

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, FEBRUARY 25, 2016 (JFC)
10:00 A.M.**

ROOM 8E A&B, CAPITOL EAST WING

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, March 10, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 28, 2016 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 10, 2016, 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, FEBRUARY 25, 2016, 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.

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

February 25, 2016

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2507139-BCS	M-2015-2507139	PECO ENERGY COMPANY - On 10/2/15, PECO filed its Universal Service and Energy Conservation Plan for 2016-2018 in accordance with the Commission's regulations at 52 Pa. Code §§ 54.71-78 and 62.1-62.8. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which addresses the Proposed 2016-2018 Plan for PECO Energy Co.

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2428874-OSA	C-2014-2428874	PUC - INVESTIGATION & ENFORCEMENT VS JLE INDUSTRIES LLC
Vote 5-0.		<p>- Complaint filed on 7/10/14, alleging failure to maintain evidence of insurance on file with the Commission. I&E, in part, requested a civil penalty of \$500 against JLE for the alleged violations. JLE did not file an Answer to the Complaint. By Secretarial Letter issued on 8/7/15, the Commission found that the allegations in the Complaint were deemed admitted, and a \$500 civil penalty was assessed against JLE for failure to maintain evidence of insurance on file with the Commission. On 8/21/15, JLE filed a Petition for Reconsideration of Staff Action in response to the 8/7/15 Secretarial Letter.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that denies the petition.</p>
2444541-OSA (PP from 02/11/2016)	C-2014-2444541	ROBERT SARVER VS BARNES PROFESSIONAL LIMOUSINE SERVICE LLC
Vote 5-0.		<p>- Formal Complaint filed on 9/3/14, alleging that the Respondent provided group and party service on a hot day in a vehicle without working air conditioning or operable windows. On 10/1/14, the Respondent filed a letter Answer denying the material allegations in the Complaint. A telephonic hearing was held on 1/20/15. In an Initial Decision, issued 7/2/15, ALJ Dunderdale sustained the Complaint, ordered the Respondent to refund the Complainant in the amount of \$1,138.44 for the cost of the trip, and assessed a \$500 civil penalty against the Respondent. The Respondent filed Exceptions to the Initial Decision on 7/22/15. Replies to Exceptions have not been filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which grants, in part, the Exceptions and modifies the Initial Decision.</p>

2478239-OSA C-2015-2478239

STEPHEN AND DIANE VAN SCHOYCK VS PECO ENERGY COMPANY

Statement by Commissioner Witmer.

Vote 4-1 with Commissioner Witmer Dissenting.

- Formal Complaint filed on 4/14/15, alleging that PECO installed a smart meter at their home without their consent and they have been experiencing health symptoms since the installation of the smart meter. On 5/6/15, PECO filed an Answer with New Matter and Preliminary Objections, seeking dismissal of the Complaint for legal insufficiency. By Initial Decision, issued 7/14/15, ALJ Haas sustained PECO's Preliminary Objections and dismissed the Complaint. The Complainants filed Exceptions on 7/22/15. PECO filed Replies to Exceptions on 8/6/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants, in part, the Exceptions, reverses the Initial Decision, and returns the matter to the OALJ.

2501500-OSA P-2015-2501500
C-2015-2504092

PHILADELPHIA GAS WORKS

Vote 5-0.

- 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 and Replies to Exceptions were filed. By Order entered 1/28/16, the Commission adopted the ALJs' decision, in part, and reversed it, in part. On 2/12/16, PGW filed a Petition for Reconsideration, Amendment and/or Clarification.

RECOMMENDATION:

That the Commission adopt the proposed order granting reconsideration pending review of the merits.

2501758-OSA

P-2015-2501758

A-2015-2466538

FIRST CLASS TRANSPORTATION INC

Vote 5-0.

- Application filed on 2/9/15, for the right to transport persons in call or demand service. Various entities filed protests to the application including B.M. Enterprises, Inc. (Protestant). On 8/17/15, the Protestant filed a Motion for the Issuance of a Subpoena for the attendance of an employee of the Philadelphia Parking Authority at an evidentiary hearing. The Applicant filed an Objection to the Motion on 8/25/15; the Protestant filed a Reply on 8/25/15. By Prehearing Order issued on 8/31/15, ALJ Heep denied the Motion. On 9/3/15, the Protestant filed a Petition for Interlocutory Review and Answer to Material Question. The Applicant filed an Answer to the Petition on 9/9/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2518800-OSA

A-2015-2518800

**UNITED TELEPHONE COMPANY OF PA LLC D/B/A
CENTURYLINK AND LOCAL ACCESS LLC**

Vote 5-0.

- Joint Petition filed on 12/18/15, requesting approval of an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 1/2/16. 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>
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.
2501184-TUS Vote 5-0.	A-2015-2501184	PHILIP HARVEY - Application filed on 8/31/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to large commercial customers in the natural gas distribution company service territories of PECO and PGW, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2501712-TUS Vote 5-0.	A-2015-2501712	GREENLIGHT ENERGY INC - Application filed on 9/4/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential customers in the electric distribution company service territory of PECO, in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2513663-TUS Vote 5-0.	A-2015-2513663 G-2015-2513665	PPL ELECTRIC UTILITIES CORPORATION - Application filed on 11/16/15, for approval to acquire certain accounts receivable by merger of PPL Receivables Corp. with PPL Electric Utilities Corp. and for approval of an affiliated interest agreement by and between PPL Electric Utilities Corp. and PPL Receivables Corp. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the Application and Affiliated Interest Agreement consistent with the proposed Order.

<p>2517354-TUS Vote 5-0.</p>	<p>A-2015-2517354</p>	<p>LEVEL 3 COMMUNICATIONS LLC - Application filed on 12/11/15, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service territory of North Penn Telephone Co. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.</p>
<p>2524486-TUS Vote 5-0.</p>	<p>R-2016-2524486 P-00971182F1000</p>	<p>IRONTON TELEPHONE COMPANY - 2016 Price Stability Index/Service Price Index filing filed on 2/1/16. No tariffs were filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing.</p>
<p>2524496-TUS Vote 5-0.</p>	<p>R-2016-2524496 P-00971229F1000</p>	<p>CITIZENS TELEPHONE COMPANY OF KECKSBURG - 2016 Price Stability Index/Service Price Index filing filed on 2/1/16. No tariffs were filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing.</p>
<p>2527248-TUS Vote 5-0.</p>	<p>I-2016-2527248</p>	<p>INVESTIGATION UPON THE COMMISSION'S OWN MOTION - Investigation upon the Commission's motion into matters pertaining to the proper safety of the traveling public traversing the crossing where Lighthouse Road (DOT 535 148 L), crosses, at grade, one track of Norfolk Southern Railway Co. in Guilford Township, Franklin County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.</p>

LAW BUREAU

AGENDA NO.

2527969-LAW

Vote 5-0.

DOCKET NO.

P-2016-2527969

A-2010-2176721

NAME AND SUBJECT

EARLY BIRD POWER LLC

- On 1/21/16, Early Bird attempted to file a Petition for Reconsideration of the Commission's 12/22/15 order that cancelled its electric generation supplier license. Early Bird did not serve the petition on the Bureau of Investigation & Enforcement, the OSBA, and the OCA. No answers were filed.

RECOMMENDATION:

That the Commission adopt the proposed Order.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

February 25, 2016

COMMISSIONERS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2530484-CMR

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

PROPOSED POLICY STATEMENT ON COMBINED
HEAT AND POWER

- JOINT MOTION OF CHAIRMAN GLADYS M. BROWN
AND COMMISSIONER ROBERT F. POWELSON