

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, SEPTEMBER 19, 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 Brown Dutrieuille	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, October 3, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, August 8, 2019 (AP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, OCTOBER 3, 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, OCTOBER 2, 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
September 19, 2019

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2645401-BCS	M-2018-2645401	COLUMBIA GAS OF PENNSYLVANIA INC - On 8/8/19, the Commission issued an Order directing changes to Columbia's Proposed 2019-2021 Universal Service and Energy Conservation Plan (USECP) prior to final approval. All comments and reply comments have been filed. On 8/23/19, Columbia Gas filed a Petition for Reconsideration seeking reconsideration of two changes directed by the Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2561993-OSA Vote 5-0.	C-2016-2561993	NANCY AND JAMES COLBERT VS PECO ENERGY COMPANY - Formal Complaint filed on 8/8/16, complainants referenced a prior Formal Complaint and noted that there was corruption. On 9/6/16, PECO filed an Answer and New Matter. On 9/19/16, Complainant filed a response to the Answer and to New Matter. On 11/20/18, the Colberts filed a letter that stated they would no longer attend a hearing in this matter. On 2/4/19, the Complainants filed a letter that they ended any further public hearing. On 2/5/19, ALJ Heep issued an Initial Decision dismissing the complaint by construing the complainants' request as a Petition to Withdraw. On 2/15/19, PECO filed Exceptions. On 2/22/19, Complainants filed Exceptions. On 2/22/19, PECO filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2615206-OSA Vote 5-0.	C-2017-2615206	ARTHUR LARSON VS PECO ENERGY COMPANY - Formal Complaint filed on 7/19/17 alleging of service shut off after he refused installation of a Smart Meter at his home. On 10/4/18, the Commission issued the Initial Decision of ALJ Heep, which dismissed the Complaint. On 10/17/18, the Complainant filed Exceptions to the ALJ's Initial Decision. PECO filed Reply Exceptions on 11/5/18. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
3002670-OSA Vote 5-0.	C-2018-3002670	JENNIFER POTORA VS UGI UTILITIES INC - ELECTRIC DIVISION - Formal Complaint filed on 6/13/18, seeking a payment arrangement and for UGI to test her meter. On 7/2/18, UGI filed an Answer to the Complaint. On 9/16/18, the Complainant requested a continuance of the hearing which was granted. On 11/6/18, the Complainant called the ALJ requesting an additional continuance which was denied; the hearing convened, and the Complainant did not appear. On 12/20/18, the Commission issued the Initial Decision (I.D.) dismissing the Complaint. By Final Order (F.O.) entered 2/8/19, the I.D. became final without further Commission action. On 2/25/19, the Complainant filed a Petition for Reconsideration of the F.O. No Answer to the Petition has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition for Reconsideration.

- 3004601-OSA C-2018-3004601 GWENDOLYN MERCER VS PHILADELPHIA GAS WORKS**
Vote 5-0. - Formal Complaint filed 8/24/18, requesting a payment arrangement. A telephonic hearing was held on 11/29/18. The Initial Decision of Special Agent Chiodo was issued on 2/5/19. The Complainant filed Exceptions on 2/21/19. PGW filed Replies to Exceptions on 3/4/19.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.
- 3004665-OSA F-2018-3004665 STEVE AND AGNES ATUAHENE VS PHILADELPHIA GAS WORKS**
(PP from 8-29-19)
Motion by Commissioner Coleman.
Vote 5-0. - Formal Complaint filed on 9/12/18, alleging high billing charges, and requesting an investigation into the accuracy of the PGW’s meter and readings. On 10/4/18, PGW filed an Answer denying the material allegations of the Complaint. On 1/11/19, ALJ Vero convened an evidentiary hearing. The Complainant appeared in person for the hearing but not at the scheduled time. Complainant orally communicated to PUC staff his reasons for failing to appear at the appointed time, On 3/12/19, the Commission issued ALJ Vero's Initial Decision which dismissed the Complainant with prejudice due to the Complainant's failure to establish good cause for failure to attend the hearing, in reliance on staff’s oral conveyance of Complainant’s reasons, which had not been established on the record. On 4/22/19, the Complainants filed Exceptions. On 5/2/19, PGW filed Replies to the Exceptions.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.
- 3005278-OSA C-2018-3005278 ELENI DISABATINO VS PECO ENERGY COMPANY**
C-2018-3005452
Vote 5-0. - Formal Complaint filed on 10/11/18 alleging that PECO was threatening to shut off her service and that there were incorrect charges on her bill. On 10/22/18, PECO filed an Answer to Complaint denying the material allegations therein. On 12/21/18, the hearing commenced, PECO was prepared to present its case, the Complainant was not present. On 4/16/19, the Commission issued ALJ Guhl’s Initial Decision (I.D.) dismissing the Complaint with prejudice for failure to prosecute. On 5/3/19, the Complainant filed Exceptions to the I.D. On 6/27/19, PECO filed Replies to Exceptions.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order.

3006790-OSA

F-2018-3006790

WILLIAM LAMAC VS PIKE COUNTY LIGHT AND POWER COMPANY

Vote 5-0.

- Formal Complaint filed on 12/26/18, seeking a more favorable payment arrangement than the one granted in his Informal Decision. On 1/8/19, Pike County filed an Answer to the Complaint. On 3/7/19, an evidentiary hearing was held before ALJ Calvelli. On 6/5/19, the Initial Decision (I.D.) was issued, sustaining the Complaint and providing the Complainant with a Level 1 Payment Arrangement. On 6/10/19, the Complainant filed Exceptions to the I.D. Pike County did not file 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>
3006865-TUS Vote 5-0.	M-2019-3006865	ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS - The Commission’s regulations at 52 Pa. Code §54.40(a) state that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. 52 Pa. Code §54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained. As of 9/10/19, 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.
3007245-TUS Vote 5-0.	P-2019-3007245	DIRECT ENERGY BUSINESS MARKETING LLC AND COMMUNITY ENERGY INC - Joint Petition filed on 1/16/19, requesting that the Commission maintain and affirm the certification of certain Tier I solar photovoltaic shares alternative energy credits which are subject to specific purchase and sale contracts entered into by Direct Energy Business Marketing, LLC and Community Energy, Inc. prior to 10/30/17. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
3009112-TUS (PP from 8-29-19) Statement by Commissioner Place. Vote 4-1 with Commissioner Place Dissenting.	A-2019-3009112	PPL ELECTRIC UTILITIES CORPORATION - Petition and Letter of Notification (LON) filed on 4/10/19 to rebuild existing 138/69 kV transmission lines. On 5/28/19 a protest was filed. Subsequently on 7/19/19 the protest was withdrawn. No hearings were held. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
3011318-TUS Vote 5-0.	A-2019-3011318	RKB ENERGY SOLUTIONS LLC - Application filed on 7/3/19, for the approval to offer, render, furnish, or supply natural gas services as a broker/marketer to 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.

3011323-TUS Vote 5-0.	A-2019-3011323	<p>RKB ENERGY SOLUTIONS LLC</p> <p>- Application filed on 7/3/19, 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 of the electric distribution company service territories within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3011786-TUS Vote 5-0.	A-2019-3011786	<p>WEST PENN POWER COMPANY</p> <p>- Letter of Notification (LON) filed on 7/24/19 for approval to site and construct the Cabot-Fawn-McCalmont 138kV Transmission Line Tap in Clinton Township, Butler County. No protests were filed, and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3011963-TUS Vote 5-0.	A-2019-3011963	<p>ENERGY CX LLC</p> <p>- Application filed on 8/5/19, 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 throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
3012088-TUS Vote 5-0.	A-2019-3012088	<p>COLUMBIA GAS OF PENNSYLVANIA INC</p> <p>- Application filed on 8/7/19, pursuant to 66 Pa.C.S. § 1102(a)(3) seeking a Certificate of Public Convenience approving the acquisition by purchase of real property known as 101 Stoney Ridge Drive, Monaca Borough, Beaver County.</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>
2501450-LAW Vote 5-0.	A-2015-2501450	GREENCROWN ENERGY LLC - Petition for Reconsideration and Rescission was filed on 8/15/19 seeking (1) reconsideration and rescission of the Commission’s 8/6/19 Final Order, cancelling its license to serve as a broker/marketer of electric generation supply service within PA and (2) reinstatement of its license. Greencrown Energy LLC’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 Opinion and Order.
3012599-LAW Joint Motion by Vice Chairman Sweet and Commissioner Place. Verbal Statement by Chairman Brown Dutrieuille. Statement by Vice Chairman Sweet. Statement by Commissioner Kennard. Statement by Commissioner Coleman. Statement by Commissioner Place. Vote 3-2 with Commissioner Kennard and Commissioner Coleman Dissenting.	M-2019-3012599	2019 AMENDMENTS TO CAP POLICY STATEMENT - The Commission conducted a general review of Universal Service Programs at Docket No. M-2017-2596907 (Review) and an in-depth review of energy affordability at Docket No. M-2017-2587711 (Energy Affordability). This Order amends the Commission’s CAP Policy Statement to enhance customer assistance programs in the Commonwealth based on industry, stakeholder, and staff recommendations as well as data analyzed in the Review and Energy Affordability proceedings. RECOMMENDATION: That the Commission adopt the proposed Order.
3012600-LAW Joint Motion by Chairman Brown Dutrieuille & Commissioner Place. Statement by Commissioner Coleman. Vote 3-2 with Commissioner Kennard and Commissioner Coleman Dissenting.	L-2019-3012600	2019 RULEMAKING REGARDING UNIVERSAL SERVICE REGULATIONS - The Commission conducted a general review of Universal Service Programs at Docket No. M-2017-2596907 (Review) and an in-depth review of energy affordability at Docket No. M-2017-2587711 (Energy Affordability). This Notice of Proposed Rulemaking Order proposes specific changes to enhance universal service programs in the Commonwealth based on industry, stakeholder, and staff recommendations as well as utility data analyzed in the Review and Energy Affordability proceedings. RECOMMENDATION: That the Commission adopt the Notice of Proposed Rulemaking Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3005059-ALJ Vote 5-0.	C-2018-3005059	DOUG WALLS VS WEST PENN POWER COMPANY - Formal Complaint filed on 9/17/18, alleging reliability, safety or quality problems with his electric service. A telephonic initial hearing was held on 6/3/19. Complainant failed to appear to prosecute the Formal Complaint. West Penn filed a Motion to Dismiss on 6/6/19. Complainant did not file a response. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale’s Initial Decision dismissing the Complaint without prejudice.
3006814-ALJ Motion by Vice Chairman Sweet. Statement by Commissioner Place. Vote 5-0.	R-2018-3006814 et al	UGI UTILITIES, INC - GAS DIVISION - Proposed Tariff Gas-Pa. P.U.C. Nos. 7 and 7S to become effective 3/29/19 was filed on 1/28/19. Numerous complaints were filed. An investigation was instituted by Commission Order entered 2/28/19. UGI Gas filed Supplement No. 1 to Tariff UGI Gas – Pa. P.U.C. Nos. 7 and 7S on 3/6/19 to reflect the suspension of Tariff Nos. 7 and 7S until 10/29/19. Public input hearings were held on 4/22/19. An evidentiary hearing was held on 6/20/19. A Joint Petition for Approval of Settlement of All Issues was filed on 7/22/19. COMMISSION REVIEW: That the Commission adopt Deputy Chief ALJ Pell’s Recommended Decision approving the Settlement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda
September 19, 2019

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
3006868-LAW Vote 5-0.	M-2019-3006868	ACT 129 TOTAL RESOURCE COST (TRC) TEST - The Commission is required to analyze the benefits and costs of Energy Efficiency and Conservation Plans (EE&C Plans) that EDCs are required to file pursuant to 66 Pa. C.S. § 2806.1. The Commission uses a Total Resource Cost (TRC) Test to analyze the EE&C Plans. This Tentative Order proposes changes to the existing 2016 TRC Test for use if the Commission determines that there will be a Phase IV set of EE&C Plans. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
3010368-LAW Postponed until the Public Meeting of October 3, 2019.	P-2019-3010368	ARD OPERATING LLC - Petition of filed on 2/19/19 seeking waiver of the federal regulations found in 49 C.F.R. § 192. ARD requests a special permit allowing use of an unconventional pipeline material (FlexSteel) for installation in a Class 2 regulated area in Cogan House Township, Lycoming County. RECOMMENDATION: That the Commission adopt the proposed Order.
3012563-LAW Vote 5-0.	M-2019-3012563	JAMES BLACK WATER SERVICE COMPANY - On 9/3/19, Executive Director Seth Mendelsohn appointed a receiver for the James Black Water Service Company through an Ex Parte Emergency Order. This Order ratifies the Ex Parte Emergency Order. RECOMMENDATION: That the Commission adopts the proposed Ratification Order.