PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, FEBRUARY 27, 2020 (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 Ralph V. Yanora

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

The Next Public Meeting is Tentatively Scheduled for Thursday, March 12, 2020 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 16, 2020 (JFC)

ANNOUNCEMENTS

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 12, 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, MARCH 11, 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 <u>WWW.PUC.PA.GOV</u> 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 27, 2020

BUREAU OF AUDITS

AGENDA NO. 3011591-AUD DOCKET NO. D-2019-3011591

NAME AND SUBJECT: NEWTOWN ARTESIAN WATER COMPANY

Management Efficiency Investigation (MEI) evaluating the implementation of selected recommendations from the 2017 Focused Management and Operations Audit. Newtown Artesian Water Company submitted an Implementation Plan dated 2/12/20, indicating acceptance of 11 follow-up recommendations, acceptance in part for 2 follow-up recommendations, and rejected one follow-up recommendation.

RECOMMENDATION: That the Commission make the Management Efficiency Investigation Report and the Company's Implementation Plan public.

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 2634538-OSA

(PP from 2/6/2020)

DOCKET NO. C-2017-2634538

NAME AND SUBJECT: PUC - BUREAU OF INVESTIGATION AND ENFORCEMENT VS TRBZ INK LLC

Complaint filed on 11/21/17, alleging failure to maintain evidence of insurance on file with the Commission. Bureau of Investigation & Enforcement sought a civil penalty of \$500 for the alleged violation. The Complaint was re-served to TRBZ INK LLC on 1/12/18. TRBZ INK LLC did not file an Answer to the Complaint. By Secretarial Cancellation Letter issued on 4/12/18 (Secretarial Cancellation Letter), TRBZ INK, LLC was notified that its Certificate of Public Convenience was cancelled and a civil penalty of \$500 was imposed for failure to maintain evidence of insurance on file with the Commission. On 7/2/19, Mr. S. Tunji Turner filed an untimely Petition for Reconsideration of the Secretarial Cancellation Letter.

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, Concurring in Result Only
Commissioner Yanora Yes, Concurring in Result Only

AGENDA NO. 3005352-OSA DOCKET NO. C-2018-3005352

NAME AND SUBJECT: THOMAS AGUIRRE VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint filed on 10/10/18, alleging health-based claims of unreasonable service by PPL due to harm caused to Complainant's health and safety by PPL's planned installation of a smart meter at the Complainant's residence. On 11/5/18, PPL filed an Answer denying the material allegations of the Complaint. On 5/16/19, ALJ Barnes convened an evidentiary hearing. On 7/17/19, the Commission issued ALJ Barnes' Initial Decision which dismissed the Complaint. On 8/2/19, the Complainant filed Exceptions. On 08/16/19, PPL filed Replies to the Exceptions. On 12/5/19, the Commission issued its final order denying the Exceptions and adopting the ALJ's Initial Decision. On 12/19/19, Mr. Aguirre filed a Petition for Reconsideration. PPL filed an Answer on 1/2/20. On 1/6/20, the Commission issued an order retaining jurisdiction pending disposition on the merits.

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

AGENDA NO. 3014935-OSA DOCKET NO. A-2019-3014935

NAME AND SUBJECT: THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC D/B/A CENTURYLINK AND CSC WIRELESS D/B/A ALTICE MOBILE

A Joint Petition requesting approval an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996 was filed on 12/12/19. Notice of the Joint Petition was published in the Pa Bulletin. No comments or protests were received.

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

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3012304-TUS

 $\overline{\text{(PP from 2/6/2020)}}$

DOCKET NO. A-2019-3012304 P-2019-3012353

NAME AND SUBJECT: PPL ELECTRIC UTILITIES CORPORATION

On 8/19/19 a Petition was filed, 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 Glen Brook Substation in Salem Township, Luzerne 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 9/27/19, a pre-hearing conference was held and subsequently the Office of Administrative Law Judge reassigned the Petition to the Bureau of Technical Utility Services.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes: 4-1
Chairman Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place No - Statement
Commissioner Coleman Yes
Commissioner Yanora Yes

AGENDA NO. 3013887-TUS DOCKET NO. A-2019-3013887

NAME AND SUBJECT: HONORABLE ENERGY LLC

Application filed on 10/30/19, 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 the electric distribution company service territories within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

AGENDA NO. 3013888-TUS DOCKET NO. A-2019-3013888

NAME AND SUBJECT: HONORABLE ENERGY LLC

Application filed on 10/30/19 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 of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC, Peoples Natural Gas Company, LLC - Equitable Division, Peoples Gas Company, LLC, Philadelphia Gas Works, UGI Utilities, Inc., and Valley Energy, Inc. 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. 3013940-TUS DOCKET NO. P-2019-3013940

NAME AND SUBJECT: AQUA PENNSYLVANIA INC

Long-Term Infrastructure Improvement Plan (LTIIP) filed on 10/31/19. No comments were received. On 12/19/19, via a Secretarial Letter, the Commission issued a data request to Aqua to provide more details regarding eligible property. On 12/19/19, Aqua filed its response to the data request.

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

AGENDA NO. 3013941-TUS DOCKET NO. P-2019-3013941

NAME AND SUBJECT: AQUA PENNSYLVANIA WASTEWATER INC

Petition filed on 10/31/19. Copies of the Revised Long-Term Infrastructure Improvement Plan (LTIIP) were served on the statutory advocates and the parties of record from its most recent base rate case proceeding. No comments were received. On 12/9/19, via a Secretarial Letter, the Commission issued a data request to Aqua Pennsylvania Wastewater Inc (APW) to provide more details regarding eligible property. On 1/10/20, APW filed a response to the data request. On 2/10/20, APW filed a supplemental response to the data request to update certain data tables.

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. 3014063-TUS DOCKET NO. A-2019-3014063

NAME AND SUBJECT: LYKINS OIL COMPANY D/B/A LYKINS ENERGY ADVISORS

Application filed on 11/22/19, 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 within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

AGENDA NO. 3014393-TUS DOCKET NO. R-2019-3014393

NAME AND SUBJECT: PIKE COUNTY LIGHT & POWER COMPANY

On 11/18/19 Tariff Supplement No. 78 to Tariff Electric Pa. P.U.C. No. 8 (Supplement No. 78), was filed, to become effective on 12/18/19. On 11/22/19, Pike revised Supplement No. 78 to update the effective date to 1/17/20. On 1/7/20, Pike filed Supplement No. 80 to Tariff Electric Pa. P.U.C. No. 8. voluntarily postponing the effective date until 2/28/20. The filing proposes to update Pike's Rider B – Net Metering and requests approval of the associated forms and fees.

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. 3014626-TUS DOCKET NO. R-2019-3014626

NAME AND SUBJECT: PINE-ROE NATURAL GAS COMPANY INC.

On 11/19/19 Supplement No. 48 to Tariff Gas - Pa. P.U.C. No. 1 was filed, proposing an annual increase in rates of \$25,000, to become effective on 2/1/20. On 1/9/20, the Tariff Supplement was voluntarily postponed to 2/27/20 via Supplement No. 49.

RECOMMENDATION: That the Commission adopt the proposed Order.

AGENDA NO. 3015057-TUS DOCKET NO. A-2019-3015057

NAME AND SUBJECT: EISENBACH CONSULTING LLC

Application filed on 12/20/19 to offer, render, furnish, or supply natural gas supply 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 of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC, Peoples Natural Gas Company, LLC - Equitable Division, Peoples Gas Company, LLC, Philadelphia Gas Works, UGI Utilities, Inc., and Valley Energy, Inc. 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. 3015615-TUS DOCKET NO. A-2020-3015615

NAME AND SUBJECT: EISENBACH CONSULTING LLC

Application filed on 1/10/20 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 the electric distribution company service territories within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

AGENDA NO. 2628991-LAW DOCKET NO. L-2017-2628991

NAME AND SUBJECT: RULEMAKING REGARDING ELECTRICITY GENERATION CUSTOMER CHOICE 52 PA CODE CHAPTER 54

In this Final Rulemaking Order, the Commission amends the customer information disclosure regulations at 52 Pa. Code §§ 54.3, 54.5, 54.7 and 54.10 providing for standards and pricing practices for retail electricity services; a disclosure statement for residential and small business customers; marketing/sales activities; and the provision of notices of contract expiration or changes in terms for residential and small business customers. With this Final Rulemaking Order, the Commission enhances these rules to provide customers ample protections and the necessary information to make informed decisions when shopping in Pa's competitive retail electricity market.

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. 3014016-LAW DOCKET NO. P-2019-3014016

NAME AND SUBJECT: PIKE COUNTY LIGHT & POWER COMPANY-GAS DIVISION

A Petition for Declaratory Order was filed on 11/5/19 regarding 66 Pa. C.S. § 1353(b)(4)-(5). By this Petition, Pike requests the Commission to conclude that the five-year time period from its last base rate case in which a utility must file for its distribution system improvement charge (DSIC) excludes the time period for which Pike could not file a general base rate increase pursuant to an acquisition settlement.

RECOMMENDATION: That the Commission adopt the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 2242471-ALJ DOCKET NO. I-2011-2242471

NAME AND SUBJECT: INVESTIGATION UPON THE COMMISSION'S OWN MOTION TO DETERMINE THE CONDITION & DISPOSITION OF THE EXISTING STRUCTURE CARRYING WEST ROAD (T-649)

By Secretarial Letter dated 11/27/18, the Commission instituted an investigation to determine the final disposition of the West Road Bridge. An Evidentiary Hearing was held on 6/24/19. A Joint Petition for Settlement was filed on 9/30/19 by the Parties, B&P Railroad, Bureau of Investigation & Enforcement, PennDOT, Marion Township and Beaver County.

COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Recommended Decision.

Votes and Notes: 5-0
Chairman Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes
Commissioner Yanora Yes

AGENDA NO. 3006534-ALJ DOCKET NO. C-2018-3006534

NAME AND SUBJECT: PUC - BUREAU OF INVESTIGATION AND ENFORCEMENT VS SUNOCO PIPELINE, L.P. A/K/A ENERGY TRANSFER PARTNERS

Complaint filed on 12/13/18, alleging violations of federal and state gas pipeline safety regulations stemming from an alleged incident involving a leak of highly volatile liquids (HVLs) of ethane and propane from the Mariner East 1 (ME1) pipeline in Morgantown, Pa on 4/1/17. On 4/3/19, the parties filed a Joint Petition for Approval of Settlement. On 7/15/19, several Petitions to Intervene were granted. An Addendum to the Settlement was filed by the Joint Petitioners on 6/28/19.

COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Initial Decision.

AGENDA NO. 3008474-ALJ DOCKET NO. C-2019-3008474

NAME AND SUBJECT: LINNAEUS & JINA WHITEHEAD VS VERIZON PENNSYLVANIA LLC

Formal Complaint filed 3/11/19, alleging Verizon PA drilled through Complainants' sewer line causing damage to the line and causing sewage to back up into the Complainants' home. On 4/2/19, Verizon PA filed an Answer and New Matter, and Preliminary Objections (PO) and a Motion to Strike a portion of the Complaint. On 5/9/19, the POs and Motion to Strike were granted in part and denied in part. A Petition to Withdraw the Complaint was filed 12/30/19 by the Complainants.

COMMISSION REVIEW: That the Commission adopt ALJ Calvelli's Initial Decision.

Votes and Notes: 5-0
Chairman Dutrieuille Yes
Vice Chairman Sweet Yes - Motion
Commissioner Place Yes
Commissioner Coleman Yes
Commissioner Yanora Yes

AGENDA NO. 3009781-ALJ DOCKET NO. C-2019-3009781

NAME AND SUBJECT: GARY MANDEKIC VS WEST PENN POWER COMPANY

Formal Complaint filed 4/29/19, alleging reliability, service and safety issues. Answer filed on 5/29/19. An evidentiary hearing was held on 8/27/19.

COMMISSION REVIEW: That the Commission adopt ALJ Long's Initial Decision.

AGENDA NO. 3013413-ALJ DOCKET NO. R-2019-3013413 C-2019-3014433

NAME AND SUBJECT: HANCOCK TELEPHONE COMPANY

A tariff supplement seeking an increase to its residential and business local exchange service rates was filed on 10/8/19. On 11/19/19, the Office of Small Business Advocate filed a Formal Complaint in response to the filing. On 12/19/19, the Commission issued an Order suspending the filing by operation of law until 8/1/20. On 12/20/19, the Office of Consumer Advocate filed a notice of intervention. On 12/23/19, Hancock filed a letter requesting to withdraw its proposed tariff supplement.

COMMISSION REVIEW: That the Commission adopt Deputy Chief ALJ Cheskis' Recommended Decision.

Votes and Notes: 5-0
Chairman Dutrieuille Yes
Vice Chairman Sweet Yes
Commissioner Place Yes
Commissioner Coleman Yes
Commissioner Yanora Yes

AGENDA NO. 3013486-ALJ DOCKET NO. F-2019-3013486

NAME AND SUBJECT: TERRENCE K GRAY JR VS PHILADELPHIA GAS WORKS

A Formal Complaint was filed 10/10/19, seeking a payment arrangement. PGW filed an Answer on 10/31/19. An evidentiary hearing was held on 11/22/19.

COMMISSION REVIEW: That the Commission adopt Special Agent Arnold's Initial Decision.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

February 27, 2020

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3015162-TUS DOCKET NO. R-2019-3015162

NAME AND SUBJECT: UGI UTILITIES, INC - GAS DIVISION

On 1/28/20, Supplement No. 6 to UGI Tariff Gas - Pa. P.U.C. Nos. 7 and 7S was filed. The Supplement is to become effective 3/28/20, which proposed changes in rates, rules, and regulations calculated to produce \$74.6 million (8.5%) in additional annual revenues. The Office of Consumer Advocate filed a Formal Complaint on 2/12/20. Various oppositions were also filed.

RECOMMENDATION: That the Commission adopt the proposed Order.

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, the Petition of Verizon Pennsylvania LLC and Verizon North LLC (collectively Verizon) 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 Commission issued a Tentative Order that tentatively granted an extension of the five-year conditional waiver and also allowed for 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. Comments were filed to the Tentative Order.

RECOMMENDATION: That the Commission adopt the proposed Order.