

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, SEPTEMBER 17, 2015 (RP)  
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>Gladys M. Brown</b>	<b>James H. Cawley</b>	<b>Robert F. Powelson</b>

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

The Next Public Meeting is Tentatively Scheduled for Thursday, October 1, 2015 at 10:00 A.M.

Minutes of the Meeting of Thursday, August 20, 2015 (JFC)

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

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, OCTOBER 1, 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 THURSDAY, SEPTEMBER 17, 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

September 17, 2015

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2469665-OSA	R-2015-2469665 C-2015-2474515 C-2015-2475969	COLUMBIA GAS OF PENNSYLVANIA INC - Supplement No. 230 to Tariff Gas - Pa. P.U.C. No. 9 filed on 4/1/15, to become effective 10/1/15, containing proposed changes in purchased gas cost rates pursuant to 66 Pa. C.S. 1307(f). On 6/24/15, the parties filed a Joint Petition for Partial Settlement to resolve certain issues. On 8/7/15, the Commission issued ALJ Hoyer's Recommended Decision which recommended approval of the Partial Settlement and which addressed the litigated issues. On 8/17/15, the NGS parties filed Exceptions. On 8/24/15, Columbia, the OCA, I&E and the OSBA filed Replies to Exceptions.  RECOMMENDATION:  That the Commission conduct a binding poll of the issues to address the Exceptions and Replies to Exceptions filed by the Parties in response to the ALJ's Recommended Decision.

**Binding Poll on four issues.  
Vote 5-0.**

**BUREAU OF AUDITS**

**AGENDA NO.**      **DOCKET NO.**  
**2500634-AUD**      **D-2015-2500634**

**NAME AND SUBJECT**

ANNUAL REPORT FOR FISCAL YEAR 2014-2015 –  
MANAGEMENT AUDITS/MANAGEMENT EFFICIENCY  
INVESTIGATIONS

- Annual Report required by 66 Pa. C.S. § 516(b), addressing the findings of all Management Audits and Management Efficiency Investigations for Fiscal Year 6/30/15.

**RECOMMENDATION:**

That the Commission make the Annual Report public.

**Joint Statement by Chairman  
Brown and Commissioner  
Powelson.**  
**Vote 5-0.**

**BUREAU OF CONSUMER SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2432515-BCS</b>	<b>M-2014-2432515</b>	PEOPLES NATURAL GAS COMPANY LLC - On 7/16/14, Peoples Natural Gas Company LLC filed its Universal Service and Energy Conservation Plan for 2015-2017 and filed an amended Plan for 2015-2018 on 8/19/15, in accordance with the Commission's regulations at 52 Pa. Code §§ 62.1-62.8. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Tentative Order, which addresses the Proposed 2015-2018 Plan for Peoples Natural Gas Company LLC

**Vote 5-0.**

**OFFICE OF COMPETITIVE MARKET OVERSIGHT**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2381742-OCM</b>	<b>I-2013-2381742</b>	INVESTIGATION OF PA'S RETAIL NATURAL GAS SUPPLY MARKET
<b>Vote 5-0.</b>		- Recommendation to extend, for a period of 3 years, the Commission's waivers of its regulations at 52 Pa. Code sections 59.93(2) and 59.94, to the extent necessary, to provide for a 5-day confirmation period when a customer chooses an natural gas supplier or returns to natural gas distribution company service. RECOMMENDATION: That the Commission adopts the proposed Tentative Order.

**OFFICE OF SPECIAL ASSISTANTS**

**2426824-OSA**

**C-2014-2426824**

**GLEN KELLY BEVERIDGE VS PEOPLES NATURAL GAS COMPANY LLC**

**Vote 5-0.**

- Formal Complaint filed on 5/16/14, alleging that Peoples supplied dirty gas to his home, and requested reimbursement for expenses incurred as a result of damage to a boiler. On 7/2/14, Peoples filed an Answer to the Complaint, in which it denied the material allegations set forth therein. Also on 7/2/14, Peoples filed Preliminary Objections. By Order issued 7/23/14, ALJ Colwell granted, in part, and denied, in part the Preliminary Objections. An evidentiary hearing was held on 10/29/14. By Initial Decision issued 1/27/15, ALJ Colwell dismissed the Complaint. On 2/17/15, the Initial Decision became final, pursuant to 66 Pa. C.S. § 332(h). On 3/3/15, the Complainant filed a Petition for Reconsideration of the Commission's final action, and on 3/23/15, Peoples filed an Answer to the petition.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order, which denies the Petition for Reconsideration.

**2440862-OSA**

**A-2014-2440862**

**STAR LIMOUSINE SERVICE INC**

**Vote 5-0.**

- Application filed on 7/14/14. The Bureau of Technical Utility Services (TUS) requested information and the Applicant requested an extension of time to provide the information. On 12/15/14, the Commission dismissed the application for failure to timely reply to TUS's data request. On 12/19/14, the Applicant filed a Petition for Reconsideration of Staff Action. By Order entered 2/26/15, the Commission granted the petition and referred the application back to TUS. On 3/4/15, TUS requested additional information. On 3/16/15, the Applicant requested an extension of time until 3/30/15 to file the information. The Applicant filed the information on 3/30/15. By Secretarial Letter of 4/3/15, the Commission dismissed the application for failure to timely reply to TUS's data request. On 4/16/15, the Applicant filed a Second Petition for Reconsideration of Staff Action.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order which grants the Second Petition for Reconsideration of Staff Action, rescinds the Secretarial Letter and grants the application as amended.

2442906-OSA C-2014-2442906

BEATRIZ MALLORY VS PPL ELECTRIC UTILITIES CORPORATION

**Vote 5-0.**

- Formal Complaint filed on 9/11/14, alleging, among other things, an inability to pay her electric bills. On 10/6/14, PPL filed an Answer to the Complaint. A hearing was held on 12/4/14. On 2/3/15, the Commission issued an Initial Decision of ALJ Jandebour dismissing the Complaint. The Complainant submitted Exceptions on 2/21/15. PPL filed Replies to Exceptions on 3/4/15.

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.

2445405-OSA C-2014-2445405

PUC - INVESTIGATION & ENFORCEMENT VS CLAIR ZIMMERMAN & DEBRA SENSENIG COPTS T/A MEDICAL TRANSPORT

**Vote 5-0.**

- Complaint filed on 9/29/14, alleging Respondent failed to file assessment reports for the 2012 calendar year and failed to pay its assessment amounts for Fiscal Years 2012-13 and 2013-2014. I&E requested that the Respondent be ordered to pay \$1,518 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 2/27/15, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the assessment and civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment and civil penalty is 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.



2449983-OSA C-2014-2449983

**Postponed until the Public Meeting of October 1, 2015.**

RICHARD AND SANDY LEHET VS PPL ELECTRIC UTILITIES CORPORATION

- Formal Complaint filed on 10/17/14, alleging that PPL is threatening to remove a row of ornamental pear trees they planted along the PPL right-of-way as a buffer zone for their housing development as required by the Columbia County Planning Commission. On 11/12/14, PPL filed an Answer to the Complaint. A hearing was held on 1/8/15. On 3/9/15, the Commission issued ALJ Colwell's Initial Decision, which sustained the Complaint and directed PPL not to remove the subject line of ornamental pear trees from the right-of-way. PPL filed Exceptions on 3/30/15. No Replies to Exceptions were filed by the Complainants.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies, in part, and grant the Exceptions, in part, and modifies the ALJ's Initial Decision consistent with the proposed Opinion and Order.

2450483-OSA C-2014-2450483

**Vote 5-0.**

DAUPHIN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY VS PPL ELECTRIC UTILITIES CORPORATION

- Formal Complaint filed on 10/3/14, alleging, inter alia, that it was not properly compensated for excess generation provided to PPL from DCIDA's solar facility. On 2/3/15, DCIDA filed a Motion for Judgment on the Pleadings, and on 2/23/15, PPL filed a Cross Motion for Judgment on the Pleadings. By Initial Decision issued 4/10/15, the ALJ granted PPL's Cross Motion, denied DCIDA's Motion and dismissed the Complaint. Exceptions were filed by DCIDA on 4/30/15; PPL filed Replies to Exceptions on 5/11/15. On 8/20/15 the Commission entered an Order adopting the ALJ's Initial Decision, denying DCIDA's Exceptions, and granting PPL's Cross Motion. On 9/4/15, DCIDA filed a Petition for Reconsideration and/or Clarification and on 9/8/15 filed a verification to the petition.

RECOMMENDATION:

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

2456937-OSA      F-2014-2456937

**Statement by Commissioner**  
**Cawley.**  
**Vote 5-0.**

VALERIE WILLIAMS VS PHILADELPHIA GAS WORKS

- Formal Complaint filed on 11/18/14, alleging that PGW overcharged her for natural gas service from 2005 to 2010, and requesting a refund. On 12/29/14, PGW filed a Motion for Summary Judgment, requesting that the Complaint be dismissed because the cause of action was outside of the statute of limitations period in the Code. In the Initial Decision, issued 4/20/15, ALJ Jandebaur granted the Motion for Summary Judgment and dismissed the Complaint. The Complainant filed Exceptions on 5/11/15. PGW filed Replies to Exceptions on 5/18/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.

**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>2461378-TUS</b>  <b>Vote 5-0.</b>	<b>A-2015-2461378</b>	<b>NAVIGATE POWER LLC</b>  - Application filed on 1/7/15, 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 within PA. Navigate Power failed to respond to Commission staff data requests concerning missing information. <b>RECOMMENDATION:</b>  That the Commission adopt the proposed Order which denies the application.
<b>2468192-TUS</b>  <b>Vote 5-0.</b>	<b>A-2015-2468192</b>	<b>THE NEW MARATHON INC</b>  - Application filed on 2/3/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to small commercial and large commercial customers in all of the electric distribution company service territories within PA. <b>RECOMMENDATION:</b>  That the Commission adopt the proposed Order which approves the application.
<b>2472472-TUS</b>  <b>Vote 5-0.</b>	<b>A-2015-2472472</b> <b>A-2015-2472473</b>	<b>AQUA PENNSYLVANIA INC AND SUPERIOR WATER COMPANY INC</b>  - Joint Application filed o 3/18/15, seeking approval of a transfer of control, by merger, of all the common stock of Superior Water Company, Inc. to Aqua Pennsylvania, Inc. On 4/13/15, North Coventry Water Authority filed a protest. The Protest was respectfully withdrawn on 8/4/15. <b>RECOMMENDATION:</b>  That the Commission approve the application consistent with the proposed Order.

<b>2474591-TUS</b> <b>Vote 5-0.</b>	<b>A-2015-2474591</b>	<p><b>THE YORK WATER COMPANY</b></p> <p>- Application for approval of (1) the transfer, by sale, of substantially all of the water distribution system assets, and rights of the Newberry Farms Mobile Home Park to York Water, and (2) the right of York Water to begin to offer or furnish water service to the public in an additional portion of Newberry Township, York County, PA. No protests were filed and no hearings were held.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
<b>2478098-TUS</b> <b>Vote 5-0.</b>	<b>R-2015-2478098</b> <b>C-2015-2500408</b>	<p><b>APPALACHIAN UTILITIES INC</b></p> <p>- On 7/30/15, Appalachian Utilities filed Supplement No. 4 to Tariff Water - Pa. P.U.C. No. 2 proposing an annual increase in revenues of \$252,721 (46.28%) to become effective 9/28/15.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
<b>2478258-TUS</b> <b>Vote 5-0.</b>	<b>A-2015-2478258</b>	<p><b>HOSPITAL ENERGY LLC</b></p> <p>- Application filed on 4/23/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to 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 Natura Gas, PECO Energy, PGW, NFGD Corp., Peoples Natural Gas, Peoples TWP, Peoples Natural Gas - Equitable Division, and Columbia Gas within PA.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order which approves the application.</p>
<b>2479955-TUS</b> <b>Vote 5-0.</b>	<b>R-2015-2479955</b>	<p><b>ALLIED UTILITY SERVICES INC</b></p> <p>- Supplement No. 12 to Tariff Wastewater - Pa. P.U.C. No. 1 filed on 6/29/15, proposing an annual increase in revenues of \$154,334(61%) to become effective 10/5/15. By Secretarial Letter dated 5/26/15, the Commission granted Respondent an extension of time to file this proposed rate increase request until 7/1/15.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>

2492645-TUS	R-2015-2492645 R-2015-2492647	<p>PEOPLES NATURAL GAS COMPANY LLC AND PEOPLES NATURAL GAS COMPANY LLC – EQUITABLE DIVISION</p> <p>- Tariff Gas Supplement No. 59 to Pa. P.U.C. No. 45 and Supplement No. 29 to Tariff Gas – Pa. P.U.C. No. 46 filed on 7/14/15, to become effective 10/1/15, for approval to merge the Merchant Function Charges and Gas Procurement Charges for both Peoples and Peoples – Equitable to establish a uniform Price to Compare.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order approving the tariff supplements.</p>
<b>Vote 5-0.</b>		
2498660-TUS	A-2015-2498660	<p>THE PENNSYLVANIA STATE UNIVERSITY</p> <p>- Application filed on 7/27/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to governmental customers in the natural gas distribution company service territories of Valley Energy, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, PECO Energy, PGW, NFGD Corp., Peoples Natural Gas, Peoples TWP, Peoples Natural Gas- Equitable Division, and Columbia Gas within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
<b>Vote 5-0.</b>		
2499361-TUS	I-2015-2499361	<p>INVESTIGATION UPON THE COMMISSION'S OWN MOTION</p> <p>- Investigation upon the Commission's own motion to evaluate the safety of the traveling public where SR 22/322 crosses, below grade, the tracks of Norfolk Southern Railway Co. in the Borough of Dauphin, Dauphin County. Institution of an investigation to determine the current safety conditions at the subject crossing and any additional action necessary to enhance safety at the crossing.</p> <p>RECOMMENDATION:</p> <p>That an investigation be instituted upon the Commission's own motion into the matter of safety of the traveling public.</p>
<b>Vote 5-0.</b>		

**LAW BUREAU**

**AGENDA NO.    DOCKET NO.**  
**2474633-LAW    P-2015-2474633**  
**(PP from 08/20/2015)**

**Statement by Commissioner**  
**Powelson.**  
**Vote 5-0.**

**NAME AND SUBJECT**

GEGEN LLC

- Petition for Waiver of the Commission's tariff regulations governing limousine service. The Petition was published in the Pa. Bulletin on 5/16/15. 45 Pa.B. 2443. Comments in response to the petition were filed by Airport Limousine Service, Inc., t/d/b/a Embassy Coach and Germantown Cab Co.

**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>
<b>2439636-ALJ</b>	<b>F-2014-2439636</b>	<b>VENETTA LARRY VS PECO ENERGY COMPANY</b>  - In a timely appeal of a BCS decision, a Complaint was filed 8/20/14 alleging: 1) the utility is threatening to shut off her service or has already shut it off, 2) there are incorrect charges on her bill, 3) she is having a reliability problem, and 4) she would like a payment arrangement. On 9/12/14, PECO filed an answer to the complaint. A hearing was held on 11/18/14.  <b>COMMISSION REVIEW:</b>  That the Commission adopt ALJ Heep's Initial Decision dismissing the Complaint.

**Joint Statement by Chairman Brown and Commissioner Powelson.**  
**Vote 5-0.**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

September 17, 2015

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

2292048-OSA

**Vote 5-0.**

DOCKET NO.

A-2012-2292048

M-2015-2490383

NAME AND SUBJECT

SPRAGUE OPERATING RESOURCES LLC

- The Commission's regulations at 52 Pa. Code § 54.40(a) state that an electric supplier license (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. On 7/8/15, the Commission adopted a Tentative Order proposing to cancel the license of certain EGSs, including Sprague Operating Resources, for not filing the required financial security documentation to maintain their EGS licenses. A Final Order cancelling these EGSs' licenses was entered on 8/28/15. On 9/10/15, Sprague filed a Petition for Reconsideration.

RECOMMENDATION:

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