

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, MARCH 17, 2016 (PW)  
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>John F. Coleman, Jr</b>	<b>Andrew G. Place</b>	<b>Gladys M. Brown</b>	<b>Pamela A. Witmer</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, April 7, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, Feb. 25, 2016 (JFC)

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

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 7, 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.

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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

March 17, 2016

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
<b>2430603-AUD</b> <b>Vote 5-0.</b>	<b>D-2014-2430603</b>	<b>PENNSYLVANIA AMERICAN WATER COMPANY</b> - Focused Management and Operations Audit. PAWC has submitted an Implementation Plan dated 2/29/16, indicating acceptance of 29 recommendations, partial acceptance of 8 recommendations and rejection of one recommendation. <b>RECOMMENDATION:</b> That the Commission make the Audit Report and PAWC's Implementation Plan public.
<b>2464714-AUD</b> <b>Vote 5-0.</b>	<b>D-2015-2464714</b>	<b>NATIONAL FUEL GAS DISTRIBUTION CORPORATION</b> - Statements of Low Income Residential Assistance (LIRA) Rider F (Over)/Under collections for the 12 months ended 9/30/13 and 9/30/12. The auditor's report contained 2 findings. <b>RECOMMENDATION:</b> That the Commission release the Audit Report to the public.
<b>2464715-AUD</b> <b>Vote 5-0.</b>	<b>D-2015-2464715</b>	<b>NATIONAL FUEL GAS DISTRIBUTION CORPORATION</b> - Customer Education Charge (CEC) Rider E Over/(Under) Collections for the 12 months ended 12/31/13 and 12/31/12. The auditor's report contained no findings. <b>RECOMMENDATION:</b> 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>
<b>2237486-OSA</b>  <b>Vote 5-0.</b>	<b>C-2011-2237486</b> <b>P-2011-2241780</b>	<b>A EDWARD SCHWARTZ VS DELAWARE AND HUDSON RAILWAY COMPANY INC D/B/A CANADIAN PACIFIC RAILROAD AND PENNDOT</b>  - Formal Complaint filed on 4/15/11, concerning safety issues related to the condition of a bridge carrying S.R. 4009 over the Canadian Pacific line. This line was later sold to Norfolk Southern. The matter was assigned to the OALJ, and on 8/3/12, the Commission issued an Order adopting ALJ Salapa's Recommended Decision and also remanded certain matters to the OALJ for further proceedings. By Order entered 12/5/13, the Commission adopted the ALJ's Recommended Decision on Remand. On 12/22/14, Canadian Pacific's demolition plan was approved, and the bridge was to be demolished by 12/22/15. On 12/21/15, Norfolk Southern filed a Petition for Extension of Time until 4/30/16 to complete the demolition. PennDOT filed an Answer on 1/6/16. On 12/31/15, Cassandra Colombo, Esquire, filed a Petition for Rescission or Amendment of the 12/5/13 Order. Answers to the Petition were filed on 2/22/16 by Norfolk Southern and on 2/29/16 by the Complainant.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order that denies the Petition for Rescission or Amendment and grants the Petition for Extension of Time.
<b>2440650-OSA</b>  <b>Vote 5-0.</b>	<b>C-2014-2440650</b>	<b>FAMILLE S TRUST VS DUQUESNE LIGHT COMPANY</b>  - Formal Complaint filed on 8/22/14, naming the Trust and Lusala Simananga as complainants and alleging incorrect charges on the Trust's electric bill. On 9/22/14, Duquesne filed an Answer. A hearing was convened on 11/21/14, but continued by the ALJ when Ms. Simananga did not appear and the Trust failed to appear with counsel. In an Initial Decision issued 9/1/15, the ALJ dismissed the complaint for failure to prosecute on the bases of the Trust's failure to appear with counsel and Ms. Simananga's failure to appear. On 9/11/15, the Trust filed an Exception; on 9/28/15, Duquesne filed Replies to the Exception.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order that strikes the Exception and adopts the Initial Decision.

2475355-OSA C-2015-2475355

**Statement by Commissioner Witmer.**

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

MARY PAUL VS PECO ENERGY COMPANY

- Formal Complaint filed on 4/01/15, alleging that PECO was threatening to terminate her service for failure to provide PECO with access to her meter so that a smart meter could be installed. On 4/27/15, PECO filed an Answer with New Matter, as well as Preliminary Objections, seeking dismissal of the Complaint for legal insufficiency. On 7/01/15, the Commission issued ALJ Cheskis' Initial Decision which granted PECO's Preliminary Objections and dismissed the Complaint. On 7/21/15, the Complainant filed Exceptions. On 8/03/15, PECO filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2490383-OSA M-2015-2490383

A-2015-2494779

A-2012-2292048

(PP from 03/10/2016)

**Postponed until the Public Meeting of April 7, 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.

2504703-OSA P-2015-2504703

F-2015-2463441

**Vote 5-0.**

ZAKKIYAH SALAHUDDIN VS METROPOLITAN EDISON COMPANY

- Formal Complaint filed on 1/14/15, alleging incorrect charges and a reliability, safety or quality problem with Met-Ed's electric service. On 2/11/15, Met-Ed filed an Answer/New Matter to the Complaint. A hearing was held on 5/13/15. On 6/15/15, ALJ Cheskis issued an Initial Decision dismissing the Complaint for failure to prosecute because the Complainant failed to appear for the hearing. On 7/23/15, the Commission issued its Final Order at Docket No. F-2015-2463441 adopting the Initial Decision. On 9/21/15, the Complainant filed an untimely pleading, which she entitled a "Settling Resolution Conference," and which shall be considered as a Petition for Rescission or Amendment of the 7/23/15 Final Order. On 2/5/16, Met-Ed filed an Answer to the Petition.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies the petition.

**2515642-OSA M-2015-2515642**

**PPL ELECTRIC UTILITIES CORPORATION**

**Vote 5-0.**

- On 11/30/15, PPL filed a Petition requesting that the Commission approve its Act 129 Phase III Energy Efficiency and Conservation (EE&C) Plan. Numerous Parties filed comments and intervened in the proceeding. On 2/16/16, a Joint Petition for Approval of Partial Settlement and Statements in Support were filed. PPL and the PP&L Industrial Customer Alliance also filed Briefs on the remaining contested issue relating to the determination of Total Resource Cost Test values for the Phase III EE&C Plan. The matter was assigned to the OALJ for hearing and ALJ Colwell certified the record to the Commission on 2/19/16.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order.

**2515691-OSA M-2015-2515691**

**PECO ENERGY COMPANY**

**Vote 5-0.**

- On 11/30/15, PECO filed its Petition requesting that the Commission approve the Company's Phase III EE&C Plan. Various parties intervened and/or filed comments. On 2/2/16, a telephonic hearing was held to allow the parties to place unopposed statements and exhibits into the record. PECO, the OCA, the Coalition for Affordable Utility Services and Energy Efficiency in PA, Nest Labs, Inc., and EnerNOC, Inc. presented written testimony with accompanying exhibits that were admitted into the record. On 2/17/16, the parties filed a Joint Petition for Settlement, along with Statements in Support of the Settlement. ALJs Jones and Heep certified the record to the Commission on 2/19/16.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order.

**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>2485457-TUS</b>  <b>Vote 5-0.</b>	<b>A-2015-2485457</b>	<b>PAISBOA SERVICES CORPORATION</b>  - Application filed on 6/2/15, 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 the electric distribution company service territory of PECO Energy in PA.  RECOMMENDATION:  That the Commission adopt the proposed Order which approves the application.
<b>2490383-TUS</b>  <b>Vote 5-0.</b>	<b>M-2015-2490383</b>	<b>ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS</b>  - EGS license cancellations of companies with an expired financial security.  RECOMMENDATION:  That the Commission adopt the proposed Tentative Order.
<b>2500133-TUS</b>  <b>Vote 5-0.</b>	<b>A-2015-2500133</b>	<b>ALPHABUYER INC</b>  - Application filed on 8/25/15, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential and small commercial customers in all the electric distribution company service territories throughout PA.  RECOMMENDATION:  That the Commission adopt the proposed Order which approves the application.
<b>2523775-TUS</b>  <b>Vote 5-0.</b>	<b>A-2016-2523775</b>	<b>NEW CENTURY TELECOM INC</b>  - Application filed on 1/112/16, seeking Commission approval for the Discontinuance and Abandonment of Interexchange Carrier Reseller services within PA. No protests were filed and no hearings were held.  RECOMMENDATION:  That the Commission adopt the proposed Order approving the application.

<p>2524540-TUS</p> <p><b>Withdrawn by the Bureau of Technical Utility Services</b></p>	<p><b>R-2016-2524540</b> <b>P-00951005F1000</b></p>	<p>FRONTIER COMMUNICATIONS OF BREEZEWOOD LLC , CANTON LLC, LAKEWOOD LLC, OSWAYO RIVER LLC, AND PENNSYLVANIA LLC</p> <p>- 2016 Joint Price Stability Index/Service Price Index Report Filing and accompanying tariff supplements requesting an aggregate rate increase of \$45,565.00 filed on 2/1/16. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>2524592-TUS</p> <p><b>Withdrawn by the Bureau of Technical Utility Services</b></p>	<p><b>R-2016-2524592</b> <b>P-00961024F1000</b></p>	<p>COMMONWEALTH TELEPHONE COMPANY D/B/A FRONTIER COMMUNICATIONS COMMONWEALTH TELEPHONE COMPANY</p> <p>- 2016 Price Stability Index/Service Price Index Report Filing and accompanying tariff supplement requesting a rate increase of \$396,474 filed on 2/1/16. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>2526126-TUS</p> <p><b>Vote 5-0.</b></p>	<p><b>A-2016-2526126</b></p>	<p>SOLUTION ENERGY LLC</p> <p>- Application filed on 2/1/16, for approval 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 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>
<p>2528293-TUS</p> <p><b>Vote 5-0.</b></p>	<p><b>S-2016-2528293</b></p>	<p>UGI UTILITIES INC</p> <p>- Securities Certificate filed 2/9/16, with respect to the issuance of debt in principal amount not to exceed \$400 million. No protests were filed and no hearings were held. UGI voluntarily extended the consideration period to 3/18/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>



**LAW BUREAU**

**AGENDA NO.**

**2526053-LAW**

**DOCKET NO.**

**P-2016-2526053  
M-2014-2407728**

**NAME AND SUBJECT**

**WEST PENN POWER COMPANY**

**Vote 5-0.**

- Petition filed on 1/22/16, seeking waiver of the regulation requiring that it have a third-party evaluation of its Universal Service and Energy Conservation Plan (USECP) performed and filed with the Commission by 2/1/17. West Penn asserted that it was changing its CAP to parallel that of the other 3 FirstEnergy electric distribution companies and that there was no need for a third-party review of West Penn's prior USECP. There were no answers filed to the Petition.

**RECOMMENDATION:**

That the Commission adopt the proposed Order.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

March 17, 2016

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2526640-TUS	R-2016-2526640 C-2016-2533473	VERIZON PENNSYLVANIA LLC - On 1/29/16, Verizon filed a tariff revision to Local General Tariff – Pa P.U.C. No. 1, proposing to add an Individual Case Basis provision for certain business customers, where the rates and charges are based on the customer's specific circumstances, to become effective 2/28/16, and further extended to 3/29/16.
<b>Withdrawn by the Bureau of Technical Utility Services</b>		RECOMMENDATION: That the Commission adopt the proposed Order.