

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MARCH 14, 2019 (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
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 28, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 7, 2019 (DS)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 28, 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 27, 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

March 14, 2019

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3001306-OSA	R-2018-3001306 et al R-2018-3001307 et al	PUC VS HIDDEN VALLEY UTILITY SERVICES – WASTEWATER AND HIDDEN VALLEY UTILITY SERVICES LP - WATER - On 4/27/18, HVUS-Water filed Supplement No. 1 to Tariff Water–Pa. PUC No. 1 and HVUS-Wastewater filed Supplement No. 1 to Tariff Wastewater–Pa. PUC No. 1 proposing annual rate increases of \$150,629 and \$185,432, respectively, to become effective 7/1/18. By Order entered 5/17/18, the Commission suspended the Supplements until 2/19/19 for investigation. They were further suspended until 4/1/19 and consolidated for hearing. A hearing was held on 11/16/18. On 11/19/18, a Joint Petition for Approval of a Non-Unanimous Settlement was filed by the Companies and I&E. Main and Reply Briefs were filed by various Parties on 12/11 and 12/21/18, respectively. On 1/25/19, ALJ Hoyer’s and Dunderdale’s Recommended Decision was issued recommending approval of the Settlement with modifications. HVUS, I&E, the OCA, Robert Kollar and the Hidden Valley Foundation, Inc. filed Exceptions on 2/4 and 2/5/19. The same parties filed Replies to Exceptions on 2/8/19. 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.

**Verbal Statement by Vice
Chairman Sweet on Issue No. 1.
Verbal Statement by
Commissioner Coleman on
Issue No. 1.
Vote 5-0.**

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2645401-BCS	M-2018-2645401 P-2019-3007876	COLUMBIA GAS OF PENNSYLVANIA INC -On 2/1/18, Columbia Gas filed its 2019-2021 USECP, in accordance with the Commission's regulations at 52 Pa. Code §§ 62.1-62.8. On 2/13/19, Columbia Gas filed a Petition to Amend its 2019-2021 USECP at P-2019-3007876.
Verbal Statement by Chairman Brown.		RECOMMENDATION:
Vote 5-0.		That the Commission adopt the proposed Tentative Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2411284-OSA Vote 5-0.	C-2014-2411284	<p>PUC - INVESTIGATION AND ENFORCEMENT VS BURGLY GAS AND OIL</p> <p>- Formal Complaint filed on 3/17/14, for failure, inter alia, to obtain a certificate of public convenience to offer, render, furnish or supply natural gas service and for its failure to properly register its pipeline, located in McKeesport, PA, with the Commission. I&E alleged violations of Commission regulations and Federal regulations. I&E sought the following relief in its complaint: (1) to impose a civil penalty of two million dollars against Burgly; and (2) to order Burgly to comply with all Commonwealth law and regulations as well as federal regulations as adopted by the Commonwealth. On 4/24/14, Burgly filed preliminary objections. On 5/5/14, I&E filed an Amended Complaint. On 5/23/14, Burgly filed Preliminary Objections to the Amended Complaint. On 10/30/18, the Parties filed a Settlement Agreement. By Order entered 1/17/19, the Commission issued the Settlement for comments. No comments were filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>
2475355-OSA Vote 5-0.	C-2015-2475355	<p>MARY PAUL VS PECO ENERGY COMPANY</p> <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. A hearing was held on 11/15/16 & 11/16/16. On 6/23/17, the Commission issued the Initial Decision (I.D.) of ALJ Heep, which dismissed the Complaint. On 7/13/17, the Complainant filed Exceptions to the ALJ's I.D. PECO filed Reply Exceptions on 7/24/17. By Opinion and Order (O&O) entered 6/14/18, the Commission denied the Exceptions and adopted the I.D. without modification. The Complainant filed a Petition for Reconsideration (Petition) on 6/29/18. PECO filed an Answer to Petition on 7/9/18. By O&O entered 7/12/18, the Commission granted the Petition, pending further review of, and consideration on, the merits.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>

2504851-OSA C-2015-2504851

Motion by Vice Chairman Sweet.
Vote 5-0.

STEPHANIE M. SAWYER VS PHILADELPHIA GAS WORKS

- Formal Complaint filed on 9/21/15, she averred PGW failed to comply with the Commission's Final Order at Docket No. F-2013-2392770 by, inter alia, refusing to recertify her participation in PGW's Customer Responsibility Plan (CRP). PGW filed its Answer on 10/13/15 denying the material allegations in the Complaint. An evidentiary hearing was held on 3/7/16. On 12/15/16 the Commission issued the Initial Decision (I.D.) of ALJ Vero that sustained the Complaint, in part, and dismissed it, in part. The Complainant filed Exceptions to the I.D. on 1/9/17, and PGW filed Replies to Exceptions on 1/19/17.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2624484-OSA M-2018-2624484

Motion by Chairman Brown.
Vote 5-0.

PUC – INVESTIGATION & ENFORCEMENT VS VISTA ENERGY MARKETING LP

- Settlement Agreement filed on 11/29/18, after an informal investigation initiated by I&E allegedly determined that Vista allowed an agent of its third-party vendor, Platinum Advertising II LLC, to engage in door-to-door marketing without a proper criminal background check in violation of the Commission's Marketing and Sales Practices for the Retail Residential Energy Market regulations. The Parties request that the Commission adopt the Settlement Agreement without modification.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2624518-OSA A-2017-2624518

Vote 5-0.

PENNDOT

- Application filed on 9/15/17, for approval to alter four (4) public, at-grade, crossings by the installation of new warning devices where local, public roadways cross the track of Norfolk Southern Railway Company in Susquehanna Township, Lycoming County. The Commission approved the Application by Secretarial Letter dated 11/22/17. The Commission approved the certified plans by Secretarial Letter dated 3/17/14. On 12/5/18, Norfolk Southern filed a Petition for Extension of Time (Petition) to comply with the Letters. PennDOT filed an Answer to the Petition on 12/19/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

3000734-OSA

C-2018-3000734

AMIR V. WILLIAMS VS PECO ENERGY COMPANY

Vote 5-0.

- Formal Complaint filed on 3/26/18, alleging incorrect charges on his bill and requested a payment arrangement. On 4/13/18, PECO filed an Answer to the Complaint. An evidentiary hearing convened on 7/26/18, but the Complainant failed to appear for the hearing. In an Initial Decision, issued 8/30/18, ALJ Myers dismissed the Complaint for failure to prosecute. On 9/27/18, the Complainant filed Exceptions. PECO filed Replies to Exceptions on 10/9/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

3000867-OSA

F-2018-3000867

KRISTEN KESLER VS METROPOLITAN EDISON COMPANY

Vote 5-0.

- Formal Complaint filed on 3/29/18, alleging incorrect charges on her electric bills and that Met Ed is threatening to shut off her service. On 4/23/18, Met Ed filed an Answer to the Complaint. A telephonic hearing was held on 6/5/18. By Initial Decision issued on 10/4/18, ALJ Haas dismissed the Complaint. The Complainant filed Exceptions on 10/23/18. Met Ed filed Replies to Exceptions on 11/8/18.

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>
3004099-TUS Vote 5-0.	A-2018-3004099	UGI UTILITIES INC – ELECTRIC DIVISION - Application for the exercise of Eminent Domain to acquire approximately 1.06-acre right-of-way across property owned by McClure was filed on 8/6/18. On 9/27/18, a prehearing conference was held. On 10/4/18, the Office of Administrative Law Judge (OALJ) reassigned the application to the Bureau of Technical Utility Services (TUS). On 2/28/19, a further prehearing conference was held. No protests or petitions to intervene were filed. On 3/1/19, the OALJ reassigned the application to TUS. RECOMMENDATION: That the Commission adopt the proposed Order.
3005297-TUS (PP from 02-28-2019) Vote 5-0.	A-2018-3005297	ARCADIA POWER INC - Application filed on 10/11/18, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential customers in all of the electric distribution company service territories within PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3006006-TUS Vote 5-0.	A-2018-3006006	JOHN ORR D/B/A ENERGY MANAGEMENT SERVICES - Application filed on 11/15/18, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories within PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3006014-TUS Vote 5-0.	A-2018-3006014	JOHN ORR D/B/A ENERGY MANAGEMENT SERVICES - Application filed on 11/15/18, for the approval to offer, render, furnish, or supply natural gas services as a broker/marketer to 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>3006471-TUS</p> <p>Vote 5-0.</p>	<p>A-2018-3006471</p>	<p>NAVIGATE POWER LLC</p> <p>- Application filed on 12/12/18, for the approval to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial and large commercial 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.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>3007103-TUS</p> <p>Vote 5-0.</p>	<p>R-2019-3007103 C-2019-3007947</p>	<p>BUCK HILL WATER COMPANY</p> <p>- Supplement No. 32 to Tariff Water - Pa. P.U.C. No. 3 filed on 1/11/19, for approval to propose a total annual increase in operating revenues of approximately \$106,458, or 34.57%, to become effective 4/1/19.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>3007237-TUS</p> <p>Statement by Chairman Brown.</p> <p>Vote 4-0 with Chairman Brown Recusing.</p>	<p>R-2019-3007237</p>	<p>COMMONWEALTH TELEPHONE COMPANY D/B/A FRONTIER COMMUNICATIONS COMMONWEALTH TELEPHONE COMPANY</p> <p>-2019 Price Stability Index/Service Price Index Report filed on 2/1/19. On 2/13/19, the Office of Consumer Advocate filed a Formal Complaint against the Filing.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<p>3007239-TUS</p> <p>Statement by Chairman Brown.</p> <p>Vote 4-0 with Chairman Brown Recusing.</p>	<p>R-2019-3007239</p>	<p>FRONTIER COMMUNICATIONS OF BREEZEWOOD LLC; CANTON, LLC; OSWAYO RIVER, LLC; AND PENNSYLVANIA, LLC</p> <p>- 2019 Joint Price Stability Index/Service Price Index Report filed on 2/1/19. On 2/14/19, the Office of Consumer Advocate filed a Formal Complaint against the Filing.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3007258-TUS Vote 5-0.	R-2019-3007258	CITIZENS TELEPHONE COMPANY OF KECKSBURG - 2019 Price Stability Index/Service Price Index Report filed on 2/1/19. On 2/13/19, the Office of Consumer Advocate filed a Formal Complaint against the Filing. RECOMMENDATION: That the Commission adopt the proposed Order.
3007261-TUS Vote 5-0.	R-2019-3007261	IRONTON TELEPHONE COMPANY - 2019 Price Stability Index/Service Price Index Report filed on 2/1/19. On 2/13/19, the Office of Consumer Advocate filed a Formal Complaint against the Filing. RECOMMENDATION: That the Commission adopt the proposed Order.
3007873-TUS Vote 5-0.	R-2019-3007873	DUQUESNE LIGHT COMPANY - On 2/13/19, Duquesne Light filed Supplement No. 195 to Tariff Electric Pa. P.U.C. No. 24 to be effective on 3/15/19. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3000038-LAW Vote 5-0.	A-2018-3000038	PENNDOT - On 1/17/19, PennDOT filed a Petition with the Commission seeking to Transfer Jurisdiction to the Court of Common Pleas of York County, requesting that this Commission, pursuant to 66 Pa. C.S. § 2704, so that it may file a Petition with the court to deposit PennDOT's estimate of just compensation with the Court pursuant to Section 307 of the Eminent Domain Code, 26 Pa. C.S. § 307, as it may apply. PennDOT has determined that the just compensation for the property appropriation is \$3,100.00, which has not been accepted by Norfolk Southern Railway Company. 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 Vote 5-0.	I-2014-2405193	INVESTIGATION OF AN EXISTING RAILROAD BRIDGE - At the public meeting on 5/17/18, Commissioner Sweet moved the Commission should issue an Order reversing the Recommended Decision (R.D.) and remand the proceeding to the OALJ for the purpose of developing the evidentiary record. The Commission directed OALJ should prepare a R.D. on Remand based upon the hearing record. Evidence was admitted at a hearing on 12/11/18. A full settlement, plus statements in support, were filed on 1/18/19. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Recommended Decision on Remand approving the Settlement.
3004144-ALJ Vote 5-0.	M-2018-3004144	UGI UTILITIES INC-ELECTRIC DIVISION - On 8/21/18, UGI Electric filed a Petition with supporting written direct testimony and exhibits which sought Commission approval of its voluntary Phase III EE&C Plan for the period of 6/1/19 through 5/31/24. On 1/31/19, the parties filed a Joint Petition for Settlement. COMMISSION REVIEW: That the Commission adopt ALJ Myers' Recommended Decision approving the Settlement.