-2440440	<p>ELITE ENERGY GROUP INC</p> <p>- Application filed on 6/23/14, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to large commercial, industrial and governmental customers within PA. Elite Energy failed to respond to Commission staff data requests concerning missing information. Elite Energy has been given ample opportunity to respond/comply.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which denies the application.</p>
2455989-TUS Vote 5-0.	A-2014-2455989	<p>AQUA PENNSYLVANIA INC</p> <p>- Application filed on 12/3/14 for approval of the right to begin to offer or furnish water service to the public in an additional portion of Bear Creek Township, Luzerne County, PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2464618-TUS Vote 5-0.	A-2015-2464618	<p>PAETEC COMMUNICATIONS INC</p> <p>- Application for approval to offer, render, furnish, or supply telecommunication services as a competitive local exchange carrier. The application was filed on 1/22/15. 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>
2471192-TUS Vote 5-0.	A-2015-2471192	<p>DUQUESNE LIGHT COMPANY</p> <p>- Application filed on 2/27/15, for approval for the future sale or acquisition of property under the Spare Transformer Sharing Agreement. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve the petition consistent with the proposed Order.</p>

2472163-TUS	A-2015-2472163	<p>ECO-ENERGY LLC</p> <p>- Application filed on 2/27/15, for approval to offer, render, furnish or supply natural gas supply services as a supplier to large commercial and industrial customers in the natural gas distribution company service territory of NFGD Corp. within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2472201-TUS	A-2015-2472201	<p>MARYLAND ENERGY ADVISORS D/B/A POINTCLICKSWITCH.COM</p> <p>- Application filed on 2/20/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of energy consulting that will serve residential, small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2473363-TUS	A-2015-2473363	<p>EFFICIENT ENERGY SOLUTIONS LLC</p> <p>- Application filed on 3/16/15, for approval to offer, render, furnish, or supply natural gas supply services as a broker/marketer to small commercial, large commercial, industrial, and governmental customers in the natural gas distribution company service territories of Peoples Natural Gas Co.- Equitable Division, UGI Penn Natural Gas, NFGD Corp., Peoples Natural Gas Co., Peoples TWP, Columbia Gas, and Valley Energy within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2473582-TUS	R-2015-2473582	<p>UNITED WATER BETHEL INC</p> <p>- Supplement No. 50 filed on 3/2/15 proposing to change the billing period of the company's customers from quarterly to monthly.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		

2474338-TUS

A-2015-2474338

CONCORD ENGINEERING GROUP INC D/B/A CONCORD ENERGY

Vote 5-0.

- Application filed on 3/20/15, 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 Peoples Natural Gas Co. - Equitable Division, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, NFGD Corp., PECO Energy, Peoples Natural Gas Co., Peoples TWP, PGW, Columbia Gas, and Valley Energy.

RECOMMENDATION:

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

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2346923-LAW (PP from 04/23/2015)	L-2013-2346923	RULEMAKING - GAS COST RATES - On 5/9/13, the Commission adopted a Proposed Rulemaking Order designed to simplify and streamline information and procedures small gas utilities use when submitting gas cost rate filings with the Commission. Comments were filed by interested parties to the proposed regulations. The Commission reviewed those comments and now issues this Final Rulemaking Order regarding the recovery of fuel costs by small gas utilities. RECOMMENDATION: That the Commission adopt the proposed Order.
Vice Chairman Coleman <u>Motion</u> Vote 5-0.		
2475113-LAW	P-2015-2475113	KEYSTONE CAB SERVICE INC ET AL - Petition for Waiver filed on 3/27/15, for a waiver of the 6-month delay in the Commission's forthcoming vehicle age regulations so that Joint Petitioners' drivers may operate vehicles under the forthcoming regulations upon publication of those regulations in the Pa. Bulletin. The Joint Petitioners served the Petition on the Bureau of Investigation & Enforcement (I&E), the OSBA, and the OCA. No answers were filed to the petition. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2431005-ALJ	P-2014-2431005 C-2014-2433700	PENNSYLVANIA AMERICAN WATER COMPANY – WASTEWATER OPERATIONS
Vote 5-0.		<p>- Joint Stipulation filed on 2/13/15. PAWC, OCA and OSBA conclude that the Distribution System Improvement Charge (DSIC) is not applicable to PAWC's Franklin and Koppel wastewater systems, and accordingly, the sole issue referred to the OALJ by the Commission in the 12/4/14 Opinion and Order for evidentiary hearings and preparation of a Recommended decision has been resolved.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Watson's Recommended Decision approving the Joint Stipulation.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

May 7, 2015

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2253750-OSA (PP from 04/09/2015)	C-2011-2253750 C-2011-2253787	CORE COMMUNICATIONS INC VS VERIZON PA LLC AND VERIZON NORTH LLC
<u>Joint Motion of Commissioner Witmer and Commissioner Brown</u>		- On 7/22/11, Core filed 2 Formal Complaints against Verizon alleging that Verizon suddenly ceased payment for intercarrier compensation invoices that were issued by Core pursuant to interconnection agreements entered among the parties and long- standing practice. On 8/16/11, Verizon filed an Answer, New Matter, and Counterclaims. On 12/4/12 and 12/5/12, an evidentiary hearing was held before ALJ Colwell. Main Briefs and Reply Briefs were filed on 1/23/13 and 3/18/13, respectively by both parties. On 7/11/13, the ALJ's Initial Decision was issued. Exceptions were filed by both Parties on 8/16/13. Replies to Exceptions were filed by both parties on 9/16/13.
<u>Joint Statement of Chairman Powelson and Vice Chairman Coleman</u>		
<u>Verbal Statement of Commissioner Cawley</u>		
<u>Vote 3-2.</u>		RECOMMENDATION: That the Commission adopt the draft Opinion and Order that grants the Exceptions of the parties, in part, and denies them, in part, and adopts the ALJ's Initial Decision, as modified consistent with the discussion therein.