

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MARCH 2, 2017 (RP)
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, March 16, 2017 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 26, 2017 (DS)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 16, 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.

**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

March 02, 2017

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2497267-OSA	P-2015-2497267	DUQUESNE LIGHT COMPANY
<u>Statement by Chairman Brown.</u> <u>Statement by Vice Chairman Place.</u> <u>Statement by Commissioner Powelson.</u> <u>Statement by Commissioner Sweet.</u> <u>Vote 5-0.</u>		<p>- Petition filed on 8/4/15, seeking approval to modify its Smart Meter Procurement and Installation Plan. Evidentiary hearings were held on 2/18/16, and 6/30/16. On 7/20/16, Main Briefs were submitted by Duquesne, the OCA and Citizen Power, Inc. These same parties filed Reply Briefs on 7/27/16. On 11/8/16, the Commission issued ALJ Dunderdale's Initial Decision which denied the petition, in part, and granted the petition, in part. On 11/28/16, Duquesne and the OCA filed Exceptions. On 12/8/16, Duquesne and the OCA filed Replies to Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission conduct a BINDING Poll of the issues to address the Exceptions and Replies to Exceptions filed by the parties in response to the ALJ's Initial Decision.</p>

BUREAU OF AUDITS

AGENDA NO.

2541312-AUD

DOCKET NO.

D-2016-2541312

NAME AND SUBJECT

COLUMBIA GAS OF PENNSYLVANIA INC

- Universal Service Program statement of over/(under) collections for the 12 months ended 12/31/15, 12/31/14 & 12/31/13.

RECOMMENDATION:

That the Commission release the Audit Report to the public

Vote 5-0.

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2534323-BCS (PP from 02/09/2017) <u>Joint Motion by Vice Chairman Place and Commissioner Sweet.</u> Vote 5-0.	M-2016-2534323	DUQUESNE LIGHT COMPANY - On 3/16/16, Duquesne Light Company filed its Universal Service and Energy Conservation Plan (USECP) for 2017-2019 in accordance with the Commission's regulations at 52 Pa. Code §§ 54.71- 54.78. On 8/11/16, the Commission issued a Tentative Order requesting additional information and calling for comments. On 10/31/16, Duquesne filed an amended 2017-2019 USECP. All comments and reply comments have been filed. RECOMMENDATION: That the Commission adopt the proposed Final Order, which addresses the Duquesne Light Company's Proposed Amended 2017-2019 USECP.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1119152-OSA	I-00970069	READING BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY - By Order entered 5/24/99, the Commission ordered Fairview Township, Luzerne County, to prepare plans for the demolition of the existing bridge, and the construction of a new bridge, carrying Mary Street over the tracks of the Reading, Blue Mountain and Northern Railroad Company in the Township. The Township was granted various extensions, and plans for the project were approved on 6/14/07. The Township was subsequently granted additional extensions for completing the construction work. By Order entered 8/21/14, the Commission approved a Settlement that provided for the demolition of the existing bridge and the abandonment of the crossing. The Township was to complete the required work by 12/31/16. On 1/10/17, the Township filed a Motion for Extension of Time (Motion) to complete the demolition work. On 2/2/17, Pennsylvania-American Water Company filed correspondence indicating it had no objection to the Motion. No other documents were filed in response to the Motion. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants the Motion and extends the deadline until 12/31/18.
2400485-OSA	C-2014-2400485	PUC - INVESTIGATION AND ENFORCEMENT VS PINE ROE NATURAL GAS CO INC - Complaint filed on 1/10/14, alleging violations of gas safety regulations and annual assessment report filing requirements. I&E proposed that a civil penalty in the amount of \$40,500 be imposed on the Respondent. On 3/4/14, the Respondent filed an Answer to the Complaint. On 3/4/16, I&E filed an Amended Complaint, alleging additional violations relating to gas safety regulations and annual assessment requirements. In the Amended Complaint, I&E increased its proposed civil penalty to \$318,055 and also sought payment of the Respondent's outstanding assessment for the 7/1/14 to 6/30/15 fiscal year, in the amount of \$365. Commission records contain no indication that the Respondent filed an Answer to the Amended Complaint. On 5/3/16, I&E filed a Motion for Default Judgment, requesting, inter alia, that the Commission direct the Respondent to pay the civil penalty and outstanding assessment. No Answer to the Motion was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Vote 5-0.

Motion by Commissioner Sweet.
Vote 5-0.

2508207-OSA F-2015-2508207

Motion by Commissioner Coleman.
Statement by Vice Chairman Place.
Vote 5-0.

VERDELL REESE VS PHILADELPHIA GAS WORKS

- Formal Complaint filed on 10/12/15, alleging that her service was terminated and an inability to pay her gas bill. On 11/03/15, PGW filed an Answer to the Complaint admitting the termination of the Complainant's gas service but denying the allegations within the Complaint. An evidentiary hearing was held on 1/28/16, but the Complainant did not appear. On 1/28/16, the Commission issued ALJ Heep's Initial Decision which dismissed the Complaint with prejudice for failure to prosecute. On 2/19/16, the Commission issued a Secretarial Letter granting the parties a new period for filing Exceptions and Replies as the Initial Decision was returned as undeliverable. A Final Order was entered on 3/22/16, dismissing the Complaint with prejudice. On 3/23/16, the Complainant filed Exceptions. Replies to Exceptions were filed by PGW on 4/05/16. Due to a procedural issue, the Complainant's Exceptions are being considered as a Petition for Reconsideration.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2521323-OSA F-2015-2521323

Vote 5-0.

TYISE Y BALLARD VS PPL ELECTRIC UTILITIES CORPORATION

- Formal Complaint filed on 12/29/15, alleging that there were incorrect charges on her bill because PPL was billing her at the wrong address. On 1/19/16, PPL filed an Answer to the Complaint denying the material allegations within the Complaint. An evidentiary hearing was held on 2/19/16. On 5/13/16, the Commission issued ALJ Barnes' Initial Decision which dismissed the Complaint, in part, and granted the Complaint, in part, and assessed a civil penalty on PPL in the amount of \$250. On 5/31/16, the Complainant filed Exceptions. On 6/9/16, PPL filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

**2567976-OSA P-2016-2567976
et al.**

Vote 5-0.

ROSS E SCHELL VS PPL ELECTRIC UTILITIES CORPORATION AND SUEZ WATER PENNSYLVANIA INC

- The Commission's Secretary issued Secretarial Letters on 8/9/16, 8/15/16, and 8/16/16 relating to various proceedings in which Ross E. Schell filed Formal Complaints against PPL and Suez. On 9/23/16, the Complainant filed a Petition for Rescission or Amendment pertaining to the Secretarial Letters. No response to the petition has been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which denies the Petition for Rescission or Amendment.

2580061-OSA A-2016-2580061

AQUA PENNSYLVANIA WASTEWATER INC

Vote 5-0.

- On 12/15/16, Aqua filed an application for a certificate of public convenience to acquire the wastewater system and related assets of the Township and the Authority. The Bureau of Investigation and Enforcement (I&E) and the OCA filed protests. On 1/17/17, I&E filed a Motion to Bifurcate the proceedings. On 1/27/17, ALJ Haas issued an Order denying the Motion. I&E filed a Petition for Interlocutory Review on 1/30/17. On 2/6/17, I&E and OCA filed briefs in support of the petition; and Aqua, the Township and Authority filed briefs in opposition. On 2/6/17, Pennsylvania-American Water Co. filed a brief as an amicus party in opposition. The Commission engaged in a notational voting process of the Order and Opinion. On 2/15/17 the Commission entered the Opinion and Order which answered the first material question, as restated, in the affirmative, declined to issue a stay, and declined to answer the second material question.

RECOMMENDATION:

That, consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of the public meeting.

2580806-OSA A-2016-2580806

**COMMONWEALTH TELEPHONE COMPANY LLC D/B/A
FRONTIER COMMUNICATIONS AND US LEC OF
PENNSYLVANIA**

**Statement by Chairman
Brown.**

**Vote 4-0 with Chairman Brown
Recusing.**

- Joint Petition filed on 12/21/16, requesting approval of an Interconnection Agreement pursuant to Section 252 (i) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 1/7/17. No comments or protests were received.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

2583613-OSA A-2017-2583613

VERIZON NORTH LLC AND NEP TELCOM INC

Vote 5-0.

- Joint Petition filed on 1/10/17, requesting approval of an Interconnection Agreement pursuant to Section 252 (i) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 1/28/17. No comments or protests were received.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

2583737-OSA A-2017-2583737

VERIZON PENNSYLVANIA LLC AND NEP TELCOM INC

Vote 5-0.

- Joint Petition filed on 1/10/17, requesting approval of an Interconnection Agreement pursuant to Section 252 (i) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 1/28/17. No comments or protests were received.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2583981-TUS Vote 5-0.	A-2017-2583981	BT COMMUNICATIONS SALES LLC - Application filed 1/5/17, seeking Commission approval for the discontinuance and abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Reseller services to the public within PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
2584493-TUS Vote 5-0.	R-2017-2584493	CITIZENS TELEPHONE COMPANY OF KECKSBURG - 2017 Price Stability Index/Service Price Index report filed on 2/1/17. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed order that approves this filing.
2585502-TUS Vote 5-0.	A-2017-2585502	MID-ATLANTIC INTERSTATE TRANSMISSION LLC - Letter of Notification filed on 2/8/17, for approval of the construction of the Hunterstown 115 kV Transmission Lead Line in Straban Township, Adams County. The original Letter of Notification was filed on 1/18/17, by Metropolitan Edison Company. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO. **DOCKET NO.**
2517831-LAW **M-2016-2517831**
(PP from 01/26/2017)

Motion by Commissioner
Powelson.
Statement by Chairman Brown.
Statement by Vice Chairman
Place.
Statement by Commissioner
Coleman.
Vote 3-2 with Chairman Brown
and Vice Chairman Place
Dissenting.

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 certificate 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.

2518883-LAW **M-2015-2518883**

Statement by Vice Chairman
Place.
Statement by Commissioner
Powelson.
Statement by Commissioner
Sweet.
Vote 5-0.

ALTERNATIVE RATEMAKING METHODOLOGIES

- On 3/3/16, the Commission held an en banc hearing to seek information on the efficacy and appropriateness of alternative ratemaking methodologies for public utilities. A number of invited experts testified before the Commission, giving views on whether alternative rate designs encourage energy utilities to better implement energy efficiency and conservation programs, are just and reasonable, are in the public interest and cost effective. The Commission continues the investigation into alternative rate designs.

RECOMMENDATION:

That the Commission adopt the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2541771-ALJ	C-2016-2541771	ELEASE SLAUGHTER VS PHILADELPHIA GAS WORKS - Complaint filed 4/18/16, alleging threat of service termination, incorrect charges on utility bill dating back to 2007 and requesting removal of the charges and reinstatement in PGW's Customer Assistance Program. On 5/16/16, PGW filed an Answer and New Matter, Preliminary Objections and Motion for Summary Judgment. On 7/20/16, an Interim Order was issued granting the Preliminary Objection as to charges accruing more than 3 years before the filing of the Complaint and denied Summary Judgment because there were genuine issues of fact as to allegations relevant to current service address. A hearing was held on 9/9/16. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Initial Decision dismissing the Complaint.
2577404-ALJ	P-2016-2577404	THE YORK WATER COMPANY - Petition for limited waivers of Tariff 3.4 filed 1/23/17, seeking permission to replace customer-owned lead service lines at its cost without retaining ownership over the new lines at the same time it planned to replace 1660 company-owned lead service lines. The company avers that partial lead-line replacement is less effective at removing lead from drinking water than total line replacement; therefore, the waivers are in the public interest. Notices of Intervention and Answers were filed by OCA and the Bureau of Investigation and Enforcement. A Joint Petition for Settlement and Request for Certification as well as a Joint Stipulation of Facts were filed. A Secretarial Letter was issued denying the request for certification of the record without a recommended decision issued as expeditiously as possible by the OALJ. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Recommended Decision approving the settlement with modifications.

Motion by Commissioner Coleman.
Vote 5-0.

Motion by Chairman Brown.
Statement by Commissioner Powelson.
Vote 5-0.

COMMISSIONERS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2587711-CMR		ENERGY AFFORDABILITY FOR LOW INCOME CUSTOMERS
(PP from 02/09/2017)		- JOINT MOTION OF VICE CHAIRMAN ANDREW G. PLACE AND COMMISSIONER DAVID W. SWEET
Postponed until the Public Meeting of March 16, 2017.		

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

March 02, 2017

LAW BUREAU

AGENDA NO.

2476574-LAW

Vote 5-0.

DOCKET NO.

A-2015-2476574

NAME AND SUBJECT

PENNSYLVANIA AMERICAN WATER COMPANY

- PAWC has acquired customers within the Aqua PA service territory in an area where the two franchises abut in Montgomery County. PAWC seeks authority, nunc pro tunc, to serve these customers. The Commission conditionally denied the petition by order entered 2/10/17. PAWC filed for reconsideration on 2/27/17.

RECOMMENDATION:

That the Commission adopt the proposed Order.