PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, OCTOBER 3, 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

John F. Coleman, Jr David W. Sweet Gladys Brown Dutrieuille Andrew G. Place VACANT

THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.

The Next Public Meeting is Tentatively Scheduled for Thursday, October 24, 2019 at 10:00 A.M.

Minutes of the Meeting of Thursday, August 29, 2019 (JFC)

ANNOUNCEMENTS

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY OCTOBER 24, 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 23, 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 October 3, 2019

BUREAU OF AUDITS

AGENDA NO. 3010435-AUD DOCKET NO. D-2019-3010435

NAME AND SUBJECT: **PENNSYLVANIA ELECTRIC COMPANY** Non-Utility Generation Charge for the 12 months ended 4/30/19.

RECOMMENDATION: That the Commission release the audit report to the public.

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3000078-OSA DOCKET NO. C-2018-3000078

NAME AND SUBJECT: WILLARD AND ELSBETH SUNSTEIN VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint filed on 2/26/18 seeking to prevent PPL from installing a smart meter at the Complainants' home. On 1/24/19, ALJ Barnes convened the scheduled hearing in this case. The Complainants did not appear in person or via telephone for the hearing. On 3/5/19, the Initial Decision of ALJ Barnes was issued, which dismissed the Complaint, with prejudice, for failure to appear and prosecute. On 4/4/19, the Complainants filed Exceptions to the Initial Decision. PPL filed Replies to Exceptions on 4/4/19.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3004564-OSA DOCKET NO. F-2018-3004564

NAME AND SUBJECT: DEBI FLEEGER VS PENNSYLVANIA ELECTRIC COMPANY

Formal Complaint filed on 9/7/18, requesting a new payment arrangement. On 10/1/18, Penelec filed an Answer in which it stated that the Complainant had already received a Commission-issued payment arrangement and should not receive a new payment arrangement. A telephonic hearing was held on 11/8/18. By Initial Decision issued on 3/7/19, ALJ Johnson dismissed the Complaint. The Complainant filed Exceptions on 3/21/19. Penelec filed Replies to Exceptions on 4/4/19.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

AGENDA NO. 3004933-OSA DOCKET NO. A-2018-3004933

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY-WASTEWATER SYSTEM ASSETS OF EXETER TOWNSHIP

Application for a certificate of public convenience to acquire the wastewater system and related assets of the Township filed on 9/25/18. PAWC filed an Amended Application on 12/5/18. On 4/16/19, the Commission accepted the Amended Application for filing. ALJ Calvelli conducted an evidentiary hearing on 6/28/19. Thereafter, on 7/11/19, PAWC, the Township, the Bureau of Investigation and Enforcement and the Office of Consumer Advocate (OCA) filed a Joint Petition for Partial Settlement (Settlement). By Recommended Decision issued on 8/9/19, the ALJ recommended approving the Settlement without modification and granting the Amended Application. The OCA filed Exceptions on 8/16/19. On 8/21/19, PAWC and the Township filed Replies to Exceptions.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3005910-OSA DOCKET NO. C-2018-3005910

NAME AND SUBJECT: TENIKA GRAY VS PHILADELPHIA GAS WORKS

Formal Complaint filed on 11/7/18, requesting a new payment arrangement. On 11/29/18, PGW filed an Answer, in which it stated that the Complainant had already received a Commission-issue payment arrangement and should not receive a new payment arrangement. A telephonic hearing was held on 2/4/19. By Initial Decision issued on 2/21/19, Special Agent Chiodo dismissed the Complaint. The Complainant filed Exceptions on 3/4/19. Penelec filed Replies to Exceptions on 3/15/19.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

AGENDA NO. 3006818-OSA DOCKET NO. R-2018-3006818 ET AL

NAME AND SUBJECT: PA PUC ET AL VS PEOPLES NATURAL GAS COMPANY LLC

On 1/28/19, Peoples Natural Gas LLC filed Retail Tariff Gas – PA P.U.C. No. 47 and Supplier Tariff Gas – PA P.U.C No. S-3 to become effective 3/29/19, containing proposed changes in rates calculated to produce \$94.9 million in additional annual revenues. The filing was suspended until 10/29/19. On 7/9/19, the Parties filed a Joint Petition for Partial Settlement. On 8/15/19, the Deputy Chief Administrative Law Judge Joel H. Cheskis Recommended approval of the Partial Settlement as well as the litigated issue. The OSBA filed Exceptions. Peoples and the OCA filed Replies to Exceptions.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes: 4-0

Chairman Brown Dutrieuille Yes

Vice Chairman Sweet Yes - Verbal Statement

Commissioner Place Yes - Statement

Commissioner Coleman Yes - Verbal Statement

Motion by Commissioner Place. Failed Vote 2-2 with Vice Chairman Sweet and Commissioner Coleman

Dissenting.

AGENDA NO. 3006880-OSA DOCKET NO. A-2019-3006880

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

On 1/2/19 an Application as amended on 2/19/19 was filed, pursuant to the Public Utility Code, 66 Pa. C.S. §§ 1102(a) and 1329, requesting that the Commission issue certificates of public convenience to PAWC for the transfer to PAWC, by sale, of substantially all of the assets, properties and rights of the Steelton Borough Authority, related to Steelton's water system, and to set the fair market value of the acquisition for rate-base ratemaking purposes. Steelton filed a Petition to Intervene. BIE filed a notice of appearance. OCA filed a protest and OSBA filed a Notice of Intervention. A hearing was held on 6/10/19. A Joint Petition for Approval of Settlement of All Issues and Statements in Support were filed 7/2/19. The ALJs Recommended Decision adopting the Joint Petition for Settlement was filed on 8/919. On 815/19, OCA filed Exceptions, supporting the approval of the Joint Petition without modification, however, seeking clarification of the ALJs Recommended Decision for clarification purposes..

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes: 4-0

Chairman Brown Dutrieuille Yes Vice Chairman Sweet Yes Commissioner Place Yes

Commissioner Coleman Yes

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3008669-TUS

DOCKET NO. A-2019-3008669 U-2019-3012247

NAME AND SUBJECT: PPL ELECTRIC UTILITIES CORPORATION

On 3/18/19, PPL Electric Utilities Corporation filed an application for approval of the transfer by sale of certain facilities to the City of Lancaster, Lancaster County, Pa. The Application was filed pursuant to 66 Pa. C.S. § 1102(a)(3) and § 507.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-0

Chairman Brown Dutrieuille Yes Vice Chairman Sweet Yes Commissioner Place Yes Commissioner Coleman Yes

AGENDA NO. 3011319-TUS DOCKET NO. A-2019-3011319

NAME AND SUBJECT: PURE ENERGY USA PA LLC D/B/A PURE ENERGY USA

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 supplier to residential, small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories throughout Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3011685-TUS DOCKET NO. A-2019-3011685

NAME AND SUBJECT: LAUREL PIPE LINE COMPANY, LP; BUCKEYE PARTNERS LP AND HERCULES INTERMEDIATE HOLDINGS LLC

Application filed on 7/23/19 for approval of the Transfer of Control of Laurel Pipe Line Company, L.P.

RECOMMENDATION: That the Commission approve the proposed Order.

Votes and Notes: 4-0

Chairman Brown Dutrieuille Yes Vice Chairman Sweet Yes

Commissioner Place Yes

Commissioner Coleman Yes

AGENDA NO. 3011720-TUS DOCKET NO. A-2019-3011720

NAME AND SUBJECT: MID-ATLANTIC INTERSTATE TRANSMISSION LLC

Letter of Notification (LON) filed on 7/18/19, 115 kV and 138 kV Transmission Line Relocations to the Expanded Roxbury Substation in Lurgan and Letterkenny Townships, Franklin County, Pa. No protests were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3012045-TUS DOCKET NO. A-2019-3012045

NAME AND SUBJECT: UNITED POWER CONSULTANTS INC

Application filed on 8/7/19, 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 Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3012307-TUS DOCKET NO. A-2019-3012307

NAME AND SUBJECT: RIVER OAKS ENERGY INC

Application filed on 8/21/19, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for small commercial and large commercial customers in the electric distribution company service territories of Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pike County Light, PPL Electric Utilities Corporation, UGI Utilities, Inc., and West Penn Power Company within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

AGENDA NO. 3012485-TUS DOCKET NO. A-2019-3012485

NAME AND SUBJECT: 365 WIRELESS LLC

Application filed on 8/23/19 seeking Commission Approval for the Discontinuance and Abandonment of Interexchange Carrier and Competitive Local Exchange Carrier Services to the Public within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3012769-TUS DOCKET NO. I-2019-3012769

NAME AND SUBJECT: PA PUC INVESTIGATION INTO RAIL CROSSING AT STATE ROUTE SR0268 AND SR0068

Secretarial Letter dated 4/30/02, abolished 27 out of 29 applied for crossings on the abandoned line of Bessemer and Lake Erie Railroad. The Commission was contacted in 2018 by PennDOT concerning the disposition of the tunnel located in Fairview Township. Attempts by the Bureau to have any party file an application on this matter have been unsuccessful.

RECOMMENDATION: That the Commission institute an investigation upon the Commissions own motion into relating to the condition and disposition of the abandoned tunnel and bridge.

LAW BUREAU

AGENDA NO. 3010368-LAW

(PP from 9/19/2019)

DOCKET NO. P-2019-3010368

NAME AND SUBJECT: 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.

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 2606100-ALJ

(PP from 9/19/2019)

DOCKET NO. P-2017-2606100

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

Petition, inter alia, filed on 5/22/17 to revise its tariff to allow the Company to replace customer-owned lead service pipes and recover the associated costs. BIE & OCA filed answers and OCA filed a notice of intervention. A Recommended Decision (RD) was issued on 5/15/18 granting in part and denying in part the Petition. While PAWC's Exceptions were pending, Act 120 became effective which amended Section 1311(b) of the Public Utility Code. On 1/4/19, the Commission set aside the RD and remanded the case to OALJ for further proceedings consistent with Act 120. On 6/17/19, a Joint Petition for Settlement on Remand was filed.

COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Recommended Decision on Remand granting PAWC's Petition as modified by the Joint Petition for Settlement on Remand.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3006904-ALJ DOCKET NO. R-2019-3006904 C-2019-3008684 C-2019-3008912

NAME AND SUBJECT: **PA PUC, OCA AND OSBA VS NEWTOWN ARTESIAN WATER COMPANY** On 3/1/19, Newtown Artesian Water Company filed Supplement No. 136 To Water – Pa. P.U.C. No. 9 to become effective 5/1/19. OCA and OSBA filed complaints and I&E entered an appearance. By Commission Order entered 4/11/19, the filing was suspended until 12/1/19. A hearing was held on 7/10/19. A Joint Petition for Settlement of Rate Investigation was filed on 8/1/19.

COMMISSION REVIEW: That the Commission adopt ALJ Heep's Recommended Decision approving the Settlement without modification.

AGENDA NO. 3009016-ALJ

DOCKET NO. R-2019-3009016 C-2019-3009266, C-2019-3009471

NAME AND SUBJECT: PA PUC, BIE AND OSBA VS PHILADELPHIA GAS WORKS

Supplement No. 120 to PA PUC No. 2 filed on 4/5/19, proposing to cancel all provisions for Liquefied Natural Gas Service - Rate LNG and establish the availability, rates, and terms of service for new rate for eligible customers under a proposed Negotiated Liquefied Natural Gas Service - Rate LNG. I&E and OSBA filed complaints. OCA and Philadelphia Industrial and Commercial Gas Users Group filed Petitions to Intervene. A prehearing conference was held on 6/5/19. A Joint Petition for Settlement of the Philadelphia Gas Works' Liquefied Natural Gas Rate Proceeding was filed on 8/15/19.

COMMISSION REVIEW: That the Commission adopt ALJ Guhl's Recommended Decision which recommends approval of the Settlement without modification.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3009624-ALJ DOCKET NO. R-2019-3009624 C-2019-3009951 C-2019-3010147

NAME AND SUBJECT: PA PUC, OCA AND OSBA VS PECO ENERGY COMPANY - GAS

On 5/31/19 Applicant filed its Annual Purchased Gas Cost (PGC) Filing No. 36, proposed Supplement No. 19 to Tariff Gas-Pa.P.U.C. No. 3, to become effective for service rendered on and after 12/1/19. PECO also filed a reconciliation of previously incurred expenses and revenues received. OCA and OSBA filed complaints and Philadelphia Area Industrial Energy Users Group filed a Petition to Intervene. I&E filed a Notice of Appearance. A prehearing conference was held on 6/12/19. A Joint Petition for Complete Settlement was filed on 8/14/19.

COMMISSION REVIEW: That the Commission adopt ALJ Brady's Recommended Decision which recommends approval of the Settlement without modification.

AGENDA NO. 3010039-ALJ DOCKET NO. R-2019-3010039 C-2019-3010326

NAME AND SUBJECT: PA PUC AND OSBA VS COLUMBIA GAS OF PENNSYLVANIA INC

Tariff Supplement No. 290 filed on 5/10/19 requesting changes to its tariff concerning updating the use of meter telemetry equipment and calculations. On 6/4/19, OSBA filed a complaint; on 7/2/19 OSBA filed a letter requesting to withdraw its complaint. OCA filed a Notice of Intervention. On 7/31/19, Columbia Gas filed a Petition for Leave to Withdraw its filing. No party filed a response or objection to the Petition.

COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Recommended Decision granting OSBA's petition to withdraw its complaint and Columbia's Petition to Withdraw its filing.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda October 3, 2019

BUREAU OF CONSUMER SERVICES

AGENDA NO. 3012601-BCS DOCKET NO. M-2019-3012601

NAME AND SUBJECT: 2019 UNIVERSAL SERVICE & ENERGY CONSERVATION PLAN FILING SCHEDULE

The Commission hereby implements a pilot Universal Service and Energy Conservation Plan (USECP) filing schedule and pilot Universal Service Impact Evaluation filing schedule for 2020-2025.

RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3009698-TUS

DOCKET NO. A-2019-3009698 P-2019-3010087

NAME AND SUBJECT: DUQUESNE LIGHT COMPANY

Petition filed on 5/20/19 pursuant to 52 Pa. Code §5.41 and 53 P.S. §10619 for a finding that a building to shelter control equipment at the proposed Elrama Substation in Union Township, Washington County, is reasonably necessary for the convenience or welfare of the public and therefore, exempt from any local zoning ordinance. No protests were filed. On 8/12/19, a pre-hearing conference was held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

AGENDA NO. 3011237-TUS DOCKET NO. A-2019-3011237

NAME AND SUBJECT: MID-ATLANTIC INTERSTATE TRANSMISSION LLC

Letter of Notification (LON) filed on 6/25/19 for approval to rebuild the High Point-Rockwood 115 kV Transmission Line and High Point-Penn Mar 115 kV Transmission Line in Addison and Black Townships, Somerset County.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: Postponed until Public Meeting of October 24, 2019.

Chairman Brown Dutrieuille
Vice Chairman Sweet
Commissioner Place
Commissioner Coleman

COMMISSIONERS

AGENDA NO. 3013286-CMR

NAME AND SUBJECT: **Implementation of Act 120 of 2018**JOINT MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE AND COMMISSIONER JOHN F COLEMAN JR

Votes and Notes: 4-0
Chairman Brown Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes

Joint Motion by Chairman Brown Dutrieuille and Commissioner Coleman.