

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, MARCH 16, 2023 (SD)
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 CHAIRMAN	CHAIRMAN	COMMISSIONER	COMMISSIONER
Kathryn L. Zerfuss	Stephen M. DeFrank	Gladys Brown Dutrieuille	Ralph V. Yanora	John F. Coleman, Jr.

The Next Public Meeting is Tentatively Scheduled for Thursday, April 20, 2023 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 9, 2023 (KZ)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 20, 2023, 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, APRIL 19, 2023, 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

March 16, 2023

BUREAU OF CONSUMER SERVICES

AGENDA NO. 3036532-BCS

DOCKET NO. M-2022-3036532 M-2022-3036533 M-2022-3036534 M-2022-3036535

NAME AND SUBJECT: METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY AND WEST PENN POWER COMPANY

Joint proposed Universal Service and Energy Conservation Plan for 2024-2028 filed on 11/1/22, in compliance with 52 Pa. Code § 54.74.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 3032118-OSA

DOCKET NO. C-2022-3032118

NAME AND SUBJECT: ADAM TERCEK VS DUQUESNE LIGHT COMPANY

Formal Complaint (FC) filed on 4/14/22, alleging that Duquesne Light Company (DLC) failed to provide reasonable service because it refused to resolve Complainant's FC about an excessive level of noise emanating from the transformers outside his home. On 5/16/22, DLC filed an Answer to the FC. A hearing was held on 7/20/22 before ALJ Long. On 10/26/22, the Commission issued the ALJ's Initial Decision (ID) which sustained the FC, directed DLC to replace the transformers and assessed a civil penalty against DLC for its failure to fully investigate the FC. On 11/15/22, DLC filed Exceptions to the ID. No Replies to DLC's Exceptions were filed by the Complainant.

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

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3031219-TUS

DOCKET NO. M-2022-3031219

NAME AND SUBJECT: AQUA PENNSYLVANIA WASTEWATER INC

By Secretarial Letter issued on 4/1/22, the Commission initiated the periodic review of Aqua Pennsylvania Wastewater's (APW) Long-Term Infrastructure Improvement Plan as required by the Public Utility Code, 52 Pa. Code § 121.7(a). For the purposes of the periodic review, the Commission established a 30-day comment period and a 20-day reply comment period. APW's midterm review comment period was extended to 8/4/22, due to a delay in the receipt of the 4/1/22 Secretarial Letter sent to APW. On 6/10/22, APW filed comments. No other comments were filed.

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

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036291-TUS

DOCKET NO. A-2022-3036291

NAME AND SUBJECT: PPL ELECTRIC UTILITIES CORPORATION

Letter of Notification filed on 10/20/22, for approval to reconductor approximately 14.2 miles of the Juniata-Cumberland 230 kV Transmission Line located in Centre, Carroll, and Rye Townships, Perry County, and Middlesex and Silver Spring Townships and Cumberland County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3037113-TUS
DOCKET NO. A-2022-3037113

NAME AND SUBJECT: SNYDER BROTHERS INC

Application filed on 12/6/22, 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:

- Chairman Dutrieuille
- Vice Chairman DeFrank
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3037230-TUS
DOCKET NO. A-2022-3037230

NAME AND SUBJECT: BRIGHT POWER INC

Application filed on 12/14/22, 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 Division, Peoples Natural Gas Company, LLC – Peoples Gas Division, Philadelphia Gas Works, UGI Utilities, Inc., and Valley Energy, Inc. within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

- Chairman Dutrieuille
- Vice Chairman DeFrank
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

AGENDA NO. 3037455-TUS
DOCKET NO. M-2023-3037455

NAME AND SUBJECT: ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS

The Commission’s regulations at 52 Pa. Code § 54.40(a) state that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. As of 3/7/23, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code § 54.40(a) and (d).

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

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

AGENDA NO. 3037645-TUS
DOCKET NO. A-2023-3037645

NAME AND SUBJECT: WEST PENN POWER COMPANY

Letter of Notification filed on 1/13/23, for approval to construct the Guilford-McConnellsburg 138 kV Transmission Line Loop in Peters Township, Franklin County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

AGENDA NO. 3037938-TUS
DOCKET NO. R-2023-3037938

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY

Supplement No. 41 filed on 1/30/23, to become effective on 3/31/23, to propose zero-dollar rates for certain private and public fire service customers until 11/19/23. No complaints were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

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

AGENDA NO. 3037939-TUS
DOCKET NO. R-2023-3037939

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER
Supplement No. 44 filed on 1/30/23, to become effective on 3/31/23. Supplement No. 44 was filed to add a special metered rate option for certain customers. No complaints were filed, and no hearings were held.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

LAW BUREAU

AGENDA NO. 2282031-LAW

(PP from 3/2/2023)

DOCKET NO. M-2012-2282031

NAME AND SUBJECT: THE GAS AND HAZARDOUS LIQUIDS PIPELINE ACT - ACT 127 OF 2011
Implementation Order entered on 12/8/22, asserting jurisdiction over Class 1 gas gathering lines and certain liquified natural gas facilities pursuant to the Gas and Hazardous Liquids Pipelines Act, 58 P.S. §§ 801.101 et seq. (Act 127) and in response to recent amendments to Federal pipeline safety regulations made in the final Gas Gathering Rule of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration. On 12/23/22, the Pennsylvania Independent Oil & Gas Association filed a Petition for Reconsideration requesting the Commission to reconsider its determination that certain Class 1 gathering lines, specifically Type R lines, are subject to Act 127 registration and assessment given that such lines are subject only to annual and incident reporting requirements under Part 191 regulations and are not subject to the broader safety requirements under Part 192 regulations.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3029323-LAW

DOCKET NO. M-2021-3029323

NAME AND SUBJECT: PHILADELPHIA GAS WORKS
Petition for Reconsideration filed on 1/27/23, regarding the Commission's 1/12/23 Order relative to Philadelphia Gas Work's (PGW) 2023 Universal Service and Energy Conservation Plan (USECP). The 1/12/23 Order approved the proposed 2023 USECP and directed PGW to make various modifications in a Revised 2023 USECP filing.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3037353-LAW

(PP from 3/2/2023)

DOCKET NO. M-2022-3037353

**NAME AND SUBJECT: CANCELLATION OF TELECOMMUNICATION UTILITIES
CERTIFICATE OF PUBLIC CONVENIENCE**

The Public Utility Code requires that by March 31st of each year, every public utility must file a report detailing its total gross intrastate operating revenue for the preceding calendar year. 66 Pa.C.S. § 510(b). Commission regulations authorize the cancellation of a telecommunication utility's Certificate of Public Convenience for failure to comply with applicable reporting requirements such as the filing of annual financial reports.

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 3032454-ALJ

(PP from 3/2/2023)

DOCKET NO. C-2022-3032454

NAME AND SUBJECT: HOPE CURRY VS PENNSYLVANIA ELECTRIC COMPANY

Formal Complaint filed on 9/30/22, against Respondent requesting a payment arrangement (PAR) from the Commission. Respondent filed an Answer and New Matter on 6/2/22, denying that Complainant is entitled to a subsequent Commission PAR. A hearing was held on 9/8/22 and a further hearing was held on 9/19/22. The record closed on 10/11/22.

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

Notes and Votes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3032579-ALJ

DOCKET NO. C-2022-3032579

NAME AND SUBJECT: JENNIFER DLUGOSH VS UGI UTILITIES INC - ELECTRIC DIVISION

Formal Complaint (FC) filed on 5/17/22 seeking a payment arrangement for outstanding charges. UGI Utilities, Inc. (UGI) filed an answer on 6/13/22. UGI requested that the FC be dismissed and that Complainant be barred from filing any further complaints related to the outstanding balance on her account due to her poor payment history and her history of abusing the Commission's complaint procedures to avoid her payment obligations. A telephonic hearing was held on 9/7/22. UGI appeared with legal counsel and a company witness. Complainant did not appear for the hearing.

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

Notes and Votes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3034019-ALJ

(PP from 3/2/2023)

DOCKET NO. A-2022-3034019

NAME AND SUBJECT: AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY LLC

Application filed on 7/22/22, pursuant to 66 Pa.C.S. §§ 1102-1103 requesting a grant of Commission approval nunc pro tunc of a transfer of control and “internal reorganization.” On 9/23/22, American Broadband and Telecommunications Company, LLC (AB&T LLC) filed a letter advising it had decided to abandon its Certificates of Public Convenience, and, concurrent with the filing of its letter, was filing an application seeking approval of discontinuance and abandonment of its Competitive Local Exchange Carrier, Reseller of Interexchange Toll, and Facilities-based Interexchange Carrier services.

COMMISSION REVIEW: That the Commission adopt DCALJ Hoyer’s and ALJ DeVoe’s Initial Decision.

Notes and Votes:

- Chairman Dutrieuille
- Vice Chairman DeFrank
- Commissioner Yanora
- Commissioner Zerfuss
- Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

March 16, 2023

COMMISSIONERS

AGENDA NO. 3038944-CMR

NAME AND SUBJECT: **2023 REVIEW OF ALL JURISDICTIONAL FIXED UTILITIES' UNIVERSAL SERVICE PROGRAMS**

JOINT MOTION BY VICE CHAIRMAN DEFRANK AND COMMISSIONER ZERFUSS

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3038946-CMR

NAME AND SUBJECT: **ENSURING PENNSYLVANIA WATER AND WASTEWATER HAVE ACCESS TO SUPPLEMENTAL LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM FUNDING**

MOTION BY COMMISSIONER YANORA

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman