

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MAY 17, 2018 (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
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, June 14, 2018 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 19, 2018 (AP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, JUNE 14, 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, JUNE 13, 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 17, 2018

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2597542-AUD Vote 5-0.	D-2017-2597542	AQUA PENNSYLVANIA WASTEWATER INC - Distribution System Improvement Charge for the 12-month periods ended 12/31/16, 12/31/15, and 12/31/14. RECOMMENDATION: That the Commission release the Audit Report to the public.
2597543-AUD Vote 5-0.	D-2017-2597543	SUPERIOR WATER COMPANY INC - Distribution System Improvement Charge for the 12-month periods ended 12/31/16 and 12/31/15 RECOMMENDATION: That the Commission release the Audit Report to the public

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2501838-OSA	C-2015-2501838	K & J PIZZA VS PECO ENERGY COMPANY
Vote 5-0.		<p>- Formal Complaint filed on 9/1/15, alleging that PECO was threatening or had shut off its utility service and disputed charges on its electric bill. PECO filed an Answer and New Matter on 9/23/15, in which it denied the Complainant's allegations. An initial hearing and further hearing were held on 12/7/15 and 4/22/16, respectively. The Complainant filed an Amended Complaint on 5/19/16. On 6/8/16, PECO filed its Answer and New Matter to the Amended Complaint. On 6/27/16 the Complainant filed an Answer to New Matter. A further hearing was held on 9/23/16. On 8/31/17, the Commission issued ALJ Vero's Initial Decision that sustained the Complaint, in part, dismissed it in part, and directed PECO to pay a civil penalty of \$2,000. On 9/18/17, the Complainant filed Exceptions to the Initial Decision. On 9/29/17, PECO filed Replies to Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
2558531-OSA (PP from 05-03-2018)	C-2016-2558531	PUC - INVESTIGATION AND ENFORCEMENT VS AMERICAN LUXURY LIMOUSINE INC
Vote 5-0.		<p>- Complaint filed on 7/26/16, alleging that the Respondent failed to file an assessment report for the 2014 calendar year, and failed to pay its assessment amount for Fiscal Year 2015-2016. I&E requested that the Respondent be ordered to pay \$9,019 (consisting of the outstanding assessment balance of \$6,538 and a civil penalty of \$2,481) 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 3/3/17, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the remaining outstanding assessment and the civil penalty. No Answer to the Motion was filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment, as modified by this Opinion and Order.</p>

2616828-OSA C-2017-2616828

RON RICHARDS VS DUQUESNE LIGHT COMPANY

Vote 5-0.

- Formal Complaint filed on 7/27/17, alleging that DQE mis-billed him by transferring charges incurred at a prior residence from an account not in his name. On 8/21/17, DQE filed an Answer denying the allegations. An initial hearing was held on 10/10/17. On 1/11/18, the Commission issued the Initial Decision of ALJ Buckley, which dismissed the Complaint. On 1/22/18, the Complainant filed Exceptions to the ALJs' Initial Decision. DQE filed Reply Exceptions on 2/12/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

3000050-OSA A-2018-3000050

**COMMONWEALTH TELPHONE COMPANY LLC, CITIZENS
TELECOMMUNICATIONS COMPANY OF NEW YORK INC,
AND AIRBUS DS COMMUNICATIONS INC**

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

- 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.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
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2589340-TUS	A-2017-2589340	
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PENNDOT

Vote 5-0.

- Application for approval to alter the two public at-grade crossings by installation of new active warning devices and by widening the highway where State Route 0339 and State Route 2017 each cross a single track of Norfolk Southern Railway Company (DOT 517 878 M and DOT 517 842 E) in Mifflin Township, Columbia County and Nescopeck Township, Luzerne County.

RECOMMENDATION:

That the Commission adopt the proposed Order approving the application as amended.

2640814-TUS	M-2018-2640814 M-00900239	
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TELECOMMUNICATIONS RELAY SERVICE (TRS) ANNUAL SURCHARGE RECALCULATION

Joint Motion by Chairman Brown and Commissioner Sweet.

Joint Statement by Commissioner Kennard and Commissioner Coleman.
Vote 3-2 with Commissioner Kennard and Commissioner Coleman Dissenting.

- The Commission has completed its annual recalculation of the Pennsylvania TRS Surcharge and hereby notifies the affected local exchange carriers of the monthly residential and business wireline access line surcharge to be applied from 7/1/18 through 6/30/19. This surcharge recalculation factors in cost estimates for TRS, TDDP, and PMASP operations as well as the current TRS fund balance.

RECOMMENDATION:

That the Commission adopt the proposed Order.

2640827-TUS	M-2018-2640827	
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ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS

Vote 5-0.

- The Commission's regulations at 52 Pa. Code §54.40(a) state that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. 52 Pa. Code §54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained. As of 5/8/18, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code §54.40(a) and (d).

RECOMMENDATION:

That the Commission adopt the proposed Tentative Order.

3000216-TUS Vote 5-0.	R-2018-3000216 R-2018-3000231 R-2018-3000247 R-2018-3000246	<p>METROPOLITAN EDISON COMPANY, PENNSYLVANIA POWER COMPANY, WEST PENN POWER COMPANY, AND PENNSYLVANIA ELECTRIC COMPANY</p> <p>- On 3/1/18 the FirstEnergy Companies filed Pro Forma changes to Tariffs Electric Pa. P.U.C. No. 52, No. 36, No. 40, and No. 81, respectively. The filings propose the addition of a Clawback Charge Credit component to the Default Service Support Rider.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3000256-TUS Vote 5-0.	A-2018-3000256	<p>IDT AMERICA CORP</p> <p>- Application filed on 2/27/18, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service territory of Verizon North LLC. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3000580-TUS Vote 5-0.	A-2018-3000580	<p>TOTAL MARKETING CONCEPTS INC</p> <p>- On 3/22/18, the Commission accepted Total Marketing's application to offer, render, furnish, or supply natural gas services as a broker/marketer to residential, small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Columbia Gas, NFGD Corp., PECO Energy, Peoples Natural Gas, Peoples Natural Gas - Equitable Division, Peoples Gas, PGW, UGI Central Penn Gas, UGI Penn Natural Gas, UGI Utilities, and Valley Energy, 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.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3000739-TUS Vote 5-0.	R-2018-3000739	<p>PHILADELPHIA GAS WORKS</p> <p>- Supplement No. 111 to Gas Service Tariff - Pa. P.U.C. No. 2 filed on 3/23/18, to be effective 5/22/18. The filing proposes to create a voluntary Large Customer Transportation Service Tariff Rate. On 4/27/18, the Philadelphia Industrial and Commercial Gas Users Group filed a Formal Complaint.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3000882-TUS R-2018-3000882

YORK WATER COMPANY

Vote 5-0.

- Supplement No. 129 to Water-Pa. P.U.C. No. 14 filed on 4/2/18, for approval proposing to make changes to the definition of “Fire Line” and changes to “Conditions Applicable to Municipalities and Authorities Single-Point Meter Service.” No complaints were filed and no hearings were held.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3001577-TUS M-2018-3001577

QUARTERLY EARNINGS OF JURISDICTIONAL UTILITIES

Statement by Vice Chairman Place.

Statement by Commissioner Kennard.

Vote 3-2 with Vice Chairman Place and Commissioner Kennard Dissenting.

- Bureau of Technical Utility Services (TUS) report to the Commission regarding quarterly earnings of Pennsylvania utilities for the quarter ended 12/31/17. TUS 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 \$1,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups.

RECOMMENDATION:

That the Commission make the earnings report public.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2641242-LAW	M-2018-2641242	<p>TAX CUTS AND JOBS ACT OF 2017</p> <p>- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required the utilities listed in Attachment A to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3000502-LAW	R-2018-3000502	<p>PEOPLES GAS COMPANY LLC</p> <p>- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Peoples Gas to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3000503-LAW	R-2018-3000503	<p>PEOPLES NATURAL GAS COMPANY LLC - EQUITABLE DIVISION</p> <p>- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Peoples Natural Gas Co. – Equitable Division to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3000512-LAW R-2018-3000512

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PECO ENERGY COMPANY – GAS DIVISION

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required PECO to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000527-LAW R-2018-3000527

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

NATIONAL FUEL GAS DISTRIBUTION CORPORATION

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required NFGD to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than twenty interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000558-LAW R-2018-3000558

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

CITIZENS' ELECTRIC COMPANY OF LEWISBURG

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Citizens' Electric to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000562-LAW R-2018-3000562

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

WELLSBORO ELECTRIC COMPANY

By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Wellsboro Electric to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000597-LAW R-2018-3000597

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

METROPOLITAN EDISON COMPANY

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Met Ed to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000599-LAW R-2018-3000599

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PENNSYLVANIA ELECTRIC COMPANY

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Penelec to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000602-LAW R-2018-3000602

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PENNSYLVANIA POWER COMPANY

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Pennsylvania Power Company to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than twenty interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000604-LAW R-2018-3000604

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

WEST PENN POWER COMPANY

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required West Penn to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000724-LAW R-2018-3000724

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PENNSYLVANIA AMERICAN WATER COMPANY

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required PAWC to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000725-LAW R-2018-3000725

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required PAWC – Wastewater to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000736-LAW R-2018-3000736

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

UGI UTILITIES INC - GAS DIVISION

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required UGI to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000737-LAW R-2018-3000737

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

UGI PENN NATURAL GAS INC

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required UGI PNG to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000738-LAW R-2018-3000738

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

UGI CENTRAL PENN GAS INC

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required UGI CPG to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000775-LAW R-2018-3000775

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PPL ELECTRIC UTILITIES CORPORATION

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required PPL to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3000942-LAW R-2018-3000942

Statement by Vice Chairman Place.

Verbal Statement by Commissioner Kennard. Verbal Statement by Commissioner Sweet.

Vote 5-0 with Vice Chairman Place and Commissioner Sweet Concurring in Result Only and Dissenting in Part.

PIKE COUNTY LIGHT & POWER COMPANY

- By Secretarial Letter issued 2/12/18, the Commission initiated a proceeding to determine the effects of the Tax Cuts and Jobs Act on the tax liabilities of Commission-regulated public utilities for 2018 and future years. The Secretarial Letter required Pike County Light & Power to respond to data requests and to also submit certain financial data. Further, the Secretarial Letter invited public comment on the tax rate changes. Data and comments by more than 20 interested parties were submitted and, in response, the Commission issued a Temporary Rates Order on 3/15/18.

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>
2405193-ALJ Motion by Commissioner Sweet. Vote 5-0.	I-2014-2405193	<p>INVESTIGATION UPON THE COMMISSION’S OWN MOTION</p> <p>- On 3/6/14, the Commission ordered an investigation to determine all matters relating to the condition and disposition of the rail-highway crossing structure, as well as the assignment of responsibilities for future maintenance of the crossing structure at the public grade-separated crossing (DOT 148 962 B) where SR 4035 (Yellow Dog Road) crosses below grade, the abandoned rail line of the Buffalo and Pittsburgh Railroad in West Franklin Township, Armstrong County. After repairs were made and after discovery, CSX agreed it is responsible for the ongoing maintenance and condition of the bridge structure. CSX filed a Motion to Reassign Maintenance Responsibility and Close Proceeding. No party objected.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Dunderdale’s Recommended Decision amending a previous Order dated 8/2/12 at Docket No. A-2011-2279516 to reflect CSX is responsible for the condition and maintenance of the bridge structure, and discontinue its investigation.</p>
2514790-ALJ Vote 5-0.	A-2015-2514790	<p>BUFFALO & PITTSBURGH RAILROAD INC</p> <p>- On 11/23/15, Buffalo & Pittsburgh Railroad filed an Application for abolition of the crossing (AAR/DOT # 1489 15T) where North Loop Road (T-392) crosses above grade the tracks of Buffalo & Pittsburgh Railroad located in West Mahoning Township, Indiana County. The abolishment of the crossing will directly affect five households. On 2/23/16, one of the affected households filed a Protest. Prehearing Conferences held on 1/20/17 and 4/4/17. A hearing held on 10/17/17. The record closed on 1/18/18.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ long’s Recommended Decision approving the application to abolish the crossing and remove the bridge at the railroad’s expense.</p>

**2578051-ALJ M-2016-2578051
P-2013-2389572
P-2016-2526627**

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

PPL ELECTRIC UTILITIES CORPORATION

- On 6/1/17, PPL filed a Petition for Approval of New Time of Use Plan pursuant to a remand by the Commonwealth Court in DCIDA v. Pa. P.U.C., 123 A.3d 1124 (Pa. Cmwlth 2015). On 6/21/17, in response to PPL's petition, answers and related documents were filed by numerous parties. A prehearing conference was held on 9/15/17 wherein a procedural schedule was established. On 3/13/18, PPL and the active parties submitted a Joint Petition for Settlement of All Issues.

COMMISSION REVIEW:

That the Commission adopt DCALJ Cheskis' Recommended Decision adopting the Settlement in its entirety without modification.

2624561-ALJ F-2017-2624561

**Postponed until the Public
Meeting of June 14, 2018.**

**JEROME HARDISON VS PENNSYLVANIA ELECTRIC
COMPANY**

- Formal Complaint filed on 9/11/17, alleging there were incorrect charges on Complainant's billing statements due to a malfunctioning meter. Complainant requested a billing refund for overcharges which occurred before Penelec's meter was replaced on 10/11/16. On 10/5/17, Respondent filed an Answer with New Matter. A telephonic hearing was held on 2/28/18, however the Complainant failed to appear to prosecute the Formal Complaint.

COMMISSION REVIEW:

That the Commission adopt ALJ Dunderdale's Initial Decision dismissing the complaint with prejudice.

2632824-ALJ C-2017-2632824

**Motion by Chairman Brown.
Verbal Statement by
Commissioner Kennard.
Vote 5-0.**

**JOE ROBERTS VS UNITED TELEPHONE COMPANY OF
PENNSYLVANIA D/B/A CENTURYLINK**

- Formal Complaint filed on 10/26/17, alleging that the Respondent failed to address the Complainant's service problems. On 11/27/17, the Respondent filed an Answer with New Matter and Preliminary Objections alleging that the Commission lacks jurisdiction over internet service. Complainant did not file an Answer to the New Matter or Preliminary Objections.

COMMISSION REVIEW:

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

2633652-ALJ C-2017-2633652

**Postponed until the Public
Meeting of June 14, 2018.**

PEARCE YOST VS PENNSYLVANIA ELECTRIC COMPANY

- Formal Complaint filed on 11/2/17, alleging that, “This formal complaint is concerning a previous complaint against Penelec concerning the same issue.” Complainant requested that the Commission “order Penelec to waive the charges that we incurred” while living at 24 North Brown Street. Penelec filed an Answer and New Matter on 12/4/17. On 1/19/18, Penelec filed a Motion for Judgment on the Pleadings requesting that the Complaint be dismissed. No response to the Motion was filed and the scheduled hearing was cancelled. The record closed on 3/14/18.

COMMISSION REVIEW:

That the Commission adopt DCALJ Hoyer’s Initial Decision granting the Motion for Judgment on the Pleadings, dismissing the complaint and requesting that the docket be marked closed.

2641015-ALJ F-2018-2641015

Vote 5-0.

TYRONE BROWN VS PHILADELPHIA GAS WORKS

- Formal Complaint filed on 1/4/18, alleging that the Complainant is not responsible for charges on his natural gas bills. PGW filed Preliminary Objections on 1/25/18 contending that the subject matter of the Complainant’s Complaint is outside the Commission’s subject matter jurisdiction because the statute of limitations bars the claim. The Complainant has not filed an Answer to the New Matter or Preliminary Objections.

COMMISSION REVIEW:

That the Commission adopt ALJ Salapa’s Initial Decision sustaining the Preliminary Objections, dismissing the Complaint and closing the docket.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

May 17, 2018

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3000834-TUS Vote 5-0.	R-2018-3000834 C-2018-3001786	SUEZ WATER PENNSYLVANIA INC - Supplement No. 53 to Water - Pa. PUC No. 7, filed on 4/30/18, proposing a total annual increase in operating revenues by approximately \$6.2 million, or 13.2%, to be effective 6/29/18. On 5/10/18, the OCA filed a Formal Complaint docketed at C-2018-3001786. RECOMMENDATION: That the Commission adopt the proposed Order.
3001063-TUS Motion by Vice Chairman Place. Vote 5-0.	A-2018-3001063	PENNSYLVANIA POWER COMPANY AND AMERICAN TRANSMISSION SYSTEMS INC - Letter of Notification filed on 4/3/18, for approval to site and construct a new 138 kV transmission line tap in the City of New Castle, Lawrence County, PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
3001306-TUS Vote 5-0.	R-2018-3001306 C-2018-3001841	HIDDEN VALLEY UTILITY SERVICES LP - General rate increase filed on 4/27/18, under Supplement No. 1 to Tariff Water - Pa. P.U.C. No. 1, for approval to propose a total annual increase in operating revenues by approximately \$150,629, or 107.2%, to become effective 7/1/18. On 5/14/18, the OCA filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order.
3001307-TUS Vote 5-0.	R-2018-3001307 C-2018-3001843	HIDDEN VALLEY UTILITY SERVICES LP - WASTEWATER - General rate increase filed on 4/27/18, under Supplement No. 1 to Tariff Wastewater - Pa. P.U.C. No. 1 for approval to propose a total annual increase in operating revenues by approximately \$185,432, or 63.1%, to become effective 7/1/18. On 5/14/18, the OCA filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO.

2631527-LAW

DOCKET NO.

M-2017-2631527

NAME AND SUBJECT

ACT 40 IMPLEMENTATION

Vote 5-0.

- Community Energy, Inc. and Community Energy Solar, LLC are solar developers that have solar PV installations inside and outside of Pennsylvania. In some installations located out of state, they do not own the solar PV installations but still retain the rights to AECs generated from those installations. They seek clarification and/or reconsideration of the Implementation Order of Act 40 of 2017 as to whether all parties in the contractual chain of AECs have a right to seek approval for credits that qualify under section 2804(2)(ii) of the Administrative Code, 71 P.S. § 714(2)(ii).

RECOMMENDATION:

The Law Bureau recommends that the Commission adopt the proposed Order.