

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MAY 9, 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 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 23, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 11, 2019 (DS)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 23, 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'S PREVIOUSLY HELD EXECUTIVE SESSION HELD ON APRIL 24, 2019 AT 1:30 PM WAS RECONVENED AND CONTINUED ON APRIL 25, 2019 AT 11:45 PM. 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

May 9, 2019

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3003879-AUD Vote 5-0.	D-2018-3003879	PENNSYLVANIA ELECTRIC COMPANY - Solar Photovoltaic Requirements Charge for the 12-month periods ended 3/31/17 and 3/31/16. RECOMMENDATION: That the Commission release the audit report to the public.
3003880-AUD Vote 5-0.	D-2018-3003880	METROPOLITAN EDISON COMPANY - Solar Photovoltaic Requirements Charge for the 12-month periods ended 3/31/17 and 3/31/16. RECOMMENDATION: That the Commission release the audit report to the public.
3003881-AUD Vote 5-0.	D-2018-3003881	PENNSYLVANIA POWER COMPANY - Solar Photovoltaic Requirements Charge for the 12-month periods ended 3/31/17 and 3/31/16. 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>
2304167-OSA Vote 5-0.	C-2012-2304167 C-2012-2304215 C-2012-2304303 C-2012-2308454 C-2012-2308462 C-2012-2308465	SBG MANAGEMENT SERVICES INC/ELREA GARDEN REALTY CO LP ET AL. VS PHILADELPHIA GAS WORKS - On 10/19/18, Petition for Stay of the Commission’s Opinion and Orders entered on 9/20/18, at Docket Nos. C-2012-2304167, C-2012-2304215; C-2012-2304303, and on 10/4/18, at Docket Nos. C-2012-2308454; C-2012-2308462; C-2012-2308465. The Commission’s Orders directed PGW to adopt billing practices in compliance with the Code and Commission regulations, reimburse SBG for unlawful billing amounts, and pay the penalties imposed due to PGW’s failure to disclose its unlawful billing practices to its customers and the Commission. On 11/21/18, SBG filed an Answer in opposition to the request for Stay. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition.
2304183-OSA Vote 5-0.	C-2012-2304183 C-2012-2304324	SBG MANAGEMENT SERVICES INC/COLONIAL GARDEN REALTY CO LP VS PHILADELPHIA GAS WORKS & SBG MANAGEMENT SERVICES INC/SIMON GARDEN REALTY CO LP. VS PHILADELPHIA GAS WORKS - 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 4/12/19, 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). By Opinion and Order entered 4/25/19 the Commission granted reconsideration pending review of the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition.

2346222-OSA A-2013-2346222

Vote 5-0.

US GRID ENERGY LLC

- On 8/12/13, the Commission issued US Grid Energy, LLC, (US Grid) an Electric Generation Supplier (EGS) license to provide electric distribution services in PA. US Grid filed a \$10,000 bond as financial security, which was renewed until 12/7/18. US Grid's license was cancelled after it failed to maintain its bond requirement. On 3/8/19, US Grid filed a Bond Continuation Certificate and requested reinstatement of its EGS license.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies US Grid's Petition.

2475726-OSA C-2015-2475726

Vote 5-0.

LAURA SUNSTEIN MURPHY VS PECO ENERGY COMPANY

- Complaint filed on 4/7/15, alleging that PECO was threatening to shut off her service after she refused installation of a Smart Meter at her home. On 3/20/18, the Commission issued the Initial Decision of ALJ Heep, which denied Complainant's request to use an analog meter and dismissed the Complaint. On 5/14/18, the Complainant filed Exceptions to the ALJ's Initial Decision. PECO filed Reply Exceptions on 6/4/18.

RECOMMENDATION:

That the Commission adopt the Proposed Opinion and Order.

2537666-OSA C-2016-2537666

Vote 5-0.

CYNTHIA RANDALL & PAUL ALBRECHT VS
PECO ENERGY COMPANY

- Complaint filed on 4/1/16, alleging that PECO was threatening to shut off her service after she refused installation of a Smart Meter at her home. On 3/20/18, the Commission issued the Initial Decision of ALJ Heep, which denied Complainant's request to use an analog meter and dismissed the Complaint. On 5/14/18, the Complainant filed Exceptions to the ALJ's Initial Decision. PECO filed Reply Exceptions on 6/4/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2634218-OSA C-2017-2634218

Vote 5-0.

PUC - INVESTIGATION AND ENFORCEMENT VS
FRANCIS E CRINER T/A MT PLEASANT YELLOW CAB

- Complaint filed on 11/17/17, alleging that Francis E. Criner t/a Mt. Pleasant Yellow Cab (Respondent) failed to file its annual assessment report for the 2015 calendar year and also failed to pay its assessment amount for the fiscal year 2016-2017. I&E requested that the Respondent be ordered to pay \$9,187 (consisting of the outstanding assessment balance of \$7,554 and a civil penalty of \$1,633) 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.

3000456-OSA C-2018-3000456

Vote 5-0.

PUC - INVESTIGATION & ENFORCEMENT VS
DEER HAVEN LLP

- Complaint filed on 3/14/18, alleging that Deer Haven, LLP (Respondent) failed to file its annual assessment report for the 2015 calendar year and also failed to pay its assessment amount for the fiscal year 2016-2017. I&E requested that the Respondent be ordered to pay \$746 (consisting of the outstanding assessment balance of \$146 and a civil penalty of \$600) 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, in part, the Motion for Default Judgment, as modified by this Opinion and Order.

3003558-OSA R-2018-3003558
C-2018-3004891
C-2018-3004331
C-2018-3004941
C-2018-3004425
C-2018-3005332
C-2018-3005657 et al
R-2018-3003561
C-2018-3004333
C-2018-3004939
C-2018-3005069 et al
A-2018-3004108
A-2018-3004109

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

**PUC ET AL VS AQUA PENNSYLVANIA, INC. &
AQUA PENNSYLVANIA WASTEWATER INC**

- On 8/17/18, proposed water and wastewater tariffs were filed, each to become effective 10/16/18 with a combined proposed increase in rates calculated to produce an additional \$71.8 million in total annual operating revenues. Additionally, on 8/17/18, Aqua and Superior filed a Joint Application for Merger and abandonment. Upon the filing of various Formal Complaints, this matter was suspended by operation of law until 5/16/19 and later voluntarily extended to 5/24/19. On 2/8/19, Aqua, and six other parties filed a Joint Petition for Settlement to resolve all issues in the proceedings. On 2/25/19, various parties filed Comments in Opposition. On 3/18/19, the Commission issued the RD of ALJs Jones and Brady which recommended approval of the Settlement without modification. Between 3/26/19 and 3/28/19, the Treasure Lake Property Owners Association, Inc. and Mr. Robert Curtius each filed Exceptions to the Recommended Decision. On 4/3/19, Aqua filed Replies to Exceptions.

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>
2578051-TUS Vote 5-0.	M-2016-2578051 P-2013-2389572 P-2016-2526627	PPL ELECTRIC UTILITIES CORPORATION - On 2/13/19, a revised pilot time-of-use (TOU) program Pro Forma tariff changes to Tariff Electric Pa. P.U.C. No. 201, as well as a revised TOU Request for Proposal Process and Rules and a TOU Supply Master Agreement was filed. The filing proposes changes to the default service time-of-use program. On 4/10/19 and 4/16/19, PPL revised the filing to address several typographical errors. RECOMMENDATION: That the Commission adopt the proposed Order.
3004515-TUS Vote 5-0.	A-2018-3004515	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 9/6/18, for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Porter Township, Clinton County, PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3006576-TUS Vote 5-0.	A-2018-3006576	N THERM LLC - Application filed on 12/17/18, for the approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories in PA. RECOMMENDATION: That the Commission adopt the proposed Order.
3007045-TUS Vote 5-0.	A-2019-3007045	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 1/9/19, for approval, nunc pro tunc, of the right to offer, render, furnish or supply water service to the public in an additional portion of Porter Township, Clinton County, PA. RECOMMENDATION: That the Commission adopt the proposed Order.

3008253-TUS	P-2019-3008253	<p>PENNSYLVANIA AMERICAN WATER COMPANY</p> <p>- Petition filed on 3/4/19, for approval for authority to defer expenses incurred to pay new regulatory fees imposed by the Department of Environmental Protection.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		
3008797-TUS	S-2019-3008797	<p>PITTSBURGH WATER AND SEWER AUTHORITY</p> <p>- Securities Certificate filed 3/25/19, for approval for the issuance of indebtedness in an amount not to exceed \$305,000,000.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>
Vote 5-0.		
3008969-TUS	S-2019-3008969	<p>THE COLUMBIA WATER COMPANY</p> <p>- Securities Certificate filed on 4/3/19, for approval of the issuance of long-term debt in a principal amount not to exceed \$685,500.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>
Vote 5-0.		
3008973-TUS	S-2019-3008973	<p>THE COLUMBIA WATER COMPANY</p> <p>- Securities Certificate filed on 4/3/19, for approval of the issuance of long-term debt in a principal amount not to exceed \$500,000.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>
Vote 5-0.		
3009016-TUS	R-2019-3009016	<p>PHILADELPHIA GAS WORKS</p> <p>- On 4/5/19, Supplement No. 120 to Tariff Gas Pa. P.U.C. No. 2 was filed requesting approval of its Negotiable Liquefied Natural Gas (LNG-N) Tariff filing. The proposed Rate LNG-N would subsume the existing Rate LNG and would expand the types of LNG sales and services PGW would offer to customers. PGW proposes Rate LNG-N become effective on 6/4/19. On 4/17/19, a formal complaint was filed by the Commission's Bureau of Investigation and Enforcement.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
Vote 5-0.		

3009074-TUS

A-2019-3009074

NE ENERGY LLC

Vote 5-0.

- Application filed on 4/11/19, for the 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 in PA.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3009126-TUS

A-2019-3009126

NE ENERGY LLC

Vote 5-0.

- Application filed on 4/12/19, 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, in PA.

RECOMMENDATION:

That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2313495-LAW	A-2012-2313495	URISH POPECK & COMPANY LLC
Vote 5-0.		<p>- Petition for Reconsideration and Rescission of Urish Popeck & Company, LLC filed on 2/26/19. Urish Popeck seeks (1) reconsideration and rescission of the Commission’s Final Order (entered on 1/3/19), cancelling its license to serve as a broker/marketer of electric generation supply service in the Commonwealth and (2) reinstatement of its license. Urish Popeck’s license was cancelled due to its failure to furnish a valid bond to 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.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3006118-LAW	P-2018-3006118	BLUE FLAME GAS INC
Vote 5-0.		<p>- Petition for Declaratory Order filed on 11/20/18 seeking a Declaratory Order by the Commission concluding that natural gas services provided by Blue Flame are exempt from the jurisdiction of the Commission.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order</p>
3009450-LAW	M-2019-3009450	CANCELLATIONS OF CERTIFICATES OF PUBLIC CONVIENCE FOR MOTOR CARRIERS
Vote 5-0.		<p>- Commission records indicate that the motor carriers listed in Appendix A to the Tentative Order failed to pay their 2017-2018 assessment as required by Section 510(c) of the Public Utility Code. The Fiscal Office sent a dunning letter to each carrier, notifying them that they had 20 days to pay their outstanding assessment balance and that failure to act would result in the cancellation of their Certificates of Public Convenience. None of the carriers submitted payment in response to the letter. Commission staff attempted twice to contact each carrier at the telephone number the carrier provided to the Commission but were unable to make contact.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3006500-ALJ	P-2018-3006500	VALLEY ENERGY INC
Statement by Chairman Brown Dutrieuille. Verbal Statement by Commissioner Place. Verbal Statement by Commissioner Coleman. Vote 5-0.		<p>- On 12/11/18, Petition filed requesting a natural gas pipeline expansion under and across the Susquehanna River to the East Athens, PA area of Valley's service territory. OSBA filed an Answer and Notice of Intervention, OCA filed a Notice of Intervention and I&E filed a Notice of Appearance. An evidentiary hearing was held on 3/21/19. On 4/3/19, the parties filed a Joint Petition for Settlement and Statements in Support.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Buckley's Recommended Decision approving the Settlement without modification.</p>
3006723-ALJ	F-2018-3006723	BRENDA & HERB ROHRBACH VS PHILADELPHIA GAS WORKS
Vote 5-0.		<p>- In a timely appeal of a BCS decision, a Complaint was filed 12/19/18 alleging Complainants have had problems making payments on their gas bills due to medical expenses. PGW filed an Answer on 1/10/19. A telephonic hearing was held on 2/26/19.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt Special Agent Arnold III, Initial Decision granting the Complaint and ordering a payment arrangement.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

May 9, 2019

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

3008947-TUS

R-2019-3008947

COMMUNITY UTILITIES OF PENNSYLVANIA INC

C-2019-3009591

- Supplement No. 5 to Tariff Water - Pa. P.U.C. No. 1 filed on 4/1/19, for approval to propose an increase in total annual operating revenues of approximately \$362,019, or 26.34%, to become effective 6/1/19.

Vote 5-0.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3008948-TUS

R-2019-3008948

COMMUNITY UTILITIES OF PENNSYLVANIA INC -
WASTEWATER

C-2019-3009592

- Supplement No. 3 to Tariff Wastewater-Pa. P.U.C. No. 1 filed on 4/1/19, for approval to propose an increase in total annual operating revenues of approximately \$378,770, or 20.8%, to become effective 6/1/19.

Vote 5-0.

RECOMMENDATION:

That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO.

2432515-LAW

DOCKET NO.

M-2014-2432515

NAME AND SUBJECT

PEOPLES NATURAL GAS COMPANY LLC

Vote 5-0.

- Petition filed on 1/9/19 to increase the budget of its Equitable Division's Emergency Furnace/Service Line Repair Pilot Program, which is contained within Peoples' current Universal Service and Energy Conservation Plan, from \$275,000.00 to \$400,000.00.

RECOMMENDATION:

That the Commission adopt the proposed Order.