

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**WEDNESDAY, NOVEMBER 9, 2016 (DS)  
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, December 8, 2016 at 10:00 A.M.

Minutes of the Meeting of Thursday, October 6, 2016 (RP)

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

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 8, 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

November 09, 2016

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2253750-OSA (PP from 10/27/2016)	C-2011-2253750 C-2011-2253787	CORE COMMUNICATIONS INC VS VERIZON PENNSYLVANIA LLC AND VERIZON NORTH LLC  - On 7/22/11, Core filed two Formal Complaints against Verizon alleging that Verizon suddenly ceased payment for intercarrier compensation invoices that were issued by Core pursuant to interconnection agreements entered among the Parties and long-standing practice. On 7/11/13, ALJ Colwell's Initial Decision was issued. Exceptions were filed by both parties on 8/16/13. Replies to Exceptions were filed by both parties on 9/16/13. By Opinion and Order entered 5/28/15, the Commission remanded this proceeding, in part, to the OALJ. On 1/8/16, ALJ Colwell's Supplemental Initial Decision on Remand was issued. Exceptions on Remand were filed by both parties on 1/28/16. Replies to Exceptions on Remand were filed by both parties on 2/8/16.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order.
2378672-OSA	M-2016-2378672	COLUMBIA GAS OF PA INC  - On 5/5/16, the Bureau of Investigation and Enforcement (I&E) filed a Joint Petition for Approval of Settlement Agreement. Each party also filed a Statement in Support of the Settlement. The settlement represents a full resolution of two informal investigations initiated by I&E relating to incidents on Columbia's system that occurred during infrastructure replacement projects in Coraopolis, Allegheny County, and Wampum, Lawrence County, PA.  RECOMMENDATION:  That the Commission adopt the proposed Opinion and Order which issues the settlement for comment.

**Motion by Chairman Brown.  
Statement by Commissioner Sweet.  
Vote 5-0 with Vice Chairman Place  
Concurring in Result Only.**

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

2384844-OSA C-2013-2384844

PUC - INVESTIGATION & ENFORCEMENT VS ALPHA OMEGA LIMOUSINE NETWORK

**Vote 5-0.**

- Complaint filed on 9/30/13, alleging failure to pay fines totaling \$250 as directed by a prior Secretarial Letter. In the Complaint, I&E requested that the Petitioner's Certificate of Public Convenience be revoked. The Petitioner did not file an Answer to the Complaint. On 4/18/16, the Commission issued a Secretarial Letter which, in part, revoked the Petitioner's Certificate. The Petitioner filed a Petition for Reconsideration of Staff Action on 5/9/16. No Answer to the Petition was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Petition, in part, and denies it, in part.

2535220-OSA C-2016-2535220  
C-2016-2538023  
C-2016-2539969

ROSS E. SCHELL VS PPL ELECTRIC UTILITIES CORPORATION

**Vote 5-0.**

- Formal Complaints filed on 3/18/16, 4/1/16, and 4/4/16. The Complaints involved a request for a payment arrangement and allegations regarding electric reliability issues, incorrect bills, and meter inaccuracy. A telephonic evidentiary hearing was held on 7/20/16. On 7/22/16, the Complainant filed a Petition for Interlocutory Review and Answer to Material Question pertaining to a PPL exhibit that was admitted into the record during the hearing. On 7/25/16, the Complainant filed a Brief in Support of the Petition. PPL has not filed a Brief in Opposition to the Petition or other response.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which declines to answer the Material Question and returns the matter to the OALJ.

2547502-OSA C-2016-2547502

PUC- INVESTIGATION & ENFORCEMENT VS FAIR VIEW ENERGY INC

**Motion by Commissioner Sweet.  
Oral Statement by Commissioner  
Powelson.  
Vote 5-0 with Commissioner  
Powelson Partially Dissenting.**

- Complaint filed on 5/25/16, concerning potential unlicensed brokering of electric generation service. I&E alleged various violations of the Commission's regulations and requested an \$89,900 civil penalty. On 6/5/16, Fair View filed an Answer and New Matter admitting that it had engaged in unlicensed brokering activities. However, Fair View asserted it was unaware of Pennsylvania's legal requirements for brokers to obtain electric generation supplier licenses and that it had begun the licensing process in Pennsylvania upon receipt of the I&E Complaint. On 7/05/16, I&E filed a Reply to Fair View's New Matter. On 10/07/16, the parties filed a Joint Settlement Petition to resolve all issues in this proceeding.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which approves the Joint Settlement Petition.

**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>2398833-TUS</b>  <b>Vote 5-0.</b>	<b>P-2013-2398833</b> <b>C-2016-2540745</b>	<b>UGI UTILITIES INC - GAS DIVISION</b>  - Petition filed 3/31/16 for approval of its Distribution System Improvement Charge (DSIC). OCA, OSBA, I&E, and UGI Industrial Intervenors filed comments in the case.  <b>RECOMMENDATION:</b>  That the Commission approve the petition consistent with the proposed Order.
<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.  <b>RECOMMENDATION:</b>  That the Commission adopt the proposed Tentative Order.
<b>2526288-TUS</b>  <b>Vote 5-0.</b>	<b>A-2016-2526288</b>	<b>SOUTH JERSEY RESOURCES GROUP LLC</b>  - Application filed on 1/29/16, for approval to offer, render, furnish, or supply natural gas supply services as a supplier to large commercial and industrial customers within PA. SJRG failed to respond to Commission staff data requests concerning missing information.  <b>RECOMMENDATION:</b>  That the Commission adopt the proposed Order.
<b>2531741-TUS</b>  <b>Vote 5-0.</b>	<b>A-2016-2531741</b>	<b>PENNSYLVANIA AMERICAN WATER COMPANY</b>  - Application filed on 2/26/16, for approval, nun pro tunc, of the right to offer, render, furnish or supply water service to the public in an additional portion of Oakland Township, Butler County, PA. PAWC submitted proofs of publication and service to the appropriate entities. No protests were filed and no hearings were held.  <b>RECOMMENDATION:</b>  That the Commission adopt the proposed Order.

<b>2559802-TUS</b>	<b>A-2016-2559802</b>	ASTRAL ENERGY LLC
<b>Vote 5-0.</b>		<p>- Application filed on 8/4/16, for approval to offer, render, furnish, or supply natural gas services as a supplier to residential and small commercial customers in the natural gas distribution company service territories of UGI Utilities, PECO, NFGD Corp., Peoples Natural Gas, Peoples TWP, and Peoples Natural Gas - Equitable Division, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>2561884-TUS</b>	<b>A-2016-2561884</b>	FREEDOM LOGISTICS LLC
<b>Vote 5-0.</b>		<p>- Application filed on 8/17/16, 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 all of the electric distribution company service territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>2562463-TUS</b>	<b>A-2016-2562463</b>	FREEDOM LOGISTICS LLC
<b>Vote 5-0.</b>		<p>- Application filed on 8/19/16, for approval to offer, render, furnish, or supply natural gas services as a broker/marketer to large commercial, industrial and governmental 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>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>2565723-TUS</b>	<b>A-2016-2565723</b>	TENASKA POWER MANAGEMENT LLC
<b>Vote 5-0.</b>		<p>- Application filed on 9/9/16, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to large commercial, industrial, and governmental customers in all of the electric distribution company service territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

<b>2568296-TUS</b> <b>Vote 5-0.</b>	<b>A-2016-2568296</b>	ASPIRITY ENERGY LLC - Application filed on 9/14/16, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2571719-TUS</b> <b>Vote 5-0.</b>	<b>R-2016-2571719</b>	UGI UTILITIES INC - ELECTRIC DIVISION - Supplement No. 167 to Tariff Electric-Pa. PUC No. 5 filed on 10/13/16, to be effective 12/12/16, proposing to create a combined account and bill for customers who receive service from both UGI and UGI Penn Natural Gas, Inc. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2571723-TUS</b> <b>Vote 5-0.</b>	<b>R-2016-2571723</b>	UGI PENN NATURAL GAS INC - Supplement No. 62 to Tariff PNG Gas-Pa. PUC No. 8 filed on 10/13/16, to be effective 12/12/16, proposing to create a combined account and bill for customers who receive service from both UGI PNG and UGI Utilities, Inc. - Electric Division. RECOMMENDATION: That the Commission adopt the proposed Order.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1151742-LAW</b> <b>Vote 5-0.</b>	<b>M-00001337</b>	<b>PA UNIVERSAL SERVICE FUND</b> - On 9/30/16, Solix, Inc., the Administrator for the Pennsylvania Universal Service Fund (PaUSF), filed its Administrator's Report with recommendations about the PaUSF's fund size for calendar year 2017. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>2560129-LAW</b> <b>Vote 5-0.</b>	<b>P-2016-2560129</b>	<b>NEUSTAR INC</b> - On 8/5/16, the North American Numbering Plan Administrator (NANPA), on behalf of the telecommunications industry, filed a petition requesting approval of its plan to alleviate numbering exhaust for the 215/267 Numbering Plan Area (NPA). <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order
<b>2571979-LAW</b> <b>Vote 5-0.</b>	<b>P-2016-2571979</b>	<b>BUDGET PREPAY INC</b> - A petition for waiver of the re-certification requirements set forth in the Commission's 6/12/12 Order designating Budget Prepay as an Eligible Telecommunications Carrier was filed on 10/12/16. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.
<b>2572934-LAW</b> <b>Vote 5-0.</b>	<b>P-2016-2572934</b>	<b>RESPOND POWER LLC</b> - On 10/26/16, Respond Power LLC filed for Ex Parte Emergency Relief from the Penelec and West Penn purchase of receivables Clawback Charge Pilot Program approved by the PUC on 5/19/16 as a part of the Default Service Programs of those EDCs. On 10/27/16, Vice Chairman Andrew G. Place granted the requested relief, provided for an abbreviated answer period, referred the matter to the OALJ, and directed that the Emergency Order be considered by the full Commission at the 11/9/16 Public Meeting. Penelec and West Penn timely answered the Respond Petition on 11/1/2016. <b>RECOMMENDATION:</b> That the Commission adopt the Ratification 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>2506941-ALJ</b> (PP from 10/27/2016) <b>Motion by Commissioner Sweet.</b> <b>Statement by Vice Chairman Place.</b> <b>Vote 4-1 with Vice Chairman Place</b> <b>Dissenting.</b>	<b>C-2015-2506941</b>	<b>JOHN J ROUNCE VS PECO ENERGY COMPANY</b>  - Complaint filed 9/30/15, alleging that a reliability, safety or quality problem with electricity service. Complainant avers that in his 30 years as a PECO customer, he has experienced problems with numerous outages, surges, spikes and brownouts which have persisted despite his complaints to PECO. On 10/26/15, Respondent filed an answer denying the material allegations of the Complaint. A hearing was held on 2/1/16.  COMMISSION REVIEW:  That the Commission adopt ALJ Vero's Initial Decision denying the Complaint.
<b>2538660-ALJ</b>  <b>Vote 5-0.</b>	<b>R-2016-2538660</b> <b>C-2016-2540738</b> <b>C-2016-2548235</b> <b>C-2016-2548262</b> <b>C-2016-2549382</b> <b>C-2016-2549995</b> <b>C-2016-2556961</b>	<b>COMMUNITY UTILITIES OF PENNSYLVANIA INC – WATER DIVISION</b>  - Supplement No. 1 to Tariff Water - Pa. P.U.C. No. 1 filed on 4/6/16, to become effective 6/5/16, containing proposed changes in rates, rules, and regulations calculated to produce \$427,817 (39.96%) in additional annual revenues from customers based on a historic test year ending 12/31/15, and a future test year ending 12/31/16. By Order entered 5/5/16, and pursuant to 66 Pa. C.S. § 1308(d), Supplement No. 1 to Tariff Water - Pa. P.U.C. No. 1 was suspended by operation of law until 1/5/17, unless permitted by Commission Order to become effective at an earlier date. On 9/13/16, a Joint Petition for Full Settlement of Rate Proceeding was filed and served.  COMMISSION REVIEW:  That the Commission adopt ALJ Vero's Recommended Decision approving the Settlement.
<b>2542918-ALJ</b>  <b>Oral Statement by Commissioner Powelson.</b> <b>Vote 5-0.</b>	<b>R-2016-2542918</b> <b>C-2016-2545824</b> <b>C-2016-2547600</b> <b>R-2016-2542923</b> <b>C-2016-2545706</b> <b>C-2016-2547595</b>	<b>PEOPLES NATURAL GAS COMPANY LLC AND PEOPLES NATURAL GAS COMPANY LLC – EQUITABLE DIVISION</b>  - On 4/29/16, Peoples Division filed Supplement No. 69 to Tariff Gas – Pa. P.U.C. No. 45 and Peoples-Equitable Division filed Supplement No. 38 to Tariff Gas – Pa. P.U.C. No. 46. The company, on behalf of both Divisions, proposed to replace its Service Expansion Program with Rate MLX. A hearing was held on 9/7/16. On 9/20/16, a Joint Petition for Settlement of All Issues was filed.  COMMISSION REVIEW:  That the Commission adopt ALJ Watson's Recommended Decision adopting the Settlement without modification.

2543523-ALJ

P-2016-2543523

G-2016-2543527

**Statement by Chairman Brown.**

**Oral Statement by Commissioner  
Powelson.**

**Oral Statement by Commissioner  
Sweet.**

**Vote 3-2 with Chairman Brown and  
Commissioner Sweet Dissenting.**

UGI UTILITIES INC - ELECTRIC DIVISION

- Petition filed on 4/22/16, for approval of the company's third Default Service Plan to establish the terms and conditions under which it will acquire and supply default service during the period from 6/1/17 through 5/31/21, and for certain approvals related to potential affiliated interest transactions associated with the DSP III. A Joint Petition for Settlement was filed on 9/1/16.

COMMISSION REVIEW:

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

November 9, 2016

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2537163-TUS  <b>Vote 5-0.</b>	A-2016-2537163	AQUA PENNSYLVANIA WASTEWATER INC - Application filed on 3/28/16, for approval of (1) the acquisition by Aqua of the wastewater system assets of the Emlenton Area Municipal Authority and; (2) the right of Aqua to begin to offer, render, furnish and supply wastewater service to the public in Emlenton Borough and a portion of Richland Township, Venango County, and portions of Richland and Salem Townships, Clarion County, PA. Aqua submitted proofs of publication and service to the appropriate entities. No protests were filed and no hearings were held.  RECOMMENDATION: That the Commission adopt the proposed Order.
2558553-TUS  <b>Vote 5-0.</b>	A-2016-2558553	FAIR VIEW ENERGY INC - Application filed on 7/25/16, 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. The application was protested by a licensed EGS, Front Line Power Solutions LLC, which later withdrew its protest on 9/26/16.  RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2566383-LAW  <b>Vote 5-0.</b>	M-2016-2566383	FCC LIFELINE BROADBAND ORDER: CARRIER AND CONSUMER AWARENESS - By this Final Order, the Commission adopts the FCC's streamlined eligibility criteria for Lifeline participants and gives guidance on subscriber self-certification.  RECOMMENDATION: That the Commission adopt the proposed Order