

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, APRIL 11, 2019 (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
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, April 25, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, March 14, 2019 (AP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 25, 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, APRIL 24, 2019, AT 1:30 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

April 11, 2019

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2583670-AUD (PP from 03-28-2019)	D-2017-2583670 M-2019-3008275	PEOPLES NATURAL GAS COMPANY LLC - Purchased Gas Costs for the 4 months ended 1/31/16, the 8 months ended 9/30/15, and for the 12 months ended 1/31/15.
Motion by Vice Chairman Sweet. Vote 5-0.		RECOMMENDATION: That the Commission release the audit report to the public.
2623012-AUD	D-2017-2623012	CITIZENS ELECTRIC COMPANY OF LEWISBURG - Generation Supply Service Rate for the ten months ended 3/31/17 and the fourteen months ended 5/31/16.
Vote 5-0.		RECOMMENDATION: That the Commission release the audit report to the public.
2623013-AUD	D-2017-2623013	WELLSBORO ELECTRIC COMPANY - Generation Supply Service Rate for the ten months ended 3/31/17 and the fourteen months ended 5/31/16.
Vote 5-0.		RECOMMENDATION: That the Commission release the audit report to the public.
2627311-AUD	D-2017-2627311	WELLSBORO ELECTRIC COMPANY - Customer Choice Support Charge for the twelve months ended 3/31/17 and the thirteen months ended 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>
1088373-OSA	A-00111692	ALLEGHENY COUNTY PORT AUTHORITY - On 7/7/95 the Commission approved Application of Allegheny County Port Authority (Port Authority) for the construction of two bridge crossings above the tracks of Consolidated Rail Corporation's Mon Line at Mile Post 5.72+ (7/7/95 Order). Subsequently, Port Authority determined construction of the Mon River Bridge Crossing was feasible. On 9/13/18 a petition to modify the Commission's 7/7/95 Order was filed. No Answers to the Petition were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that approves the Petition.
Vote 5-0.		
2593690-OSA	C-2017-2593690	FRIEDMAN WAGNER-DOBLER VS RASIER-PA LLC D/B/A UBER - Formal Complaint filed on 3/14/17, alleging that Rasier charged him for trips of a twelve-mile distance when the actual trips were only a mile and a half in distance. An evidentiary hearing was held on 9/28/17. In an Initial Decision served on 3/14/18, ALJ Dunderdale sustained the Complaint. Rasier filed Exceptions on 4/3/18. Replies to Exceptions were not filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Exceptions, in part, and modifies the Initial Decision.
Vote 5-0.		
2620846-OSA	A-2017-2620846	LANCASTER EXPRESS LLC - Application filed on 8/15/17, for the right to transport persons in call or demand service. Notice of the Application was published in the PA Bulletin on 9/9/17. EZ Taxi, LLC, Express Taxi, LLC, Reading City Cab, LLC and Amigo Cab, LLC (Joint Protestants) filed a joint protest. A hearing was held on 5/10/18. By Initial Decision issued on 11/9/18, ALJ Haas recommended that the Application be granted. The Joint Protestants filed Exceptions on 11/21/18. The Applicant filed Replies to Exceptions 12/4/18. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision.
Vote 5-0.		

2633094-OSA M-2019-2633094

VISTA ENERGY MARKETING LP

Vote 5-0.

- In August, September and October 2017, the Bureau of Consumer Services (BCS) received several informal complaints against Vista alleging that Vista enrolled residential accounts to receive generation supply service without proper customer authorization (“slamming”) and engaging in door-to-door sale where solicitation was prohibited. BCS referred the matter for investigation to I&E. I&E was prepared to file a formal complaint against Vista that it had violated Commission regulations regarding EGSs on marketing and sales practices. However, the Parties entered into negotiations and agreed to resolve the matter through a settlement. On 2/28/19 the parties filed a Settlement Agreement for the Commission’s consideration.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that issues the Settlement for comments.

2635017-OSA A-2017-2635017

METRO TRANSPORTATION LLC

Vote 5-0.

- Application filed on 11/22/17. EZ Taxi LLC, Express Taxi, LLC, Reading City Cab LLC, and Amigo Cab LLC (Joint Protestants) filed a Joint Protest on 12/8/17. An evidentiary hearing was held on 5/30/18. In an Initial Decision served on 8/20/18, ALJ Salapa granted the Application. The Joint Protestants filed Exceptions on 9/5/18, and Metro filed Replies to Exceptions on 9/18/18.

RECOMMENDATION:

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

3004552-OSA M-2018-3004552

METROPOLITAN EDISON COMPANY

(PP from 03-28-2019)

Vote 5-0.

-Request for exclusion of a major outage for reliability reporting purposes (Exclusion Request) was filed on 9/5/18, in accordance with the requirements of the Commission’s Order entered 5/11/04. Met-Ed sought approval from the Commission to exclude from reliability reporting purposes the interruption of service to 62,511 out of a total of 563,277 of its customers as a result of a significant weather system, which Met-Ed submitted qualifies as a major event under 52 Pa. Code § 57.192. On 9/25/18, the Commission issued a Secretarial Letter that denied Met-Ed’s Exclusion Request. On 10/5/18, Met Ed filed a Petition for Reconsideration of Staff Action.

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>
3006303-TUS Vote 5-0.	R-2018-3006303 R-2018-3006305 R-2018-3006307 R-2018-3006304	METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, & WEST PENN POWER COMPANY - On 11/30/18, MetEd, Penelec, and Penn Power filed Pro Forma changes to Tariffs Electric Pa. P.U.C. No. 52, No. 81, and No. 36. West Penn Power filed Pro Forma changes to Tariffs Electric Pa. P.U.C. No. No. 40 and 38. The filings propose changes to the Default Service Support Rider tariff language and revise the DSS rates. RECOMMENDATION: That the Commission adopt the proposed Order.
3006904-TUS Vote 5-0.	R-2019-3006904 C-2019-3008684 C-2019-3008912	NEWTOWN ARTESIAN WATER COMPANY - Supplement No. 136 To Water - Pa. P.U.C. No. 9 filed on 3/1/19, for approval to propose an increase in total annual operating revenues of approximately \$934,154, or 16.9%. RECOMMENDATION: That the Commission adopt the proposed Order.
3007508-TUS Vote 5-0.	A-2019-3007508	MERETZ ENERGY GROUP LLC - Application filed on 1/29/19, 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. RECOMMENDATION: That the Commission adopt the proposed Order.
3007563-TUS Vote 5-0.	A-2019-3007563	CRIMSON POWER SOLUTIONS LLC - Application filed on 1/31/19, 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.

3007565-TUS Vote 5-0.	A-2019-3007565	<p>CRIMSON POWER SOLUTIONS LLC</p> <p>- Application filed on 1/31/19, for the 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.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3007949-TUS Vote 5-0.	R-2019-3007949 C-2019-3008487 R-2019-3007948 C-2019-3008478	<p>TDS TELECOM/MAHANNOY & MAHANTANGO TELEPHONE COMPANY</p> <p>- Price Index/Service Price Index Report was filed on 3/1/19. On 3/12/19, the OCA filed Formal Complaints against the Filing.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3007986-TUS Vote 5-0.	A-2019-3007986	<p>DANIEL J REITH LLC</p> <p>- Application filed on 2/21/19, for the approval to offer, render, furnish, or supply natural gas services as a broker/marketer to large commercial and industrial customers in the natural gas distribution company service territories of PECO and PGW, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3008014-TUS Vote 5-0.	A-2019-3008014	<p>DANIEL J REITH LLC</p> <p>- Application filed on 2/22/19, for the approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial and industrial customers in the electric distribution company service territory of PECO, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3008315-TUS Vote 5-0.	R-2019-3008315	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- On 3/6/19, PPL filed Supplement No. 267 to Tariff Electric Pa. P.U.C. No. 201 to be effective on 4/5/19. On 3/28/19, PPL filed Supplement No. 270 to Tariff Electric Pa P.U.C. No. 201 voluntary postponing the effective date until 4/12/19.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1177743-LAW	M-00031715	PENNSYLVANIA SUSTAINABLE ENERGY BOARD - The Commission established the Pennsylvania Sustainable Energy Board (PASEB) to provide “oversight guidance and technical assistance” to the regional sustainable energy funds. The PASEB has submitted revised best practices documents for the regional sustainable energy funds to the Commission for review and approval. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
3005127-LAW	P-2018-3005127	TRI-CO CONNECTIONS LLC - Petition filed on 9/28/1, seeking approval to be designated as a facilities-based Eligible Telecommunications Carrier (ETC) in the Commonwealth of PA pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Petition) for the purposes of becoming eligible to receive high-cost support from the Federal Universal Service Fund (USF) in any areas for which it was awarded CAF Phase II monies in the Auction 903. RECOMMENDATION: That the Commission adopt the proposed Order.
(PP from 03-28-2019)		
<u>Statement by Chairman Brown.</u>		
<u>Verbal Statement by Vice Chairman Sweet.</u>		
<u>Verbal Statement by Commissioner Kennard.</u>		
<u>Verbal Statement by Commissioner Coleman.</u>		
3006867-LAW	M-2019-3006867	ACT 129 TECHNICAL REFERENCE MANUAL 2021 UPDATE - Act 129 of 2008, P.L. 1592, specifically directed this Commission to establish an evaluation process that monitors and verifies data collection, quality assurance, and the results of each EDC’s EE&C plan and the EE&C program. See 66 Pa. C.S. § 2806.1(a)(2). To assist in meeting this obligation, the Commission contracted with the NMR Group, Inc. in March 2016 to perform these duties as the Act 129 SWE. As part of its duties, the SWE is to review the Technical Reference Manual (TRM) and provide suggestions for possible revisions and additions to these guidance documents. The Commission seeks comments on the proposed 2021 TRM update. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
Vote 5-0.		

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

FRONTIER COMMUNICATIONS OF BREEZEWOOD LLC
ET AL

- Joint Petition filed on 2/13/19, seeking approval of their proposal to end the mass distribution of printed telephone directories in all of their service territories. The Frontier Companies propose to provide, automatically and free of charge, print directories to customers likely to use them and print or USB drive directories to customers who request them, while maintaining an online directory for all customers. On 3/8/19 OCA filed an Answer to the Joint Petition.

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>
2526085-ALJ	I-2016-2526085	DELAWARE SEWER COMPANY
Postponed until the Public Meeting of April 25, 2019.		<p>- By Order entered 1/28/16, the Commission opened an investigation, under 66 Pa. C.S. § 529, into whether the Commission should order a capable public utility to acquire the wastewater system assets of Delaware Sewer Company (DSC). PAWC and Aqua PA Wastewater, Inc. were joined as parties to the proceeding. Direct testimony was submitted by I&E on 10/27/18, and by OCA, DSC and PAWC on 12/1/17. The parties submitted rebuttal and surrebuttal testimony. On 2/13/18, the parties informed the ALJ that they had reached a settlement in principle of all issues in the proceeding. A Joint Petition for Approval of Settlement of all issues was filed on 10/12/18.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Haas' Recommended Decision approving the Settlement without modification.</p>
2613702-ALJ	C-2017-2613702	KIMBERLY BECKMANN VS METROPOLITAN EDISON COMPANY
Verbal Statement by Chairman Brown. Vote 5-0.		<p>- Formal Complaint filed 7/7/17, alleging, inter alia, that Met-Ed threatened to terminate her electric service for objecting to the installation of a smart meter at her home. On 7/31/17, Met-Ed filed an Answer and New Matter. Met-Ed also filed Preliminary Objections which were denied on 9/26/17. On 2/5/18 Met-Ed forwarded discovery requests to Complainant. Met-Ed filed a Motion to Compel on 8/9/18 which was granted by Interim Order 8/28/18. Complainant failed to respond to the discovery requests. Met-Ed filed a Motion to Dismiss on 10/16/18.</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>