

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MARCH 10, 2016 (AP)
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
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 17, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, Feb. 11, 2016 (RP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 17, 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 HELD AN EXECUTIVE SESSION ON WEDNESDAY, MARCH 9, 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

March 10, 2016

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2486098-AUD Vote 5-0.	D-2015-2486098	CITIZENS' ELECTRIC COMPANY OF LEWISBURG - The auditor's report did not disclose any adverse findings. RECOMMENDATION: That the Commission releases the audit report to the public.
2486099-AUD Vote 5-0.	D-2015-2486099	WELLSBORO ELECTRIC COMPANY - The auditor's report did not disclose any adverse findings. RECOMMENDATION: That the Commission release the audit report to the public.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2328020-OSA Vote 5-0.	C-2012-2328020	JESUS CAMPOS VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 9/29/12, the alleging that there were incorrect charges on his gas utility bill. On 10/29/12, PGW filed an Answer to the Complaint. A hearing was held on 3/11/13. In an Initial Decision issued 6/5/13, ALJ Jones dismissed the Complaint. The Complainant filed Exceptions on 6/25/13. No Replies to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Tentative Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision, as modified, consistent with the Tentative Form Opinion and Order.
2404158-OSA Vote 5-0.	F-2014-2404158	ANN CASTANEIRA VS PPL ELECTRIC UTILITIES CORPORATION - Formal Complaint filed on 1/28/14, alleging that there were incorrect charges on her bill and that the incorrect billing had been going on for years. On 2/25/14, PPL filed an Answer to the Complaint denying that there was incorrect billing and averring that the bills were in line with the items in and around the home that used electricity. Evidentiary hearings were held on 9/4/14 and 2/24/15. By Initial Decision issued 8/10/15, the ALJ dismissed the Complaint. On 8/31/15, the Complainant filed Exceptions to the Initial Decision, and on 9/10/15, PPL filed Replies to the Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the Initial Decision.

2445807-OSA C-2014-2445807
(PP from 02/25/2016)

**Joint Motion by Vice Chairman
Place and Commissioner Witmer.
Vote 5-0.**

PUC - INVESTIGATION AND ENFORCEMENT VS RAYMOND P
SUTHERLAND

- Complaint filed on 10/2/14, alleging that the Respondent failed to file an assessment report for the 2011 calendar year, and failed to pay its assessment amount for Fiscal Year 2012-2013. I&E requested that the Respondent be ordered to pay the outstanding assessment balance and a civil penalty, and that the Respondent's Certificate of Public Convenience be revoked if it failed to do so. The Respondent did not file an Answer to the Complaint. On 3/4/15, 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 it failed to do so. No Answer to the Motion was filed. By Order entered 8/20/15, the Commission granted the Motion, in part. On 9/3/15, I&E filed a Petition for Reconsideration of the 8/20/15 Order. No Answer to the Petition for Reconsideration was filed.

RECOMMENDATION:

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

2490141-OSA P-2015-2490141

**Statement by Chairman
Brown.
Statement by Commissioner
Powelson.
Vote 4-1 with Chairman Brown
Dissenting.**

PIKE COUNTY LIGHT AND POWER COMPANY

- Petition filed on 6/25/15, requesting approval of its Default Service Implementation Plan for the period of 6/1/16 through 5/31/18. By Recommended Decision, issued on 12/30/15, ALJ Cheskis recommended that the company's Petition be approved. On 1/19/16, the OCA filed Exceptions to the Recommended Decision. Replies to Exceptions were filed by Pike on 1/29/16.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2490383-OSA M-2015-2490383
A-2015-2494779
A-2012-2292048

**Postponed until the Public
Meeting of March 17, 2016.**

SPRAGUE OPERATING RESOURCES LLC

- On 7/8/15, the Commission adopted a Tentative Order proposing to cancel the license of certain Electric Generation Suppliers (EGSs), including Sprague Operating Resources for not filing the required financial security documentation to maintain their EGS licenses. On 7/17/15, Sprague filed an Application to Abandon indicating its intention to abandon its PA EGS license. A Final Order cancelling the EGSs' licenses was entered on 8/28/15. On 9/10/15, Sprague filed a Petition for Reconsideration of the Final Order. No Answers to the Petition have been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order denying the Petition for Reconsideration and finding moot the Application to Abandon.

<p>2514767-OSA Vote 5-0.</p>	<p>M-2015-2514767 M-2015-2514768 M-2015-2514769 M-2015-2514772</p>	<p>METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY</p> <p>- On 11/23/15, FirstEnergy filed a Joint Petition requesting that the Commission approve: (1) the Companies' Act 129 Phase III EE&C Plans; (2) their petition for Consolidation of Proceedings; and (3) their proposed tariffs to recover Plan costs. Numerous Parties filed comments and intervened in the proceeding. ALJ Barnes certified the record to the Commission on 2/12/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
<p>2515375-OSA Vote 5-0.</p>	<p>M-2015-2515375</p>	<p>DUQUESNE LIGHT COMPANY</p> <p>- Petition filed on 11/25/15, requesting that the Commission approve its Phase III Energy Efficiency and Conservation Plan. Various parties intervened and/or filed comments or letters in lieu of comments. The OCA and the Coalition for Affordable Utility Services and Energy Efficiency in PA filed direct testimony in response to Duquesne's Petition. On 2/09/16, the parties filed a Joint Petition for Full Settlement, along with Statements in Support of the Settlement. ALJ Dunderdale certified the record to the Commission on 2/11/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
<p>2521158-OSA Vote 5-0.</p>	<p>A-2015-2521158</p>	<p>UNITED TELEPHONE COMPANY OF PA LLC D/B/A CENTURYLINK AND BLUE RIDGE DIGITAL PHONE COMPANY</p> <p>- Joint Petition filed on 12/29/15, requesting approval of an Interconnection Agreement pursuant to Section 252 (i) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 1/16/16. No comments or protests were received.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.</p>

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2405148-TUS	A-2014-2405148	PENNDOT
Vote 5-0.		<p>- Application for approval to replace the existing bridge where State Route 1001, Section A37 crosses over Norfolk Southern Railway Co. (DOT 510 992 N) in O'Hara Township and the Borough of Sharpsburg, all within Allegheny County, and for the approval of exemption from the minimum side clearance as required by 52 Pa. Code Section 33.122; and the allocation of costs incident thereto.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order approving the application as amended.</p>
2491413-TUS	A-2015-2491413 A-210083	THE MEADOWS AT WATSONTOWN LLC
Vote 5-0.		<p>- Application filed on 7/7/15, for approval, nunc pro tunc, of 1) the transfer, by sale, of the water system assets and rights of DDB Watsonstown, LP to the Meadows LLC; 2) the right of the Meadows LLC to begin to offer, render, furnish and supply water service to the public in a portion of Delaware Township, Northumberland County, PA, known as Spring Lake Crest; and 3) the adoption of the existing water tariff; and Abandonment of Start Properties II, LLC of the right to offer, render, furnish or supply water service to the public in a portion of Delaware Township, Northumberland County, PA, known as Spring Lake Crest. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2497850-TUS	A-2015-2497850	MPOWER ENERGY NJ LLC
Vote 5-0.		<p>- Application filed on 8/11/15, 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 PECO and PPL in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>

2497872-TUS	A-2015-2497872	<p>MPOWER ENERGY NJ LLC</p> <p>- Application filed on 8/11/15, for approval to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial and large commercial customers in the natural gas distribution company service territories of UGI, PECO, PGW, and Columbia Gas, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2505130-TUS	A-2015-2505130	<p>SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (SEPTA) AND CTY OF PHILADELPHIA</p> <p>- Application for approval to alter the public crossing (DOT 541 452 D) where Woodland Avenue crosses, above grade, tracks of SEPTA Media/Elwyn Regional Rail Line by (1) removal and full reconstruction of the Woodland Avenue Bridge and (2) an exemption from the Commission's Overhead Clearance Requirements at 52 Pa. Code § 33.121 for the Woodland Avenue Bridge in the City of Philadelphia, Philadelphia County.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order approving the application as amended.</p>
Vote 5-0.		
2505593-TUS	A-2015-2505593	<p>PENNSYLVANIA AMERICAN WATER COMPANY</p> <p>- Application filed on 9/25/15, for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Jackson Township, Butler County, PA. Proofs of publication and service to appropriate entities were submitted. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
2508534-TUS	R-2015-2508534 A-00119935	<p>CRANBERRY TAXI INC T/A VETERANS TAXI</p> <p>- Increase in rates.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve Tariff Call or Demand Pa. PUC No. 8 to become effective 3/14/16.</p>
Vote 5-0.		

2509785-TUS Vote 5-0.	A-2015-2509785	ENERGY PROFESSIONALS LLC - Application filed on 10/23/15, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial and large commercial customers in the natural gas distribution company service territories of Valley Energy, UGI Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, PECO, PGW, NFGD, Peoples Natural Gas, Peoples TWP, Peoples Natural Gas - Equitable Division, and Columbia Gas, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2515573-TUS Vote 5-0.	R-2015-2515573 A-00122873	AA TAXI INC - Increase in rates. RECOMMENDATION: That the Commission approve Tariff Call or Demand Pa. PUC No. 2 to become effective 3/14/16.
2516622-TUS Vote 5-0.	A-2015-2516622	PROGRESSIVE ENERGY GROUP LLC - Application filed on 12/7/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial, industrial, and governmental customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2517360-TUS Vote 5-0.	A-2015-2517360	CROSS RIVER FIBER LLC - Application filed on 10/2/15, for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

<p>2519983-TUS</p> <p>Vote 5-0.</p>	<p>A-2015-2519983</p>	<p>UTILITY ANSWERS LLC</p> <p>- Application filed on 12/22/15, 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, 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>
<p>2524610-TUS</p> <p>Vote 5-0.</p>	<p>R-2016-2524610 A-00121957</p>	<p>LINCOLN TAXI TRANSPORTATION LLC</p> <p>- Increase in rates.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve Tariff Call or Demand Pa. PUC No. 2 to become effective 3/14/16.</p>
<p>2525128-TUS</p> <p><u>Motion</u> by Chairman Brown. Vote 5-0</p>	<p>R-2016-2525128</p>	<p>THE COLUMBIA WATER COMPANY</p> <p>- Supplement No. 76 to Tariff – Water Pa. P.U.C. No 7 filed on 1/12/16, to decrease the company's Marietta Division rate for each volumetric block and for public and private fire protection by eliminating the PENNVEST surcharge associated with each. The stated reason for the elimination of the surcharge is the retirement of the debt approved for the surcharge. No complaints were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>2526041-TUS</p> <p>Vote 5-0.</p>	<p>A-2016-2526041</p>	<p>WEST PENN POWER COMPANY</p> <p>- Letter of Notification filed on 1/26/16, for approval of the North Fayette – Smith 138 kV Transmission Line extension to the Joffre Substation Project in Smith Township, Washington County, PA. 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>

2526637-TUS

A-2016-2526637

MIRABITO HOLDINGS INC D/B/A MIRABITO ENERGY PRODUCTS

Vote 5-0.

- Application filed on 2/4/16, 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 territories of Valley Energy, UGI, UGI Central Penn, UGI Penn Natural, PECO, PGW, NFGD Corp., Peoples Natural Gas, Peoples TWP, Peoples Natural Gas - Equitable Division, and Columbia Gas, within PA.

RECOMMENDATION:

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

2527593-TUS

A-2016-2527593

MIRABITO HOLDINGS INC D/B/A MIRABITO ENERGY PRODUCTS

Vote 5-0.

- Application filed on 2/5/16, for approval 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.

RECOMMENDATION:

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

LAW BUREAU

AGENDA NO. **DOCKET NO.**
2391115-LAW **A-2013-2391115**

NAME AND SUBJECT

PENNDOT

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

- On 12/3/15, the Commission approved the Application of the PennDOT to widen and replace the existing eastbound bridge structure where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County and the allocation of costs incident thereto, pursuant to Section 2702 of the Public Utility Code, 66 Pa. C.S. § 2702. In the 12/03/15 Order, the Commission approved the appropriation by PennDOT of property belonging to CSX Transportation. On 2/17/16, PennDOT filed a Petition with the Commission requesting that the Commission refer this matter to the Court of Common Pleas of Washington County, pursuant to Section 2704(b) of the Public Utility Code, for a determination of the compensation that PennDOT owes CSX for the condemned property.

RECOMMENDATION:

That the Commission adopt the proposed Order.

2510230-LAW **P-2015-2510230**

NEUSTAR INC

Vote 5-0.

- On 10/23/15, the North American Numbering Plan Administrator, NeuStar, Inc., in its role as the neutral third party NPA Relief Planner for PA, acting on behalf of the PA telecommunications industry filed a petition with the Commission requesting approval of its plan for the 717 Numbering Plan Area "NPA). According to the petition, the industry reached a consensus to implement an all services distributed overlay for the geographic area covered by the 717 NPA which would create a new area code to service the area.

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>
2478098-ALJ	R-2015-2478098 C-2015-2500408 C-2015-2506336	APPALACHIAN UTILITIES INC - Supplement No. 4 to Tariff Water – Pa. PUC No. 2 filed containing proposed changes in rates, rules, and regulations intended to produce \$252,721 (46%) in additional annual operating revenues to become effective on 9/28/15. By Commission Order entered 9/17/15, the filing was suspended until 4/28/16. On 1/12/16, a Joint Petition for Full Settlement of the Rate Proceeding was filed. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision approving the settlement without modification.

Vote 5-0.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

March 10, 2016

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO.

2344596-TUS

Vote 5-0.

DOCKET NO.

P-2013-2344596

P-2013-2342745

NAME AND SUBJECT

PEOPLES NATURAL GAS COMPANY LLC

- Petition filed on 11/6/15, for approval of its Second Revised Long-Term Infrastructure Improvement Plan (LTIIIP) for its Peoples and Equitable Divisions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order rejecting Peoples' Second Revised LTIIIP.