

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MAY 4, 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, May 18, 2017 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 6, 2017 (DS)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 18, 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, MAY 3, 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

May 04, 2017

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2559577-AUD	D-2016-2559577	NEWTOWN ARTESIAN WATER COMPANY - Focused Management and Operations Audit. Newtown submitted an Implementation Plan dated 3/24/17, indicating acceptance of 17 recommendations and rejection of one recommendation. RECOMMENDATION: That the Commission make the Audit Report and Implementation Plan public.

Vote 5-0

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2241780-OSA	P-2011-2241780 C-2011-2237486	<p>A EDWARD SCHWARTZ VS DELAWARE AND HUDSON RAILWAY COMPANY INC D/B/A CANADIAN PACIFIC RAILROAD AND PENNDOT</p> <p>- Formal Complaint filed on 4/15/11, concerning safety issues related to the condition of a bridge carrying S.R. 4009 over the Canadian Pacific line. On 8/3/12, the Commission issued an Order adopting ALJ Salapa's Recommended Decision and also remanded certain matters for further proceedings. By Order entered 12/5/13, the Commission adopted the ALJ's Recommended Decision on Remand. On 12/22/14, Canadian Pacific's demolition plan was approved, and the bridge was to be demolished by 12/22/15. On 12/21/15, the Railroad filed a Petition for Extension of Time until 4/30/16 to complete the demolition, which was granted by Order entered 3/17/16. By Secretarial Letter issued 7/20/16, the Commission stated that a final inspection revealed all work associated with demolition of the bridge had been satisfactorily completed and that the record in this proceeding should be closed. On 8/1/16, the Petitioner filed a Petition for Reconsideration of Staff Action. No response to the Petition has been filed.</p> <p>Vote 5-0</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.</p>
2277868-OSA	P-2011-2277868 I-2012-2320323	<p>GENERIC INVESTIGATION REGARDING GAS-ON-GAS COMPETITION BETWEEN JURISDICTIONAL NATURAL GAS DISTRIBUTION COMPANIES</p> <p>- Joint Petition filed on 12/8/11, requesting that the Commission institute an investigation or rulemaking proceeding to address distribution base rate discounting among natural gas distribution companies with overlapping service territories. On 7/25/12, the Commission issued a Secretarial Letter directing the OALJ to initiate a generic proceeding. Following a formal proceeding, the Commission issued the Recommended Decision of ALJ Barnes on 6/24/14. On 7/14/14, Exceptions to the Recommended Decision were filed by Columbia Gas, Industrial Energy Consumers of PA (IECPA), the OSBA, the Pennsylvania State University (PSU) and Peoples/Peoples TWP. On 7/24/14, Reply Exceptions were filed by I&E, IECPA, NFGD, the OCA, the OSBA, Peoples/Peoples TWP and PSU.</p> <p>Vote 5-0</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.</p>

2432979-OSA C-2014-2432979

**Commissioner Sweet
Conflict Statement**

Vote 5-0

ENRICO PARTNERS VS BLUE PILOT ENERGY LLC

- Formal Complaint filed on 7/18/14, alleging overbilling of electric generation charges. Blue Pilot filed an Answer to the Complaint on 8/8/14. ALJ Cheskis held an initial telephonic hearing on 10/6/14. By Initial Decision issued on 3/13/15, the ALJ sustained the Complaint, in part, concluding that Blue Pilot charged a higher rate per kilowatt hour than the amount agreed upon. The ALJ found that the disclosure statement violated the Commission's Regulations by failing to use plain language and imposed a civil penalty. Also, the ALJ directed Blue Pilot to issue a refund for the amount of the overbilling. Blue Pilot filed Exceptions on 4/2/15; the Complainant filed Replies to Exceptions on 4/13/15.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2469655-OSA C-2015-2469655
(PP from 04/20/2017)

Vote 3-2

**Joint Motion of Chairman Brown
and Commissioner Coleman**

**Joint Statement of Commissioner
Powelson and Commissioner Sweet**

SUSAN KREIDER VS PECO ENERGY COMPANY

- Formal Complaint filed on 2/5/15, objecting to the installation of a smart meter at her residence. A hearing was held on 3/7/16. In an Initial Decision, issued 9/22/16, ALJs Heep and Pell dismissed the Complaint. Ms. Kreider filed Exceptions on 10/10/16. PECO filed Replies to Exceptions on 10/24/16.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.

2494330-OSA C-2015-2494330

Vote 5-0

PUC - INVESTIGATION AND ENFORCEMENT VS MORGAN COACH AND TOURS LLC

- Complaint filed on 7/23/15, alleging that Respondent failed to file an assessment report for the 2013 calendar year, and it failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$1,914 (consisting of the outstanding assessment balance of \$331 and a civil penalty of \$1,583) 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 12/30/15, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment and the civil penalty are 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 as modified by this Opinion and Order.

2504132-OSA

F-2015-2504132
C-2016-2528457

JAMES MICHAEL MAGUIRE VS PENNSYLVANIA ELECTRIC
COMPANY

Vote 5-0

- Formal Complaints filed on 9/15/15 and 2/10/16, alleging that Complainants should not be responsible for past due electric bills incurred by a former tenant based on Section 1529.1 of the Code concerning foreign load and that Penelec did not provide reasonable service. The matter was assigned to ALJ Long. Evidentiary proceedings were conducted 4/26/16. An Initial Decision of ALJ Long was issued 8/30/16, which recommended dismissal of the Complaint on claims of improper billing, but sustaining the claims of unreasonable service. Exceptions to the Initial Decision were filed by Penelec on 9/19/16. Complainants filed a pleading construed as Replies to Exceptions on 11/12/16. Penelec filed a Motion to Strike the Replies on 11/28/16.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which denies the Exceptions, consistent with the discussion, and grants the Motion to Strike in substantial part.

2512838-OSA C-2015-2512838
(PP from 04/20/2017)

GEORGE MANDEVILLE VS PPL ELECTRIC UTILITIES
CORPORATION

Vote 5-0

Commissioner Sweet Motion

- Formal Complaint filed on 11/9/15, alleging incorrect charges on his bill and that PPL was threatening to shut off his service or had already shut off his service. On 12/2/16, PPL filed an Answer to the Complaint. The Complaint was assigned to the OALJ for hearings. On 7/17/16, the Initial Decision of ALJ Johnson was issued which sustained the Complaint, in part. Exceptions were filed by PPL on 7/21/16.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Exceptions, in part, denies them, in part, and adopts the ALJ's Initial Decision, as modified.

2589757-OSA

A-2017-2589757

VERIZON PENNSYLVANIA LLC AND TENNY JOURNAL
COMMUNICATIONS

Vote 5-0

- Joint Petition filed on 2/17/2017, seeking approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin. No comments were received.

RECOMMENDATION:

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

2591560-OSA

A-2017-2591560

SOUTH CANAAN TELEPHONE COMPANY INC AND LEVEL 3 COMMUNICATIONS LLC

Vote 5-0

- Joint Petition filed on 3/3/17, seeking approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pa. Bulletin on 3/18/17. 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>
2094616-TUS (PP from 04/20/2017) Vote 5-0	R-2009-2094616	TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC - Request filed on 3/31/17, to permit members of its conference to continue assessing a fuel cost recovery surcharge to defray the constant fluctuation in costs of diesel fuel RECOMMENDATION: That the Commission adopt the proposed Order permitting extension of the Fuel Cost Recovery Surcharge for a period of one year, effective 5/8/17.
2291824-TUS Vote 5-0	M-2012-2291824	IMPLEMENTATION OF FEDERAL COMMUNICATIONS COMMISSION ORDER - Order implementing FCC-mandated Step 6 Intrastate Access Charge Revisions, establishing timelines for tariff filings and prescribing required supporting information. RECOMMENDATION: That the Commission adopt the proposed Order.
2477174-TUS Vote 5-0	M-2015-2477174	UGI UTILITIES INC - ELECTRIC DIVISION - Petition for approval to extend its Phase II Energy Efficiency and Conservation Plan by 1 Year. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2571988-TUS Vote 5-0	A-2016-2571988	EDF ENERGY SERVICES LLC - Application filed on 10/12/16, for approval to offer, render, furnish, or supply natural gas services as a supplier to small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Peoples Natural Gas, Peoples TWP, and Peoples Natural Gas - Equitable Division within PA. RECOMMENDATION: That the Commission adopt the proposed Order.

2580457-TUS	A-2016-2580457	<p>QUICK ENERGY SOLUTIONS LLC</p> <p>- Application filed on 12/20/16, 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 the PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0		
2582914-TUS	M-2017-2582914	<p>AQUA PENNSYLVANIA WASTEWATER INC</p> <p>- Periodic Review of Aqua's Long-Term Infrastructure Improvement Plan.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
Vote 5-0		
2593071-TUS	R-2017-2593071	<p>PECO ENERGY COMPANY</p> <p>- Tariff Supplement No. 185 to Tariff Gas PA. P.U.C. No. 2 filed on 3/10/17, for approval to propose updates to the Company's tariff to comply with the changes to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration's Final Rule issued on 10/14/16, and to become effective on 4/14/17. This ruling requires that excess flow valves be installed at the customer's request.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0		
2593797-TUS	R-2017-2593797	<p>PEOPLES NATURAL GAS COMPANY LLC</p> <p>- Supplement No. 78 to Tariff Gas PA. P.U.C. No. 45 filed on 3/16/17, for approval to propose updates to the Company's tariff to comply with the changes to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration's Final Rule issued on 10/14/16, and to become effective on 4/14/17. This ruling requires that excess flow valves be installed at the customer's request.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0		

2593808-TUS	R-2017-2593808	<p>PEOPLES NATURAL GAS COMPANY LLC - EQUITABLE DIVISION</p> <p>- Tariff Supplement No. 47 to Tariff Gas PA. P.U.C. No. 46 filed on 3/16/17, for approval to propose to update the Company's tariff to comply with the changes to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration's Final Rule issued on 10/14/16, and to become effective on 4/14/17. This ruling requires that excess flow valves be installed at the customer's request.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0		
2593918-TUS	A-2017-2593918	<p>NEEDMORE WATER SUPPLY COMPANY</p> <p>- Application filed nunc pro tunc on 3/13/17, for approval to sell its water system to Belfast Township and abandon water service to the public in Belfast Township, Fulton County, PA. Needmore 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>
Vote 5-0		
2596435-TUS	A-2017-2596435	<p>PENNSYLVANIA AMERICAN WATER COMPANY</p> <p>- Application filed 3/31/17, for approval of the right to offer, render, furnish or supply water service in an additional portion of Summit Township, Butler County, PA. PAWC 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>
Vote 5-0		
2597669-TUS	R-2017-2597669	<p>COLUMBIA GAS OF PENNSYLVANIA INC</p> <p>- Tariff Supplement No. 259 to Tariff Gas PA. P.U.C. No. 9 filed on 4/6/17, for approval to propose updates to the company's tariff to comply with the changes to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration's Final Rule issued on 10/14/16, and to become effective on 4/14/17. This ruling requires that excess flow valves be installed at the customer's request.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0		

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2476574-LAW	A-2015-2476574	PENNSYLVANIA AMERICAN WATER COMPANY
Vote 5-0		<p>- PAWC 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 customers in the Aqua PA service territory. The Commission conditionally denied the petition by order entered 2/10/17. The Commission granted the PAWC Petition for Reconsideration on 3/2/17, pending consideration on the merits. The Commission now grants the Petition for Reconsideration and issues its final order.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed order.</p>
2551053-LAW	P-2016-2551053 M-00011468 (F0020)	VERIZON PENNSYLVANIA LLC
Vote 5-0		<p>- Verizon PA has requested waiver of remedies due for wholesale performance metrics missed in April, May, and June 2016, claiming that a work stoppage by its unionized employees caused the misses.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopts the proposed Order</p>
Commissioner Powelson concurring in result only		

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2553262-ALJ	C-2016-2553262 C-2016-2553277	ERIC RICHMAN VS RESPOND POWER LLC - Complaints filed 6/14/16 alleging there were incorrect charges on Complainant's bill because Respondents misled Complainant into switching his electric and gas suppliers thereby causing Complainant to incur higher supplier rates. As relief, Complainant requested a refund. Answers were filed denying the material allegations of the Complainants and averring that Complainant was billed in accordance with the terms of the agreement that he signed. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Initial Decision dismissing the complaints.
Vote 5-0		
Chairman Brown <u>Statement</u>		
2559946-ALJ	C-2016-2559946	E MCCAULEY VS PENNSYLVANIA ELECTRIC COMPANY - Formal Complaint filed 7/18/16 alleging persistent reliability and customer service problems. Penelec filed its answer on 8/24/16. A hearing was held on 12/1/16. COMMISSION REVIEW: That the Commission adopt ALJ Long's Initial Decision sustaining the complaint as to the reliability issues and dismissing the customer service allegations.
(PP from 04/20/2017)		
Vote 5-0		
Joint <u>Motion</u> of Commissioner Powelson and Commissioner Sweet		

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

May 04, 2017

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2594688-OSA	P-2017-2594688	PUC - INVESTIGATION AND ENFORCEMENT VS METROPOLITAN EDISON COMPANY AND NORTH HEIDELBERG SEWER COMPANY

Vote 5-0

- On 3/21/17, I&E filed a Petition for Issuance of an Ex Parte Emergency Order against Met-Ed and North Heidelberg Sewer pursuant to 52 Pa. Code § 3.2. In its Petition, I&E averred, in part, that Met-Ed had begun termination procedures against North Heidelberg Sewer for non-payment of a \$157,000 arrearage for electric service. On 3/22/17, the Chairman issued an Ex Parte Emergency Order granting the Petition as modified to ensure continued wastewater service to the company's customers. The Emergency Order also assigned the matter to the OALJ for expedited hearings. An evidentiary hearing was held on 4/3/17. By Order entered 4/6/17, the Commission ratified the Emergency Order. On 4/11/17, ALJ Barnes issued a Recommended Decision recommending that the Emergency Order remain in effect with some modifications. On 4/17/17, N. Heidelberg Sewer filed Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2517831-LAW	M-2016-2517831	CERTIFICATION OF DISTRIBUTED ANTENNAE SYSTEM PROVIDERS

Vote 4-1

[Statement of Chairman Brown](#)

[Statement of Vice Chairman Place](#)

[Statement of Commissioner Powelson](#)

- On 4/3/17, ExteNet Systems, Inc. and Crown Castle both filed separate Petitions for Reconsideration of the 3/17/17 Order. On 4/10/17, via a notational vote, the Commission granted the petitions pending review of, and consideration on, the merits. On 4/13/17, the Wireless Infrastructure Association (WIA) filed an Answer in Support of the Petitions. Additionally, an Answer in Opposition to the Petitions was filed on behalf of the Pa. State Association Township Supervisors, the Pa. Municipal League, the Pa State Association of Boroughs, and the Pa. State Association of Township Commissioners. The notational vote granting the Petitions for Reconsideration pending review of, and consideration of the merits, was recorded and entered in the minutes of the 4/20/17 Public Meeting.

RECOMMENDATION:

That the Commission adopt the proposed Order.