

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, JANUARY 26, 2017 (DS)
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
Robert F. Powelson	Andrew G. Place	Gladys M. Brown	John F. Coleman, Jr.	David W. Sweet

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

The Next Public Meeting is Tentatively Scheduled for Thursday, February 9, 2017 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 22, 2016 (RP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 9, 2017, 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, JANUARY 25, 2017, 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.

**MOTIONS AND STATEMENTS OF THE CHAIRMAN
AND COMMISSIONERS WILL BE AVAILABLE
ON THE COMMISSION'S WEBSITE AT
WWW.PUC.PA.GOV AFTER PUBLIC MEETING.**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

January 26, 2017

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2537443-AUD	D-2016-2537443	CITIZENS ELECTRIC COMPANY. OF LEWISBURG,
	D-2016-2537444	WELLSBORO ELECTRIC COMPANY, AND VALLEY
	D-2016-2537445	ENERGY INC
Vote 5-0.		- Management Efficiency Investigation (MEI) Evaluating the Implementation of Recommendations from the 2014 Focused Management and Operations Audit. C&T Companies have effectively or substantially implemented 13 of the 18 prior recommendations reviewed and submitted an Implementation Plan, dated 1/10/17, indicating acceptance of all 5 of the follow-up recommendations.
		RECOMMENDATION: That the Commission make the MEI report and the C&T Companies' Implementation Plan public.

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2542415-BCS	M-2016-2542415	PHILADELPHIA GAS WORKS
<u>Statement by Vice Chairman Place.</u>		- On 8/11/2016, Philadelphia Gas Works filed its Universal Service and Energy Conservation Plan for 2017-2020 and filed a final amended Plan on 10/31/2016 in accordance with the Commission's regulations at 52 Pa. Code §§ 62.1-62.8.
<u>Statement by Commissioner Sweet.</u>		RECOMMENDATION:
Vote 5-0.		That the Commission adopt the proposed Tentative Order, which addresses Philadelphia Gas Works' Proposed 2017-2020 Plan.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2469625-OSA	C-2015-2469625	PUC - INVESTIGATION AND ENFORCEMENT VS NORLIN WAREHOUSING SERVICES INC
Vote 5-0.		<p>- On 3/9/15, I&E filed a Complaint alleging that Norlin failed to maintain evidence of insurance on file with the Commission. I&E, inter alia, requested a civil penalty of \$500 for the alleged violations. Norlin did not file an Answer to the Complaint. By a Secretarial Letter issued on 3/25/16, the Commission found that the allegations in the Complaint were deemed admitted, and a \$500 civil penalty was assessed against Norlin for failure to maintain evidence of insurance on file with the Commission. On 4/14/16, Norlin filed a Petition for Reconsideration of Staff Action in response to the 3/25/16 Secretarial Letter.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that grants the petition, in part, and denies it, in part.</p>
2489318-OSA	A-2015-2489318	PERSONAL CARE TRANSPORT LLC
Vote 5-0.		<p>- Application filed on 6/19/15, for paratransit service. Notice of the Application was published in the Pa. Bulletin on 9/26/15. Keystone Cab Service, Inc., EZ Taxi, LLC, Good Cab, LLC, and United Cab, LLC (Protestants) filed protests. A hearing was held on 1/29/16. By Initial Decision issued on 7/1/16, ALJ Cheskis recommended that the Application be granted, in part. The Protestants filed Exceptions on 7/21/16. The Applicant filed Replies to Exceptions 7/29/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which adopts the Initial Decision.</p>
2510119-OSA	C-2015-2510119	SILVER VALLEY APARTMENTS VS PPL ELECTRIC UTILITIES CORPORATION
<u>Statement by Commissioner Sweet.</u> Vote 5-0.		<p>- Formal Complaint filed on 10/22/15, alleging that PPL threatened service termination, changed his utility account number, and failed and refused to provide bills with an account he alleged was associated with his service address. The matter was thereafter assigned to ALJ Jandebour. Evidentiary proceedings were conducted 2/11/16. An Initial Decision of ALJ Jandebour was issued 4/1/16 which recommended dismissing the Complaint for failure of Complainant to meet his burden of proof. Exceptions to the Initial Decision were filed by Complainant on 4/20/16. PPL filed Replies to Exceptions on 5/2/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which grants the Exceptions of Complainant in part, and reverses the Initial Decision, consistent with the discussion.</p>

2515642-OSA M-2015-2515642

Joint Statement by Chairman Brown and Commissioner Sweet.
Statement by Commissioner Sweet.
Vote 5-0.

PPL ELECTRIC UTILITIES CORPORATION

- Petition filed on 9/21/16, for Approval of a Minor Change to its Phase III Plan. Comments to the Minor Change Petition were filed by the PP&L Industrial Customer Alliance (PPLICA) on 10/5/16, and by the OSBA and the Sustainable Energy Fund on 10/6/16. Reply Comments were filed by PPL on 10/17/16. On 11/4/16, the Commission issued a Secretarial Letter through which the Commission's Bureau of Technical Utility Services granted PPL's Minor Change Petition and approved the minor change proposed therein, as modified by PPL in its Reply Comments. On 11/14/16, PPLICA filed a "Petition for Appeal of Staff Action" seeking review of the determination set forth in the 11/4/16 Secretarial Letter.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2526627-OSA P-2016-2526627

Statement by Vice Chairman Place.
Statement by Commissioner Powelson.
Statement by Commissioner Sweet.
Vote 3-2 with Vice Chairman Place and Commissioner Powelson Dissenting.

PPL ELECTRIC UTILITIES CORPORATION

- Petition filed on 1/29/16, seeking approval of its Default Service Plan IV effective 6/1/17. On 7/19/16, the settling parties filed a Joint Petition for Approval of Partial Settlement. On 8/17/16, the Commission issued ALJ Colwell's Initial Decision wherein she recommended, inter alia, approval of the Partial Settlement. On 9/06/16, Exceptions were filed by PPL, the Retail Energy Supply Association (RESA) and PPL Industrial Customer Alliance (PPLICA). Replies to Exceptions were filed by PPL, the Commission's Bureau of Investigation and Enforcement, the OCA and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) on 9/16/16. On 10/27/16, the Commission entered an Order approving the Partial Settlement, granting the Exceptions of PPL and PPLICA and denying the Exceptions of RESA. On 11/14/16, RESA filed a Petition for Reconsideration of this Order. On 11/28/16, Answers to the Petition were filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2535279-OSA A-2016-2535279
(PP from 01/19/2017)

Joint Statement by Chairman Brown and Commissioner Sweet.
Statement by Chairman Brown.
Oral Statement by Commissioner Coleman.
Vote 5-0.

XO HOLDINGS AND VERIZON COMMUNICATIONS INC

- Joint Application filed on 3/18/16, seeking Commission approval of the transfer of control of XO from XO Holdings to Verizon. On 4/25/16, Core Communications and the OSBA each filed a Petition to Intervene and Protest. On 5/16/16, the Joint Applicants filed an Answer to each Petition to Intervene and Protest. On 7/27/16, a hearing was held in this matter. On 8/12/16, Windstream Services filed an amicus curiae main brief. On 11/8/16, the Commission issued the Initial Decision of Deputy Chief ALJ Hoyer in which he recommended approval of the Joint Application without conditions. On 11/28/16, Core and the OSBA each filed Exceptions. On 11/29/16, the Joint Applicants filed Reply Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2545877-OSA C-2016-2545877
Vote 5-0.

PUC - INVESTIGATION AND ENFORCEMENT VS LDC TELECOMMUNICATIONS INC

- On 5/17/16, I&E filed a Complaint alleging that Respondent failed to file an assessment report for the 2014 calendar year and failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$1,013 (consisting of the outstanding assessment balance of \$11 and a civil penalty of \$1,002) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 7/12/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the assessment and civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment and civil penalty is not paid. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.

2550687-OSA

C-2016-2550687

PUC - INVESTIGATION AND ENFORCEMENT VS TELE
CIRCUIT NETWORK CORPORATION

Vote 5-0.

- On 6/10/16, I&E filed the above-captioned Complaint, alleging that Respondent violated the Commission's Timeframe Order by failing to provide evidence that it is serving customers in PA either by requesting an extension of time to meet the timeframe requirements set forth in the Timeframe Order or by filing an application with the Commission for abandonment of its Certificate of Public Convenience. I&E requested that the Respondent be ordered to pay a civil penalty of \$500 and that the Respondent's Certificate be revoked if it failed to provide evidence that it is serving customers in PA. The Respondent did not file an Answer to the Complaint. On 7/13/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2449860-TUS	A-2014-2449860	YORK WATER COMPANY - Application for approval, nunc pro tunc, of York Water's acquisition of the Forest Lakes Water Association's water distribution system assets in Shrewsbury Township, York County, PA. On 10/7/14, York Water filed a letter with the Secretary's Bureau notifying the Commission that York Water acquired the Forest Lakes Water Association's water distribution facilities. On 11/24/16, the OCA filed a protest stating that an application was not filed pursuant to Section 1102 of the Public Utility Code, 66 Pa. C.S. § 1102. York Water provided responses to OCA data requests. OCA filed a letter with Secretary's Bureau on 12/11/14, advising that the concerns raised in its protest were satisfied. York Water submitted proof of publication. No further protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
2490383-TUS	M-2015-2490383	ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS - EGS license cancellations of companies with an expired financial security. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
Vote 5-0.		
2519862-TUS	A-2015-2519862	PENNDOT - Application for approval to alter the public crossing (DOT 832 159 S) by replacement of the existing bridge where State Route 2006 (Coleman Road) crosses, above grade, the track of CSX Transportation, Inc., located in Straban Township, Adams County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
Vote 5-0.		

2544173-TUS	A-2016-2544173	PENNDOT
Vote 5-0.		<p>- Application for approval to replace the existing overhead bridge where State Route 2047 (Hulmeville Avenue) crosses over the three tracks owned by CSX Transportation, Inc., DOT No. 589 956 P in Middletown Township, Bucks 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>
2565716-TUS	A-2016-2565716	AVIDXCHANGE INC
Vote 5-0.		<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 broker/marketer to large commercial and industrial 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>
2571165-TUS	A-2016-2571165	PPL ELECTRIC UTILITIES CORPORATION
Vote 5-0.		<p>- Letter of Notification filed on 10/12/16, for approval to reconductor approximately 1.12 miles of the Manor-Graceton 230 kV Transmission Line in Lancaster and York Counties, PA. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2574348-TUS	A-2016-2574348	VERVANTIS INC
Vote 5-0.		<p>- Application filed on 11/4/16, 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 of the electric distribution company service territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

2575063-TUS	A-2016-2575063	<p>FREEPOINT ENERGY SOLUTIONS LLC</p> <p>- Application filed on 10/27/16, 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 the electric distribution company service territories of Duquesne, Met-Ed, PECO, Penelec, Penn Power, PPL and West Penn Power in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
2575177-TUS	A-2016-2575177	<p>NATIONAL UTILITIES REFUND LLC D/B/A NATIONAL ENERGY</p> <p>- Application filed on 11/10/16, 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>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
2578011-TUS	A-2016-2578011	<p>WEST PENN POWER COMPANY</p> <p>- Letter of Notification filed on 11/22/16, for approval of the Hatfield-Yukon 500 kV Transmission Line Loop to Rhodes Lane Substation Project in South Huntingdon Township, Westmoreland County, PA. 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.		
2578368-TUS	A-2016-2578368	<p>METROPOLITAN EDISON COMPANY</p> <p>- Letter of Notification filed on 12/1/16, for approval of the rebuild of the existing Hunterstown-North Hanover 115 kV Transmission Line in Straban Township, Adams County. 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.		

2578887-TUS	A-2016-2578887	SUSQUEHANNA ENERGY ADVISORS INC
Vote 5-0.		<p>- Application filed on 12/8/16, 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, 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>
2579236-TUS	A-2016-2579236	TRIANGLEENERGY LLC D/B/A BID ENERGY GROUP
Vote 5-0.		<p>- Application filed on 12/9/16, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial, and large commercial customers in all of the electric distribution company service territories within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2580821-TUS	A-2016-2580821	RASIER-PA LLC
<p><u>Statement by Commissioner Powelson.</u> Vote 5-0.</p>		<p>- Application filed on 12/21/16, for licensure as a Transportation Network Company (TNC) filed in compliance with the Commission's 12/8/16 Implementation Order for Act 14 of 2016 at L-2016-2574379. Rasier has operated as a certificated carrier of persons in experimental service since 8/21/14, when the Commission granted Emergency Temporary Authority to provide TNC Service. On 1/29/15, Rasier was issued a certificate of public convenience to provide TNC service under the Commission's experimental regulations. Pursuant to those regulations, Rasier's experimental authority to provide TNC service will expire on 1/29/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the Order approving the application.</p>
2583651-TUS	M-2017-2583651	QUARTERLY EARNINGS OF PENNSYLVANIA UTILITIES
<p><u>Statement by Vice Chairman Place.</u> Oral Statement by Commissioner Powelson. Vote 4-1 with Vice Chairman Place Dissenting.</p>		<p>- Bureau of Technical Utility Services report to the Commission regarding quarterly earnings of Pennsylvania utilities for the quarter ended 9/30/16. Staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for Pennsylvania non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups.</p> <p>RECOMMENDATION:</p> <p>That the Commission make the earnings report public.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

January 26, 2017

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2530631-OSA	A-2016-2530631	NORFOLK SOUTHERN RAILWAY COMPANY AND BOROUGH OF GIRARD

Vote 5-0.

- Joint Application filed on 2/24/16, for Commission approval to reconstruct the Lake Street Bridge in the Borough of Girard, Erie County. The Commission approved the Joint Application by Secretarial Letter dated 7/29/16. On 10/7/16, Norfolk Southern filed a Petition to Amend the Secretarial Letter. Girard filed an Answer and New Matter opposing the Petition on 10/26/16. On 11/7/16, the Norfolk Southern filed a Reply to the New Matter.

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>
1184240-TUS	M-00031715F0005	WEST PENN POWER COMPANY

Vote 5-0.

- On 6/2/00, the Commission approved the by-laws for the West Penn Sustainable Energy Fund. On 5/10/16, the West Penn Power Sustainable Energy Fund Board of Directors filed a request for approval to modify its by-laws to reflect current operations, correct grammatical errors, remove language regarding initial formation of the Board of Directors, and modify the mission statement to remove restrictive language allowing wider latitude for program implementation that can benefit West Penn Power ratepayers without a change to the focus of the mission.

RECOMMENDATION:

That the Commission adopt the proposed Order.

AGENDA NO. **DOCKET NO.**
2517831-LAW **M-2016-2517831**

**Postponed until the Public Meeting of
March 2, 2017.**

NAME AND SUBJECT

CERTIFICATION OF DISTRIBUTED ANTENNAE SYSTEM PROVIDERS

- By Order entered 2/23/16, the Commission initiated a formal proceeding to examine the issues surrounding the certification of providers and operators of Distributed Antennae System (DAS) networks as public utilities in PA. Issues that were to be examined included, among other things: (1) whether DAS providers are public utilities under PA law that can be certificated; (2) whether the Commission should or is required to certify these carriers in furtherance of federal law; (3) whether DAS service is an interstate service, intrastate service, or both; and (4) whether a certificate of public convenience is needed to confer property rights to DAS providers to site the facilities/equipment used to provide DAS service, including access to rights-of-way and eminent domain. The Order requested comments and reply comments from interested parties. Lastly, commenters were also welcome to provide any additional input on relevant issues that had not been otherwise specifically raised in the Appendix to the Order. Comments and reply comments were filed.

RECOMMENDATION:

That the Commission adopt the proposed Order.