

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, JULY 11, 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, August 8, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, May 23, 2019 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 8, 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, AUGUST 7, 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

July 11, 2019

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2609037-AUD Vote 5-0.	D-2017-2609037	PEOPLES GAS COMPANY LLC - Purchased Gas Cost for the 14 months ended 1/31/16 and 12 months ended 11/30/14. RECOMMENDATION: That the Commission release the audit report to the public.
2609038-AUD Vote 5-0.	D-2017-2609038	PEOPLES GAS COMPANY LLC - Universal Service Program for the 12-month periods ended 9/30/16 and 9/30/15. 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>
1121115-OSA	M-00900239	PA RELAY SERVICE ADVISORY BOARD - On 5/29/90, the PA PUC 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 Mr. Kevin J. Cohen to serve on the TRS Board as a public member for a two-year term that will expire on 7/11/21. Vote 5-0. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that appoints Mr. Kevin J. Cohen to the TRS Advisory Board for a two-year term that will expire on 7/11/21.
2364201-OSA	M-2013-2364201 I-2015-2472242	CANADIAN PACIFIC RAILROAD - On 4/24/18, an evidentiary hearing was held regarding the cost allocation and work responsibilities for seven bridges in Wyoming, Susquehanna, and Lackawanna Counties. ALJ Salapa's Recommended Decision was served on 8/6/18. Norfolk Southern Railway Company (NS), the Pennsylvania Department of Transportation (PennDOT), and Great Bend Township filed Exceptions. NS and PennDOT filed Replies to Exceptions. By Order entered 2/28/19, the Commission granted, in part, the Parties' Exceptions and adopted the Recommended Decision as modified by the 2/28/19 Order. On 3/14/19, PennDOT filed a Petition for Clarification and Reconsideration (Petition) of the 2/28/19 Order. NS filed an Answer to the Petition on 3/25/19. Vote 5-0. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Petition.

2427655-OSA C-2014-2427655

ATTORNEY GENERAL AND OFFICE OF CONSUMER
ADVOCATE VS BLUE PILOT ENERGY LLC

Vote 5-0.

- On 7/19/18, the Commission issued a Final Order disposing of Exceptions and Replies to Exceptions filed to the Initial Decision (I.D.) of presiding Administrative Law Judges (ALJs) Barnes and Cheskis, issued 7/7/16, which I.D. sustained, in part, and denied, in part, the joint Formal Complaint (Complaint) of the Office of Attorney General (OAG) and OCA against Blue Pilot, LLC (Blue Pilot). On 8/3/18 Blue Pilot filed a Petition for Reconsideration (Petition). On 8/9/18, the Commission granted reconsideration, pending review of, and consideration on, the merits of the Petition. Replies to the Petition were filed by the OAG/OCA, and the Commission's Bureau of Investigation and Enforcement, 8/13/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2616249-OSA C-2017-2616249

THERESA GAVIN VS PECO ENERGY COMPANY

Vote 5-0.

- Complaint filed on 7/24/17, alleging that PECO was threatening to shut off her service after she refused installation of a smart meter. The Complainant requested an exemption to a smart meter, alleging that smart meters cause adverse health problems, impede natural healing, are not Underwriters Laboratory listed, are not surge-protected and cause fires in homes. On 6/26/18, the Commission issued the Initial Decision of ALJ Heep, which dismissed the Complaint, finding that the prevailing evidence presented does not support the contentions of the Complainant or that installation of a smart meter would be unreasonable or unsafe under 66 Pa. C.S. § 1501. On 7/26/18, the Complainant filed Exceptions to the ALJ's Initial Decision. PECO filed Reply Exceptions on 7/23/18.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2617335-OSA M-2018-2617335

PUC- INVESTIGATION AND ENFORCEMENT VS GREAT
AMERICAN POWER LLC

Vote 5-0.

- The Bureau of Investigation and Enforcement instituted an Informal investigation of Great American Power, LCC due to marketing and sales practices as an electric generation supplier (EGS) in PA in response to allegations that sales agents were going door-to-door attempting to sell electricity in Millersburg, PA, and other municipalities, without the required solicitation permits or notifying the Commission's Bureau of Consumer Services. On 10/29/18, the Parties submitted a Settlement Agreement (Settlement) to resolve this matter. On 3/28/19 the Commission issued the Settlement for comments. No comments were filed.

RECOMMENDATION:

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

2621285-OSA C-2017-2621285

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

ALAN V SCHMUKLER VS PPL ELECTRIC UTILITIES CORPORATION

- Complaint filed on 8/11/17, seeking to prevent PPL from installing a Smart Meter at his home. On 10/16/17, PPL filed an Answer with New Matter to the Complaint. A hearing was held on 3/9/18. On 8/16/18, the Commission issued the Initial Decision of ALJ Barnes, which denied the Complainant's request to use an analog meter and dismissed the Complaint. On 8/28/18, the Complainant filed Exceptions to the ALJ's Initial Decision. PPL also filed Exceptions to the ALJ's Initial Decision on 9/5/18. On 9/17/18, PPL filed Replies to the Complainant's Exceptions.

RECOMMENDATION:

That the Commission adopt the Proposed Opinion and Order.

2633420-OSA F-2017-2633420

Vote 5-0.

D ANNE WILSON VS PECO ENERGY COMPANY

- Complaint filed on 11/9/17, alleging incorrect and abnormally high charges on her bill from PECO. On 11/29/17, PECO filed an Answer denying the material allegations. On 9/25/18, the Commission issued the Initial Decision of ALJ Vero that dismissed the Complaint in its entirety on the grounds that the Complainant failed to sustain her burden of proof. On 11/8/18, the Complainant filed Exceptions. On 11/21/18, PECO filed Reply Exceptions.

RECOMMENDATION:

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

3003082-OSA F-2018-3003082

Vote 5-0.

KEARY WILLIS VS PECO ENERGY COMPANY

- Complaint filed on 6/25/18, alleging that PECO was threatening to shut off her utility service and that the utility enrolled her in its Consumer Assistance Program (CAP) without her permission. The Complainant requested a payment arrangement. On 7/16/18, PECO filed an Answer. On 10/30/18, ALJ Vero convened the scheduled hearing in this case. The Complainant did not appear in person or via telephone for the hearing. On 3/5/19, the Initial Decision of ALJ Vero was issued, which dismissed the Complaint, with prejudice, for failure to appear and prosecute. On 3/25/19, the Complainant filed Exceptions to the Initial Decision. PECO did not file Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions and adopts the ALJ's Initial Decision that dismisses the Complaint, with prejudice.

3004383-OSA

C-2018-3004383

FLOYD TILLMAN VS PHILADELPHIA GAS WORKS

Vote 5-0.

- Complaint filed on 8/30/18, requesting a payment plan and disputing charges. PGW filed an Answer on 9/19/18. A hearing was held on 11/19/18 before ALJ Heep. By Final Order entered 6/6/19 (6/19 Order), the Commission adopted the Initial Decision of ALJ Heep which, inter alia, dismissed the Complaint. On 4/9/19, PGW filed a Certificate of Satisfaction to which no objections were filed. Since no Exceptions were filed and the Certificate of Satisfaction was overlooked by the Commission, a Final Order adopting the ALJ's Initial Decision was entered on 6/6/19 (6/19 Order). On 6/20/19 PGW filed a Petition for Rescission of the 6/19 Order (Petition), alleging the Commission overlooked the Certificate of Satisfaction between the parties.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants PGW's Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2646419-TUS	A-2018-2646419	PENNDOT
Vote 5-0.		<p>- Application for approval to replace and widen the bridge deck where SR 0070 crosses, above grade, a single track owned by Westmoreland County Industrial Development Corporation and operated thereon by Southwest Pennsylvania Railroad Company (DOT No. 544 522 B) in Sewickley and South Huntingdon Townships, Westmoreland County.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt an order that appropriates the property and approves the right-of-way plans.</p>
3004189-TUS	A-2018-3004189 A-2018-3004191	PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER DIVISION
Vote 5-0.		<p>- Application filed on 8/20/18, for approval of: (1) the transfer, by sale, of substantially all of the Borough of Turbotville’s assets, properties and rights related to its wastewater collection and treatment system to PAWC-WD; and (2) the right of PAWC-WD to begin to offer or furnish wastewater service to the public in a portion the Borough of Turbotville, Northumberland County, PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3006865-TUS	M-2019-3006865	ELECTRIC GENERATION SUPPLIER LICENSE (EGS) CANCELLATIONS
Vote 5-0.		<p>- EGS Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount. As of 6/28/19, 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>
3007336-TUS	A-2019-3007336	PENNSYLVANIA AMERICAN WATER COMPANY
Vote 5-0.		<p>- Application filed on 1/15/19, for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Middle Smithfield Township, Monroe County, PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3007355-TUS	A-2019-3007355	THE YORK WATER COMPANY – WASTEWATER DIVISION
Vote 5-0.		<p>- Application filed on 1/16/19, for approval to: (1) begin to offer, render, furnish and supply wastewater service to the public in Jacobus Borough, York County; (2) acquire the wastewater system assets of Jacobus Borough Sewer Authority; and (3) assume a municipal contract currently in effect between Jacobus Borough Sewer Authority and Springfield Township, York County, Sewer Authority.</p>
		RECOMMENDATION:
		That the Commission adopt the proposed Order.
3007945-TUS	A-2019-3007945	PPL ELECTRIC UTILITIES CORPORATION
<p><u>Motion</u> by Commissioner Kennard. <u>Statement</u> by Chairman Brown Dutrieuille. <u>Statement</u> by Commissioner Place. Vote 3-2 with Chairman Brown Dutrieuille and Commissioner Place Dissenting.</p>		<p>- On 2/15/19, PPL filed its Application and Petition related to the Breinigsville-Alburtis 500 kV Transmission Line.</p>
		RECOMMENDATION:
		That the Commission adopt the proposed Order.
3008519-TUS	A-2019-3008519	LOCUS TELECOMMUNICATIONS LLC
Vote 5-0.		<p>- Application filed on 3/7/19, for the approval for the Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the Public withinin PA.</p>
		RECOMMENDATION:
		That the Commission adopt the proposed Order.
3008774-TUS	A-2019-3008774	CSD ENERGY ADVISORS LLC
Vote 5-0.		<p>- Application filed on 3/25/19, for the approval to offer, render, furnish, or supply natural gas services as a broker/marketer to small commercial, large commercial, and industrial 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 the Commonwealth of PA.</p>
		RECOMMENDATION:
		That the Commission adopt the proposed Order.

3009003-TUS	A-2019-3009003	JMI CONSULTANTS LLC
Vote 5-0.		<p>- Application filed on 4/5/19, 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 throughout the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3009085-TUS	A-2019-3009085	ALBIREO ENERGY LLC
Vote 5-0.		<p>- 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 small commercial, large commercial, and industrial customers in all of the electric distribution company service territories throughout the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3009132-TUS	A-2019-3009132	JMI CONSULTANTS LLC
Vote 5-0.		<p>- 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, within the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3009283-TUS	A-2019-3009283	INERTIA RESOURCES INC
Vote 5-0.		<p>- Application filed on 4/19/19, 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 throughout the Commonwealth of PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

3009429-TUS

Vote 5-0.

PUC RFP-2019-1 – CAPTIONED TELEPHONE RELAY SERVICES

- The Commission is seeking to secure a vendor to provide Captioned Telephone Relay Service (“CTRS”) for a five-year, fixed term, fee-for-service contract ending 6/30/24.

RECOMMENDATION:

That the Commission approve the vendor selected by the Evaluation Committee.

3009977-TUS

A-2019-3009977

Vote 5-0.

KOBIONA LLC

- Application filed on 5/17/19, 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 throughout the Commonwealth of PA.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3010039-TUS

R-2019-3010039

Vote 5-0.

COLUMBIA GAS OF PENNSYLVANIA INC

- On 5/10/19, Columbia Gas filed Supplement No. 290 to Tariff Gas Pa. P.U.C. No. 9 to become effective 7/8/19, proposing updates to the use of Columbia Gas’s telemetry equipment and calculations. On 5/22/19, Knouse Foods Cooperative, Inc. filed a letter requesting the Commission require Columbia Gas to modify its language of Section 3.8.5 of Supplement No. 290 to waive certain penalties. On 5/28/19, Columbia Gas filed Supplement No. 291 extending the effective date to 7/11/19. On 6/4/19, OSBA filed a Formal Complaint and a Notice of Appearance. On 6/13/19, OCA filed a Notice of Intervention.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3010097-TUS

R-2019-3010097
C-2019-3010148
P-00981429F1000

Vote 5-0.

WINDSTREAM CONESTOGA INC

- 2019 Price Stability Index/Service Price Index Report filed on 5/14/19. On 5/28/19, OCA filed a Formal Complaint against the Filing.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3010100-TUS	R-2019-3010100 C-2019-3010149 P-00981430F1000	WINDSTREAM D&E INC - 2019 Price Stability Index/Service Price Index Report filed on 5/14/19. On 5/28/19, OCA filed a Formal Complaint against the Filing. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
3010101-TUS	R-2019-3010101 P-00981423F1000 C-2019-3010152	WINDSTREAM PENNSYLVANIA LLC - 2019 Price Stability Index/Service Price Index Report filed on 5/14/19. On 5/28/19, OCA filed a Formal Complaint against the Filing. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
3010106-TUS	R-2019-3010106 C-2019-3010150 P-00981428F1000	WINDSTREAM BUFFALO VALLEY INC - 2019 Price Stability Index/Service Price Index Report filed on 5/14/19, the subject Report was filed. On 5/28/19, OCA filed a Formal Complaint against the Filing. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
3010178-TUS	A-2019-3010178	KOBIONA LLC - Application filed on 5/30/19, 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 the Commonwealth of PA. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2345509-LAW	A-2013-2345509	BKE MECHANICAL INC D/B/A BKE ENERGY INC - Petition for Reconsideration and Rescission filed on 5/6/19. BKE seeks (1) reconsideration and rescission of the Commission's Final Order (entered on 4/24/19), cancelling its license to serve as a broker/marketer of electric generation supply service in the Commonwealth and (2) reinstatement of its license. BKE'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 RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		
2518883-LAW	M-2015-2518883	ALTERNATIVE RATEMAKING METHODOLOGIES - On 3/3/16 the Pennsylvania Public Utility Commission (Commission) held an en banc hearing at Docket No. M-2015-2518883 to seek information from interested stakeholders on the efficacy and appropriateness of alternatives to traditional ratemaking principles for public utilities. On 3/2/17, the Commission issued a Tentative Order seeking comments on and potential processes to advance alternative rate methodologies that address issues each utility industry is facing. On 5/23/18. the Commission issued for comment a proposed policy statement that identifies factors the Commission will consider in determining just and reasonable distribution alternative ratemaking methodologies. RECOMMENDATION: That the Commission adopt the proposed order.
Motion by Chairman Brown Dutrieuille. Statement by Commissioner Place. Vote 5-0.		
2606245-LAW	P-2017-2606245	PECO ENERGY COMPANY – ELECTRIC DIVISION - Petition for Declaratory Order filed on 5/23/17 relating to a dispute in civil court with Stanley and Carol Fellerman (Fellermans). On 6/7/17, the Fellermans filed an Answer, making the pleading contested pursuant to 52 Pa. Code § 5.94. The underlying dispute in civil court has since been resolved, making the issue moot. On 4/1/19, PECO filed a Petition for Leave to Withdraw, seeking to withdraw the Petition for a Declaratory Order. RECOMMENDATION: That the Commission adopt the proposed Order.
Vote 5-0.		

3004578-LAW M-2018-3004578

POLICY STATEMENT REGARDING THE REPORTING OF INTRASTATE OPERATING REVENUES FOR SECTION 510 ASSESSMENT PURPOSES BY JURISDICTIONAL TELECOMMUNICATIONS CARRIERS OFFERING SPECIAL ACCESS AND OTHER SIMILAR JURISDICTIONALLY-MIXED TELECOMMUNICATIONS SERVICES

(PP from 6-13-19)

Statement by Chairman Brown Dutrieuille.

Statement by Commissioner Place. Verbal Statement by Commissioner Kennard.

Verbal Statement by Vice Chairman Sweet.

Vote 3-2 with Chairman Brown Dutrieuille and Commissioner Place Dissenting.

- On 11/8/18, the Commission issued a proposed policy statement to address the issue of whether jurisdictional telecommunications providers who provide jurisdictionally-mixed telecommunications services should report and file their de facto intrastate revenues in order to comply with the annual Section 510 assessment process and pay a reasonable share of the costs of administering the Code. The policy statement was published for comment in the Pa. Bulletin on 3/2/19. The Commission received comments and reply comments.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3006216-LAW P-2018-3006216

C-2018-2644592

Vote 5-0.

I-2018-3006498

PUC- INVESTIGATION AND ENFORCEMENT VS WINOLA WATER COMPANY

- Petition for Reconsideration of Staff Actions filed on 5/17/19 in response to a 5/8/19 Secretarial Letter referring PAWC’s Petition for Amendment of an Ex Parte Emergency Order to the Office of Administrative Law Judge.

RECOMMENDATION:

That the Commission adopt the proposed order.

3010251-LAW M-2019-3010251

CANCELLATION OF CERTIFICATES OF PUBLIC CONVENIENCE FOR TELECOMMUNICATION UTILITIES FOR REPORTING ZERO INTRASTATE OPERATING REVENUES

(PP from 6-13-19)

Motion by Commissioner Coleman. Statement by Chairman Brown Dutrieuille.

Statement by Commissioner Place. Verbal Statement by Commissioner Kennard.

Vote 3-2 with Chairman Brown Dutrieuille and Commissioner Place Dissenting.

- Commission records indicate that the telecommunication public utilities 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 telecommunication public utilities listed in Appendix B filed revenue reports but reported zero gross intrastate operating revenue.

RECOMMENDATION:

That the Commission adopt the proposed Order.

3011090-LAW M-2019-3011090

**Verbal Statement by
Commissioner Kennard.
Vote 5-0 with Commissioner Place
Concurring in Result Only.**

**CANCELLATION OF CERTIFICATE OF PUBLIC
CONVENIENCE FOR TELECOMMUNICATION UTILITIES
FOR FAILURE TO OPERATE OR FILE ANNUAL REVENUE
REPORT**

- Commission records indicate that the telecommunication public utilities listed in the Appendix 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.

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>
2609651-ALJ	F-2017-2609651	MARCY A NAUGHTON VS PENNSYLVANIA POWER COMPANY
<u>Motion by Commissioner Coleman.</u> Vote 5-0.		<p>- Complaint filed 6/12/17 alleging incorrect charges on Complainant's electric bill and that Penn Power was threatening to terminate her electric service. As relief, Complainant requested an adjustment of her bill and the approval of a payment arrangement. On 8/18/17, Penn Power filed a Certificate of Satisfaction. Complainant filed a Notice of Disagreement on 8/25/17. After numerous continuances, a hearing was held on 4/19/19. Complainant failed to appear for the hearing and Penn Power moved to dismiss the complaint.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Watson's Initial Decision dismissing the complaint for failure of Complainant to appear at the hearing and to meet her burden of proof.</p>
3001144-ALJ	C-2018-3001144	DARLENE STANTON VS PENNSYLVANIA ELECTRIC COMPANY
Vote 5-0.		<p>- Complaint filed 4/10/18 averring that Pennsylvania Electric Company (Penelec) was threatening to terminate her electric service if she did not agree to the installation of a smart meter. On 5/3/18, Penelec filed an Answer and New Matter as well as Preliminary Objections (PO) to the Complaint. Complainant did not file a response to the POs. On 6/8/19, an Interim Order was issued denying the POs. Complainant failed to comply with an Interim Order entered 11/6/18, ordering Complainant to exchange witness information with Penelec by 1/25/19, as well as an Interim Order entered 2/6/19, ordering Complainant to serve full and complete responses to Penelec's discovery requests and file a certificate of service by 2/19/19. Penelec filed a Motion to Dismiss on 2/22/19. Complainant failed to respond to the Motion to Dismiss.</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>

<p>3003051-ALJ</p> <p>Vote 5-0.</p>	<p>C-2018-3003051</p>	<p>DIANA COOK VS WEST PENN POWER COMPANY</p> <p>- Complaint filed 6/22/18 averring Complainant received a ten-day shut off notice for not agreeing to the installation of a smart meter. On 7/17/18, WPP filed an Answer and New Matter to the Complaint averring it issued a pre-disconnection warning letter to Complainant due to Complainant’s refusal to allow the installation of a smart meter at her residence. An Interim Order was issued 10/16/18 ordering Complainant to exchange witness information with WPP. Complainant failed to comply with an Interim Order entered 11/8/18 ordering Complainant to provide full and complete responses to WPP’s discovery requests. WPP filed a Motion to Dismiss on 2/21/19.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Watson’s Initial Decision granting WPP’s Motion to Dismiss and dismissing the Complaint with prejudice.</p>
<p>3005410-ALJ</p> <p>Motion by Vice Chairman Sweet.</p> <p>Vote 5-0.</p>	<p>C-2018-3005410</p>	<p>CHARLES BARRY VS METROPOLITAN EDISON COMPANY</p> <p>- Complaint filed 10/11/18 averring Met Ed allowed an excessive number of power outages to occur in Complainant’s service area, and that Met-Ed was therefore failing to provide reasonable service. On 11/5/18, Met-Ed filed an Answer and New Matter. A hearing was held on 1/14/19.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Calvelli’s Initial Decision denying the complaint.</p>
<p>3007103-ALJ</p> <p>Vote 5-0.</p>	<p>R-2019-3007103</p> <p>C-2019-3007947</p>	<p>PA PUC AND OFFICE OF CONSUMER ADVOCATE VS BUCK HILL WATER COMPANY</p> <p>- Supplement No. 32 to Tariff Water – Pa. P.U.C. No. 3 was filed on 1/11/19, to become effective 4/1/19. The tariff supplement would have increased Buck Hill’s total annual operating revenues for water service by approximately \$106,458, or 34.57%, based on a future test year ending 9/30/19. OSBA and OCA subsequently filed complaints. By Commission Order entered 3/14/19, an investigation was instituted, and the tariff was suspended by law until 11/1/19. An ID was served 4/11/19 granting OSBA’s Petition for Leave to Withdraw. Buck Hill and the OCA filed a Joint Petition for Settlement of Rate Investigation on 5/7/19.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Brady’s Recommended Decision approving the Settlement.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

July 11, 2019

BUREAU OF CONSUMER SERVICES

AGENDA NO.

2636969-BCS

Vote 5-0.

DOCKET NO.

M-2017-2636969

M-2017-2636973

M-2017-2636976

M-2017-2636978

NAME AND SUBJECT

PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY,
METROPOLITAN EDISON COMPANY AND
WEST PENN POWER COMPANY

- On 12/1/17, FirstEnergy Companies filed its USECPs for 2019-2021 in accordance with the Commission's regulations at 52 Pa. Code §§ 54.71-54.78. On 12/6/18, the Commission issued a Tentative Order requesting additional information and calling for comments. On 5/23/19, the Commission issued an Order directing changes to the 2019-2021 USECPs prior to final approval. On 6/24/19, FirstEnergy Companies filed a revised 2019-2021 USECP.

RECOMMENDATION:

That the Commission adopt the proposed Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2526085-OSA Vote 5-0.	I-2016-2526085	DELAWARE SEWER COMPANY - By Opinion and Order entered 6/13/19 (6/13 Order), the Commission adopted the settlement allowing for the acquisition of Delaware Sewer Company by Pennsylvania American Water Company. On 6/28/19, the OCA filed a Petition for Reconsideration of the 6/13 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the OCA's Petition pending review of and consideration on the merits.
2573023-OSA Vote 5-0.	P-2016-2573023	PECO ENERGY COMPANY - By Opinion and Order entered 6/18/19 (6/18 Order), the Commission, inter alia, granted, in part, and denied, in part, PECO Energy Company's Petition for an Advance Payments Program Submitted Pursuant to 52 Pa. Code § 56.17. On 7/3/19, the Office of Consumer Advocate, and CAUSE-PA and TURN et al., filed Petitions for Reconsideration of the 6/18 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the OCA and CAUSE-PA and TURN et al. Petitions, pending review of and consideration on the merits.
2576287-OSA Vote 5-0.	C-2016-2576287 C-2016-2576292	RESPOND POWER LLC VS PENNSYLVANIA ELECTRIC COMPANY AND WEST PENN POWER COMPANY - By Opinion and Order entered 6/13/19 (6/13 Order), the Commission denied the Exceptions filed by Respond Power LLC (Respond) and adopted the Initial Decision of ALJ Salapa in which he, inter alia, dismissed Respond's Complaints on the grounds that Respond failed to demonstrate that the Companies miscalculated the clawback charges. On 6/28/19, Respond filed a Petition for Reconsideration of the 6/13 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants Respond's Petition pending review of and consideration on the merits.

COMMISSIONERS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2607877-CMR

RATIFICATION OF APPOINTMENTS TO THE
CONSUMER ADVISORY COUNCIL

**Motion by Chairman Brown
Dutrieuille.
Vote 5-0.**

MOTION OF CHAIRMAN GLADYS BROWN
DUTRIEUILLE