

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, FEBRUARY 6, 2020 (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
John F. Coleman, Jr	David W. Sweet	Gladys Brown Dutrieuille	Andrew G. Place	Ralph V. Yanora

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

The Next Public Meeting is Tentatively Scheduled for Thursday, February 27, 2020 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 19, 2019 (RY)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 27, 2020, 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, FEBRUARY 26, 2020, 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

February 6, 2020

BUREAU OF AUDITS

AGENDA NO. 3007745-AUD

DOCKET NO. D-2019-3007745

NAME AND SUBJECT: PECO ENERGY COMPANY

Generation Supply Adjustment for twelve month periods ended 12/31/18 and 12/31/17.

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

Votes and Notes: **5-0**

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 2576287-OSA

DOCKET NO. C-2016-2576287 C-2016-2576292 C-2017-2631326 C-2017-2631331

NAME AND SUBJECT: RESPOND POWER LLC VS PENNSYLVANIA ELECTRIC COMPANY AND WEST PENN POWER COMPANY

Formal Complaints filed on 11/17/16 challenging the lawfulness of 2016, “clawback” charges assessed against Respond, as an Electric Generation Supplier (EGS), pursuant to the Companies’ Default Service Provider (DSP) proceedings, denoted “DSP IV.” Respond also filed formal complaints against the Companies for 2017 clawback charges. The proceedings were consolidated and on 4/20/18 an Initial Decision (I.D.) of ALJ Salapa was issued which dismissed the Complaints. Exceptions and Replies were filed and on 6/13/19, a Final Commission Order was entered adopting the I.D. On 6/28/19 Respond filed its Petition. An Answer to the Petition was filed by the Companies 7/8/19. By Order entered 7/11/19, reconsideration was granted pursuant to Pa. R.A.P. 1701.

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

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 2605462-OSA

DOCKET NO. C-2017-2605462

NAME AND SUBJECT: PATTI LYNN CAESAR VS PECO ENERGY COMPANY

Formal Complaint filed on 5/17/17, seeking to prevent PECO from installing a smart meter at her home. On 1/24/19, the Commission issued the Initial Decision (I.D.) of ALJ Heep, which dismissed the Complaint. On 3/6/19, the Complainant filed Exceptions to the ALJ’s I.D. PECO filed Reply Exceptions on 3/8/19.

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

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 2636316-OSA
DOCKET NO. F-2017-2636316

NAME AND SUBJECT: **KAREN FEITT AND H MENDOZA JR VS DUQUESNE LIGHT COMPANY** Formal Complaint filed on 11/28/17, requesting, inter alia, a payment arrangement. Duquesne Light filed an Answer and Preliminary Objections on 12/21/17. A telephonic hearing was held on 4/25/18. In an Initial Decision (I.D.) served on 8/7/18, ALJ Johnson dismissed the Complaint due to the Complainants' failure to satisfy their burden of proof. The Complainants filed Exceptions on 8/20/18. Duquesne Light filed a Motion to Quash on 9/6/18. By Order entered 6/13/19, the Commission denied the Exceptions, adopted the I.D., and granted, in part, the Motion to Quash. The Complainants filed a Petition for Rescission or Amendment on 7/29/19. No Answer to the Petition has been filed.

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

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3003502-OSA
DOCKET NO. F-2018-3003502

NAME AND SUBJECT: **JAMES ELLIOTT JR VS PENNSYLVANIA ELECTRIC COMPANY** Formal Complaint filed on 7/16/18, alleging erroneous billing charges, and customer service and service reliability issues. On 8/8/18, Penelec filed an Answer and New Matter denying the material allegations of the Complaint and asserting that the case was an attempt to relitigate a prior matter. On 12/7/18, ALJ Long convened an evidentiary hearing. The Complainant failed to appear for the hearing. On 12/19/18, the Commission issued ALJ Long's Initial Decision which dismissed the Compliant with prejudice due to the Complainant's failure to establish good cause for his failure to attend the hearing. On 1/4/19, the Complainant filed Exceptions. On 1/17/19, Penelec filed Replies to the Exceptions.

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

Votes and Notes: 4-1

Chairman Dutrieuille **No - Statement**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3006473-TUS
DOCKET NO. A-2018-3006473

NAME AND SUBJECT: **CIMA ENERGY SOLUTIONS LLC**

On 12/18/19, a request was filed to amend their electric generation supplier (EGS) license to change its operating authority from an EGS supplier to an EGS broker/marketer.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3012216-TUS
DOCKET NO. A-2019-3012216

NAME AND SUBJECT: **FINANCE GURU LLC**

Application filed on 8/16/19, 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, and large commercial customers in all of the electric distribution company service territories within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3012217-TUS
DOCKET NO. A-2019-3012217

NAME AND SUBJECT: FINANCE GURU LLC

Application filed on 8/16/19, for the approval for a license to offer, render, furnish, or supply natural gas services as a broker/marketer to residential, small commercial, and large commercial 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.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3014003-TUS
DOCKET NO. A-2019-3014003

NAME AND SUBJECT: AGGRESSIVE ENERGY LLC

Application filed on 11/5/19, for the approval for a license to offer, render, furnish, or supply natural gas services as a supplier to large commercial, industrial, and governmental customers in the natural gas distribution company service territory of PECO within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3014263-TUS
DOCKET NO. A-2019-3014263

NAME AND SUBJECT: US GRID ENERGY LLC D/B/A US GRID WHOLESALE

Application filed on 11/13/19, 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 within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3014740-TUS
DOCKET NO. A-2019-3014740

NAME AND SUBJECT: OPERATOR SERVICE COMPANY LLC

Application filed on 11/26/19, seeking approval for the discontinuance and abandonment of Interexchange Carrier Reseller Services within Pa. No protests were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3015178-TUS
DOCKET NO. M-2019-3015178

NAME AND SUBJECT: QUARTERLY EARNINGS OF PENNSYLVANIA UTILITIES

The Bureau of Technical Utility Services staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for Pennsylvania non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups.

RECOMMENDATION: That the Commission make the earnings report public.

Votes and Notes: 4-1

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **No - Statement**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

LAW BUREAU

AGENDA NO. 2186267-LAW

DOCKET NO. A-2010-2186267

NAME AND SUBJECT: **BRADLEY R LEWIS**

On 9/3/19 a Petition for Reconsideration and Rescission was filed seeking (1) Reconsideration and Rescission of the Commission's Final Order (entered on 6/19/19), cancelling its license to serve as a broker/marketer of electric generation supply service within Pa and (2) reinstatement of its license. Bradley R. Lewis'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.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3005035-LAW

DOCKET NO. P-2018-3005035

NAME AND SUBJECT: **ARMSTRONG TELECOMMUNICATIONS INC**

On 9/28/18, a Petition requesting Eligible Telecommunications Carrier (ETC) designation as a facilities-based "landline carrier" only in those block groups for which Connect America Fund (CAF) Phase II high cost support will be awarded by the Federal Communications Commission (FCC) via Auction 903.

RECOMMENDATION: That the Commission adopt the proposed order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3015774-LAW
DOCKET NO. M-2020-3015774

NAME AND SUBJECT: PA PUC CANCELLATION OF CERTIFICATES OF PUBLIC CONVENIENCE FOR MOTOR CARRIERS

Tentative Order for cancellation of Certificates of Public Convenience of delinquent and non-responsive motor carriers.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

AGENDA NO. 3016885-LAW
DOCKET NO. P-2020-3016885 M-2019-3012599

NAME AND SUBJECT: OFFICE OF CONSUMER ADVOCATE

The Commission amended the Customer Assistance Program (CAP) Policy Statement by order entered on 11/5/19. The Office of Consumer Advocate (OCA) filed a Petition for Reconsideration which was granted pending review on the merits. This Order addresses the merits of the OCA Petition.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 3-2

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes - Statement**

Commissioner Place **Yes**

Commissioner Coleman **No - Joint Statement with Commissioner Yanora**

Commissioner Yanora **No - Joint Statement with Commissioner Coleman**

AGENDA NO. 3016889-LAW

DOCKET NO. P-2020-3016889 M-2019-3012599

NAME AND SUBJECT: ENERGY ASSOCIATION OF PENNSYLVANIA

The Commission amended the Customer Assistance Program (CAP) Policy Statement by order entered on 11/5/19. A Petition for Reconsideration was filed by Energy Association of Pennsylvania (EAP), which was granted pending review on the merits. This Order addresses the merits of the EAP Petition.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 3-2

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **No - Joint Statement with Commissioner Yanora**

Commissioner Yanora **No - Joint Statement with Commissioner Coleman**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

February 6, 2020

COMMISSIONERS

AGENDA NO. 3017232-CMR

NAME AND SUBJECT: **APPLICATION OF 52 PA CODE § 3.501 TO CERTIFICATED WATER AND WASTEWATER UTILITY ACQUISITIONS, MERGERS, AND TRANSFERS.**

MOTION OF COMMISSIONER RALPH V YANORA

Votes and Notes: 5-0

Chairman Dutrieuille **Yes - Verbal Statement**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes - Motion**

AGENDA NO. 3017284-CMR

NAME AND SUBJECT: **DIVERSITY RULEMAKING**

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

Votes and Notes: 5-0

Chairman Dutrieuille **Yes - Motion**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Supplemental Carry-In Agenda

February 6, 2020

LAW BUREAU

AGENDA NO. 2446303-LAW

DOCKET NO. P-2014-2446303 P-2015-2446304 L-2018-3001391

NAME AND SUBJECT: VERIZON PENNSYLVANIA LLC AND VERIZON NORTH LLC

On 3/4/15, the Commission granted, in part, a Petition to reclassify as competitive certain retail services pursuant to Section 3016(a). Verizon also received conditional approval for a five-year waiver of parts of Chapter 63 and 64 Regulations. The existing regulatory waivers are set to expire on 3/3/20. The issues to be addressed in this Tentative Order are Verizon's impending expiration of the five-year conditional waiver and the availability and the opportunity for parties to review data marked proprietary by Verizon and file supplemental comments in the Advance Notice of Proposed Rulemaking (ANOPR) proceeding.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 5-0

Chairman Dutrieuille **Yes**

Vice Chairman Sweet **Yes**

Commissioner Place **Yes**

Commissioner Coleman **Yes**

Commissioner Yanora **Yes**