

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, APRIL 21, 2016 (JFC)
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, May 5, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, March 17, 2016 (PW)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 5, 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, APRIL 20, 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

April 21, 2016

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2422723-OSA (PP from 04/07/2016)	C-2014-2422723	<p>PUC - INVESTIGATION & ENFORCEMENT VS UBER TECHNOLOGIES INC, GEGEN LLC, RASIER LLC AND RASIER-PA LLC</p> <p>- Complaint filed on 6/5/14, alleging that the Respondent violated the Public Utility Code by offering to broker transportation of persons for compensation without authority through its application software. On 6/26/14, the Respondent filed an Answer denying that it was providing brokered transportation and requested dismissal of the Complaint. On 1/9/15, I&E filed an Amended Complaint which added additional named respondents and modified the requested civil penalty. ALJs Long and Watson conducted a hearing on 5/6/15. By Initial Decision issued on 11/17/15, the ALJs sustained the Amended Complaint and issued a total civil penalty of \$49,924,800. The Respondent filed Exceptions on 12/7/15. I&E filed a Motion to Strike the Exceptions and Replies to the Exceptions on 12/17/15. The Respondent filed an Answer to the Motion on 1/6/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
2455548-OSA Vote 5-0.	F-2014-2455548	<p>ENA BLACKWOOD VS PECO ENERGY COMPANY</p> <p>- Formal Complaint filed on 11/17/14, alleging that there were incorrect charges on her bill and that the utility was threatening termination. On 12/04/14, PECO filed an Answer to the Complaint denying the Complainant's allegations. An evidentiary hearing was held on 4/13/15. On 8/10/15, the Commission issued ALJ Pell's Initial Decision which dismissed the Complaint. On 10/6/15, the Complainant filed Exceptions. On 10/29/15, PECO filed Replies to Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision.</p>

2465407-OSA F-2015-2465407

MARION BUTLER VS PHILADELPHIA GAS WORKS

Vote 5-0.

- Formal Complaint filed on 1/17/15, alleging incorrect charges on her gas bills. On 2/23/15, PGW filed an Answer to the Complaint. A hearing was held on 4/20/15. On 10/28/15, ALJ Vero's Initial Decision dismissing the Complaint was issued. The Complainant filed Exceptions on 11/15/15. PGW filed Replies to Exceptions on 11/24/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Initial Decision.

2474602-OSA C-2015-2474602

CATHERINE J FROMPOVICH VS PECO ENERGY COMPANY

Statement by Commissioner Witmer.

Vote 4-1 with Commissioner Witmer Dissenting.

- Formal Complaint filed on 3/24/15, complaining that PECO was threatening to shut off her service because she objected to the installation of a smart meter at her residence. On 4/10/15, PECO filed an Answer and New Matter acknowledging the Complainant's request to opt out of a smart meter installation due to health concerns but averring that an opt out was not an option under the law. On 4/10/15, PECO also filed a Preliminary Objection alleging the Complaint was legally insufficient. In her Initial Decision issued 6/15/15, ALJ Barnes granted PECO's Preliminary Objection and dismissed the Complaint on the basis that there was no provision in law or Commission precedent allowing for an opt out. On 6/26/15, the Complainant filed Exceptions. On 7/13/15, PECO filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2494341-OSA C-2015-2494341

WILLIAM R HOFFMAN JR VS METROPOLITAN EDISON COMPANY

Vote 5-0.

- Formal Complaint filed on 7/16/15, alleging that Met-Ed was in default of a court agreement. On 8/12/15, Met-Ed filed an Answer to the Complaint. A hearing was held on 10/14/15. On 10/26/15, ALJ Jandebeur's Initial Decision dismissing the Complaint was issued. The Complainant filed Exceptions on 11/16/15. Met-Ed filed Replies to Exceptions on 11/30/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the Exceptions, in part, and denies them, in part, and modifies the ALJ's Initial Decision accordingly.

Vote 5-0.

- Formal Complaint filed on 8/24/15, at F-2015-2500342, alleging, inter alia, that their electric bills from PECO contained incorrect charges. On 10/7/15, the Complainants filed a Motion for Summary Judgment. By Order dated 11/17/15, ALJ Jones denied the Motion. In response to the ALJ's Order, the Complainants filed a Petition for Interlocutory Review and Answer to Material Question, requesting a waiver of an in-person hearing and the ability to present their case based solely on paperwork which they submit. PECO did not file a brief or other response to the Petition.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1167670-TUS Vote 5-0.	A-00118757	SEAN MCDONOUGH T/A NORTHSTAR EXECUTIVE TRANSPORTATION - Revocation of certificate. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
1179111-TUS Vote 5-0.	A-00120012	NAGI TRANSPORTATION INC - Revocation of certificate. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
1195315-TUS Vote 5-0.	A-00122109	RAINBOW TRANSPORTATION LLC T/A RAINBOW CAB - Revocation of certificate. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2045120-TUS Vote 5-0.	A-2008-2045120	HI LINE LIMOUSINE SERVICE INC - Revocation of certificate. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2051307-TUS Vote 5-0.	A-2008-2051307	NATAN TRANSPORTATION INC - Revocation of certificate. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2122647-TUS Vote 5-0.	A-2009-2122647 A-2009-2141774	BOAZ CAB CORP - Revocation of both certificates. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

2127204-TUS	A-2009-2127204	<p>HORIZON MEDICAL TRANSPORT INC</p> <p>- Revocation of certificate.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
Vote 5-0.		
2191426-TUS	A-2010-2191426	<p>VVG CONSULTING INC T/A V TRANSPORT</p> <p>- Revocation of certificate.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
Vote 5-0.		
2205258-TUS	A-2010-2205258	<p>FRANCIS AGBO T/A AMPA COACH AMBULETTE OF PA</p> <p>- Revocation of certificate.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
Vote 5-0.		
2291824-TUS	M-2012-2291824	<p>IMPLEMENTATION OF FCC ORDER</p> <p>- Implementation of the FCC's Order of 11/18/11, as Amended or Revised and Coordination with Certain Intrastate Matters. Order implementing FCC-mandated Step 5 Intrastate Access Charge Revisions, establishing timelines for tariff filings and prescribing required supporting information.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
2377772-TUS	A-2013-2377772	<p>ALLEGHENY VALLEY LAND TRUST</p> <p>- Application for approval to alter a crossing where S.R. 2013, crosses, above grade, a railroad tunnel by rehabilitation of a portion of a railroad tunnel and for approval of exemption from the minimum overhead and side clearance requirements of 52 Pa. Code Section 33.121 and 33.122.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order approving the application as amended.</p>
Vote 5-0.		

2490383-TUS	M-2015-2490383	<p>ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS</p> <p>- EGS license cancellations of companies with an expired financial security.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
Vote 5-0.		
2521278-TUS	A-2015-2521278	<p>GRANITE TELECOMMUNICATIONS LLC</p> <p>- Application filed 12/24/15 and further amended 2/15/16, to expand the service area for its Competitive Local Exchange Carrier authority into the service territory of Consolidated Communications of PA Co. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve the application consistent with the proposed Order.</p>
Vote 5-0.		
2524863-TUS	A-2016-2524863	<p>SUNSTAR C&E SERVICES LLC</p> <p>- Application filed on 1/6/16, 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 the electric distribution company service territories of Duquesne Light, Met Ed, Penelec, Penn Power, PPL, and West Penn Power in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order which approves the application.</p>
Vote 5-0.		
2525785-TUS	R-2016-2525785	<p>NATIONAL FUEL GAS DISTRIBUTION CORPORATION</p> <p>- Supplement No. 167 filed on 1/21/16, proposing to revise the language in its tariff governing the calculation of rates for month end imbalance cash outs, daily city gate imbalances and assorted storage inventory sales applicable to natural gas suppliers serving retail customers.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order approving the tariffs.</p>
Vote 5-0.		

2527221-TUS	A-2016-2527221	<p>SOURCEONE INC (DE)</p> <p>- Application filed on 2/4/16, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to large commercial and industrial 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>
Vote 5-0.		
2529642-TUS	A-2016-2529642	<p>GOLD STAR ENERGY LLC</p> <p>- Application filed on 2/11/16, 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 Utilities, UGI Central Penn Gas, UGI Penn Natural Gas, PECO, PGW, NFGD Corp., Peoples Natural Gas, Peoples Natural Gas - Equitable Division, Peoples TWP, 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.		
2529660-TUS	R-2016-2529660	<p>COLUMBIA GAS OF PA INC</p> <p>- Supplement No. 241 to Tariff Gas – Pa. P.U.C. No. 9 filed on 3/18/16, proposing an annual increase in rates of \$55.3 million to become effective 5/17/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order that suspends the proposed general rate increase filing until 12/19/16, and institutes an investigation.</p>
Vote 5-0.		
2533002-TUS	A-2016-2533002	<p>NETCOM SYSTEMS GROUP LLC</p> <p>- Application filed on 3/9/16, for approval to offer, render, furnish or supply telecommunication services as a detariffed Interexchange Carrier Reseller throughout PA. The application was further amended on 3/24/16. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve the application consistent with the proposed Order.</p>
Vote 5-0.		

2534947-TUS

A-2016-2534947

WEST PENN POWER COMPANY

Vote 5-0.

- Letter of Notification filed on 3/16/16, for approval of the Springdale - White Valley 138 kV Transmission Line Tap to Sunoco's Delmont Compressor Station in the Municipality of Murrysville and Salem Township, Westmoreland County, PA. No protests were filed and no hearings were held.

RECOMMENDATION:

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

2537653-TUS

I-2016-2537653

INVESTIGATION UPON THE COMMISSION'S OWN MOTION

Vote 5-0.

- Investigation upon the Commission's motion into matters pertaining to the safety of the traveling public traversing the crossing where 9th Street (DOT 507 714 U), crossed, at grade, two tracks of CSX Transportation in the City of Pittsburgh, Allegheny County.

RECOMMENDATION:

That the Commission adopt the proposed Order approving the application as amended.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

April 21, 2016

OFFICE OF COMPETITIVE MARKET OVERSIGHT

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2465942-OCM	L-2015-2465942	PROPOSED RULEMAKING RE CUSTOMER INFORMATION DISCLOSURE REQUIREMENTS
<u>Statement by Commissioner Witmer.</u> <u>Vote 4-1 with Commissioner Witmer Rescuing.</u>		<p>- The Commission finalizes its amended customer information disclosure regulations at 52 Pa. Code Sections 62.72, 62.75 and 62.81 for residential and small business natural gas supply customers. Section 62.72 provides regulatory definitions while Section 62.75 discusses the disclosure statement and notice requirements of the NGS to the customer. The Commission also adds new regulations in Section 62.81 governing notice requirements for NGSs regarding the expiration or change in contract terms for residential and small business customers. The Commission finalizes these enhanced disclosure requirements as part of its broader Investigation of Pennsylvania's Retail Natural Gas Supply Market. See Docket No. I-2013-2381742.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Final Rulemaking Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2509336-OSA	P-2015-2509336	COMMUNICATIONS WORKERS OF AMERICA
<u>Statement by Chairman Brown.</u> <u>Joint Statement by Vice Chairman Place and Commissioner Witmer.</u> <u>Vote 3-2 with Vice Chairman and Commissioner Witmer Dissenting.</u>		<p>- On 10/21/15, the Communications Workers of America (CWA) filed a petition requesting the Commission to open an investigation into the safety, adequacy, and reasonableness of the service provided by Verizon PA. On 11/10/15, Verizon filed an Answer. On 11/10/15, Full Service Network (FSN) filed an Answer. Notices of Intervention were filed by the OCA, the Bureau of Investigation and Enforcement, and the OSBA. On 12/1/15, Verizon filed a Reply to the FSN Answer. Letters in support of the CWA petition were filed by various interests including AARP PA, the Boilermakers Local 13, Put People First! PA, Pennsylvania Working Families, Members of the House of Representatives, and Nicholas Fuller. On 3/29/16, Verizon filed a Petition for Interlocutory Review and Answer to Material Question regarding the process and standards to apply in the proceeding. Briefs were filed by Verizon, CWA, I&E, and OCA on 4/8/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>

2513587-OSA

P-2015-2513587

PENNSYLVANIA AMERICAN WATER COMPANY

- Petition filed on 11/9/15, for a Finding on an Expedited Basis that Two Buildings to Shelter Booster Pump Stations to be Constructed in Dunbar Township, Fayette County, PA are Reasonably Necessary for the Convenience or Welfare of the Public. On 12/2/15, the North Fayette County Municipal Authority (NFCMA) filed an Answer in Opposition to the Petition. The OCA filed a notice of intervention on 12/8/15; and the Municipal Authority of Westmoreland County filed a petition to intervene on 12/21/15. By Initial Decision issued on 3/29/16, ALJ Colwell granted the Petition. NFCMA filed Exceptions on 4/5/16. PAWC filed Replies to Exceptions on 4/8/16.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.