

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, FEBRUARY 28, 2019 (NK)
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
Andrew G. Place	David W. Sweet	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, March 14, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 17, 2019 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 14, 2019, 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, MARCH 13, 2019, 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
February 28, 2019

OFFICE OF COMPETITIVE MARKET OVERSIGHT

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2637855-OCM	P-2017-2637855 et al	METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
Verbal Statement by Chairman Brown. Vote 5-0.		<p>- Recommendation from OCMO relative to the implementation of Customer Assistance Program (CAP) shopping and Customer Referral Program scripting at Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company. After review and consideration of the comments offered in response to a 12/20/18 Tentative Order, with this Final Order the Commission sets the rules and procedures for the CAP shopping program and scripting for the Customer Referral Program.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Final Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2472242-OSA (PP from 02-07-2019) Vote 5-0.	I-2015-2472242 M-2013-2364201	INVESTIGATION OF EXISTING STRUCTURES - By Order entered 5/23/13, at Docket No. M-2013-2364201, the Commission addressed the SR 1025 crossing, one of the seven crossings in this proceeding. By Order entered 4/9/15, at Docket No. I-2015-2472242, the Commission initiated an investigation to evaluate the condition and disposition of six highways over rail crossings located on the same rail line as the SR 1025 crossing. On 9/22/17, the proceedings at Docket Nos. M-2013-2364201 and I-2015-2472242 were consolidated. On 4/24/18, an evidentiary hearing was held. PennDOT, Bureau of Investigation & Enforcement, Norfolk Southern Railway Company (NS), Great Bend Township (Great Bend), and other Townships participated in the hearing. On 8/6/18, the Commission issued the Recommended Decision of ALJ Salapa. NS, PennDOT, and Great Bend filed Exceptions on 8/31/18. NS and PennDOT filed Replies to Exceptions on 9/24/18. Great Bend filed a letter indicating that it would not be filing Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2576738-OSA Vote 5-0.	C-2016-2576738	JANICE DENITO BRANAGH VS PECO ENERGY COMPANY - Complaint filed on 11/16/16, averring that she did not want an electric smart meter installed in her home due to health reasons. An evidentiary hearing was held on 6/6/17. Thomas Watson, Esquire participated in the hearing as one of PECO's attorneys. Our records do not indicate that Mr. Watson is licensed to practice in PA or that any pro hac vice motions have been filed in this proceeding. On 1/12/18, the Commission served the Initial Decision of ALJ Heep, sustaining the Complaint in part. The Complainant filed Exceptions on 1/30/18, and PECO filed Replies to Exceptions on 2/12/18. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

2605855-OSA C-2017-2605855

CHALMERS A SIMPSON JR VS PPL ELECTRIC UTILITIES CORPORATION

Vote 5-0.

- Complaint filed on 5/24/17, alleging a billing dispute with PPL regarding the final bill issued by PPL for electric service at a prior address. PPL filed an Answer to the Complaint on 6/13/17. On 4/23/18, ALJ Buckley convened an in-person hearing. On 8/6/18, the Initial Decision (I.D.) of ALJ Buckley was issued that dismissed the Complaint. No Exceptions were filed. Accordingly, the Commission entered a Final Order on 9/7/18 permitting ALJ Buckley's I.D. to become final. On 10/29/18, the Complainant filed a Petition for Rescission of the Commission's Final Order (Petition). No answer was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies the Petition.

2643836-OSA C-2018-2643836

PUC – BUREAU OF INVESTIGATION & ENFORCEMENT VS JOYCE JOYNER PUCKETT

Vote 5-0.

- Complaint filed on 1/22/18, alleging that the Respondent failed to file an assessment report for the 2015 calendar year, and she failed to pay its assessment amount for fiscal year 2016-2017. The Bureau of Investigation & Enforcement (I&E) requested that the Respondent be ordered to pay \$499 (consisting of the outstanding assessment balance of \$199 and a civil penalty of \$300) and that the Respondent's Certificate of Public Convenience be revoked if he failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 7/17/18, I&E filed a Motion for Default Judgment requesting that the Commission direct the Respondent to pay the outstanding assessment and civil penalty. No Answer to the Motion was filed. On 8/21/18, the Respondent made a payment of \$199, which satisfied the Respondent's outstanding assessment.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment, as modified by this Opinion and Order.

3001616-OSA

C-2018-3001616

SHAWN MATHIS VS PECO ENERGY COMPANY

Vote 5-0.

- Complaint filed on 4/30/18, requesting a new payment arrangement. On 5/22/18, PECO filed an Answer. A hearing was convened on 10/29/18. The Complainant failed to appear. By Initial Decision issued on 11/2/18 ALJ Brady granted PECO's motion to dismiss the Complaint with prejudice. The Complainant filed Exceptions and PECO filed Replies.

RECOMMENDATION:

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

3005590-OSA

A-2018-3005590

TWIN LAKES UTILITIES INC

Vote 5-0.

- Application filed on 10/23/18, to abandon water service in Sagamore Estates in Shohola Township, Pike County, PA. By Secretarial Letter issued on 10/25/18, the Commission denied the Application without prejudice. On 11/6/18, Twin Lakes filed a Petition for Reconsideration from Staff Action (Petition) relating to the Secretarial Letter. No Answer to the Petition has been filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3001386-TUS Vote 5-0.	A-2018-3001386	MID-ATLANTIC INTERSTATE TRANSMISSION LLC - Letter of Notification (LON) filed on 4/19/18, to construct new and relocate existing transmission lines. On 7/12/18, the Commission denied MAIT’s LON. On 7/30/18, MAIT filed a Petition for Reconsideration and on 12/20/18, the Commission rescinded the 7/12/18 Order and reassigned the LON to the Bureau of Technical Utility Services. RECOMMENDATION: That the Commission adopt the proposed Order.
3005620-TUS Vote 5-0.	R-2018-3005620 R-2018-3005621 R-2018-3005622	UGI UTILITIES INC - GAS DIVISION NORTH RATE DISTRICT, UGI UTILITIES INC – GAS DIVISION SOUTH RATE DISTRICT, AND UGI UTILITIES INC – GAS DIVISION CENTRAL RATE DISTRICT - On 10/24/18, UGI - Gas Division, North Rate District, UGI - Gas Division, South Rate District, and UGI - Gas Division, Central Rate District filed Supplement Nos. 13, 22, and 60 to Tariff Gas - Pa. P.U.C. Nos. 9 and 9-S, 6 and 6-S, and 4 and 4-S, respectively, to be effective 12/23/18. On 11/14/18, the UGI Districts filed Supplement Nos. 14, 23, and 61 which voluntarily postponed the effective dates to 1/18/19. On 1/17/19, the UGI Districts filed Supplement Nos. 17, 27, and 65 which voluntarily postponed the effective dates to 3/1/19. RECOMMENDATION: That the Commission adopt the proposed Order.
3006085-TUS Vote 5-0.	A-2018-3006085	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 11/19/18, for approval of the right to offer, render, furnish or supply wastewater service to the public in an additional portion of Elk Township, Clarion County, PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3006508-TUS Vote 5-0.	A-2018-3006508	KINECT ENERGY INC - Application filed on 12/13/18, for the 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, NFGDC, PECO, Peoples Natural Gas, Peoples Natural Gas - Equitable Division, Peoples Gas, PGW, UGI, and Valley Energy, within PA. RECOMMENDATION: That the Commission adopt the proposed Order.

<p>3006522-TUS</p> <p>Vote 5-0.</p>	<p>A-2018-3006522</p>	<p>KINECT ENERGY INC</p> <p>- Application filed on 12/13/18, for the approval 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 the electric distribution company service territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>3006658-TUS</p> <p>(PP from 02-07-2019)</p> <p>Vote 5-0.</p>	<p>S-2018-3006658 S-2017-2626901</p>	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Securities Certificate filed on 12/19/18. No protests were filed, and no hearings were held. PPL Electric Utilities Corporation voluntarily extended the consideration period to 3/1/19.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>
<p>3006814-TUS</p> <p>Vote 5-0.</p>	<p>R-2018-3006814</p>	<p>UGI UTILITIES, INC -GAS DIVISION SOUTH RATE DISTRICT</p> <p>- On 1/28/19, UGI - Gas Division filed Tariff Gas Pa. P.U.C. Nos. 7 and 7S, proposing an increase of its annual jurisdictional revenues by approximately \$71.1 million or by 8.9%. On 2/7/19 the Office of Small Business Advocate and the Office of Consumer Advocate filed formal complaints.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>3006818-TUS</p> <p>Vote 5-0.</p>	<p>R-2018-3006818</p>	<p>PEOPLES NATURAL GAS COMPANY LLC</p> <p>- On 1/28/19, Peoples Natural Gas filed Retail Tariff Gas - Pa. P.U.C. No. 47 and Supplier Tariff Gas – Pa. P.U.C. No. S-3 to become effective 3/29/19, containing proposed changes in rates, rules, and regulations calculated to produce \$94.9 million in additional fully-projected future test year annual revenues. On 2/7/19, the Office of Consumer Advocate and the Office of Small Business Advocate filed Formal Complaints.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3006865-TUS	M-2019-3006865	ELECTRIC GENERATION SUPPLIER LICENSE CANCELLATIONS
Vote 5-0.		<p>- 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 2/15/19, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code §54.40(a) and (d).</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
3007069-TUS	R-2019-3007069 R-2019-3007070 R-2019-3007071 R-2019-3007072	METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
Vote 5-0.		<p>- On 1/11/19, MetEd, filed Supplement No. 62 to Tariff Electric Pa. P.U.C. No. 52, Penelec, filed Supplement No. 69 to Tariff Electric Pa. P.U.C. No. 81, Penn Power, filed Supplement No. 55 to Tariff Electric Pa. P.U.C. No. 36; and West Penn Power, filed Supplement No. 51 to Tariff Electric Pa. P.U.C. No. 40 and Supplement No. 33 to Tariff Electric Pa. P.U.C. No. 38 to become effective 3/1/19.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3007316-TUS	S-2019-3007316	LEATHERSTOCKING GAS COMPANY LLC
Vote 5-0.		<p>- Securities Certificate filed on 1/16/19, for approval of the issuance of long-term debt in a principal amount not to exceed \$8,748,742.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2157184-LAW Vote 5-0.	A-2010-2157184	EISENBACH CONSULTING LLC - Petition for Reconsideration filed on 1/4/19. Eisenbach Consulting LLC seeks reconsideration of the Commission’s Final Order, cancelling its license to serve as a broker/marketer of electric generation supply service in the Commonwealth and reinstatement of its license. Eisenbach Consulting LLC’s license was cancelled due to its failure to maintain a valid bond with the Commission as required by the Public Utility Code, 66 Pa. C.S. § 2809(c)(1)(i), and Commission regulations, 52 Pa. Code § 54.40. RECOMMENDATION: That the Commission adopt the proposed Order.
2508421-LAW (PP from 02-07-2019) <u>Statement by Commissioner Place.</u> Vote 5-0.	L-2015-2508421	FINAL RULEMAKING ORDER - Governor Corbett signed into law HB 939, or Act 155 of 2014 on 10/22/14. This law became effective on 12/22/14. The Act reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419). The legislation is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities. In this Final Rulemaking Order, the Commission finalizes its amended Standards and Billing Practices for Residential Utility Service regulations at 52 Pa. Code Chapter 56. On 7/21/16, the Commission issued, for public comment, a proposed rulemaking order to update its Standards and Billing Practices for Residential Utility Service in accordance with Act 155. RECOMMENDATION: That the Commission adopt the proposed order.
3006578-LAW Vote 5-0.	M-2018-3006578	ELECTRIC DISTRIBUTION COMPANY DEFAULT SERVICE PLANS -CUSTOMER ASSISTANCE PROGRAM SHOPPING - With this Order the Commission issues, for comment, a proposed Policy Statement on Electric Customer Assistance Program (CAP) Participant Shopping that sets guidelines for EDCs that limit harm to CAP participants while still providing CAP participants the benefits of the retail electric market. RECOMMENDATION: That the Commission adopt the proposed Order.

3006603-LAW P-2018-3006603

DRIVE

Vote 5-0.

- Amended Petition for a Declaratory Order filed on 12/28/18. DRIVE, a council of governments created to provide joint economic development services to Columbia and Montour counties, seeks assurance that its construction and operation of a fiberoptic broadband network in Montour County (1) is not prohibited by 66 Pa. C.S. § 3014(h) and (2) would not make DRIVE a “public utility” subject to the jurisdiction and regulation of the Commission. DRIVE’s proposed network would start in Montour County. If the project is successful, DRIVE may expand the network to other counties.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3007610-LAW M-2019-3007610

COMMON CARRIER’S CERTIFICATE OF PUBLIC CONVENIENCE CANCELLATIONS

Vote 5-0.

- Commission records indicate that the common carriers listed in Appendix A to the proposed order have failed to file, for multiple years, the annual intrastate revenue reports required by Section 510(b) of the Public Utility Code. The Law Bureau sent a letter to each carrier listed in the Tentative Order notifying them that they had 20 days to file revenue reports or move to abandon their certificates and warning them that failure to act would result in the cancellation of their certificates. None of the listed carriers responded to the letters.

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>
2580970-ALJ Vote 5-0.	C-2016-2580970	JOEL ROYER VS BUFFALO AND PITTSBURGH RAILROAD INC, PENNDOT, INDIANA BOROUGH AND INDIANA COUNTY - Complaint filed on 12/22/16, alleging that the crossings at Grant Street and Oakland Avenue in the Borough of Indiana are unsafe due to an abrupt change in height where the streets intersect the Railroad's facilities. On 11/13/18, ALJs Salapa and Calvelli conducted a hearing. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's and Calvelli's Recommended Decision sustaining the complaint and ordering work to smooth the roadway at the crossings.
2613989-ALJ (PP from 02-07-2019) Motion by Chairman Brown. Statement by Commissioner Coleman. Verbal Statement by Commissioner Kennard. Vote 3-2 with Commissioner Kennard and Commissioner Coleman Dissenting.	C-2017-2613989	JAMES WOLFGANG VS PENNSYLVANIA ELECTRIC COMPANY - Complaint filed 7/6/17, alleging, inter alia, that Penelec threatened to terminate his electric service for objecting to the installation of a smart meter at his home. On 8/2/17, Penelec filed an Answer and New Matter to the Complaint, essentially averring it issued a service termination notice as Complainant refused access to permit it to install a smart meter at his residence. On 8/24/18, Penelec filed a motion to dismiss for failure of Complainant to comply with orders to provide discovery responses and witness information. COMMISSION REVIEW: That the Commission adopt ALJ Watson's Initial Decision granting the motion to dismiss the complaint, with prejudice.
3001419-ALJ (PP from 02-07-2019) Joint Motion by Vice Chairman Sweet and Commissioner Place. Statement by Commissioner Coleman. Verbal Statement by Vice Chairman Sweet. Verbal Statement by Commissioner Kennard. Vote 3-2 with Commissioner Kennard and Commissioner Coleman Dissenting.	F-2018-3001419	CYNTHIA ODUWOLE VS PHILADELPHIA GAS WORKS - Complaint filed 4/23/18, alleging PGW shut off service, a billing dispute and requesting a payment arrangement. A timely appeal of the BCS informal decision was filed. On 5/15/18, PGW filed an Answer. A hearing was held on 6/28/18. COMMISSION REVIEW: That the Commission adopt ALJ Guhl's Initial Decision granting the Complaint, in part, regarding a payment arrangement and denying, in part, the billing dispute.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

February 28, 2019

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2640195-OSA	A-2017-2640195 et al	TRANSOURCE PENNSYLVANIA LLC - On 12/27/17, two (2) Applications for Siting and Construction of 230 kV Transmission Lines in parts of York and Franklin Counties were filed. Direct Testimony and Rebuttal Testimony were filed. On 12/10/18, Citizens of York County filed a Motion to Amend Procedural Schedule or in the alternative to strike certain parts of Transource's Rebuttal Testimony. On 12/13/18, Stop Transource filed a Motion to Amend Procedural Schedule and Strike a portion of Transource's Rebuttal Testimony. On 12/28/18, the presiding ALJs issued a Sixth Prehearing Order which granted, in part, the Motions to Strike. On 1/11/19, Stop Transource filed a Motion to Designate Stricken Testimony Pursuant to the Sixth Prehearing Order. On 1/24/19, the ALJs issued a Seventh Prehearing Order granting in part the Motion to Designate. On 2/1/19, Transource filed a Petition for Interlocutory Review and Answer to Material Question (Petition) pertaining to the presiding ALJs' Seventh Prehearing Order. On 2/11/19 Briefs in support and opposition to the Petition were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

**Motion by Vice Chairman Sweet.
Vote 5-0.**

3002502-OSA

R-2018-3002502

PENNSYLVANIA AMERICAN WATER COMPANY

R-2018-3002504

Vote 5-0.

C-2018-3003600

C-2018-3003601

- On 6/5/18, PAWC filed Supplement No. 6 to Tariff-Water PA P.U.C. No. 5 and Supplement No. 6 to Tariff-Wastewater PA P.U.C. No. 16. On 7/24/18, the Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint. On 8/17/18, the Pennsylvania Builders Association (PBA) filed a Petition to Intervene. On 12/5/18, the Commission issued the Recommended Decision (R.D.) of ALJ Guhl, which recommended that each Tariff Supplement be denied. On 12/11/18, PAWC and PBA each filed Exceptions to the R.D. On 12/17/18, I&E filed Replies to Exceptions. By Opinion and Order entered 2/7/19, the Commission denied each Party's Exceptions and modified the R.D. On 2/21/19, PAWC filed a Petition for Reconsideration (Petition).

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants PAWC's Petition pending review of and consideration on the merits.

LAW BUREAU

AGENDA NO.

2543193-LAW

DOCKET NO.

M-2016-2543193

NAME AND SUBJECT

IMPLEMENTATION OF SECTION 1329 OF THE PUBLIC UTILITY CODE

**Verbal Statement by Commissioner Kennard.
Vote 5-0.**

- On 4/14/16, Act 12 of 2016 amended Chapter 13 of the PA PUC Code by adding Section 1329, which became effective 6/13/16. While Section 1329 has encouraged the sale of public water and wastewater assets at market rates, the Commission's experience to date indicates that our Section 1329 procedures and guidelines can be improved. In this Final Supplemental Implementation Order, the Commission addresses comments, supplemental comments, and reply comments received in response to revised procedures and guidelines set forth in the 9/20/18 Tentative Supplemental Implementation Order. The Commission issues this Order to improve the quality of Section 1329 valuations, ensure that the adjudication process is fair and efficient, and reduce litigation regarding final Commission determinations.

RECOMMENDATION:

That the Commission adopt the proposed Order.