

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**WEDNESDAY, JULY 12, 2017 (AP)
1:00 P.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, August 3, 2017 at 10:00 A.M.

Minutes of the Meeting of Thursday, May 18, 2017 (JFC)

*****ANNOUNCEMENTS*****

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

July 12, 2017

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2343289-OSA	C-2013-2343289	VERNON ROBINSON CB-3895 VS GLOBAL TEL*LINK CORPORATION
Vote 5-0.		<p>- Formal Complaint filed on 1/7/13, alleging inadequate service due to, inter alia, improperly disconnected or "dropped" calls. The Complainant, who is an inmate at the Graterford State Correctional Institution, requested a refund. On 9/1/15, ALJ Hoyer issued an Initial Decision which sustained the Complaint, in part. Exceptions to the Initial Decision were filed by the Complainant on 10/19/15. Replies to Exceptions were filed by GTL on 11/2/15.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order granting the Exceptions, in part, consistent with the discussion in the Opinion and Order.</p>
2472605-OSA	C-2015-2472605	DEREE J NORMAN VS PECO ENERGY COMPANY
Vote 5-0.		<p>- Formal Complaint filed on 3/18/15, alleging that Complainant's smart meter was not registering his usage correctly and that there were incorrect charges on his bill. On 4/6/15, PECO filed an Answer to the Complaint denying the material allegations within the Complaint. Evidentiary hearings were held on 10/29/15 and 1/21/16. On 7/8/16, the Commission issued ALJ Long's Initial Decision which dismissed the Complaint. On 8/17/16, the Complainant filed Exceptions. PECO filed Replies to Exceptions on 8/18/16.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>

2483632-OSA **A-2015-2483632** **MICHAEL MAIER T/A EVECO TRANSPORTATION SERVICES
D/B/A MAIERS RELOCATION SERVICE COMPANY**
Vote 5-0.
- Application filed on 5/9/15, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in PA. No protests were filed, and the application was assigned to the Bureau of Technical Utility Services (TUS) for review. By Secretarial Letter issued 12/3/15, TUS denied the application for failure of the Applicant to pay outstanding civil penalties. On 2/13/16, the Applicant filed a Petition for Rescission or Amendment in response to the 12/3/15 Secretarial Letter. By Order entered 9/15/16, the Commission granted, in part, the 2/13/16 petition. On 10/19/16, the Applicant filed a Petition for Rescission or Amendment of the 9/15/16 Order. No Answer to the petition has been filed.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.

2489503-OSA **C-2015-2489503** **DEREE J NORMAN VS PHILADELPHIA GAS WORKS**
Vote 5-0.
- Formal Complaint filed on 6/25/15, alleging that he was "double billed", that PGW had "misappropriated" LIHEAP credits and that PGW billed him improperly under the Customer Responsibility Program (CRP). On 7/15/15, PGW filed an Answer to the Complaint denying the material allegations within the Complaint. An evidentiary hearing was held on 9/24/15. On 7/22/16, the Commission issued ALJ Buckley's Initial Decision which dismissed the Complaint. On 8/11/16, the Complainant filed Exceptions. On 8/22/16, PGW filed Replies to Exceptions.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.

2493094-OSA **F-2015-2493094** **ROBERT P MANGIERI VS PPL ELECTRIC UTILITIES
CORPORATION**
Vote 5-0.
- Formal Complaint filed on 7/16/15, alleging that there were incorrect charges on his bill. On 8/3/15, PPL filed an Answer to the Complaint denying the material allegations within the Complaint. Two evidentiary hearings were held on this matter on 11/19/15 and on 3/29/16. On 7/29/16, the Commission issued ALJ Cheskis' Initial Decision which dismissed the Complaint. On 8/11/16, the Complainant filed Exceptions. On 8/22/16, PPL filed Replies to Exceptions.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.

<p>2498121-OSA</p> <p>Vote 5-0.</p>	<p>C-2015-2498121</p>	<p>PUC - INVESTIGATION AND ENFORCEMENT VS ERIE TRANSPORTATION SERVICES INC T/A ERIE YELLOW CAB</p> <p>- Complaint filed on 8/14/15, alleging that the Erie Transportation Services failed to pay its assessment for Fiscal Year 2014-2015. In 1/16, the Commission received partial payment in the amount of \$12,000, but no Answer to the Complaint was filed. On 3/21/16, I&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, Erie Transportation 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&E filed its Answer to the petition. 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 the Commission adopt the proposed Opinion and Order.</p>
<p>2542081-OSA</p> <p>Vote 5-0.</p>	<p>F-2016-2542081</p>	<p>ALFRED OTTAVIANO VS PECO ENERGY COMPANY</p> <p>- Formal Complaint filed on 4/27/16, alleging that PECO was improperly attempting to install a smart meter at his residence and threatening to terminate his service for refusing to permit the installation. On 5/4/16, PECO filed an Answer and Preliminary Objections, in which PECO requested that the Complaint be dismissed for legal insufficiency. By Initial Decision issued on 8/5/16, ALJs Heep and Pell sustained PECO's Preliminary Objections and dismissed the Complaint. On 8/25/16, the Complainant filed Exceptions. On 9/6/16, PECO filed Replies to the Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
<p>2552834-OSA</p> <p>Vote 5-0.</p>	<p>C-2016-2552834</p>	<p>ROSS E SCHELL VS PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Formal Complaint filed on 6/20/16, alleging reliability, safety, or quality problems with his utility service. On 7/14/16, PPL filed an Answer denying the material allegations in the Complaint. A telephonic hearing was held on 8/31/16. By Initial Decision issued 12/8/16, ALJ Watson denied the Complaint. The Complainant filed Exceptions on 12/13/16. PPL did not file Replies to Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.</p>

- 2576287-OSA** **C-2016-2576287** **RESPOND POWER LLC VS PENNSYLVANIA ELECTRIC COMPANY AND WEST PENN POWER COMPANY**
C-2016-2576292
- Vote 5-0.**
- On 11/18/16, Respond Power, LLC filed Formal Complaints against Penelec and West Penn. These Complaints were subsequently consolidated. The Complaints raised objections to the application of a "clawback" charge in the electric generation supplier tariffs of the companies. The companies filed Answers on 12/8/16 and a Motion for Judgment on the Pleadings. On 1/23/17, ALJ Salapa, as motions judge, issued an Order Granting, in Part, Motion for Judgment on the Pleadings. On 1/26/16, Respond filed a Petition for Interlocutory Review and Answer to Material Questions. By Secretarial Letter of 2/2/17, the Commission extended the period for consideration. Briefs in support of and in opposition to the petition were filed by the parties 2/6/17.
- RECOMMENDATION:**
- That the Commission adopt the proposed Opinion and Order.
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- 2582461-OSA** **R-2017-2582461** **NATIONAL FUEL GAS DISTRIBUTION CORPORATION**
- Vote 5-0.**
- Supplement No. 180 to Tariff Gas – Pa. P.U.C. No. 9 filed on 1/31/17, in accordance with Section 1307(f) of the Public Utility Code to become effective on 8/1/17. Both the OSBA and the OCA filed Complaints to NFGD's filing. An evidentiary hearing was held on this matter on 3/30/17. On 4/07/17, NFGD and the OCA filed Main Briefs. On 4/13/17, NFGD and the OCA filed Reply Briefs. On 5/18/17, the Commission issued ALJ Johnson's Recommended Decision. On 5/30/17, NFGD filed Exceptions. On 6/6/17, the OCA filed Replies to Exceptions.
- RECOMMENDATION:**
- That the Commission adopt the proposed Opinion and Order.
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- 2585787-OSA** **C-2017-2585787** **MAHONING TOWNSHIP VS BUFFALO & PITTSBURGH RAILROAD INC, PENNDOT, AND NEW BETHLEHEM BOROUGH**
- Vote 5-0.**
- On 5/22/17, the Commission issued the Secretarial Letter providing for the partial removal of a structure that was the subject of a Formal Complaint filed by Mahoning Township against B&PRR and PennDOT involving clearance issues with an abandoned railroad overpass at public crossing (DOT 863 354 C) where SR 1025 (Putneyville Road) crosses, below grade, the track/right of way of B&PRR, located in Mahoning Township, Armstrong County. On 6/12/17, B&PRR filed a Petition for Reconsideration of Staff Action related to the 5/22/17 Secretarial Letter. No response to the petition has been filed.
- RECOMMENDATION:**
- That the Commission adopt the proposed Opinion and Order which grants the Petition, in part, and refers the matter to the OALJ.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184221-TUS	M-00031715F0002	PECO ENERGY COMPANY - Letter/Petition for approval of 9 Board Members to the Sustainable Development Fund. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
2584781-TUS	M-2017-2584781	ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS - EGS license cancellations of companies with an expired financial security or insufficient financial security amount. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
Vote 5-0.		
2585784-TUS	A-2017-2585784 A-6419528	WENGER WORKS INC T/A TUK TUK LANCASTER - Application filed 12/27/16. Notice was published in the Pa. Bulletin on 3/4/17. No protests were filed. Wenger Works proposes to use vehicles which raise concerns as to its ability to operate safely and legally. RECOMMENDATION: That the Commission adopt the proposed order.
(PP from 06/14/2017)		
<u>Statement</u> by Commissioner Powelson.		
<u>Statement</u> by Vice Chairman Place.		
<u>Statement</u> by Chairman Brown.		
Verbal Statement by Commissioner Coleman.		
Vote 3-2 with Commissioner Coleman and Commissioner Powelson Dissenting.		
2587743-TUS	A-2017-2587743	ONE SOURCE NETWORKS CLEC LLC - Application filed 1/30/17, seeking Commission approval for the discontinuance and abandonment of Competitive Local Exchange Carrier services to the public within PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
2594462-TUS	P-2017-2594462	YORK WATER COMPANY - Petition filed on 3/20/17, for approval of its Long-Term Infrastructure Improvement Plan (LTIIIP). York Water filed a revision to its LTIIIP on 3/27/17. The OCA filed comments on 4/19/17. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
Vote 5-0.		

2594478-TUS	P-2017-2594478	<p>SUPERIOR WATER COMPANY INC</p> <p>- Petition filed on 3/20/17, for approval of its Long-Term Infrastructure Improvement Plan (LTIIP). The OCA filed comments on 4/19/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
Vote 5-0.		
2594725-TUS	P-2017-2594725	<p>NEWTOWN ARTESIAN WATER COMPANY</p> <p>- Petition filed on 3/21/17, for approval of its Long-Term Infrastructure Improvement Plan (LTIIP). The OCA filed comments on 4/20/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
Vote 5-0.		
2602378-TUS	A-2017-2602378	<p>NJR RETAIL SERVICES COMPANY</p> <p>- Application filed on 5/4/17, for approval to offer, render, furnish, or supply natural gas services as a supplier to large commercial and industrial customers in the natural gas distribution company service territories of PECO, PGW, UGI Central Penn Gas, UGI Penn Natural Gas, and UGI, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
2603154-TUS	<p>A-2017-2603154 A-2017-2603226 A-2017-2603227 A-2017-2603228 A-2017-2603229 A-2017-2603230</p>	<p>BROADVIEW NETWORKS INC, BROADVIEW NP ACQUISITION CORPORATION, BRIDGECOM INTERNATIONAL INC, ATX LICENSING INC, ARC NETWORKS INC, EUREKA TELECOM INC, BROADVIEW NETWORKS HOLDINGS INC AND WINDSTREAM HOLDINGS INC</p> <p>- Joint Application filed on 5/9/17, seeking approval for approval of a general rule transaction through which Windstream Holdings, Inc. will acquire indirect control of Broadview PA Utilities. The proposed transfer of control is filed in accordance with the requirements of Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 1102(a) and 1103.</p> <p>RECOMMENDATION:</p> <p>That the Commission approve the general rule transfer of control.</p>
Vote 5-0.		

<p>2603493-TUS</p> <p>Vote 5-0.</p>	<p>A-2017-2603493</p>	<p>CIS ENERGY LLC</p> <p>- Application filed on 5/18/17, 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>
<p>2604409-TUS</p> <p>Statement by Vice Chairman Place.</p> <p>Vote 5-0.</p>	<p>A-2017-2604409</p>	<p>COLUMBIA GAS OF PENNSYLVANIA INC</p> <p>- Application filed on 5/10/17, for approval seeking a Certificate of Public Convenience authorizing it to abandon natural gas distribution service to three customers located in York County, Pennsylvania.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>2605101-TUS</p> <p>Vote 5-0.</p>	<p>A-2017-2605101</p>	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Letter of Notification filed on 5/17/17, for approval to re-terminate and reconductor approximately 0.3 miles of 230 kV transmission line in Milton Borough, Northumberland County, PA. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>2605583-TUS</p> <p>Vote 5-0.</p>	<p>S-2017-2605583</p>	<p>PEOPLES TWP LLC</p> <p>- Securities certificate filed on 5/18/17, for the issuance of an intercompany promissory note to its parent, Peoples TWP LLC, in an aggregate principal amount not to exceed \$100 million. No protests were filed and no hearings were held. Peoples TWP voluntarily extended the consideration period to 7/14/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>

2606029-TUS	A-2017-2606029	KEY ENERGY CONSULTING LLC
Vote 5-0.		<p>- Application filed on 5/26/17, 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 the electric distribution company service territories of Met Ed, PECO, PPL, and UGI, in PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2607404-TUS	S-2017-2607404	PENNSYLVANIA AMERICAN WATER COMPANY
Vote 5-0.		<p>- Securities certificate filed on 6/2/17, with respect to the issuance of debt in principal amount not to exceed \$449,352,000. No protests were filed and no hearings were held. PAWC voluntarily extended the consideration period to 7/14/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>
2608957-TUS	P-2017-2608957	SUNOCO PIPELINE LP
Vote 5-0.		<p>- Application filed on 6/9/17, for approval for special permission to add an additional route to its service and decrease rates on less than statutory notice, pursuant to 52 Pa. Code §53.101. Sunoco Pipeline requested that Supplement No. 6 to Tariff – Pipeline Pa. P.U.C. No. 16 become effective on 7/1/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2611032-TUS	M-2017-2611032	QUARTERLY EARNINGS OF PENNSYLVANIA UTILITIES
Statement by Vice Chairman Place. Vote 4-1 with Vice Chairman Place Dissenting.		<p>- Bureau of Technical Utility Services (TUS) report to the Commission regarding quarterly earnings of PA utilities for the quarter ended 3/31/17. TUS staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for PA 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>

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2508421-LAW Vote 5-0.	L-2015-2508421	<p>RULEMAKING TO AMEND THE PROVISIONS OF 52 PA CODE CHAPTER 56 TO COMPLY WITH AMENDED PROVISIONS OF 66 PA CS CHAPTER 14</p> <p>- On 7/21/16, the Commission adopted a Notice of Proposed Rulemaking to solicit comments about amending and adding to the provisions of 52 Pa. Code Chapter 56 regarding the standards and billing practices for residential utility service. Comments were filed on 4/19/17. The Commission seeks additional comments on issues raised in the initial comments. The Commission is also introducing two new issues to this proceeding and providing parties an opportunity to comment.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Order.</p>
2544173-LAW Vote 5-0.	A-2016-2544173	<p>PENNDOT</p> <p>- Petition filed on 6/12/17, to transfer jurisdiction to the Court of Common Pleas of Bucks County pursuant to section 2704 of the Public Utility Code because PennDOT determined that CSX Transportation is entitled to just compensation for property appropriation of \$500.00.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Order.</p>
2588977-LAW Vote 5-0.	P-2017-2588977	<p>MAHONING TOWNSHIP</p> <p>- Petition for a declaratory order filed on 1/31/17. In accordance with 52 Pa. Code § 5.42(b), Mahoning served a copy of its Petition on the Bureau of Investigation and Enforcement (I&E), the OCA and the OSBA. Mahoning also served a copy of the petition on the "persons directly affected" by the petition, i.e., the 33 extraterritorial customers of Mahoning. 52 Pa. Code § 5.42(b). The OCA filed an Answer to the Township's Petition and the Township filed a Supplemental Petition in response to the OCA's Answer.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Order.</p>

2600599-LAW L-2017-2600599

Vote 5-0.

RULEMAKING RE MOTOR CARRIER AGE REQUIREMENT

- The Commission's regulations require that drivers of paratransit vehicles be at least 21 years old. The Department of Health (DOH) oversees emergency medical transportation and allows drivers 18 years and older to operate ambulances, if the drivers have proper training and certification. Many ambulance companies also operate paratransit service and cannot utilize the under 21 year old ambulance driver in their paratransit service. This has caused operational and hiring problems for these companies. The Commission has granted several waivers with respect to the 21-year-age requirement to paratransit operators so that under 21 ambulance operators may also operate paratransit vehicles. This proposed rulemaking reduces the minimum age requirement for paratransit drivers to 18 years of age under limited circumstances.

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>
2398833-ALJ Vote 5-0.	P-2013-2398833 C-2016-2540745	UGI UTILITIES INC - GAS DIVISION - Petition filed 3/31/16 for approval of a Distribution System Improvement Charge (DSIC). OSBA filed a Notice of Intervention on 4/20/16. On 5/9/16, UGI filed a Petition to Intervene. On 11/9/16, the Commission approved UGI's DSIC Petition and granted UGI's Petition to Intervene. On the same date the Commission assigned the OALJ the following issue: Whether or not customers receiving service under specific Rate Schedules should be exempt from the DSIC. On 5/18/17, a Joint Petition for Settlement of All Issues was filed with the Commission. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Recommended Decision approving the Settlement and also deeming OCA's Complaint as satisfied.
2533996-ALJ Motion by Chairman Brown. Vote 3-2 with Commissioner Coleman and Commissioner Powelson Dissenting.	C-2016-2533996	LEROY JAMES WATTERS III VS PECO ENERGY COMPANY - Complaint filed 3/11/16. Complainant purported to act on behalf of West Norriton Twp. in his capacity as the Chairman of the West Norriton Environmental Advisory Council. On 3/28/16, Complainant filed an Amended Complaint in his name only, stating that there are issues with PECO "throughout West Norriton Twp" because PECO is not completing pole work. On 3/30/16, PECO was served with the Amended Complaint and filed its Answer and New Matter on 4/18/16. On 5/9/16, PECO filed a Motion for Judgment on the Pleadings. Complainant did not respond to PECO's New Matter or Motion. COMMISSION REVIEW: That the Commission adopt ALJ Calvelli's Initial Decision granting the Motion for Judgment on the Pleadings, dismissing the Complaint and referring the case to BIE for an investigation and any action that BIE may deem appropriate.

2553324-ALJ C-2016-2553324
(PP from 06/14/2017)

**Motion by Vice Chairman Place.
Verbal Statements by
Commissioner Coleman,
Commissioner Powelson and
Commissioner Sweet.
Vote 3-2 with Commissioner
Coleman and Commissioner
Powelson Dissenting.**

STACI STIFFLER VS METROPOLITAN EDISON COMPANY

- Complaint filed 6/23/16 alleging Met Ed improperly billed Complainant on 12/1/15, 3/1/16 and 5/8/16 and requested a payment arrangement. Met Ed filed its Answer on 7/18/16 denying the material allegations of the Complaint. Specifically, averring that there are no incorrect charges on Complainant's account and that the Complainant is not entitled to a payment agreement. A hearing was held on 11/8/16.

COMMISSION REVIEW:

That the Commission adopt ALJ Barnes' Initial Decision dismissing the Complaint in part and sustaining in part that Complainant is entitled to a payment arrangement on her outstanding balance of \$13,772.19.

2565506-ALJ C-2016-2565506

**Joint Motion by Chairman Brown
and Commissioner Coleman.
Vote 5-0.**

JODY BUTTS VS COLUMBIA GAS OF PENNSYLVANIA INC

- Complaint filed 9/6/16 alleging that there were incorrect charges on her bill. Columbia filed an Answer with New Matter and also Preliminary Objections on 9/26/16. The New Matter asserts that the Complainant previously filed an identical Complaint at Docket No. C-2015-2505611 with the Commission. The Commission conducted a hearing on the previous Complaint where the Complainant failed to appear. The Commission issued a Final Order dated 3/28/16, dismissing the Complaint for failure to appear at the hearing.

COMMISSION REVIEW:

That the Commission adopt ALJ Salapa's Initial Decision sustaining the Columbia's Preliminary Objections, dismissing the Complaint and closing the case.

2572890-ALJ C-2016-2572890

**Motion by Chairman Brown.
Vote 5-0.
Motion by Commissioner Sweet.
Vote 5-0.**

GARY PETERSON VS PECO ENERGY COMPANY

- Complaint filed 10/21/16, alleging that PECO failed to prevent a power outage that damaged various electronic items in Complainant's home and failed to reimburse him for the damage. PECO filed its answer on 11/15/16. A hearing was held on 2/3/17.

COMMISSION REVIEW:

That the Commission adopt ALJ Myers' Initial Decision denying the Complaint.

2582842-ALJ

C-2017-2582842

SHERI HORINKA VS PENNSYLVANIA POWER COMPANY

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

- Complaint filed 12/27/16 is an untimely appeal of a BCS decision alleging the BCS payment arrangement was not doable for her. After the filing of an Answer and New Matter, Penn Power subsequently filed a Motion for Judgment on the Pleadings asking that the Complaint be dismissed with prejudice. Complainant did not file answers to Penn Power's New Matter or Motion.

COMMISSION REVIEW:

That the Commission adopt ALJ Myers' Initial Decision granting the Motion for Judgment on the Pleadings and dismissing the Complaint with prejudice.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

July 12, 2017

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2526627-OSA Vote 5-0.	P-2016-2526627	PPL ELECTRIC UTILITIES CORPORATION - On 5/8/17, PPL filed a Petition for Leave to Withdraw its Petition to Amend the Implementation Date of the Customer Assistance Program Standard Offer Referral Program (CAP-SOP) seeking permission to withdraw its requested amendment of the Commission's Opinion and Order entered 10/27/16. Previously, PPL filed a petition seeking approval of an amendment to the Commission-approved implementation date of the CAP-SOP as part of PPL's Default Service Plan IV to be effective 6/1/17. On 5/12/17, the Retail Energy Supply Association (RESA) filed a letter in opposition to PPL's petition. On 5/16/17, PPL and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed letters in response to RESA's letter. On 5/17/17, RESA filed a letter in response to PPL's letter. On 6/23/17, the Commission entered an Opinion and Order granting the petition. On 7/5/17, CAUSE-PA filed a Petition for Reconsideration of the 6/23/17 Opinion and Order. On 7/7/17, the OCA filed a Petition for Reconsideration and/or Clarification of the 6/23/17 Opinion and Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting the petitions, pending further review of, and consideration on, the merits.
2580210-OSA Motion by Commissioner Sweet. Vote 5-0.	A-2016-2580210	CITY OF ERIE PENNSYLVANIA - On 2/17/17, the Commission issued a Secretarial Letter approving an application by Erie to abolish the crossing where East Avenue (McBride Viaduct) crosses, above grade, the tracks of CSX Transportation, Inc. (DOT 524 012 T), located in the City of Erie, Erie County, by removing the existing bridge carrying the highway above the railroad tracks. The Secretarial Letter approved the application in an expedited manner. On 3/6/17, Adam J. Trott filed a Petition for Reconsideration of Staff Action. On 3/23/17, PennDOT filed an Answer to the Petition. On 3/24/17, Erie filed an Answer to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, in part, and refers the matter to the OALJ.

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO.

2586983-TUS

Vote 5-0.

DOCKET NO.

A-2017-2586983

NAME AND SUBJECT

AQUA PENNSYLVANIA WASTEWATER INC

- Application filed on 2/2/17, for approval of: (1) the acquisition by APW of the wastewater system assets of the Avon Grove School District situated in a portion of New London Township and a portion of Penn Township, Chester County, PA and; (2) the right of APW to begin to offer, render, furnish and supply wastewater service to the public in a portion of New London Township and a portion of Penn Township, Chester County, PA. APW submitted proofs of publication and service to the appropriate entities. The OCA filed a protest on 3/6/17. APW filed supplemental information regarding the Application and OCA consequently withdrew its Protest on 5/25/17. No hearings were held.

RECOMMENDATION:

That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO.

2613461-LAW

Vote 5-0.

DOCKET NO.

**P-2017-2613461
C-2017-2589346**

NAME AND SUBJECT

WEST GOSHEN TOWNSHIP

- On 7/11/17, a Secretarial Letter was issued denying West Goshen Township's Petition for an Ex Parte Emergency Order. The Secretarial Letter directed that the above captioned Petition proceed solely at Docket Number C-2017-2589346 as a petition for interim emergency relief pursuant to Sections 3.6 to 3.12 of the Commission's regulations, 52 Pa. Code. §§ 3.6-3.12. Upon review of the circumstances surrounding the issuance of the Secretarial Letter, we conclude that it is in the public interest to ratify the Secretarial Letter as the action of the full Commission

RECOMMENDATION:

That the Commission adopt the proposed order.