

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, APRIL 25, 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 Brown Dutricuille	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, May 9, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, March 28, 2019 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 9, 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, MAY 8, 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 25, 2019

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3003673-AUD Vote 5-0.	D-2018-3003673	PECO ENERGY COMPANY-ELECTRIC DIVISION - Transmission Service Charge for the 12-month periods ended 11/30/17 and 11/30/16. RECOMMENDATION: That the Commission release the audit report to the public.
3003674-AUD Vote 5-0.	D-2018-3003674	PECO ENERGY COMPANY-ELECTRIC DIVISION - Non-Bypassable Transmission Service Charge for the 12-month periods ended 11/30/17 and 11/30/16. 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>
2304183-OSA Vote 5-0.	C-2012-2304183 C-2012-2304324	<p>SBG MANAGEMENT SERVICES INC/COLONIAL GARDEN REALTY CO LP & SIMON GARDEN REALTY CO LP VS PHILADELPHIA GAS WORKS</p> <p>- By Order entered 3/28/19 (3/28 Order), the Commission, inter alia, denied Philadelphia Gas Works' request for stay of the Commission's Orders in the above-captioned proceedings pending review by the Commonwealth Court. On 03/12/19, PGW filed a Petition for Reconsideration of the 3/28 Order pursuant to Section 703 of the Public Utility Code and Section 5.572 of the Commission regulations, 52 Pa. Code §5.572 (regarding petitions for relief).</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that grants the PGW's Petition pending review of and consideration on the merits.</p>
2573023-OSA (PP from 04-11-2019) Joint Motion by Chairman Brown Dutrieuille and Vice Chairman Sweet. Verbal Statement by Commissioner Kennard. Vote 5-0.	P-2016-2573023	<p>PECO ENERGY COMPANY</p> <p>- Petition filed on 10/26/16, for approval of a pilot plan for an Advance Payment Program and a corresponding Petition for Temporary Waiver of portions of Commission Regulations. Main Briefs were filed by CAUSE-PA, I&E, the OCA, PECO, RESA and TURN et al. on 10/17/17, and on 11/8/17, Reply Briefs were filed by CAUSE-PA, I&E, the OCA, PECO, RESA and TURN et al. On 2/12/18, the Commission issued the Recommended Decision of ALJ Jones, which recommended that the Commission deny PECO's Petition. On 3/5/18, I&E, the OCA, PECO, and jointly CAUSE-PA and TURN et al. filed Exceptions. Replies to Exceptions were filed by I&E, the OCA, PECO, RESA, and jointly by CAUSE-PA and TURN et al.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order.</p>

2629534-OSA A-2017-2629534
(PP from 04-11-2019)

Statement by Vice Chairman Sweet.

Statement by Commissioner Kennard.

Statement by Commissioner Kennard.

Statement by Commissioner Place.

Statement by Commissioner Coleman.

PPL ELECTRIC UTILITIES CORPORATION

- Application filed on 10/16/17, seeking approval of its proposed internal corporate restructuring (Application). On 10/28/17, notice of the Application was published in the Pennsylvania Bulletin. On 11/21/17, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Protest. The Application was assigned to the OALJ and a prehearing conference was held on 1/22/18. The OCA filed a Notice of Intervention and BI&E entered its appearance. On 5/29/18, the Parties agreed to waive cross examination of all witnesses and to admit evidence into the record by written stipulation. The ALJs granted the Parties' request and the evidentiary hearing scheduled for 5/30/18 was cancelled. Main Briefs were filed on 6/29/18, by PPL and OSBA. Reply Briefs were filed on 7/13/18. In a Recommended Decision issued 9/11/18, ALJs Myers and Cheskis denied the Application. PPL filed Exceptions on 10/1/18. Replies to Exceptions were filed by the OSBA on 10/11/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2633997-OSA C-2017-2633997

Vote 5-0.

PUC - INVESTIGATION AND ENFORCEMENT VS NECC TELECOM INC

- Complaint filed on 11/16/17, alleging that NECC Telecom, Inc. (Respondent) failed to pay its assessment amount for Fiscal Year 2016-2017. I&E requested that the Respondent be ordered to pay \$62 (consisting of the outstanding assessment balance of \$12 and a civil penalty of \$50) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 3/5/19, 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.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3006865-TUS Vote 5-0.	M-2019-3006865	ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS - As of 4/16/19, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code §54.40(a) and (d). RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
3007889-TUS Vote 5-0.	P-2019-3007889	PEOPLES NATURAL GAS COMPANY LLC - Petition filed on 2/8/19, for approval for authorization to revise its Peoples Division's accounting methodology for gas in storage inventory. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed Petition.
3008055-TUS Vote 5-0.	A-2019-3008055	PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER DIVISION - Application filed on 2/22/19, for approval of the right to offer, render, furnish or supply wastewater service to the public in an additional portion of Highland Township, Chester County, PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3008083-TUS Vote 5-0.	S-2019-3008083 S-2018-3006658 S-2017-2626901	PPL ELECTRIC UTILITIES CORPORATION - Securities Certificate filed on 2/26/19, for approval of the issuance of long-term debt in a principal amount not to exceed \$650 million. On 3/29/19 the subject securities certificate was amended, and the consideration period was voluntarily extended to 4/26/19. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.

3008204-TUS A-2019-3008204 AQUA PENNSYLVANIA WASTEWATER INC
Vote 5-0. - Application filed on 2/27/19, for approval of the right to offer, render, furnish or supply wastewater service to the public in an additional portion of Limerick Township, Montgomery County, PA.
RECOMMENDATION:
That the Commission adopt the proposed Order.

3008951-TUS A-2019-3008951 RESOURCE ENERGY SOLUTIONS LLC
Vote 5-0. - Application filed on 4/3/19, for the Approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial, industrial, and governmental customers in all the electric distribution company service territories within PA.
RECOMMENDATION:
That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3003269-LAW Vote 5-0.	M-2018-3003269	<p>IMPLEMENTATION OF ACT 58 – ALTERNATIVE RATEMAKING FOR UTILITIES</p> <p>- On 6/28/18, Governor Wolf signed into law Act 58 of 2018, which amends Chapter 13 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 1301 et seq, (relating to rates and distribution systems). Specifically, Act 58 adds Section 1330, 66 Pa. C.S. § 1330 (relating to alternative ratemaking for utilities), that permits the Commission to approve an application by a utility to establish alternative rates and rate mechanisms. With this Implementation Order, the Commission establishes the procedures through which utilities may seek Commission approval of alternative rates and rate mechanisms.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3004077-LAW Vote 5-0.	P-2018-3004077	<p>ENERGY PLUS HOLDINGS LLC ET AL</p> <p>- Petition of Energy Plus Holdings, LLC (EPH), Reliant Energy Northeast, LLC (REN), Green Mountain Energy Company (GMEC), Independence Energy Group, LLC d/b/a Cirro Energy (Cirro) (collectively, NRG Retail Affiliates), for clarification and/or reconsideration of the Commission’s 12/6/18 Order in the above referenced matter.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3008289-LAW Vote 5-0.	P-2019-3008289	<p>AQUA PENNSYLVANIA WASTEWATER INC</p> <p>- On 3/1/19 a Petition for Waiver of Commission regulation 52 Pa. Code §121.6(c) was filed, which required Aqua Pennsylvania Wastewater, Inc. to file a petition for modification of an existing Long-Term Infrastructure Improvement Plan due to an apparent major modification. Aqua Pennsylvania Wastewater, Inc., through its Petition, also requests an extension of the consideration period for review of its Annual Asset Optimization Plan.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed order.</p>

Vote 5-0.

- On 3/1/19 a Petition of Superior Water Company, Inc. was filed for Waiver of Commission regulation 52 Pa. Code § 121.6(c), which required Superior Water Company, Inc. to file a petition for modification to an existing Long-Term Infrastructure Improvement Plan due to an apparent major modification. Superior Water Company, Inc., through its Petition, also requests an extension of the consideration period for review of its Annual Asset Optimization Plan.

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 (PP from 04-11-2019) <u>Motion by Chairman Brown</u> <u>Dutrieuille.</u> <u>Verbal Statement by</u> <u>Commissioner Kennard.</u> <u>Vote 5-0.</u>	I-2016-2526085	DELAWARE SEWER COMPANY - 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 the 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. COMMISSION REVIEW: That the Commission adopt ALJ Haas' Recommended Decision approving the Settlement without modification.
2603825-ALJ <u>Vote 5-0.</u>	A-2017-2603825	CSX TRANSPORTATION INC - On 5/8/17, an Application seeking Commission approval to permanently abolish the public rail-highway crossing where the tracks of its Philadelphia Subdivision cross Pine Street in the Borough of Darby, Delaware County, PA. Notice of the application was published in the 5/27/17 edition of the PA Bulletin. The parties to this proceeding were CSX, Borough of Darby, Delaware County, I&E, PennDOT and PECO Energy Company. An evidentiary hearing was held on 5/15/18. Main briefs were submitted by CSX, Borough of Darby, I&E and PennDOT. A reply brief was submitted by CSX. COMMISSION REVIEW: That the Commission adopt ALJ Haas' Recommended Decision approving the Application and denying I&E's request that the Commission issue an order requiring the modification of the barricade system on the east side of the bridge site.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

April 25, 2019

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1121115-OSA	M-00900239	PA RELAY SERVICE ADVISORY BOARD - By Commission's Order of 5/29/90, the Commission established a Telecommunications Relay Service Advisory Board (TRS Advisory Board). The TRS Advisory Board By-Laws provide for seven public members who may serve on the TRS Advisory Board for two-year terms. The TRS Board supports the nomination of Ms. A. Kay Tyberg to serve on the TRS Board as a public member for a two-year term that will expire on 1/31/21. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that appoints Ms. A. Kay Tyberg to the TRS Advisory Board for a two-year term that will expire on 1/31/21.
3001453-OSA	P-2018-3001453 C-2018-3001451	STATE SENATOR ANDREW DINNIMAN VS SUNOCO PIPELINE L.P. - On 3/29/19, Sunoco Pipeline L.P. submitted a letter and affidavit requesting the issuance of a Secretarial Letter authorizing the resumption of construction activity on the Mariner East 2 (ME2) Pipeline, Schoen Road, West Whiteland Township, Chester County location. The submittal was consistent with directives in the Commission Orders entered 6/15/18, and 8/14/18, in the above-captioned dockets. On 3/29/19, counsel for Senator Dinniman filed a letter raising objection. On 4/4/19, Sunoco filed a reply to the letter. RECOMMENDATION: That the Commission adopt the Proposed Opinion and Order.

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

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3004218-TUS Vote 5-0.	P-2018-3004218	AEP ENERGY INC ET AL - On 8/21/18, the Joint Petitioners requested that the electric production from the Clyde Solar Array Facility, the Ohio Northern University Facility, the OSU Block O Facility, the Newark Solar Array Facility, and the Denison Solar Array, from 11/1/17 through the life of each facility, be qualified as satisfying the Tier I Solar photovoltaic shares alternative energy credit obligations of the AEP Energy Inc., pursuant to contracts entered into prior to 10/30/17. RECOMMENDATION: That the Commission adopt the proposed Order.
3007260-TUS Vote 5-0.	A-2019-3007260	MID-ATLANTIC INTERSTATE TRANSMISSION LLC - On 1/14/19, MAIT filed a Letter of Notification for approval to site and construct the Lenox-Tiffany 115 kV Transmission Line Tap in Brooklyn Township, Susquehanna County, PA. No protests were filed, and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO.

3009249-LAW

DOCKET NO.

NAME AND SUBJECT

PUC – RFP-2-2018 GEOPHYSICAL SERVICES

Vote 5-0.

- The Commission's Bureau of Investigation and Enforcement (BIE) has issued a Request for Proposal (RFP) for a full-service earth resource engineering and consulting firm, specializing in geotechnical engineering, hydrogeology, and geophysics to provide engineering technical support on horizontal directional drilling projects and other pipeline/utility projects. The RFP and selection process were reviewed by Law Bureau for form and legality.

RECOMMENDATION:

That the Commission accepts the recommendation of the Issuing Officer.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Supplemental Carry-In Agenda

April 25, 2019

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3009341-LAW	P-2019-3009341	AFFINITI - PA LLC
<u>Statement by Vice Chairman Sweet.</u>		- On 4/24/19, an Ex Parte Emergency Order was issued granting the Petition of Affiniti-PA LLC requesting that Zayo Group LLC immediately cease and desist from discontinuing service to Affiniti for non-payment until 6/30/19, or as otherwise directed by the Commission.
Verbal Statement by Commissioner Place		
Verbal Statement by Commissioner Coleman		
Verbal Statement by Commissioner Kennard.		RECOMMENDATION:
		That the Commission adopt the proposed Ratification Order.
Vote 4-1 with Commissioner Kennard Dissenting and Vice Chairman Sweet Concurring in Result Only.		