

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, JULY 12, 2018 (AP)
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, August 2, 2018 at 10:00 A.M.

Minutes of the Meeting of Thursday, May 17, 2018 (DS)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 2, 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, AUGUST 1, 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. THE EXECUTIVE SESSION ON WEDNESDAY, JULY 11, 2018 AT 1:00 PM WAS RESCHEDULED TO 10 AM. 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

July 12, 2018

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2624240-OSA	R-2017-2624240 C-2017-2626954	NEWTOWN ARTESIAN WATER COMPANY - Supplement No. 126 to Water – PA P.U.C. No. 9 filed on 9/1/17, to increase its Distribution System Improvement Surcharge (DSIC) cap from 5% to 7.5%, to become effective 11/1/17. On 2/9/18, the Commission issued the Recommended Decision of ALJ Pell, denying the DSIC cap increase request. By Order dated 4/26/18, inter alia, the Commission gave NAWC the alternative to voluntarily file an extension of its rate suspension so that the matter could be remanded to the OALJ to determine the single issue whether NAWC has exceeded its DSIC and will continue to exceed it, and whether this justifies the requested increase to a 7.5% cap. NAWC accepted the alternative. Hearings were held and the Recommended Decision on Remand of ALJ Pell was issued on 6/15/18. NAWC filed Exceptions on 6/22/18. The OCA filed Replies to Exceptions on 6/27/18. RECOMMENDATION: That the Commission conduct a BINDING POLL of the issues to address the Exceptions and Replies to Exceptions filed by the parties in response to the ALJ’s Recommended Decision on Remand.

Vote 5-0.

**Statement by
Commissioner Kennard**

BUREAU OF AUDITS

AGENDA NO.

2584031-AUD

DOCKET NO.

D-2017-2584031

NAME AND SUBJECT

PECO ENERGY COMPANY

- Energy Efficiency and Conservation Program Costs Phase II for the period 6/1/13 through 3/31/16.

Vote 5-0.

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>
2465345-OSA	C-2015-2465345	PUC - INVESTIGATION AND ENFORCEMENT VS LORETTA M WAGNER T/A LEGACY TOURS OF DISTINCTION

Vote 5-0.

- On 12/22/17, Petitioner filed a Petition for Reconsideration of Staff Action by Motor Carrier Enforcement’s Secretarial Letter entered 3/29/16, that cancelled the Petitioner’s Certificate of Public Convenience and assessed Petitioner a penalty of \$500 for failure to maintain proof of insurance on file with the Commission and an additional \$100 for failure to answer the Complaint, for a total penalty of \$600. Petitioner does not challenge the certificate cancellation, but requests that the Commission reverse the imposition of the fine on the basis that the Petitioner had ceased business operations and no longer was required to maintain proof of insurance. Further, the Petitioner’s failure to respond to the Complaint was due to the Commission’s use of an outdated address.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the Petition for Reconsideration, reverses the portion of the Staff Action imposing a fine of \$600, and affirms cancellation of the Certificate of Public Convenience issued at A-00113279.

2511372-OSA	M-2017-2511372	RESIDENTS ENERGY LLC
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Vote 5-0.

- On 2/18/16, the Bureau of Investigation and Enforcement (I&E) instituted an informal investigation of Residents regarding its marketing practices as an electric generation supplier in PA. The investigation related to an allegation that a sales agent employed by a third-party vendor conducting door-to-door marketing on behalf of Residents switched a customer’s supply service without authorization. On 5/12/17, the parties submitted a Settlement Agreement and Statements in Support of the Settlement. By Order entered 3/1/18, the Commission issued the Settlement for comments. No comments were filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2535034-OSA C-2016-2535034
(PP from 06-14-2018)

PUC - INVESTIGATION AND ENFORCEMENT VS CONESTOGA TOURS INC

Vote 5-0.

**Motion by
Commissioner Sweet**

- Complaint filed on 3/21/16, alleging that the Respondent failed to maintain evidence of bond insurance on file with the Commission. The company was notified that, unless its insurer filed evidence of insurance and it paid the proposed civil penalty of \$500, it was required to file an Answer to the Complaint within 20 days of the date of service of the Complaint. Conestoga did not file an Answer to the Complaint; nor did it provide evidence of insurance. By Secretarial Letter of 9/8/16, it was noted that Conestoga had failed to pay the fine and/or to have its insurer file evidence with the Commission. Accordingly, inter alia, Conestoga's Certificate was cancelled, and it was directed to pay a civil penalty of \$600 within 20 days. On 2/20/18, Conestoga filed a Petition to Rescind Order. No response to the Petition has been received.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition, in part, and denies it, in part; (2) rescinds the 9/8/16 Secretarial Letter, in part; and (3) sustains the Complaint.

2544674-OSA C-2016-2544674

PUC – INVESTIGATION AND ENFORCEMENT VS CHRISTOPHER T STACK

Vote 5-0.

- Complaint filed on 5/20/16, alleging that Respondent violated Section 1101 of the Public Utility Code, 66 Pa. C.S. § 1101, by holding out to provide passenger transportation service between points in Pennsylvania without operating authority from the Commission. I&E requested that the Respondent be ordered to pay a civil penalty of \$1,000 and that the Respondent's vehicle registration be suspended by PennDOT. On 6/29/16, the Respondent filed an Answer to the Complaint. On 7/18/17, I&E filed an Amended Complaint which included photographs depicting the Respondent's vehicle operating with an illuminated dome light. The Respondent did not file an Answer to the Amended Complaint. On 9/21/17, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the civil penalty and refer the Respondent's vehicle registration to PennDOT for suspension. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment, in part, consistent with this Opinion and Order.

- 2549952-OSA C-2016-2549952 JOHN MCGEE VS PPL ELECTRIC UTILITIES CORPORATION**
Vote 5-0. - Formal Complaint filed on 5/18/16, alleging incorrect charges on his bill. On 6/29/16, PPL filed an Answer to the Complaint. A hearing was held on 12/7/16. On 5/4/17, the Initial Decision of ALJ Johnson was issued, which dismissed the Complaint. The Complainant filed Exceptions on 6/9/17. PPL filed Replies to Exceptions on 6/20/17.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.
- 2552116-OSA A-2016-2552116 DISCOUNT TRANSPORTATION LLC**
Vote 5-0. - Application filed on 5/25/16, for the right to transport as a common carrier by motor vehicle, persons in paratransit service, from point in the County of Berks to points in PA and return. Notice of the application was published in the Pa. Bulletin on 7/9/16. Keystone Transportation, LLC and Express Taxi, LLC (Joint Protestants) filed a joint protest on 7/25/16. A hearing was held on 2/8/17. By Initial Decision issued on 4/27/17, ALJ Barnes recommended that the application be granted. The Joint Protestants filed Exceptions on 5/12/17. The Applicant filed Replies to Exceptions 5/16/17.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.
- 2567445-OSA C-2016-2567445 DEBBIE HUGHEY VS PHILADELPHIA GAS WORKS**
Vote 5-0. - Formal Complaint filed on 9/19/16, alleging reliability, safety, or quality problems with Complainant's gas service. An evidentiary hearing was held on 6/15/17. The Initial Decision of ALJ Pell was issued on 12/20/17. The Complainant was granted additional time to file full Exceptions by Secretarial Letter dated 3/12/18. The Complainant filed Partial Exceptions on 1/9/18 and Full Exceptions on 3/22/18. PGW filed Replies to the Partial Exceptions and Full Exceptions on 1/19/18 and 4/2/18, respectively.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order which denies the Exceptions.

**2571178-OSA F-2016-2571178
(PP from 06-14-2018)**

Vote 3-2

**Statement by Commissioner
Coleman, with Commissioner
Kennard associating**

**Commissioner Sweet -
Verbal Statement Vice
Chairman Place - Verbal
Statement**

EARTHA PAGE VS PECO ENERGY COMPANY

- Formal Complaint filed on 10/9/16, alleging that PECO had terminated her electric service and requesting a payment arrangement. On 11/1/16, PECO filed an Answer to the Complaint. On 2/21/17, ALJ Guhl convened the scheduled in-person hearing in this case. The Complainant did not appear for the hearing. After the hearing, PECO moved to dismiss the Complaint for failure to appear and prosecute. On 6/6/17, the Initial Decision of ALJ Guhl was issued, which dismissed the Complaint with prejudice for failure to appear and prosecute. On 6/26/17, the Complainant filed Exceptions to the Initial Decision. On 7/3/17, the Secretary's Bureau returned the Complainant's Exceptions for an original signature. On 7/13/17, the Complainant filed the signed Exceptions. On 7/20/17, the Secretary's Bureau served the Exceptions on PECO. On 7/31/17, PECO filed Replies to Exceptions in accordance with the revised due date established by the Secretary's Bureau.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

**2574307-OSA F-2016-2574307
C-2016-2578856
(PP from 06-14-2018)**

Vote 5-0.

**SHERRY AND LENNY TROCKI VS UGI PENN NATURAL GAS
COMPANY INC**

- Formal Complaint filed on 11/3/16, alleging that the UGI Penn was threatening or had shut off their utility service and requested a payment arrangement. On 11/14/16, UGI Penn filed an Answer and New Matter to the Complaint, admitting that it had terminated service to the Complainants for non-payment on or about 8/31/15, and averred that the Complainants were ineligible for a new Commission-ordered payment arrangement. By Order dated 2/2/17, Special Agent Waldemar consolidated a separate Complaint filed by the Complainants on 11/28/17, docketed at C-2016-2578856, with the instant Complaint, docketed at F-2016-2574307. A telephonic hearing was held in this matter on 2/23/17. On 6/9/17, the Commission issued Special Agent Waldemar's Initial Decision, which sustained the Complaints and granted the Complainants' request for a payment arrangement. On 6/29/17, UGI Penn filed Exceptions to the Initial Decision. Replies to Exceptions have not been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Exceptions of UGI Penn, reverses the Special Agent's Initial Decision., and dismisses the Complaints, consistent with the proposed Opinion and Order.

**2575829-OSA A-2016-2575829
G-2017-2587567**

**LAUREL PIPE LINE COMPANY LP AND BUCKEYE PIPE LINE
COMPANY LP**

Vote 5-0.

Statement by Chairman Brown

**Verbal Statement by
Commissioner Kennard**

- Application filed on 11/14/16, for authorization to change the direction of petroleum products transportation service over a portion of its system west of Eldorado, PA. On 2/1/17, Petitions to Intervene and Protests were filed by various parties. On 2/6/17, Laurel and Buckeye filed the Capacity Agreement at Docket No. G-2017-2587567. Evidentiary hearings were held from 11/6/17 to 11/13/17. Main and Reply Briefs were filed by the parties. On 3/29/18, the Commission issued the Recommended Decision of ALJ Vero, which recommended that the Application and the Capacity Agreement be denied. On 4/18/18, Gulf Operating, LLC, Phila. Energy Solution Refining and Marketing, LLC, Monroe Energy, LLC Giant Eagle, Inc. and Sheetz, Inc. (collectively, the Indicated Parties) filed Exceptions. Exceptions were also filed by the Commission's Bureau of Investigation and Enforcement, Laurel and the Husky Marketing and Supply Co. on 4/18/18. Replies to Exceptions were filed by the Indicated Parties and Laurel on 4/30/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2576094-OSA C-2016-2576094

IRWIN FOX VS VERIZON PENNSYLVANIA LLC

Vote 5-0.

- Formal Complaint filed on 11/9/16, alleging that Verizon is threatening to shut off his service and that Verizon wants to change its copper wire telephone line to fiber optics. For relief, Complainant requested that the Commission order Verizon to continue to provide his telephone service through copper wire. An evidentiary hearing was held on 4/13/17. By Initial Decision issued on 8/11/17, ALJ Johnson dismissed the Complaint. Exceptions were filed by the Complainant on 8/22/17, and Reply Exceptions were filed by Verizon on 9/11/17.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions.

2588127-OSA C-2017-2588127

PUC - INVESTIGATION AND ENFORCEMENT VS RAYMOND WHITAKER

Vote 5-0.

Motion by Commissioner Sweet

- Complaint filed on 3/23/17, alleging that the Petitioner violated the Public Utility Code by holding out to provide transportation of persons for compensation without authority. No Answer to the Complaint was filed. By Secretarial Letter issued on 8/1/17, the Commission sustained the Complaint. On 8/12/17, the Petitioner filed a Petition for Reconsideration of Staff Action. No response to the Petition has been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants, in part, the Petition.

2592357-OSA C-2017-2592357
(PP from 06-14-2018)

BENJAMIN A SAGGESE VS PENNSYLVANIA ELECTRIC COMPANY

Vote 4-1

Statement by Chairman Brown, concurring in result only

Dissenting verbal statement from Vice Chairman Place

- Formal Complaint filed on 3/6/17, alleging the existence of incorrect charges on his bill and that Penelec was threatening to terminate his electric service. On 3/28/17, Penelec filed an Answer. On 5/8/17, ALJ Watson convened the scheduled telephonic hearing in this case. The Complainant failed to appear for the hearing. At the hearing, Penelec moved to dismiss the Complaint for failure to appear and prosecute. The ALJ indicated he would take the motion under advisement. On 6/6/17, the Initial Decision of ALJ Watson was issued, which granted Penelec's Motion and dismissed the Complaint with prejudice for failure to appear and prosecute. On 7/3/17, the Commission received the Complainant's filed Exceptions. On 7/5/17, the Secretary's Bureau served a copy of the Exceptions on Penelec establishing a due date of 7/17/17 for Replies. On 7/17/17, Penelec filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2597097-OSA C-2017-2597097

ROBERT BINELLI VS METROPOLITAN EDISON COMPANY

Vote 5-0.

- Formal Complaint filed on 3/24/17, alleging incorrect charges related to foreign load on his bill. On 4/24/17, Met-Ed filed an Answer, New Matter and Preliminary Objection. On 5/3/17, the Complainant filed an Answer to Met-Ed's Preliminary Objection. On 5/12/17, the Complainant filed an Answer to Met-Ed's New Matter. On 7/6/17, the Initial Decision of ALJ Myers was issued, which granted the Preliminary Objection and dismissed the Complaint. The Complainant filed Exceptions on 7/26/17. PPL filed Replies to Exceptions on 8/7/17.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2605434-OSA A-2017-2605434

AQUA PENNSYLVANIA WASTEWATER INC

Vote 4-1.

Statement by Commissioner Kennard

Conflict Statement by Commissioner Kennard

Conflict Statement by Commissioner Coleman

Dissenting Statement by Vice Chairman Place

- Application filed on 5/19/17, for a certificate of public convenience to acquire the wastewater system and related assets of Limerick Township. By Recommended Decision issued on 9/18/17, the ALJ approved the application with an adjustment to the proposed rate base value and with certain conditions. On 10/3/17, Aqua, the Bureau of Investigation and Enforcement (I&E) and the OCA filed Exceptions. On 10/10/17, Aqua, I&E and the OCA filed Replies to Exceptions. By Order entered 11/29/17, the Commission adopted the Recommended Decision. Aqua filed a Petition for Reconsideration on 12/14/17. On 12/22/17 and 12/29/17, the OCA and I&E filed their respective Answers to the Petition for Reconsideration. By Order entered 4/19/18, the Commission denied the Petition for Reconsideration. On 6/7/18, Aqua, the Township and the OCA filed a Petition for Resolution of Proceedings and Amendment of prior Commission Orders. I&E filed a letter objecting to the petition on 6/18/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2605783-OSA C-2017-2605783

AKEEM SIMMONS, YVONNE WHISENANT AND ASHLEY MOWERY VS UGI UTILITIES INC

Vote 5-0.

- Formal Complaint filed on 5/10/17, alleging UGI terminated their gas service and that there are incorrect charges on their bill. For relief, the Complainants requested their gas service be restored, the charges be corrected and they be given a payment agreement. On 6/13/17, UGI filed an Answer. A telephonic hearing was held on 8/22/17. On 9/20/17, Ms. Whisenant filed a Petition requesting a further in-person hearing and issuance of subpoenas. On 9/26/17, UGI filed a response to Ms. Whisenant's petition. By Order issued 11/6/17, the petition was granted, in part. On 2/6/18, the Commission issued ALJ Cheskis' Initial Decision which dismissed the Complaint. On 2/9/18, Ms. Whisenant filed Exceptions on behalf of the Complainants. On 3/7/18, UGI filed Replies to Exceptions. On 3/19/18, Ms. Mowery filed Exceptions. No Replies to Ms. Mowery's Exceptions were received.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2609460-OSA C-2017-2609460
(PP from 06-14-2018)

Vote 3-2.

**Joint Motion of Commissioner
Sweet and Commissioner
Kennard**

Statement by Chairman Brown

CLEM MARABLE VS PHILADELPHIA GAS WORKS

- Formal Complaint filed on 6/14/17, alleging that PGW improperly placed the Complainant's gas service in another person's name and that there were incorrect charges on the Complainant's bill and requesting a payment arrangement. On 7/1/17, PGW filed an Answer. On 8/14/17, ALJ Myers convened the scheduled telephonic hearing in this case. The Complainant did not appear for the hearing. On 10/12/17, the Initial Decision of ALJ Myers was issued, which dismissed the Complaint with prejudice for failure to appear and prosecute. On 10/24/17, the Complainant filed Exceptions to the Initial Decision. On 10/25/17, the Secretary's Bureau served the Exceptions on PGW. On 11/13/17, PGW filed Replies to Exceptions in accordance with the revised due date established by the Secretary's Bureau.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2614241-OSA F-2017-2614241
(PP from 06-14-2018)

Vote 3-2.

**Joint Motion by Commissioner
Sweet and Commissioner
Kennard**

Statement by Chairman Brown

ALICE ANDERSON VS PECO ENERGY COMPANY

- Formal Complaint filed on 7/12/17, alleging that PECO was threatening to shut-off her utility service, that there were incorrect charges on the Complainant's bill, that her bill was high, and requesting a payment arrangement. On 7/31/17, PECO filed an Answer. On 9/26/17, ALJ Pell convened the scheduled in-person hearing in this case. The Complainant did not appear for the hearing. On 11/9/17, the Initial Decision of ALJ Pell was issued, which dismissed the Complaint with prejudice for failure to appear and prosecute. On 11/20/17, the Complainant filed Exceptions to the Initial Decision. On 11/21/17, the Secretary's Bureau served the Exceptions on PECO. On 12/1/17, PECO filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2633043-OSA C-2017-2633043
(PP from 06-14-2018)

Vote 3-2.

**Joint Motion by Commissioner
Sweet and Commissioner
Kennard**

Statement by Chairman Brown

**ROBERT STRYDIO VS PPL ELECTRIC UTILITIES
CORPORATION**

- Formal Complaint filed on 11/6/17, alleging that the PPL was threatening or had shut off his utility service and requesting a payment arrangement. On 11/29/17, PPL filed an Answer to the Complaint. A telephonic hearing was held in this matter on 1/25/18. On 2/14/18, the Commission issued ALJ Salapa's Initial Decision, dismissing the Complaint for failure to prosecute because the Complainant failed to appear for the hearing. The Complainant filed Exceptions on 2/22/18. On 3/6/18, PPL filed Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Complainant's Exceptions, reverses the ALJ's Initial Decision and remands the Complaint to the OALJ for further proceedings as may be necessary.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2635709-TUS Vote 4-1. Motion by Vice Chairman Place Statement by Commissioner Coleman Verbal Dissenting Statement by Commissioner Kennard	A-2017-2635709	PPL ELECTRIC UTILITIES CORPORATION - Letter of Notification filed on 11/27/17, for approval to rebuild the existing Breinigsville-Alburtis 500 kV Transmission Line in Lower Macungie and Upper Macungie Townships, Lehigh County, PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
2640827-TUS Vote 5-0.	M-2018-2640827	ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS - 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. In addition, 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 6/29/18, 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.
3000337-TUS Vote 5-0.	A-2018-3000337	TRANE ENERGY CHOICE LLC - Application filed on 3/9/18, 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 PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3000406-TUS Vote 5-0.	A-2018-3000406 A-2018-3000407 G-2018-3000417 G-2018-3000418	NRG ENERGY CENTER HARRISBURG LLC AND NRG ENERGY CENTER PITTSBURGH - Joint Application filed on 3/9/18, for approval of the transaction and assignment of affiliated interest agreements related to operation and maintenance services. RECOMMENDATION: That the Commission approve the Joint Application and the related affiliate interest agreements consistent with the proposed Order.

3000443-TUS	A-2018-3000443	<p>THE OE GROUP INC</p> <p>- Application filed on 3/14/18, for approval 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, Peoples Natural Gas, Peoples Natural Gas Co. - Equitable Division, Peoples Gas, PGW, UGI Central Penn, UGI Penn Natura, UGI, and Valley Energy, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
3000988-TUS	A-2018-3000988	<p>AMERICAN TRANSMISSION SYSTEMS INC</p> <p>- Letter of Notification filed on 4/2/18, for approval to construct 0.21 miles of temporary 138 kV transmission line in Cranberry Township, Butler County, PA. 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.		
3001367-TUS	A-2018-3001367	<p>AQUA PENNSYLVANIA WASTEWATER INC</p> <p>- Application filed on 4/19/18, for approval of the right to offer, render, furnish and supply wastewater service to the public in an additional portion of Worcester Township, Montgomery County, PA. 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.		
3001386-TUS	A-2018-3001386	<p>MID-ATLANTIC INTERSTATE TRANSMISSION LLC</p> <p>- Letter of Notification filed on 4/19/18, for approval to construct new and relocate existing 115 kV transmission lines in Daisytown Borough, Cambria County, PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		

3001928-TUS

S-2018-3001928

UGI UTILITIES INC

Vote 5-0.

- Securities Certificate filed on 5/14/18, for approval for the issuance of debt in principal amount not to exceed \$200,000,000. No protests were filed and no hearings were held. UGI voluntarily extended the consideration period to 7/12/18.

RECOMMENDATION:

That the Commission register the securities certificate consistent with the proposed Order.

3002565-TUS

I-2018-3002565

INVESTIGATION UPON THE COMMISSION'S OWN MOTION

Vote 5-0.

Statement by Chairman Brown

- Investigation upon the Commission's own motion to determine the disposition of the existing rail crossing (DOT 367 874 U) where Maple Glenn Road crosses at grade the single track of Norfolk Southern Railway Co. in the Borough of Centerville, Washington County.

RECOMMENDATION:

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

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2640012-LAW	A-2017-2640012	ENERGY LINK I LLC D/B/A THE ENERGY LINK LLC - Petition for Reconsideration filed on 5/3/18, seeking reconsideration of the Commission’s Order entered on 4/19/18, denying without prejudice Energy Link’s application to serve as a broker/marketer of natural gas service in the Commonwealth. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
2642849-LAW (PP from 06-14-2018)	P-2018-2642849	CENTRAL BRADFORD PROGRESS AUTHORITY - Petition for Declaratory Order filed on 1/16/18, seeking clarification as to whether its plan to construct and lease access to a dark fiberoptic network within Bradford County, PA is permissible under 66 Pa. CS. § 3014(h) and whether its planned operation of the proposed network would be classified as public utility service subject to Commission jurisdiction. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
3001391-LAW PP from 06-14-2018)	L-2018-3001391	RULEMAKING TO COMPLY WITH COMPETITIVE CLASSIFICATION OF TELECOM RETAIL SERVICES - On 3/4/15, the Commission partially granted Verizon’s petition to reclassify certain wire centers as competitive and waive certain regulations. On 6/1/15, the Commission issued a Tentative Implementation Order, under authorities of Sections 501 and 703(g) of the Code, 66 Pa. C.S. §§ 501 and 703(g), to clarify certain issues necessary to facilitate implementation of the Reclassification Order and to achieve a more efficient transition of basic service to a competitive service in the relevant areas. The Commission's Final Implementation Order was issued 9/11/15, and addressed the issues raised in the Tentative Implementation Order. RECOMMENDATION: That the Commission adopt the proposed order.
Vote 5-0.		
Statement by Chairman Brown		
Statement by Vice Chairman Place		
Statement by Commissioner Coleman		

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1197575-ALJ	A-310922F7003	CORE COMMUNICATIONS INC
Vote 4-0.		- On 1/12/18, On 1/25/06, Core Communications filed twenty-nine Petitions for Arbitration with the Commission, pursuant to 47 U.S.C. § 252(b), requesting that the Commission arbitrate the terms and conditions for interconnection with various telecommunications carriers. The carriers filed answers to the Petitions, opposing the relief requested by Core. On 3/11/08, the parties agreed to a stay of the proceedings which was granted by ALJ Weismandel. On 3/2017, ALJ Salapa contacted the parties and inquired as to the status of the proceedings. Core had filed a bankruptcy petition, but planned to continue operating during the pendency of the bankruptcy and afterwards. Several status updates were provided to the ALJ. On 6/13/18, Core filed a Petition to Withdraw its Petitions for Arbitration.
Conflict Statement by Commissioner Sweet		
Recusal Statement by Commissioner Kennard		
		COMMISSION REVIEW:
		That the Commission adopt ALJ Salapa’s Recommended Decision granting the Petition to Withdraw its Petitions for Arbitration.
2611805-ALJ	F-2017-2611805	PHILADELPHIA GAS WORKS VS WILLIAM MADISON
Vote 5-0.		- Formal Complaint filed on 6/9/17, indicating that BCS erred in its decision regarding an informal Complaint filed by William Madison regarding a theft of service issue. Complainant did not file an Answer. A hearing was held on 1/9/18.
Statement by Chairman Brown		
		COMMISSION REVIEW:
		That the Commission adopt ALJ Guhl’s Initial Decision granting the Complaint.

<p>2623270-ALJ C-2017-2623270</p> <p>Vote 5-0.</p>	<p>ALEXANDRE FOURSEVITCH VS METROPOLITAN EDISON COMPANY</p> <p>- Formal Complaint filed on 8/29/17, alleging, inter alia, that Complainant and her family members have suffered health problems subsequent to the installation of a smart meter at her residence on 7/14/17. As relief, Complainant requested that the Commission order Met-Ed to replace the smart meter with an analog meter. On 9/27/17, Met-Ed filed its Answer. On 11/14/17, interrogatories and requests for production of documents were served upon Complainant. On 1/3/18, an interim order was issued granting the motion to compel and ordering Complainant to file responses by 1/23/18. On 1/10/18, an interim order was entered directing the parties to identify their proposed expert and factual witnesses by 3/9/18 and to serve each other their proposed exhibits. On 3/22/18, Respondent filed its first motion to dismiss for Complainant's failure to comply with the 1/3/18 and 1/10/18 orders. Complainant did not file a response to Respondent's second motion to dismiss filed on 4/16/18.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Watson's Initial Decision granting the motion to dismiss the Complaint, with prejudice.</p>
<p>2644080-ALJ C-2018-2644080</p> <p>Vote 4-1.</p> <p>Dissenting Statement by Chairman Brown</p>	<p>APRIL JACKSON VS DUQUESNE LIGHT COMPANY</p> <p>- Formal Complaint filed on 1/12/18, alleging incorrect charges on her bill and as relief, requested that the Commission order DLC to recalculate Complainant's bill. DLC filed Preliminary Objections alleging that the Complaint lacked specificity. Complainant did not file an Answer to the Preliminary Objections.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Salapa's Initial Decision sustaining the Preliminary Objections and dismissing the Complaint.</p>
<p>2646671-ALJ C-2018-2646671 (PP from 06-14-2018)</p> <p>Postponed until the 8/2 Public Meeting.</p>	<p>AMBER COZART VS PHILADELPHIA GAS WORKS</p> <p>- In an untimely appeal from a BCS decision, a Complaint was filed on 2/5/18 requesting a payment arrangement. PGW filed an Answer on 3/1/18. A hearing was held on 4/23/18.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt SA Arnold's Initial Decision dismissing the Complaint.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

July 12, 2018

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2475355-OSA	C-2015-2475355	MARY PAUL VS PECO ENERGY COMPANY
Vote 5-0.		<p>- Formal Complaint filed on 4/1/15, alleging that PECO was threatening to shut off her service after she refused installation of a smart meter at her home. On 7/1/15, the Initial Decision of ALJ Cheskis was issued, which granted PECO's Preliminary Objections and dismissed the Complaint. By Opinion and Order entered on 3/17/16, the Commission, inter alia, reversed the ALJ's Initial Decision and remanded the Complaint for further proceedings. On 06/23/17, the Commission issued the Initial Decision of ALJ Heep, which dismissed the Complaint. On 7/13/17, the Complainant filed Exceptions to the ALJ Heep's Initial Decision. PECO filed Reply Exceptions on 7/24/17. On 6/14/18, the Commission entered an Opinion and Order denying the Complainant's Exceptions, adopting the ALJ's Initial Decision, and dismissing the Complaint. On 6/29/18, the Complainant filed a Petition for Reconsideration.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that grants the Petition pending review of and consideration on the merits.</p>

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3002645-TUS	R-2018-3002645 C-2018-3003165	PITTSBURGH WATER AND SEWER AUTHORITY
Vote 5-0.		<p>- Tariff Water - Pa. P.U.C. No. 1 filed on 7/2/18, for approval to propose a total annual increase in operating revenues for water service by approximately \$21.38 million, or 22.01%, to become effective 8/31/18. On 7/5/18, the OCA filed a Formal Complaint.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3002647-TUS

R-2018-3002647
C-2018-3003165

PITTSBURGH WATER AND SEWER AUTHORITY

- Tariff Wastewater - Pa. P.U.C. No. 1 filed on 7/2/18, for approval to propose a total annual increase in operating revenues for wastewater service by approximately \$5.63 million, or 9.25% to become effective 8/31/18. On 7/5/18, the OCA filed a Formal Complaint.

Vote 5-0.

RECOMMENDATION:

That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

3002672-LAW

L-2018-3002672

ASSUMPTION OF COMMISSION JURISDICTION OVER POLE ATTACHMENTS FROM THE FEDERAL COMMUNICATIONS COMMISSION

Vote 5-0.

- At its 6/14/18 Public Meeting, the Commission directed Law Bureau to initiate a rulemaking to assert jurisdiction over pole attachments pursuant to the Telecommunications Act of 1996 whereby states may reverse-preempt Federal Communications Commission pole attachment jurisdiction. This Order initiates the rulemaking as directed.

Statement by Chairman Brown

Statement by Vice Chairman Place

Statement by Commissioner Sweet

Statement by Commissioner Kennard

RECOMMENDATION:

That the Commission adopt the proposed Order.