

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MAY 3, 2018 (JFC)
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
David W. Sweet	Andrew G. Place	Gladys M. Brown	Norman J. Kennard	John F. Coleman, Jr.

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

The Next Public Meeting is Tentatively Scheduled for Thursday, May 3, 2018 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 5, 2018 (NK)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 17, 2018, 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.

THE COMMISSION WILL HOLD ITS NEXT EXECUTIVE SESSION ON WEDNESDAY, MAY 16, 2018, 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 REGARDING INFORMATION AND STRATEGY IN CONNECTION WITH CURRENT OR POTENTIAL LITIGATION.
3. DISCUSSING MATTERS RELATED TO THE INITIATION AND CONDUCT OF INVESTIGATIONS, AND QUASI-JUDICIAL DELIBERATIONS.
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.**

FOR YOUR SAFETY, PLEASE TAKE NOTE OF THE EXITS, DOWN THE STAIRS ON EITHER SIDE OF THE HALLWAY OUTSIDE OF HEARING ROOM 1. IN A TRUE EMERGENCY, A PUC EMPLOYEE IN AN ORANGE VEST WILL BE THERE TO HELP THOSE WHO NEED ASSISTANCE. ONCE YOU MOVE DOWN THE STAIRS, PLEASE EXIT ONTO NORTH STREET. ALSO, FOR YOUR CONVENIENCE, RESTROOMS ARE LOCATED ON THE ATRIUM LEVEL NEAR THE CAFETERIA.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

May 3, 2018

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2606105-AUD	D-2017-2606105	COLUMBIA WATER COMPANY - Focused Management and Operations Audit. Columbia Water has submitted an implementation plan dated 4/4/18, indicating acceptance of 12 recommendations and partial acceptance of one recommendation. RECOMMENDATION: That the Commission make the Audit Report and Implementation Plan public.

Vote 5-0

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2573847-BCS	M-2016-2573847	NATIONAL FUEL GAS DISTRIBUTION CORPORATION - On 10/28/16, NFG filed its Universal Service and Energy Conservation Plan (USECP) for 2017-2020 in accordance with the Commission’s regulations at 52 Pa. Code §§ 62.1-62.8. On 8/3/17, the Commission issued a Tentative Order requesting additional information and calling for comments. On 3/1/18, the Commission issued an Order directing changes to the 2017-2020 USECP prior to final approval. On 4/2/18, NFG filed a revised 2017-2020 USECP. RECOMMENDATION: That the Commission adopt the proposed Order.

Vote 5-0

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2447138-OSA	C-2014-2447138 C-2014-2447169	OFFICE OF CONSUMER ADVOCATE VS HIDDEN VALLEY UTILITY SERVICES LP - On 10/9/14, the OCA filed a Formal Complaint against HVUS alleging failure to provide adequate, safe and reasonable water service at Docket No. C-2014-2447138. Also, on 10/9/14, the OCA filed a Formal Complaint against HVUS for alleged wastewater service problems at Docket No. C-2014-2447169. On 10/29/14, HVUS filed Answers to both Complaints. On 6/25/15, public input hearings were held. By Order dated 8/8/15, Robert J. Kollar and Kellie A. Kuhleman (Intervenors) were permitted to intervene. By Initial Decision issued 9/9/16, ALJ Watson sustained the Complaints. On 9/29/16, the OCA, HVUS, and the Intervenors filed Exceptions. On 10/10/16, the Intervenors filed Replies to Exceptions; the OCA and HVUS filed Replies to Exceptions on 10/11/16. By Order entered 1/18/18, the Commission adopted the Initial Decision, as modified. HVUS filed a Petition for Clarification, Reconsideration and Amendment on 2/2/18. The OCA and the Intervenors filed Answers to the Petition on 2/12/18. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2474602-OSA	C-2015-2474602	CATHERINE J FROMPOVICH VS PECO ENERGY COMPANY - Formal Complaint filed on 3/24/15, asking, inter alia, to “opt out” of the smart meter installation program. On 4/10/15, PECO filed a Preliminary Objection, averring that the Complaint should be dismissed because it is legally insufficient. On 6/15/15, the Initial Decision of ALJ Barnes was issued, which granted PECO’s Preliminary Objections and dismissed the Complaint. On 6/26/15, the Complainant filed Exceptions to the Initial Decision. On 4/21/16, the Commission entered an Opinion and Order granting, in part, the Complainant’s Exceptions, reversing the Initial Decision and remanding to the OALJ for further proceedings. On 5/24/17, ALJ Heep's Initial Decision on Remand was issued. On 6/7/17, the Complainant filed Exceptions to the Initial Decision. On 6/23/17, PECO filed Replies to Exceptions. On 7/6/17, two amicus curiae letters were filed by non-parties in support of the Complainant. PECO filed a letter indicating it would not be filing a substantive response to the Complainant’s 7/3/17 letter or the amicus curiae letter unless otherwise instructed to do so by the Commission. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Vote 5-0

Vote 5-0

2511281-OSA	A-2015-2511281	<p>BUCKS COUNTY SERVICES INC</p> <p>- Application filed on 10/23/15, to provide call or demand passenger carrier service by motor vehicle in Fort Washington, Montgomery County, and a surrounding area within a 20-mile radius therefrom. On 2/8/17, the Initial Decision of ALJ Fordham was issued, which denied the application based on the ALJ's finding that the Applicant failed to prove that there is a public demand or need for taxicab service. However, the ALJ found that as an existing certificate holder, the Applicant was entitled to a presumption of fitness to operate as a call or demand carrier, and that Protestants failed to rebut the presumption that the Applicant is technically and financially fit to provide the proposed taxicab service in the application area. On 2/27/17, the Applicant filed Exceptions to the Initial Decision. Protestants Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-mont Yellow Cab and t/d/b/a Bux-mont Transportation Services Co. and Germantown Cab Companies filed Replies to Exceptions on 3/6/17 and 3/9/17, respectively.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
Vote 5-0		
2576731-OSA	C-2016-2576731	<p>ROSS SCHELL VS SUEZ WATER PENNSYLVANIA INC</p> <p>- Formal Complaint filed on 11/22/16, alleging reliability, safety, or quality problems with his water service; that SUEZ was threatening to shut off his service or has shut off his service; and that he does not receive a regular bill. SEUZ filed an Answer to the Complaint and Preliminary Objections on 12/12/16. In an Initial Decision issued 1/23/17, ALJ Watson granted the Preliminary Objections and dismissed the Complaint. The Complainant filed Exceptions on 1/24/17. SUEZ filed Replies to Exceptions on 2/22/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
Vote 5-0		
2578804-OSA	C-2016-2578804	<p>ROSS SCHELL VS SUEZ WATER PENNSYLVANIA INC</p> <p>- Formal Complaint filed 12/7/16, alleging that there were incorrect charges on his bill; that there were reliability, safety, or quality problems with his water service; and that SUEZ improperly shut off his water service without notice. SUEZ filed an Answer to the Complaint and Preliminary Objections on 12/23/16. In an Initial Decision issued 3/1/17, ALJ Watson granted the Preliminary Objections and dismissed the Complaint. The Complainant filed Exceptions on 3/1/17. SUEZ filed Replies to Exceptions on 3/31/17.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
Vote 5-0		

2586783-OSA R-2017-2586783
C-2017-2592092
C-2017-2593497
C-2017-2595147
C-2017-2593903
(PP from 04-19-2018)

Vote 5-0

Motion by Commissioner Sweet

**Conflict Statement by
Commissioner Kennard**

PHILADELPHIA GAS WORKS

- On 9/8/17, the Recommended Decision of ALJs Pell and Guhl was issued in which they recommended approval of a Partial Settlement involving a \$70 million rate increase to become effective 4/28/17. The ALJs also made recommendations on two non-settled issues. On 9/25/17, Exceptions to the Recommended Decision and Letters in Lieu of Exceptions were filed by various parties. Replies to Exceptions were filed by various parties on 10/2/17. On 11/8/17, the Commission entered an Order that denied certain Exceptions, adopted the ALJs' Recommended Decision, approved the Partial Settlement, and dismissed, without prejudice, the OCA's claims regarding PGW's partial payment allocation practices. On 11/27/17, the OCA filed a Petition for Reconsideration of the 11/8/17 Order. On 12/7/17, PGW filed an Answer to the Petition for Reconsideration. Also, on 12/7/17, the Commission entered an Order granting the OCA's Petition for Reconsideration, pending review of, and consideration on, the merits.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

3000058-OSA A-2018-3000058

Vote 4-0

**Recusal Statement
by Chairman Brown**

FRONTIER COMMUNICATIONS OF BREEZEWOOD LLC, FRONTIER COMMUNICATIONS OF CANTON LLC, FRONTIER COMMUNICATIONS OF LAKEWOOD LLC, FRONTIER COMMUNICATIONS OF OSWAYO RIVER LLC AND FRONTIER COMMUNICATIONS OF PENNSYLVANIA LLC AND AIRBUS DS COMMUNICATIONS INC

- Joint Petition filed on 2/22/18, requesting 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 3/10/18. No comments or protests were received.

RECOMMENDATION:

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

3000145-OSA A-2018-3000145

Vote 5-0

WINDSTREAM PENNSYLVANIA LLC, WINDSTREAM D&E INC, WINDSTREAM BUFFALO VALLEY INC, WINDSTREAM CONESTOGA INC AND BARR TELL USA INC

- Joint Petition filed on 2/28/18, 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 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>
2153577-TUS	P-2010-2153577	DUQUESNE LIGHT COMPANY - Petition filed on 5/2/17, to modify the Joint Settlement at this docket by requesting the termination of an annual reporting requirement enumerated in the Joint Settlement. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		
2291824-TUS	M-2012-2291824	IMPLEMENTATION OF FEDERAL COMMUNICATIONS COMMISSION ORDER - Implementation of the Federal Communications Commission's Order of 11/18/11, as Amended or Revised and Coordination with Certain Intrastate Matters. Order implementing FCC-mandated Step 7 Intrastate Access Charge Revisions, establishing timelines for tariff filings and prescribing required supporting information. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		
2637635-TUS	A-2017-2637635	NORDIC ENERGY SERVICES LLC - On 12/12/17, the Commission accepted Nordic Energy's application to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial, large commercial, and industrial customers in the natural gas distribution company service territories of Columbia Gas, NFGD Corp., PECO Energy, Peoples Natural Gas Co., Peoples Natural Gas Co. - Equitable Division, Peoples Gas Co., UGI Central Penn Gas, UGI Penn Natural Gas, and UGI Utilities, within PA. The license application was filed pursuant to Section 2208 of the Natural Gas Choice and Competition Act and Title 52, Chapter 62, Subchapter D. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		

2647582-TUS	A-2018-2647582	BLITZ VENTURES LLC
Vote 5-0		<p>- On 2/15/18, the Commission accepted Blitz Ventures' application 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. The license application is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809. Blitz Ventures LLC requests a reduction in the amount of security bond pursuant to 66 Pa. C.S. § 2809 and 52 Pa. Code § 54.40(c).</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3000701-TUS	A-2018-3000701	ADAMS DIGITAL PHONE INC
Vote 5-0		<p>- Application filed on 3/16/18, seeking Commission approval for the discontinuance and abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Reseller services to the public in PA. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3001070-TUS	A-2018-3001070	RESIDENTIAL LONG DISTANCE INC
Vote 5-0		<p>- Application filed on 4/2/18, seeking Commission approval for the discontinuance and abandonment of Interexchange Carrier Reseller services to the public in PA. No protests were filed, and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2502445-LAW	A-2015-2502445	PENNDOT - Petition filed on 4/13/18, to transfer jurisdiction to the Court of Common Pleas of Dauphin County pursuant to Section 2704 of the Public Utility Code because PennDot determined that the Middletown & Hummelstown Railroad Co. is entitled to just compensation of \$6,400.00 for the property appropriation. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		
2518883-LAW (PP from 04-19-2018)	M-2015-2518883	ALTERNATIVE RATEMAKING METHODOLOGIES - On 3/3/16, the Commission held an en banc hearing to seek information from interested stakeholders on the efficacy and appropriateness of alternatives to traditional ratemaking principles for public utilities. On 3/2/17, the Commission issued a Tentative Order seeking comments on and potential processes to advance, alternative rate methodologies that address issues each utility industry is facing. With this Order, the Commission continues this proceeding by issuing, for comment, a proposed policy statement. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		
Motion by Vice Chairman Place		
Statement by Chairman Brown		
2639881-LAW	P-2017-2639881	UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC D/B/A CENTURYLINK - On 12/22/17, CenturyLink filed a petition requesting that the Commission grant it a permanent waiver of equal access scripting requirements. No answers were filed. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		
3000113-LAW	P-2018-3000113	WEST PENN POWER COMPANY - Petition filed on 2/27/18, pursuant to 52 Pa. Code § 5.43 requesting a waiver from using the Commission-adopted standardized interconnection forms in order to accommodate the Dept. of Conservation and Natural Resources' request to modify the existing standardized terms and conditions in the standard agreement. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0		

3000219-LAW P-2018-3000219

BAKER'S MOVING LLC

Vote 5-0

- Petition requesting a waiver of the requirements of 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-). This provision requires that applicants for authority to transport household goods in use establish that they have at least two years of experience with a licensed household goods carrier or the equivalent. Baker requests the waiver based on his experience driving a delivery truck for a party supply business and the fact that he regularly helps family and friends move.

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>
2614769-ALJ (PP from 04-19-2018)	C-2017-2614769	EUGENE A HAYGOOD VS PHILADELPHIA GAS WORKS - Complaint filed on 7/18/17, alleging “[t]he utility is threatening to shut off my service or has already shut off my service,” “I would like a payment agreement,” and “[o]ther.” Under the “requested relief” section of the Complaint, the Complainant wrote in only “come to an agreement.” On 8/7/17, PGW filed an Answer. A hearing was held on 10/19/17. COMMISSION REVIEW: That the Commission adopt DCALJ Pell’s Initial Decision denying the Complaint.

Vote 5-0

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

May 3, 2018

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3001106-TUS	R-2018-3001106	ELVERSON WATER COMPANY INC
Vote 5-0		- Supplement No. 9 To Tariff Water - Pa. P.U.C. No. 2 filed on 4/12/18, for approval to propose to add provisions for a PENNVEST Surcharge on its water customer's bills to become effective 6/1/18. No formal complaints were filed and no hearings were held.
		RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3000281-LAW	P-2018-3000281	SUNOCO PIPELINE LP AKA ENERGY TRANSFER PARTNERS
Vote 5-0		- On 3/7/18, the Bureau of Investigation and Enforcement (BI&E) filed a petition for issuance of an Ex Parte Emergency Order requesting the Sunoco Pipeline L.P. (SPLP) immediately suspend operation of ME1 and not reinstate service on ME1 until completion of repairs to BI&E's satisfaction and that SPLP perform certain geo-physical tests and analyses. On 3/7/18, Chairman Brown issued an Emergency Order that granted the BI&E petition, which was ratified by the full Commission at the 3/15/18 public meeting. Subsequently, several petitions to intervene were filed. On 4/27/18, SPLP filed a Petition for Lift of Ex Parte Emergency Order and Request for Expedited Treatment. Also, on 4/27/18, BI&E filed a Statement Concurring with the Request of SPLP to reinstate service in ME1.
Statement by Chairman Brown		RECOMMENDATION: That the Commission adopt the proposed Order.