

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, AUGUST 1, 2024 (KZ)
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. 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 CHAIR | CHAIRMAN | COMMISSIONER | COMMISSIONER |
| Kathryn L. Zerfuss | Kimberly Barrow | Stephen M. DeFrank | Ralph V. Yanora | John F. Coleman, Jr. |

The Next Public Meeting is Tentatively Scheduled for Thursday, August 22, 2024 at 10:00 A.M.

Minutes of the Meeting of Thursday, June 13, 2024 (KB)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 22, 2024, 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 21, 2024, AT 1:30 PM IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING AS WELL AS VIA TELECONFERENCE.

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

August 1, 2024

OFFICE OF EXECUTIVE DIRECTOR

AGENDA NO. 3047155-DIR

NAME AND SUBJECT: APPROVAL OF STRATEGIC PLAN IMPLEMENTATION

The Commission contracted with Baker Tilly US, LLC to assist the Commission in updating its strategic plan. Over a four- and one-half month period, Baker Tilly reviewed extensive Commission documentation, met one-on-one with over 30 Commission personnel, surveyed internal Commission staff and jurisdictional utilities and stakeholders, and facilitated a strategic planning retreat with Commission leadership. In collaboration with the Commission, Baker Tilly presented a final Strategic Planning report and five-year work plan for implementation.

RECOMMENDATION: That the Commission approve the implementation of the Commission's new five-year operational strategic plan and that the appendix be released to the public.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3001526-OSA

DOCKET NO. C-2018-3001526

NAME AND SUBJECT: THOMAS AND NORMA MOSLEY VS METROPOLITAN EDISON COMPANY

Formal Complaint (FC) filed on 4/25/18, opposing the installation of a smart meter at Complainants' residence. On 5/21/18, Metropolitan Edison Company (Met-Ed) filed an Answer and New Matter denying material allegations of the FC. A hearing was held on 11/6/19. The Petitioners filed a Brief on 11/20/19. Met-Ed filed a Brief on 1/22/20. On 9/16/20, ALJ Watson issued the Initial Decision dismissing the FC. On 12/18/23, the Commission entered a Final Order in accordance with 66 Pa. C.S. § 332(h), which became final without further Commission action and dismissed the FC with prejudice. On 12/29/23, the Petitioners filed additional correspondence. By Secretarial Letter issued 1/30/24, the Commission notified the Petitioners, *inter alia*, that if they wish to pursue their FC further, they may file a Petition for Rescission, pursuant to 52 Pa. Code § 5.572(d). On 2/16/24, the Petitioners filed a Petition for Rescission (Petition). On 6/3/24, Met-Ed filed an Answer to the Petition (Answer). Also, on 6/3/24, the Petitioners filed additional correspondence. On 6/11/24, the Petitioners filed a Reply to Answer.

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3008809-OSA

DOCKET NO. F-2019-3008809 F-2019-3008832

NAME AND SUBJECT: JOHN AND JANET HOLDER AND JUNE MACULESKY VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint (FC) filed on 3/18/19, seeking to prevent PPL Electric Utilities Corporation (PPL) from installing a smart meter at the service address. Also, on 3/18/19, Janet Holder filed a Complaint on behalf of her mother, Ms. June Maculesky, for whom she has power of attorney, at Docket No. F-2019-3008832. The cases were consolidated on 5/14/19. On 9/4/19 the FC was amended. PPL filed an Answer on 1/21/20. A hearing was held on 8/6/20. On 10/14/20, the Commission issued the Initial Decision (ID) of ALJ Barnes, wherein the ALJ recommended that the Commission deny and dismiss the FC. On 11/3/20, the Complainants filed Exceptions to the ALJ's ID. On 11/24/23 PPL filed Reply Exceptions.

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3009358-OSA
DOCKET NO. C-2019-3009358

NAME AND SUBJECT: KNOX TOWNSHIP VS BUFFALO & PITTSBURGH RAILROAD INC
Formal Complaint (FC) filed on 4/10/19, requesting the removal of three overpasses on a railroad right-of-way that were creating a traffic and safety problem. Field conferences were held among stakeholder parties. The matter was later assigned to the Office of Administrative Law Judge for hearings and issuance of a Recommended Decision (RD). The RD of ALJ Long was issued 6/24/22. Buffalo & Pittsburgh Railroad Inc. (BPRR) filed Exceptions to the RD and the Bureau of Investigation and Enforcement (BIE) filed Replies to Exceptions. By Opinion and Order entered 4/20/23, Exceptions were denied, and the RD adopted. BPRR filed a Petition for Review of the Order. On 7/11/23, BPRR filed a Motion for Stay. By Order entered 10/19/23, the Commission denied the Motion for Stay. Commonwealth Court, thereafter, entered an Order staying the Commission proceedings. On 3/1/24, the Commonwealth Court affirmed the Commission’s 4/20/23 Order and continued its stay for 120 days. On 7/5/24, BPRR filed the instant Motion.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3022688-OSA
DOCKET NO. A-2020-3022688

NAME AND SUBJECT: PENNDOT
Application filed on 11/2/20, for approval to replace the existing structure that carries State Route 068 over four tracks of the Bessemer and Lake Erie Railroad (DOT No. 051 674 J) and ten tracks of the Buffalo and Pittsburgh Railroad, Inc. (DOT No. 149 033 D) in Butler Township and Summit Township, Butler County, Pa. On 6/13/24, the Commission issued an Opinion and Order approving the Application (June 2024 Order). On 6/27/24 PennDOT filed a Petition for Reconsideration of the Commission’s June 2024 Order.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3026448-OSA
DOCKET NO. C-2021-3026448

NAME AND SUBJECT: LLOYD AND SUSAN HORST VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint (FC) filed on 6/2/21, seeking to prevent PPL Electric Utilities Corporation (PPL) from installing a smart meter at the service address. On 7/6/21, PPL filed an Answer. A hearing was held on 1/23/20. On 11/16/21, the Commission issued the Initial Decision (ID) of ALJ Vero, which recommended that the Commission deny and dismiss the FC. On 12/6/21, PPL filed an Exception to the ALJ's ID. On 12/15/21 the Complainants filed a Reply Exception.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3029018-OSA
DOCKET NO. M-2021-3029018

NAME AND SUBJECT: INVESTIGATION INTO THIRD-PARTY ACCESS TO ELECTRIC DISTRIBUTION COMPANY CUSTOMER DATA

On 7/3/23, the Commission issued a Secretarial Letter closing its investigation into Conservation Service Provider and other third-party access to electric distribution company customer data. On or about 7/13/23, Mission:data Coalition, a coalition of multiple parties to the proceeding filed a Petition for Reconsideration of Staff Action (Petition). No response to the Petition has been filed.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3037095-OSA
DOCKET NO. C-2022-3037095

NAME AND SUBJECT: KAREN FEITT & HIGINIO MENDOZA JR VS DUQUESNE LIGHT COMPANY

Formal Complaint (FC) filed on 12/5/22, requesting, *inter alia*, an accounting statement and payment arrangement concerning Complainants' utility bill. Duquesne Light Company (Duquesne) filed an Answer and Preliminary Objections on 12/21/22. The matter was assigned to the Office of Administrative Law Judge, ALJ Long as presiding officer. A telephonic hearing was held on 3/21/23. In an Initial Decision (ID) was served on 7/20/23, ALJ Long recommended that the FC be dismissed due to the Complainants' failure to satisfy their burden of proof. The Complainants filed a document treated as Exceptions on 8/14/23. Duquesne filed Replies to the Exceptions 8/21/23. On 12/7/23, the Commission entered an Opinion and Order denying Exceptions and adopting the ID. On 12/15/23, the Complainants filed a Petition for Rehearing or Reconsideration. Subsequently, the Complainants filed other non-permitted pleadings. By Order entered 12/21/23, reconsideration was granted pending review of and consideration on the merits pursuant to Pa. R.A.P. 1701(b)(3).

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3041730-OSA
DOCKET NO. F-2023-3041730

NAME AND SUBJECT: JOSEPH MCANDREW VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint (FC) filed on 6/29/23, alleging overbilling and incorrect charges on Complainant's electric bill for December 2022. On 8/3/23, PPL Electric Utilities Corporation (PPL) filed an Answer and requested the FC be dismissed. An Initial Hearing was held on 11/15/23. On 3/8/24, the Commission issued the Initial Decision of ALJ Brady, wherein he recommended that the FC be dismissed for failing to meet the Complainant's burden of showing that PPL violated its tariff, the Public Utility Code, or a Commission Regulation or Order, or overbilled the Complainant. The Complainant timely filed Exceptions on 3/25/24. Reply Exceptions were filed by PPL on 4/8/24.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3041946-OSA
DOCKET NO. F-2023-3041946

NAME AND SUBJECT: SCOTT DEMACIO VS COLUMBIA GAS OF PENNSYLVANIA INC
Formal Complaint (FC) filed on 6/23/23. The FC was a timely appeal of a Bureau of Consumer Services decision dismissing Complainant’s Informal Complaint. In the FC, the Complainant requests a Commission-issued payment arrangement for payment arrearages. An Initial Decision was issued by Special Agent Mroczka on 1/17/24 dismissing the FC based on the Complainant’s failure to show eligibility for a second or subsequent Commission-issued payment arrangement or reinstatement of a prior payment arrangement. The Complainant filed Exceptions on 2/5/24. No Reply Exceptions have been filed, though Columbia Gas of Pennsylvania, Inc. filed a Notice of Bankruptcy Case Filing on 3/26/24.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3042570-OSA
DOCKET NO. A-2023-3042570

NAME AND SUBJECT: WYATT'S TRANSPORT LLC
Application filed on 8/29/23, for authority to operate as a Motor Common Carrier of Persons in Limousine Service. On 9/5/23, the Commission accepted Wyatt’s Transport LLC’s (Wyatt’s Transport) Application and informed the Applicant that it would be published in the Pa. Bulletin. No Protests were filed to the Application. Upon review of the Application, on 10/23/23, the Commission conditionally approved the filing and advised that the Petitioner could not begin operations until Wyatt’s Transport’s insurer filed proof of insurance and the Company emailed a draft tariff. On 1/2/24, the Commission dismissed the Application for failure of the Applicant to comply with the directives regarding insurance and a draft tariff as set forth in the October 2023 Secretarial Letter. Wyatt’s Transport filed a Petition for Reconsideration from Staff Action on 1/9/24. No response to the Petition has been filed.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3042804-OSA

DOCKET NO. R-2023-3042804 ET AL R-2023-3042805 ET AL

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION ET AL VS COMMUNITY UTILITIES OF PENNSYLVANIA INC

On 11/9/23, Community Utilities of Pennsylvania, Inc. (CUPA) filed Supplement No. 13 to Tariff Water – Pa. P.U.C. No. 1 and Supplement No. 11 to Tariff Wastewater – Pa. P.U.C. No. 1, which proposed an increase in rates calculated to produce approximately \$1,470,360 and \$1,738,944, respectively, in total annual operating income revenue over the fully projected future test year levels at present rates. Public input hearings were held on 1/30/24, 1/31/24, and 2/1/24. On 4/26/24, CUPA, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate filed a Joint Petition for Full Settlement of Rate Proceedings (Settlement), which proposed, *inter alia*, an increase in CUPA’s annual revenue for water service and wastewater service by \$1,227,538 and \$1,447,621, respectively. On 5/8/24, Christ Nielsen filed an Objection to the Settlement. By Recommended Decision issued on 5/28/24, ALJs Haas and Arnold recommended the approval of the Settlement. On 5/30/24, Richard and Susan DiPiazza filed an Objection to the Settlement. On 6/4/24, Joseph Albanese (Mr. Albanese) filed Exceptions. On 6/7/24, CUPA filed Replies to the Exceptions of Mr. Albanese.

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

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3043494-OSA

DOCKET NO. C-2023-3043494

NAME AND SUBJECT: KALEEL VINSON VS UGI UTILITIES INC - GAS

Formal Complaint (FC) filed on 9/29/23, indicating that UGI Utilities, Inc. (UGI) is threatening to shut off or had already shut off electric service at the service address and the Complainant requested a payment arrangement. On 11/1/23, UGI filed an Answer admitting that the Complainant’s service was terminated on 7/20/23, for “repeated and persistent failure to pay monthly bills in full and on a timely basis.” By Hearing Notice dated 11/3/23, an initial telephonic hearing was scheduled for 1/10/24, and the matter was assigned to the ALJ. On 1/10/24, a telephonic hearing was held with UGI in attendance. The Complainant did not appear. On 5/9/24, the Commission issued the Initial Decision of ALJ Vero, wherein she recommended that the Commission dismiss the FC for failure of the Complainant to appear at the hearing and prosecute the FC. The Complainant filed Exceptions on 5/29/24. UGI filed its Reply Exceptions on 6/4/24.

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

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3046449-OSA
DOCKET NO. A-2024-3046449

NAME AND SUBJECT: LA MEMOIRE MOMENTS LLC T/A TRAFFIC JAMZ

Application filed on 2/14/24, to operate as a Motor Common Carrier of Persons Group and Party Service in vehicles seating 11 to 15, including the driver. On 3/12/24, the Commission issued a Secretarial Letter denying the Application for failure to establish financial fitness. On 3/15/24, the Applicant filed a Petition for Reconsideration from Staff Action. No Answer to the Petition has been filed.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3046587-OSA
DOCKET NO. A-2024-3046587

NAME AND SUBJECT: GOLDEN GATE TRUCKING SOLUTIONS CO

Application filed on 2/27/24, for the right to operate as a Motor Common Carrier of Property. On 5/7/24, the Commission issued a Secretarial Letter denying the Application for failure to file evidence of bodily injury and property damage liability insurance. On 5/9/24, the Applicant filed a Petition for Reconsideration (Petition). No Answer to the Petition has been filed.

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

- Votes and Notes:
Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3048479-OSA
DOCKET NO. A-2024-3048479

NAME AND SUBJECT: GOOD NEWS TRANSPORTATION LLC

Application filed on 4/10/24, for Motor Common Carrier of Persons in Paratransit Service. By Secretarial Letter issued on 5/24/24, the Commission denied and dismissed the Application and informed Good News Transportation, LLC (Good News) that a Certificate of Public Convenience would not be granted due to failure to establish fitness. On 6/3/24, the instant Petition for Reconsideration from Staff Action (Petition) was filed on behalf of Good News. No response to the Petition has been filed.

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

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3048953-OSA
DOCKET NO. A-2024-3048953

NAME AND SUBJECT: BUCKSMONT AIRPORT SHUTTLE LLC

Application filed on 5/10/24, for the right to operate as a Motor Common Carrier of Persons in Airport Transfer Service. On 5/13/24, the Commission issued a Secretarial Letter denying the Application since the authority sought was outside the scope of the Commission's jurisdiction. On 5/23/24, the Applicant filed a Petition for Reconsideration from Staff Action (Petition). No Response to the Petition has been filed.

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

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3049826-OSA

DOCKET NO. P-2024-3049826 A-2022-3036437

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application granted on 4/4/24, to abandon service at Docket No. A 2022-3036437 (April 2024 Order). On 7/3/24, Columbia Gas of Pennsylvania, Inc. (Columbia) filed a Petition for Amendment of the Commission's April 2024 Order (Petition), to allow Columbia additional time to comply with its obligations pursuant to the directives of the April 2024 Order. On 7/12/24, Burhans-Crouse Funeral Home (Burhans-Crouse) filed an Answer to Columbia's Petition, requesting that the Commission deny the Petition and dismiss the underlying Application due to Columbia's failure to timely comply with the directives of the April 2024 Order.

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3041215-TUS

DOCKET NO. A-2023-3041215

NAME AND SUBJECT: THE YORK WATER COMPANY - WATER

Application filed on 6/9/23, for approval of the right to begin to offer, render, furnish, or supply water service to the public in an additional portion of Reading Township, Adams County, Pa. The York Water Company submitted proofs of publication and service to the appropriate entities. No protests were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3047156-TUS

DOCKET NO. A-2024-3047156

NAME AND SUBJECT: CALPINE COMMUNITY ENERGY LLC

Application filed on 2/5/24, 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 within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3047921-TUS
DOCKET NO. A-2024-3047921

NAME AND SUBJECT: PAY LESS ENERGY LLC

Application filed on 1/31/24, 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 within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3048947-TUS
DOCKET NO. A-2024-3048947

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 5/9/24, seeking a Certificate of Public Convenience authorizing Columbia Gas of Pennsylvania, Inc. to abandon natural gas distribution service to one inactive commercial premises located in Point Marion, Fayette County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3049172-TUS
DOCKET NO. A-2024-3049172

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 5/20/24, seeking a Certificate of Public Convenience authorizing Columbia Gas of Pennsylvania, Inc. to abandon natural gas distribution service to two inactive residential premises located in Shippenville, Clarion County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3049308-TUS
DOCKET NO. A-2024-3049308

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 5/29/24, seeking a Certificate of Public Convenience authorizing Columbia Gas of Pennsylvania, Inc to abandon natural gas distribution service to two active residential premises located in Garards Fort, Greene County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3049527-TUS

(PP from 7/11/2024)

DOCKET NO. M-2024-3049527

NAME AND SUBJECT: REPORT ON QUARTERLY EARNINGS OF JURISDICTIONAL UTILITIES

The Bureau of Technical Utility Services staff (Staff) have 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:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3049538-TUS

DOCKET NO. A-2024-3049538

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 6/12/24, seeking a Certificate of Public Convenience authorizing Columbia Gas of Pennsylvania, Inc. to abandon natural gas distribution service to one active and one inactive residential premises located in Mayport, Armstrong County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3049961-TUS
DOCKET NO. P-2024-3049961

NAME AND SUBJECT: KAIB AND KAIB LLC

Petition filed on 7/8/24, to implement a phased-in rate increase schedule. On 7/18/24, Kaib and Kaib, LLC filed an addendum to the Petition.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3050036-TUS
DOCKET NO. M-2024-3050036

NAME AND SUBJECT: CANCELLATION OF MOTOR CARRIER CERTIFICATES OF PUBLIC CONVENIENCE

Cancellation of Certificates of Public Convenience for motor carriers for failure to maintain evidence of insurance

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

Votes and Notes:

Chairman DeFrank
Vice Chair Barrow
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

LAW BUREAU

AGENDA NO. 3035024-LAW

DOCKET NO. A-2022-3035024

NAME AND SUBJECT: PENNDOT

Petition filed on 2/27/24, to transfer jurisdiction in this matter to the Court of Common Pleas of York County, pursuant to 66 Pa.C.S. § 2704, for the filing of a petition to deposit the estimated just compensation amount into court pursuant to the Eminent Domain Code, 26 Pa.C.S. § 307. PennDOT has determined that the just compensation for the property appropriation is \$9,500 which, as of the date of this Petition, has not been accepted by CSX Transportation, Inc.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3041485-LAW

(PP from 7/11/2024)

DOCKET NO. P-2023-3041485

NAME AND SUBJECT: WILLIAMS COMPANIES INC

Petition for Reconsideration of its Declaratory Order filed on 4/29/24, seeking reconsideration of the Commission's Final Order entered 4/4/24, which declared that the solar photovoltaic project proposed in its Petition was eligible for Tier II Alternative Energy Credits but not eligible for Solar Renewable Energy Credits.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3044290-LAW

DOCKET NO. P-2023-3044290 M-2022-3030277

NAME AND SUBJECT: GET WIRELESS INC

Petition for Relief filed on 11/15/23, requesting that the Commission withdraw its Pennsylvania Universal Service Fund Development of Assessment Data Request response for Fiscal Year 2023, which was filed in August 2022, and replace it with a revised version. The Public Utility Code requires that by March 31st of each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year; Get Wireless, Inc., filed this report and paid its assessment. In addition to the annual fiscal assessment, the Commission’s regulations, at 52 Pa. Code 63.161-63.171, require contributing telecommunications providers to submit an affidavit to the Fund administrator identifying the provider’s total intrastate end-user telecommunications retail revenue for the previous calendar year; Get Wireless, Inc., filed this report but failed to submit any financial statements to support its assertion that its revenues were incorrectly calculated. The gross intrastate operating revenues reported to the Commission on these forms must match.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3048998-LAW

DOCKET NO. M-2024-3048998

NAME AND SUBJECT: 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 Electric Distribution Companies 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 2021 TRC Test for use if the Commission determines that there will be a Phase V set of EE&C Plans.

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

Votes and Notes:

- Chairman DeFrank
- Vice Chair Barrow
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 3041068-ALJ

DOCKET NO. C-2023-3041068

NAME AND SUBJECT: JESSIE WILLIAMS EPPS VS PPL ELECTRIC UTILITIES CORPORATION

Formal Complaint filed on 5/23/23, alleging incorrect charges. PPL Electric Utilities Corporation filed its Answer on 6/21/23. A hearing was held on 12/3/23 and a further hearing was held on 1/24/24.

COMMISSION REVIEW: That the Commission adopt ALJ Ashton’s Initial Decision.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3041575-ALJ

DOCKET NO. R-2023-3041575 P-2023-3042648 ET AL

NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION ET AL VS CONNEAUT LAKE PARK WATER CORPORATION INC

Proposed water tariffs filed on 8/31/23. By operation of 66 Pa.C.S. § 1308(d), the Commission commenced an investigation to determine the lawfulness, justness, and reasonableness of the proposed rates, rules, and regulations. A prehearing conference was held 10/26/23. A further prehearing conference was held on 3/27/24. A Joint Petition for Settlement was filed on 5/17/24.

COMMISSION REVIEW: That the Commission adopt ALJ Vero’s and ALJ Ashton’s Recommended Decision.

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

AGENDA NO. 3043371-ALJ

(PP from 7/11/2024)

DOCKET NO. C-2023-3043371 C-2023-3043372

NAME AND SUBJECT: RASHAD MCNAIR VS PENNSYLVANIA AMERICAN WATER COMPANY-WASTEWATER

Formal Complaint filed on 9/29/23 alleging safety and quality problems and requesting a payment arrangement. Pennsylvania-American Water Company (PAWC) filed its Answer on 10/23/23. A hearing was held on 12/18/23 and a further hearing was held on 1/23/24.

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

Notes and Votes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

August 1, 2024

COMMISSIONERS

AGENDA NO. 3050313-CMR

NAME AND SUBJECT: REPLACEMENT OF PLASTIC PIPE

MOTION BY CHAIRMAN DEFRANK

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Supplemental Agenda

August 1, 2024

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3048837-OSA

DOCKET NO. A-2024-3048837

NAME AND SUBJECT: **PENNDOT AND THE CITY OF PITTSBURGH**

On 5/2/24, the Pennsylvania Department of Transportation (the Department) and The City of Pittsburgh (City) (collectively, the Department et al.) filed an Emergency Application for approval to abolish the public above grade crossing and remove the bridge carrying the abandoned cartway of Pittsburgh & West Virginia Railway Company above S.R. 0051 in the City of Pittsburgh, Allegheny County and the allocation of costs incident thereto (Application). On 5/22/24, the Department filed a Petition for Interim Emergency Relief under Commission Regulations at 52 Pa. Code § 3.6 (Section 3.6 Petition). On 6/6/24, ALJ Long issued an Order Granting Interim Emergency Relief and Certifying Material Question (Interim Emergency Order). By notational vote, the Commission entered an Opinion and Order answering the Material Question in the affirmative on 7/1/24 (July 2024 Order). On 7/8/24, Wabash filed a Motion for Certification of Interlocutory Order Pursuant to 52 Pa. Code § 5.633, Motion for Determination of Finality Pursuant to Pennsylvania Rule of Appellate Procedure 341(c), and Motion for Stay (Motion for Certification et al.) of the Commission's July 2024 Order. On 7/15/24, the Department et al. filed a Joint Answer in Opposition to (Answer) and Joint Motion to Quash (Motion to Quash) the Motion for Certification et al. of Wabash. On 7/17/24, the Department filed a Motion for Expedited Review of the Motion for Certification et al. of Wabash and the Answer and Motion to Quash of the Department et al. No Answer to the Department's Motion for Expedited Review was filed. On 7/22/24, Wabash filed a Reply in Opposition to the Motion to Quash of the Department et al.

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

Votes and Notes:

Chairman DeFrank

Vice Chair Barrow

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman