

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, OCTOBER 6, 2016 (RP)  
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>Robert F. Powelson</b>	<b>Andrew G. Place</b>	<b>Gladys M. Brown</b>	<b>John F. Coleman, Jr.</b>	<b>David W. Sweet</b>

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

The Next Public Meeting is Tentatively Scheduled for Thursday, October 27, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, September 1, 2016 (DS)

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

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, OCTOBER 27, 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, OCTOBER 5, 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.

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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

October 06, 2016

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
<b>2495281-AUD</b>  <b>Vote 5-0.</b>	<b>D-2015-2495281</b>	DUQUESNE LIGHT COMPANY  - Statements of Transmission Service charge (Over)/Under Collections for the 12 months ended 2/28/15, 2/28/14 and 2/28/13. The auditor's report contained 2 Findings.  RECOMMENDATION:  That the Commission release the Audit Report to the public.
<b>2495282-AUD</b>  <b>Vote 5-0.</b>	<b>D-2015-2495282</b>	DUQUESNE LIGHT COMPANY  - Statements of Default Service Supply Charge (Over)/Under Collections Residential & Lighting for the 12 months ended 3/31/15, the 10 months ended 3/31/14, Small Commercial & Industrial for the 12 months ended 3/31/15, the 11 months ended 3/31/14 & the 12 months ended 4/30/13, Medium Commercial & Industrial for the 12 months ended 3/31/15, the 11 months ended 3/31/14 & the 12 months ended 4/30/13. The auditor's report contained 4 Findings.  RECOMMENDATION:  That the Commission release the Audit Report to the public.
<b>2495283-AUD</b>  <b>Vote 5-0.</b>	<b>D-2015-2495283</b>	DUQUESNE LIGHT COMPANY  - Statements of Energy Efficiency & Conservation and Demand Response Surcharge (Over)/Under Collections for the 12 months ended 5/31/15, 5/31/14 and 5/31/13.  RECOMMENDATION:  That the Commission release the Audit Report to the public.
<b>2495284-AUD</b>  <b>Vote 5-0.</b>	<b>D-2015-2495284</b>	DUQUESNE LIGHT COMPANY  - Statements of Universal Service Charge (Over)/Under Collections for the 12 months ended 10/31/14 and 10/31/13.  RECOMMENDATION:  That the Commission release the Audit Report to the public.

**2542051-AUD**      **D-2016-2542051**      METROPOLITAN EDISON COMPANY  
**Vote 5-0.**      - Non-Utility Generation Charge for the 12 months ended 4/30/16.  
The auditor's report did not disclose any adverse findings.  
RECOMMENDATION:  
That the Commission releases the Audit Report to the public.

**2542052-AUD**      **D-2016-2542052**      PENNSYLVANIA ELECTRIC COMPANY  
**Vote 5-0.**      - Non-Utility Generation Charge for the 12 months ended 4/30/16.  
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**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2459362-OSA</b>	<b>P-2014-2459362</b>	<b>PHILADELPHIA GAS WORKS</b>  - On 12/23/14, PGW filed a Petition for permission to institute Phase II of its initial 5-year Demand Side Management (DSM) Phase I Plan. On 3/08/16, the Commission issued ALJ Pell's and Guhl's Recommended Decision which recommended approval of PGW's DSM Phase II Plan and which addressed the litigated issues. On 4/07/16, PGW filed Exceptions. On 4/18/16, the OCA, CAUSE-PA, the OSBA and I&E filed Replies to Exceptions. On 8/4/16, the Commission entered a Tentative Opinion and Order addressing the Exceptions and providing the parties to this proceeding ten days to file comments in response to the Commission directed modification to PGW's annual Low Income Usage Reduction Program budget. Comments were received on 8/15/16, from PGW, the OCA, I&E and the Joint Commenters.  RECOMMENDATION:  That the Commission adopt the proposed Final Opinion and Order.
<b><u>Motion by Commissioner Sweet.</u></b> <b>Vote 5-0.</b>		
<b>2481843-OSA</b>	<b>F-2015-2481843</b>	<b>RODNEY ZALIPONI VS PEOPLES TWP LLC</b>  - Formal Complaint filed on 4/30/15, alleging incorrect charges on his bills. On 6/1/15, Peoples filed an Answer to the Complaint denying that there was incorrect billing. An evidentiary hearing was held on 12/2/15. By Initial Decision issued 4/22/16, ALJ Johnson dismissed the Complaint. On 4/28/16, the Complainant filed Exceptions to the Initial Decision; and on 5/23/16, Peoples filed Replies to the Exceptions.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the Initial Decision.
<b>Vote 5-0.</b>		
<b>2532581-OSA</b>	<b>C-2016-2532581</b>	<b>ALFRED STEMPO - SAMMY JO'S INC VS METROPOLITAN EDISON COMPANY</b>  - Formal Complaint filed on 3/3/16, alleging that Met-Ed unlawfully refused to accept an application to transfer service into the name of Complainant without the payment of a prior balance alleged to be due for service to a commercial property at which Complainant operated a business as tenant. Alfred Stempo, t/d/b/a Sammy Jo's Inc., a/k/a Stemies, thereafter filed a letter-petition for emergency interim relief seeking to reconnect service pending the Complaint. ALJ Barnes issued an Amended Order Denying Petition for Emergency Interim Relief and Certifying Material Question to the Commission, on 9/6/16, in accordance with 52 Pa. Code § 3.10(b).  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order.
<b><u>Motion by Commissioner Sweet.</u></b> <b>Vote 5-0.</b>		

**Joint Motion by Commissioner Powelson and Commissioner Sweet.**

**Dissenting Statement by Vice Chairman Place.**

**Statement by Commissioner Sweet.**

**Verbal Statement by Commissioner Sweet.**

**Vote 4-1 with Vice Chairman Place Dissenting.**

PENNSYLVANIA AMERICAN WATER COMPANY AND SEWER AUTHORITY OF THE CITY OF SCRANTON

- Joint Application filed on 3/30/16, requesting approval of PAWC's acquisition of substantially all of the assets of SSA's sewer system and sewage treatment works and PAWC's application to render wastewater service in the areas served by SSA. Evidentiary hearings were held on 7/6/16 through 7/8/16. On 8/24/16, the Commission issued the Recommended Decision of ALJs Salapa and Haas, denying the Joint Application. The Joint Applicants and the OCA filed Exceptions on 9/2/16. The Joint Applicants, the OCA, the Commission's Bureau of Investigation and Enforcement, and the OSBA filed Replies to Exceptions on 9/8/16.

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>2511795-TUS</b>	<b>A-2015-2511795</b>	<b>AQUA PENNSYLVANIA INC</b>
<b>Vote 5-0.</b>		<p>- Application filed on 10/29/15, for approval of: (1) the acquisition by Aqua of the water system assets of the East Cameron Township Municipal Authority in East Cameron Township, Northumberland County, and (2) the right of Aqua to begin to provide water service to the public in a portion of East Cameron Township, Northumberland County, PA. Aqua submitted proofs of publication and service to the appropriate entities. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>2530610-TUS</b>	<b>A-2016-2530610</b>	<b>PENNDOT</b>
<b>Vote 5-0.</b>		<p>- Application for approval to alter the public at-grade crossing by: (1) replacing the existing warning devices and (2) installing a new high-type surface where SR 2046 (Streets Run Road) crosses a single track owned by CSX Transportation, Inc., and operated thereon by Allegheny Valley Railroad (DOT 145 525 V) as part of an adjacent bridge replacement project for SR 2046 in Baldwin Borough, Allegheny County; 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>
<b>2531550-TUS</b>	<b>R-2016-2531550</b> <b>R-2016-2531551</b>	<b>CITIZENS ELECTRIC COMPANY OF LEWISBURG PA AND WELLSBORO ELECTRIC COMPANY</b>
<b>Vote 5-0.</b>		<p>- Supplement No. 110 to Tariff Electric – Pa. P.U.C. No. 14, and Supplement No. 102 to Tariff Electric - Pa. P.U.C. No. 8 filed on 8/31/16, for approval to propose annual increases in rates of \$592,000 (12.8%) and \$1,000,000 million (21.3%). Both of the tariff filings are proposing an increase in distribution rates and other tariff changes, and have an effective date of 10/30/16. Formal complaints were filed by the OCA on 9/14/16 and by the OSBA on 9/19/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed order.</p>

<b>2549031-TUS</b> <b>Vote 5-0.</b>	<b>A-2016-2549031</b>	<p><b>POWER-MARK RESOURCES LLC</b></p> <p>- Application filed on 6/10/16, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to residential and small commercial customers as mixed meter only, and to large commercial 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><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
<b>2554726-TUS</b> <b>Vote 5-0.</b>	<b>A-2016-2554726</b>	<p><b>WESTERN RESERVE ENERGY SERVICES LLC</b></p> <p>- Application filed on 7/5/16, 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 all of the electric distribution company service territories throughout PA.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
<b>2557380-TUS</b> <b>Vote 5-0.</b>	<b>A-2016-2557380</b> <b>A-2016-2557471</b> <b>G-2016-2557472</b> <b>G-2016-2557473</b>	<p><b>PEOPLES NATURAL GAS COMPANY LLC AND PEOPLES TWP LLC</b></p> <p>- Joint Application filed on 7/20/16, for approval of the purchase and sale of tangible property used in the public service, and for approval of an affiliated agreement for the purchase and sale of tangible property used in the public service to be effective 10/6/16.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
<b>2561847-TUS</b> <b>Vote 5-0.</b>	<b>A-2016-2561847</b>	<p><b>NANIA ENERGY INCORPORATED</b></p> <p>- Application filed on 8/16/16, 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 all of the electric distribution company service territories throughout PA.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>



<b>2562204-TUS</b>	<b>A-2016-2562204</b>	<b>MARIELLEN DONOHUE D/B/A AVALON ENERGY CONSULTANTS</b> - Application filed on 8/18/16, 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 all of the electric distribution company service territories throughout PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>Vote 5-0.</b>		
<b>2562854-TUS</b>	<b>A-2016-2562854</b>	<b>XO COMMUNICATIONS SERVICES LLC</b> - Application filed on 8/18/16, for approval of the discontinuance or abandonment, in part, of Competitive Local Exchange Carrier and Interexchange Carrier Services to non-residential customers in Pittsburgh, PA. No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>Vote 5-0.</b>		
<b>2564750-TUS</b>	<b>R-2016-2564750 C-2016-2568275</b>	<b>UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC D/B/A CENTURYLINK</b> - 2016 Price Stability Index/Service Price Index Report Filing and accompanying tariff supplement filed 9/1/16, requesting a rate increase of \$543,425 and Formal Complaint of the Office of Small Business Advocate. On 9/20/16, the OSBA filed a Formal Complaint against the filing. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>Vote 5-0.</b>		

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1149408-LAW</b>  <b>Vote 5-0.</b>	<b>A-310860</b>	<b>CLEAR WORLD COMMUNICATIONS CORPORATION</b>  - Clear World is an Interexchange Carrier – Reseller certificated on 1/12/2000. Clear World appears to be an inactive business entity. The Connecticut Secretary of State lists the business status as "withdrawn," and Commission staff's attempts to reach the company have been unsuccessful. Commission records show that the company's last filed annual financial report was in 2015 for the year ended 2014.  RECOMMENDATION:  That the Commission adopts the proposed Order
<b>2093383-LAW</b>  <b>Statement by Vice Chairman Place.</b> <b>Verbal Statement by Commissioner Powelson.</b> <b>Vote 5-0.</b>	<b>M-2009-2093383</b>	<b>PROCEEDING TO EVALUATE TRANSITION TO CORRECTED NON-SOLAR TIER 1 CALCULATION METHODOLOGY</b>  - On 8/11/16, the Commission issued a Tentative Order seeking comments on the impact of the quarterly adjustment obligation increase, on possible remedies to mitigate any impact, and on any other appropriate action to be taken by the Commission. This Final Order addresses those remedies.  RECOMMENDATION:  That the Commission adopt the proposed Order.
<b>2564742-LAW</b>  <b>Vote 5-0.</b>	<b>P-2016-2564742</b>	<b>UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC D/B/A CENTURYLINK</b>  - On 9/1/16, CenturyLink filed a petition for protective order regarding its annual 2016 Price Stability Index/Service Index Filing and associated revenue increases. No answers were filed to this petition.  RECOMMENDATION:  That the Commission adopts the proposed Order.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2264868-ALJ</b> <b>(PP from 09/15/2016)</b>	<b>F-2011-2264868</b>	<b>JESSIE HOWARD VS CORDIA COMMUNICATIONS CORPORATION</b>
<b><u>Joint Motion by Commissioner Coleman and Commissioner Sweet.</u></b>		- Complaint filed on 9/15/11, alleging that Cordia failed to provide Complainant with telephone service for a period of 2 months, but billed her for telephone service during that time period. A hearing was held on 3/15/12. By Order dated 5/14/12, ALJ Salapa stayed this proceeding until after the Bankruptcy Court issued a final Order in the bankruptcy proceeding of the Respondent.
<b><u>Statement by Vice Chairman Place.</u></b>		COMMISSION REVIEW:
<b><u>Vote 5-0 with Vice Chairman Place Concurring in Result Only.</u></b>		That the Commission adopt ALJ Salapa's Initial Decision dismissing the Complaint and marking the docket closed.
<b>2505010-ALJ</b>	<b>C-2015-2505010</b>	<b>GARY ANTHONY STANKO VS PENNSYLVANIA AMERICAN WATER COMPANY</b>
<b><u>Vote 5-0.</u></b>		- Complaint filed 8/12/15 against PAWC averring that Complainant's home is one of 3 homes served by 1 water line that was installed in 1956. Complainant requested that the company install a new water line with separate meters so that each home would pay only for the water they use. Complainant also averred that he is being served from a pipe that is comprised of asbestos cement that he feels is unsafe. On 10/14/15, Respondent filed an Answer, New Matter and Preliminary Objections.
		COMMISSION REVIEW:
		That the Commission adopt ALJ Cheskis' Initial Decision dismissing the Complaint.
<b>2539234-ALJ</b>	<b>C-2016-2539234</b>	<b>CHRISTINA MCKEE VS PEOPLES NATURAL GAS COMPANY LLC</b>
<b><u>Vote 5-0.</u></b>		- Complaint filed 4/6/16 alleging service termination, incorrect billing charges and requesting a payment arrangement. Respondent filed an answer on 5/2/16. An initial telephonic hearing was held on 6/29/16. Complainant failed to appear for the hearing.
		COMMISSION REVIEW:
		That the Commission adopt ALJ Johnson's Initial Decision dismissing the Complaint for lack of prosecution.

2544868-ALJ C-2016-2544868

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

DALENA TRAN VS PECO ENERGY COMPANY

- Complaint filed 4/21/16 alleging PECO Energy used 2-3 feet of Complainants property line to install a gas pipe for Houser's Automotive without her approval. Complainant requested that the gas pipe be relocated off her property and also stated that she is willing to accept some money for use of her land as a resolution to the dispute. Respondent filed an answer on 6/1/16.

COMMISSION REVIEW:

That the Commission adopt ALJ Jones' Initial Decision dismissing the Complaint for lack of subject matter jurisdiction.

2545925-ALJ R-2016-2545925  
C-2016-2547692  
C-2016-2549335

**Motion by Vice Chairman Place.  
Vote 5-0.**

PECO ENERGY COMPANY

- PECO filed its Purchased Gas Cost No. 33 rate to become effective for service rendered on or after 12/1/16 pursuant to 66 Pa.C.S. § 1307(f). Complaints were filed. On 8/11/16, the parties filed a Joint Petition for Complete Settlement and a Motion for Admission of Testimony and Exhibits.

COMMISSION REVIEW:

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

October 06, 2016

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2498121-OSA	C-2015-2498121	PUC - INVESTIGATION & ENFORCEMENT VS ERIE TRANSPORTATION SERVICES INC T/A ERIE YELLOW CAB
<b>Vote 5-0.</b>		<p>- On 8/14/15, I&amp;E filed a Complaint alleging that the Petitioner failed to pay its assessment for Fiscal Year 2014-2015. In 1/16, the Commission received partial payment from the Petitioner in the amount of \$12,000, but no Answer to the Complaint was filed. On 3/21/16, I&amp;E filed a Motion for Default Judgment. No Answer to the Motion was filed. By Opinion and Order entered 9/1/16, the Commission granted the Motion. On 9/16/16, the Petitioner filed a Petition for Reconsideration of the 9/1/16 Order which contained a request for extension of time to comply with the 9/1/16 Order. On 9/26/16, I&amp;E filed its Answer to the petition. The Commission engaged in a notational voting process on the Order and Opinion. On 9/29/16, the Commission entered the Opinion and Order which granted the petition pending further review of and consideration on the merits and granted the extension request, in part.</p> <p>RECOMMENDATION:</p> <p>That, consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of the public meeting.</p>