

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, JANUARY 28, 2016 (PW)
10:00 A.M.**

**MAIN HEARING ROOM NO. 1
GROUND FLOOR, NORTH OFFICE 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
John F. Coleman, Jr	Andrew G. Place	Gladys M. Brown	Pamela A. Witmer	Robert F. Powelson

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

The Next Public Meeting is Tentatively Scheduled for Thursday, February 11, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 3, 2015 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 11, 2016, AT 10:00 A.M. IN MAIN HEARING ROOM 1, GROUND FLOOR, NORTH OFFICE BUILDING. 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, JANUARY 27, 2016, AT 1:00 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

January 28, 2016

BUREAU OF AUDITS

AGENDA NO.

2440522-AUD

DOCKET NO.

D-2014-2440522

NAME AND SUBJECT

PECO ENERGY COMPANY

Vote 5-0.

- Smart Meter Cost Recovery Surcharge for the 12 month periods ended 6/30/13, 6/30/12, and 6/30/11. The auditor's report did not disclose any adverse findings.

RECOMMENDATION:

That the Commission releases the Audit Report to the public.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2287367-OSA Vote 5-0.	F-2012-2287367	<p>ANGELA DELEON VS PECO ENERGY COMPANY</p> <p>- Formal Complaint filed on 2/4/12, alleging that there were incorrect charges on her bills, and expressing concern regarding a payment agreement as well as her enrollment in budget billing and the Customer Assistance Program. On 2/29/12, PECO filed an Answer to the Complaint, in which it denied the material allegations set forth therein. An evidentiary hearing was held on 3/26/13. By Initial Decision issued 8/20/15, ALJ Fordham dismissed the Complaint. On 9/22/15, the Complainant filed Exceptions, and on 10/1/15, PECO filed Replies to the Complainant's Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which (1) denies the Exceptions; (2) adopts the Initial Decision as modified in the Opinion and Order; and (3) dismisses the Complaint.</p>
2350042-OSA Vote 5-0.	A-2013-2350042	<p>PENNDOT</p> <p>- On 2/20/14, the Commission issued a Secretarial Letter approving an Application filed by PennDOT to reconstruct an overhead bridge in Bangor and outlining the allocation of costs for the construction of the bridge and related ongoing maintenance among PennDOT, Norfolk Southern Railway, and Bangor. Thereafter, Bangor and Norfolk Southern each filed Petitions for Reconsideration of Staff Action concerning the assignment of costs associated with a proposed new culvert. On 4/23/14, the Commission entered an Opinion and Order granting these Petitions, in part, and assigned this matter to the OALJ. On 9/9/15, the Commission issued the Recommended Decision of ALJ Jandebour. Bangor filed Exceptions on 9/25/15. PennDOT filed Replies to Exceptions on 10/7/15.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Recommended Decision consistent with the Opinion and Order.</p>

2390119-OSA	C-2013-2390119	PUC - INVESTIGATION AND ENFORCEMENT VS OLIVER H SENSENIG & SONS INC
Vote 5-0.		<p>- Complaint filed on 11/15/13, alleging that the Petitioner failed to maintain evidence of insurance on file with the Commission. I&E, in part, requested a civil penalty of \$500 for the alleged violations. The Petitioner did not file an Answer to the Complaint. By a Secretarial Letter issued on 5/19/15, the Commission found that the allegations in the Complaint were deemed admitted, and a \$500 civil penalty was assessed against the Petitioner for failure to maintain evidence of insurance on file with the Commission. On 6/2/15, the Petitioner filed a Petition for Reconsideration of Staff Action in response to the Secretarial Letter.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that denies the petition.</p>
2401964-OSA	M-2015-2401964	PUC - INVESTIGATION AND ENFORCEMENT VS WGL ENERGY SERVICES INC
Vote 5-0.		<p>- On 2/25/14, I&E instituted an informal investigation of WGL Energy regarding its marketing practices as an electric generation supplier (EGS) in PA. The investigation related to allegations that a door-to-door sales agent employed by a third party marketing vendor of WGL Energy stole a wallet from a potential residential customer. I&E was prepared to allege in a formal complaint that WGL Energy or its agent engaged in fraudulent, deceptive or otherwise unlawful acts in violation of the Commission's regulations pertaining to marketing of EGS services. On 7/10/15, the Parties submitted a Settlement Agreement and Statements in Support of the Settlement to resolve this matter. By an Order entered 11/5/15, the Commission issued the settlement for comments. No comments were filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that approves the settlement as clarified.</p>

2404341-OSA P-2014-2404341

DELAWARE SEWER COMPANY

Vote 5-0.

- Petition filed on 2/6/14, pursuant to 52 Pa. Code § 5.41 seeking to have the Commission initiate an investigation under Section 529 of the Public Utility Code to determine whether it should be acquired by a capable public utility. On 2/26/14, the OCA filed an Answer to the Petition, and on 3/6/14, Pennsylvania-American Water Co. (PAWC) filed an Answer and New Matter to the Petition. On 11/25/14, PAWC filed a Motion for Judgment on the Pleadings, which ALJ Jandebour denied by Interim Order dated 3/3/15. On 3/3/15, the Bureau of Investigation and Enforcement (I&E) filed a notice of appearance. The ALJ conducted an evidentiary hearing to determine whether a prima facie case existed to recommend initiation of an investigation. On 7/10/15, the Commission issued the Recommended Decision of ALJ Jandebour. I&E and PAWC filed Exceptions on 7/30/15. DSC and the OCA filed Replies to Exceptions on 8/10/15.

RECOMMENDATION:

The Commission adopt the proposed Opinion and Order.

2413756-OSA C-2014-2413756

JUSTIN L HERP VS RESPOND POWER LLC

Vote 5-0.

- Formal Complaint filed on 3/18/14, averring that he was told by switching to Respond, his electric bill would always be lower than his distributor's rate. On 4/18/14, Respond filed an Answer denying all allegations in the Complaint. On 6/24/14, the OCA filed a Notice of Intervention. A telephonic hearing was held on 8/01/14. On 9/02/14, Main Briefs were submitted by Respond and the OCA. Reply Briefs were submitted on 9/19/14, by Respond and the OCA. By Initial Decision issued on 12/19/14, ALJ Barnes sustained the Complaint, ordered Respond to provide a refund to the Complainant and levied a civil penalty of \$10,000 on Respond. On 1/08/15, Exceptions were filed by Respond. Replies to Exceptions were filed by the OCA on 1/22/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2417907-OSA P-2014-2417907

PPL ELECTRIC UTILITIES CORPORATION

Vote 5-0.

- On 12/01/15, PPL filed a Petition for Expedited Approval to Amend the Default Service Program and Procurement Plan for Tier II Alternative Energy Credits in response to a Commission Secretarial Letter issued on 10/13/15, which rejected the bid results of PPL's request for proposals to secure Long Term Tier II Alternative Energy Credits. On 12/11/15, the Sustainable Energy Fund filed an Answer in Support of PPL's Petition. No other answers were filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2446701-OSA REV C-2014-2446701
(PP from 12/17/2015)

Joint Motion by Vice Chairman Place
and Commissioner Coleman.
Statement by Commissioner Witmer.
Vote 4-1 with Commission Witmer
Dissenting.

MELVIN D WILLIAMS VS DUQUESNE LIGHT COMPANY

- Formal Complaint filed on 9/29/14, alleging that Duquesne damaged his sidewalk, left debris from the installation of a new utility pole near his home and refused to meet with him about the matter. On 10/27/14, Duquesne filed an Answer admitting that it replaced the utility pole, but denying that it caused the damage or left the debris. By Initial Decision issued on 6/29/15, ALJ Johnson sustained the Complaint, finding that Duquesne provided unreasonable service related to the installation of the utility pole and damage to the Complainant's sidewalk. The ALJ also found that Duquesne violated Commission regulations pertaining to the investigation of a customer's complaint, assessed a civil penalty of \$5,000, and directed Duquesne to repair the sidewalk. On 7/20/15, Duquesne filed Exceptions. On 8/3/15, the Complainant filed Replies to the Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which (1) grants the Exceptions, in part, and denies them, in part; (2) reverses the Initial Decision; and (3) dismisses the Complaint.

2453533-OSA A-2014-2453533

Vote 5-0.

EAST COAST RESOURCES LLC

- Application filed on 10/7/14, to provide Transportation Network Company (TNC) service for passenger trips, from points in Cumberland, Dauphin, Lancaster, Lebanon, and York Counties to points in PA and return. On 4/6/15, EZ Taxi, United Cab; Good Cab, and Keystone Cab Service, (Joint Protestants), and Capital City Cab Service each filed a Protest to the Application. On 4/24/15, East Coast filed a Motion to Dismiss the Protests, which ALJ Salapa treated as Preliminary Objections. By Initial Decision, issued 6/19/15, ALJ Salapa sustained East Coast's Preliminary Objections and dismissed the Protests. The Joint Protestants and Capital City filed Exceptions on 7/9/15. East Coast filed Replies to Exceptions on 7/20/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Exceptions, reverses the Initial Decision and remands the case to the OALJ for such further proceedings as may be necessary.

2454999-OSA

C-2014-2454999

HESS COMMERCIAL PRINTING INC VS PENNSYLVANIA
POWER COMPANY

Vote 5-0.

- Formal Complaint filed on 11/24/14, alleging that the utility threatened to terminate service and requesting a payment arrangement. On 12/11/14, the Respondent filed an Answer. Hearings were held on 4/17/15 and 7/15/15. In an Initial Decision issued 10/2/14, ALJ Watson dismissed the Complaint. On 10/22/15, the Initial Decision became final, pursuant to 66 Pa. C.S. § 332(h). On 10/26/15, the Petitioner filed a Petition for Reconsideration. On 11/2/15, the Respondent filed an Answer to the Petition.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies the Petition, consistent with the Opinion and Order.

2493209-OSA

P-2015-2493209

ALBERT BUONCRISTIANO VS PHILADELPHIA GAS WORKS

Vote 5-0.

- Petition for Rescission filed on 7/16/15 under Pa. Code 5.572(d) requesting the Commission to rescind the Order entered 11/5/04, at Docket No. F-01061153, dismissing with prejudice a previous formal complaint Petitioner had filed against PGW on 6/9/03, but failed to prosecute, and provide him the opportunity to address the issues he raised in that proceeding. On 7/27/15, PGW filed an Answer opposing the Petition.

RECOMMENDATION:

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

2495064-OSA

P-2015-2495064

SUSAN KREIDER VS PECO ENERGY COMPANY

(PP from 12/17/2015)

**Statement by Commissioner Witmer.
Vote 4-1 with Commissioner Witmer
Dissenting.**

- Formal Complaint filed on 2/5/15, objecting to the installation of a smart meter at her residence. On 7/28/15, PECO filed a Petition for Interlocutory Review and a Brief in Support of the Petition, raising material questions concerning whether claims regarding health symptoms related to the smart meter should be addressed at an evidentiary hearing. By Order entered 9/3/15, the Commission answered the material questions in the negative and returned the matter to the OALJ. On 9/18/15, PECO filed a Petition for Reconsideration of the 9/3/15 Order. By Order entered 10/1/15, the Commission granted the Petition for Reconsideration, pending further review of, and consideration on, the merits. On 11/3/15, Laura Sunstein Murphy filed an Amicus Curiae Brief in Opposition to PECO's Petition for Reconsideration.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2513843-OSA	A-2015-2513843	VERIZON NORTH LLC AND LAUREL HIGHLAND TELEPHONE COMPANY
Vote 5-0.		- Joint Petition filed on 11/16/15, seeking approval of an Interconnection Agreement and Amendment No. 1 pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 12/5/15. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition

2513852-OSA	A-2015-2513852	VERIZON PENNSYLVANIA LLC AND LAUREL HIGHLAND TELEPHONE COMPANY
Vote 5-0.		- Joint Petition filed on 11/16/15, seeking approval of an Interconnection Agreement and Amendment No. 1 pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 12/5/15. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184225-TUS Vote 5-0.	M-00031715F0003	PPL ELECTRIC UTILITIES CORPORATION - Letter Petition of the PPL Sustainable Energy Fund of Central Eastern PA filed on 6/1/15, for Approval of Revisions to the Bylaws that Govern its Operations. RECOMMENDATION: That the Commission approve the proposed Letter Petition.
2475667-TUS Vote 5-0.	R-2015-2475667 A-00117028	GUTHRIE TOWANDA MEMORIAL HOSPITAL - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Paratransit Pa. PUC No. 2 to become effective 2/1/16.
2487043-TUS Vote 5-0.	E-2015-2487043	EAGLE ROCK RESORT CORPORATION - Petition filed on 5/11/15, for approval for an exception from the underground utility service requirements at 52 Pa. Code §57.83. RECOMMENDATION: That the Commission grant an exception from the underground requirements in 52 Pa. Code §57.83.
2489321-TUS Vote 5-0.	A-2015-2489321	AMERICAN EFFICIENT INC D/B/A GO GOOD - Application filed on 6/11/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for residential, small commercial, and large commercial customers within PA. Go Good failed to fully respond to Commission staff data requests concerning missing information. RECOMMENDATION: That the Commission adopt the proposed Order which denies the application.
2490383-TUS Vote 5-0.	M-2015-2490383	ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS - EGS license cancellations of companies with an expired financial security. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

2499607-TUS	A-2015-2499607	<p>METROPOLITAN EDISON COMPANY</p> <p>- Letter of Notification filed on 8/19/15, for approval for the Hill-Tolna 115 kV Transmission Line Tap to Johnson Controls Customer Substation Project in Hopewell Township, York County. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2500373-TUS	A-2015-2500373	<p>ENERGY DEALS LLC</p> <p>- Application filed on 7/20/15, 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 territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2500466-TUS	A-2015-2500466	<p>PHILIP HARVEY</p> <p>- Application filed on 8/24/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial customers in the electric distribution company service territory of PECO Energy Co., in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2501704-TUS	A-2015-2501704	<p>GREENLIGHT ENERGY INC</p> <p>- Application filed on 9/3/15, for approval to offer, render, furnish, or supply natural gas services as a supplier to residential and small commercial customers in the natural gas distribution company service territory of PECO Energy Co., within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		

2501958-TUS Vote 5-0.	R-2015-2501958 A-00111651, Fs. 1 & 3	<p>WGM TRANSPORTATION INC</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 2/1/16.</p>
2502944-TUS Vote 5-0.	A-2015-2502944	<p>TRIDENT RETAIL ENERGY LLC D/B/A TRIDENT POWER</p> <p>- Application filed on 9/2/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial, and large commercial customers in the electric distribution company service territories of Duquesne, PECO, and PPL in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
2503932-TUS Vote 5-0.	A-2015-2503932	<p>ADL HIGH VOLTAGE INC</p> <p>- Application filed on 9/10/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Valley Energy, UGI, UGI Central Penn Gas, UGI Penn Natural Gas, PECO, 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>
2506002-TUS Vote 5-0.	P-2015-2506002	<p>DUQUESNE LIGHT COMPANY</p> <p>- Petition filed on 9/30/15, for approval to implement a Time-of-Use Program for the Year commencing 6/1/16, and ending 5/31/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the Petition.</p>

2506262-TUS	A-2015-2506262	<p>CUSTOMER ACQUISITION SPECIALISTS OF AMERICA INC D/B/A NORTH AMERICAN ENERGY ADVISORY</p> <p>Vote 5-0.</p> <p>- Application filed on 9/23/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Valley Energy, UGI, UGI Central Penn Gas, UGI Penn Natural Gas, PECO, 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>
2510212-TUS	A-2015-2510212	<p>YORK WATER COMPANY</p> <p>Vote 5-0.</p> <p>- Application filed on 10/26/15, for the approval of the right of York Water to acquire substantially all of the Crestview Mobile Home Park's water distribution system assets in York Township, York County, PA. Proofs of publication and service to appropriate entities were submitted. No hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2510475-TUS	A-2015-2510475	<p>POWER-MARK RESOURCES LLC</p> <p>Vote 5-0.</p> <p>- Application filed on 10/21/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial, and large commercial customers in all 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>
2511999-TUS	A-2015-2511999	<p>VOLTARRO</p> <p>Vote 5-0.</p> <p>- Application filed on 9/10/15, 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 territories of Duquesne and West Penn Power in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>

2512351-TUS	A-2015-2512351	<p>ENERGY SPECTRUM INC</p> <p>- Application filed on 11/5/15, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to small commercial, large commercial and industrial customers in 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.		
2513618-TUS	A-2015-2513618	<p>GERM PATROL LLC</p> <p>- Application filed on 11/5/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial customers in the electric distribution company service territory of Pennsylvania Power Co. in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2513797-TUS	R-2015-2513797 A-00123118	<p>HOMESTEAD TRANSPORTATION LLC</p> <p>- Increase in rates.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve Tariff Call or Demand Pa. PUC No. 3 to become effective 2/1/16.</p>
Vote 5-0.		
2514331-TUS	S-2015-2514331	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Securities Certificate filed on 11/20/15, for authorization of an amendment to increase extensions of credit up to \$700 million under credit facility registered by Commission Order entered 8/18/10 at Docket No. S-2010-2183912, as modified by Commission Order entered 9/22/11 at Docket No. S 2011 2263370, and as further modified by Commission Order entered 9/11/14 at Docket No. S 2014 2436477. On 12/3/15, PPL voluntarily extended the consideration period until 1/31/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the Securities Certificate consistent with the proposed Order.</p>
Vote 5-0.		

2515414-TUS	S-2015-2515414 G-2015-2515982	<p>COLUMBIA GAS OF PENNSYLVANIA INC</p> <p>- On 11/3/15, Columbia Gas filed for registration of a securities certificate and approval of an affiliated interest agreement concerning the issuance of promissory notes between Columbia Gas and its corporate affiliate NiSource Finance Corp. in a principal amount not to exceed \$130 million. Columbia Gas voluntarily extended the statutory consideration period to 1/29/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the Securities Certificate and approve the Affiliated Interest Agreement consistent with the proposed Order.</p>
Vote 5-0.		
2516208-TUS	S-2015-2516208	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Securities Certificate filed on 12/4/15, for the issuance of company debt obligations in an aggregate principal amount not to exceed \$223.75 million. On 12/8/15, 2015, PPL voluntarily extended the consideration period until 1/31/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the Securities Certificate consistent with the proposed Order.</p>
Vote 5-0.		
2516295-TUS	S-2015-2516295	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Securities Certificate filed on 12/4/15, for the issuance of debt securities in an aggregate principal amount not to exceed \$500 million. On 12/8/15, PPL voluntarily extended the consideration period until 1/31/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the Securities Certificate consistent with the proposed Order.</p>
Vote 5-0.		
2517131-TUS	A-2015-2517131	<p>FS ENERGY LLC</p> <p>- Application filed on 11/27/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to residential, small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territory of PGW within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		

2521028-TUS	A-2015-2521028	<p>ONE BIG SWITCH LLC</p> <p>- Application filed on 12/21/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential customers in all 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.		
2522717-TUS	M-2016-2522717	<p>QUARTERLY EARNINGS OF PENNSYLVANIA UTILITIES</p> <p>- Bureau of Technical Utility Services (TUS) report to the Commission regarding quarterly earnings of Pennsylvania utilities for the quarter ended 9/30/15. TUS staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for PA non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups.</p> <p>RECOMMENDATION:</p> <p>That the Commission make the earnings report public.</p>
Vote 5-0.		

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
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2438005-LAW	A-2014-2438005	
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PENNDOT

Vote 5-0.

- On 9/3/15, the Commission approved the Application of PennDOT to replace the bridge where US 422 (State Route 0422) crosses, above-grade, the tracks owned by Norfolk Southern Railway Co. in Upper Merion Township, Montgomery County (DOT 589 342 E), pursuant to Section 2702 of the Public Utility Code, 66 Pa. C.S. § 2702. In the 9/3/15 Order, the Commission approved the appropriation by PennDOT of property belonging to Norfolk Southern, pursuant to Section 2702 of the Public Utility Code. On 11/24/15, PennDOT filed a Petition with the Commission requesting that the Commission refer this matter to the Court of Common Pleas of Montgomery County, pursuant to Section 2704(b) of the Public Utility Code, so that the Court of Common Pleas of Montgomery County could determine the amount of compensation that PennDOT owes Norfolk Southern for the condemned property.

RECOMMENDATION:

That the Commission adopt the proposed Order

2513470-LAW

**DELEGATION OF AUTHORITY TO BUREAU OF TECHNICAL
UTILITY SERVICES (TUS) RAIL SAFETY DIVISION**

Vote 5-0.

- The PA Department of Transportation routinely requests protective orders seeking confidential treatment of National Bridge Inspection Standards (NBIS) inspection reports and in-depth load rating analyses regarding the subject structures of the investigation. The Commission routinely grants these requests because public disclosure of detailed bridge inspection reports could pose a danger to the safety or physical security of the structure under investigation.

RECOMMENDATION:

That the Commission delegate to the TUS, Rail Safety Division, the authority to grant uncontested requests for protective orders in railroad crossing cases via Secretarial Letter.

2513951-LAW	P-2015-2513951	
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AA TAXI INC

Vote 5-0.

- Petition filed on 11/23/15, for waiver of the Commission's vehicle mileage requirements at 52 Pa. Code § 29.314(c). AA Taxi 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.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1068550-ALJ	A-00104811	BOROUGH OF HUMMELSTOWN - Petition to Modify a 7/8/85 Commission Order. On 11/20/15, M&H filed a Petition for Leave to Withdraw its Petition to Modify. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision granting the Petition to Withdraw, withdrawing the Petition to Modify and closing the docket.
Vote 5-0.		
2285985-ALJ	R-2012-2285985 C-2012-2292047 C-2012-2295218 C-2012-2295700 C-2012-2298317 C-2012-2398575 C-2012-2299156 C-2012-2300419 C-2012-2302827	PEOPLES NATURAL GAS COMPANY LLC - Supplement No. 47 to PA PUC No 45 filed on 11/3/14, with an effective date of 11/1/14. This Supplement implemented the CAP Plus mechanism for the Peoples Division, which had been held in abeyance as provided by Peoples' 2012 base rate settlement approved by the Commission on 9/27/12. On 11/5/14, a Secretarial letter stated that the Commission Staff had reviewed Supplement No. 47 and concluded that no suspension or further investigation was warranted. On 11/19/15, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJ Long's Recommended Decision approving the Joint Petition for Settlement without modification.
Vote 5-0.		
2471359-ALJ	C-2015-2471359	CALVINA GADSON VS PECO ENERGY COMPANY - Complaint filed 3/10/15 alleging PECO is threatening to shut off or had already shut off her electric service and averring that there are incorrect charges on her bill(s). On 3/16/15, PECO filed its Answer and New Matter. On 4/7/15, PECO filed a Motion for Judgment on the Pleadings averring that the Complainant's entire balance on the account is comprised of CAP arrears. The Respondent asserts that under 66 Pa.C.S. § 1405(c), the Complainant is not entitled to a payment arrangement. A hearing was held on 5/19/15. COMMISSION REVIEW: That the Commission adopt ALJ Vero's Initial Decision that sustains, in part, the formal complaint with regard to the late payment charges, and is denied, in part, with regard to any other claims of incorrect billing.
Vote 5-0.		

2479962-ALJ

**R-2015-2479962
C-2015-2491641
C-2015-2496760**

CORNER WATER SUPPLY & SERVICE CORPORATION

- Supplement No. 63 to Tariff Water-Pa. P.U.C. No. 1 filed 5/27/15 to become effective 8/1/15, containing proposed changes in rates, rules, and regulations calculated to produce additional annual revenues. By Order entered 7/30/15, the Commission instituted an investigation and suspended the filing until 3/1/16. In accordance with 52 Pa.Code § 69.393(d)(2), Respondent was required to file another supplement which would further extend the 3/1/16 suspension date to 5/1/16. An Amended Joint Petition for Settlement of Rate Investigation was filed.

COMMISSION REVIEW:

That the Commission adopt ALJ Johnson's Recommended Decision approving the Settlement without modification.

Vote 5-0.

2488809-ALJ

C-2015-2488809

TANINE BENNETT VS PECO ENERGY COMPANY

- Complaint filed 6/17/15 alleging that PECO failed to provide Complainant with correct information concerning its CAP and failed to accurately calculate her household income when determining her CAP benefit. PECO improperly initiated termination proceedings against her when she failed to make regular payments on her account. A hearing was held on 10/8/15.

COMMISSION REVIEW:

That the Commission adopt ALJ Salapa's Initial Decision denying the complaint and closing the docket.

Vote 5-0.

COMMISSIONERS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2517831-CMR (PP from 12/17/2015)		REVIEW OF ISSUES RELATING TO COMMISSION CERTIFICATION OF DISTRIBUTED ANTENNAE SYSTEM PROVIDERS - MOTION OF COMMISSIONER COLEMAN
<u>Joint Motion by Commissioner</u> Coleman and Vice Chairman Place. Oral Statement by Commissioner Witmer. Vote 5-0.		

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

January 28, 2016

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2501500-OSA	P-2015-2501500 C-2015-2504092	PHILADELPHIA GAS WORKS - Petition filed on 9/1/15, requesting waivers of certain provisions of Act 11 to permit it to increase the Distribution System Improvement Charge (DSIC) cap from 5% to 7.5%, exclusive of under collections; to increase the DSIC cap by an additional 2.5%, or up to 10%, for reconciliation purposes; and to levelize and annualize DSIC-eligible costs. An evidentiary hearing was held on 11/5/15. Main and Reply Briefs were filed by the Parties. On 12/11/15, the Commission issued the Recommended Decision of ALJs Pell and Guhl, which recommended that the Petition be granted. Exceptions were filed by the OCA and the Philadelphia Industrial and Commercial Gas Users Group on 12/30/15, and by PGW on 12/31/15. Replies to Exceptions were filed by the Environmental Defense Fund on 1/4/16, and by the OCA, the Bureau of Investigation and Enforcement, and PGW on 1/11/16. RECOMMENDATION That the Commission adopt the proposed Opinion and Order.
2519419-OSA	P-2015-2519419 C-2014-2431410	HIKO ENERGY LLC - On 12/18/15, HIKO filed an Emergency Petition for Supersedeas requesting that the Commission act on an expedited basis to stay its Order entered 12/3/15 and allow HIKO to use its security bond on file with the Commission as a supersedeas bond. In the Order, the Commission adopted the Initial Decision of the ALJs and imposed a civil penalty of \$1,836,125. On 12/23/15, the Commission issued a Secretarial Letter extending the deadline for the payment of the penalty an additional 30 days, or until 2/3/16, and providing a due date of 12/31/15 for parties to respond to the petition. On 12/30/15, I&E filed an answer opposing the petition. On 12/31/15, the OCA filed a letter stating it would not be filing an answer. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Statement by Vice Chairman Place.
Statement by Commissioner
Powelson.
Vote 5-0 Noting the Partial Dissent
of Commissioner Powelson.

Vote 5-0.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2523124-TUS	M-2016-2523124	<p>EVALUATION OF PROPOSALS TO SELECT THE ACT 129 STATEWIDE EVALUATOR</p> <p>- The Commission has been charged by the PA General Assembly pursuant to Act 129 of 2008 with establishing an energy efficiency and conservation program. The energy efficiency and conservation program requires each electric distribution company (EDC) with at least 100,000 customers to adopt a plan to reduce energy demand and consumption within its service territory. The Commission seeks a Statewide Evaluator to evaluate the EDCs' Phase III energy efficiency and conservation programs.</p> <p>RECOMMENDATION:</p> <p>The Bureau of Technical Utility Services agrees with the evaluation committee and recommends that the Commission approve their selection for the next phase of Act 129 Statewide Evaluator work.</p>

Vote 5-0.