

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, AUGUST 3, 2023 (RY)  
10:00 A.M.**

**MAIN HEARING ROOM NO. 1  
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

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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:

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
<b>Kathryn L. Zerfuss</b>	<b>Stephen M. DeFrank</b>	<b>Gladys Brown Dutrieuille</b>	<b>Ralph V. Yanora</b>	<b>John F. Coleman, Jr.</b>

The Next Public Meeting is Tentatively Scheduled for Thursday, August 24, 2023 at 10:00 A.M.

Minutes of the Meeting of Thursday, June 15, 2023 (JFC)

**\*\*\*ANNOUNCEMENTS\*\*\***

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 24, 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 RESCHEDULED THE EXECUTIVE SESSION OF WEDNESDAY, AUGUST 2, 2023, AT 1:30 PM TO TUESDAY, AUGUST 1, 2023, AT 10:00 AM IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING AS WELL AS VIA TELECONFERENCE. THE COMMISSION WILL HOLD ITS NEXT EXECUTIVE SESSION ON WEDNESDAY, AUGUST 23, 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.

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**MOTIONS AND STATEMENTS OF THE CHAIRMAN  
AND COMMISSIONERS WILL BE AVAILABLE  
ON THE COMMISSION'S WEBSITE AT  
[WWW.PUC.PA.GOV](http://WWW.PUC.PA.GOV) AFTER PUBLIC MEETING.**

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**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 3, 2023**

## **BUREAU OF AUDITS**

### **AGENDA NO. 3031466-AUD**

**DOCKET NO. D-2022-3031466**

**NAME AND SUBJECT: PECO ENERGY COMPANY - GAS DIVISION**

Universal Service Fund Charge audit for the twelve months ended 11/30/21, 11/30/20, 11/30/19.

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

#### Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

**OFFICE OF SPECIAL ASSISTANTS**

**AGENDA NO. 3012079-OSA**

**DOCKET NO. M-2022-3012079**

**NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS COLUMBIA GAS OF PENNSYLVANIA INC**

Informal Investigation instituted on 7/31/19, regarding a natural gas explosion in Washington, Washington County, Pa. On 3/4/22, The Bureau of Investigation and Enforcement (BIE) and Columbia Gas of Pennsylvania Inc. (Columbia) submitted a Joint Petition for Approval of Settlement (Settlement). Upon consideration of comments filed to the Settlement, the Commission entered an Order on 12/27/22 (December 2022 Order), requesting additional information. On 2/27/23, in response to the December 2022 Order, BIE and Columbia submitted a Revised Joint Petition for Approval of Settlement (Revised Settlement). BIE's Statement in Support of the Revised Settlement was appended to the Settlement as Appendix B and Columbia's Statement in Support of the Revised Settlement was appended to the Settlement as Appendix C.

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

Notes and Votes:

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

**AGENDA NO. 3020643-OSA**

**DOCKET NO. M-2023-3020643**

**NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS GREAT AMERICAN POWER LLC**

The Commission's Bureau of Investigation and Enforcement (BIE) submitted data requests on 1/28/21, informing Great American Power, LLC (GAP) of its Investigation regarding alleged: (1) misleading and deceptive sales tactics; (2) unauthorized customer enrollments, known as slamming; and (3) billing violations. On 1/13/23, the Parties submitted a Joint Petition for Approval of Settlement (Settlement) and Statements in Support of the Settlement. By Opinion and Order entered 3/2/23 (March 2023 Order), the Commission directed that notice of the March 2023 Order and the Settlement be published in the 3/18/23 issue of the Pa. Bulletin for comments. On 4/12/23, the Office of Consumer Advocate filed Comments in response to the March 2023 Order. No replies to the Comments were filed. On 7/6/23, the Commission entered an Opinion and Order denying the Settlement and referring the case back to BIE for further proceedings. On 7/21/23, BIE filed a Petition for Reconsideration.

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

Notes and Votes:

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

**AGENDA NO. 3035383-OSA**  
**DOCKET NO. C-2022-3035383**

**NAME AND SUBJECT: JOSEPH PSUT VS PECO ENERGY COMPANY - ELECTRIC**

Formal Complaint (FC) filed on 9/19/22, against PECO Energy Company (PECO) requesting a payment arrangement. On 10/6/22, PECO filed an Answer to the FC. A hearing was held on 1/31/23. In an Initial Decision issued on 4/28/23, ALJ Ashton dismissed the FC without prejudice for failure to appear. The Complainant filed Exceptions on 5/17/23. PECO filed its Replies to Exceptions on 6/12/23.

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. 3037141-OSA**  
**DOCKET NO. R-2022-3037141 C-2023-3037579**

**NAME AND SUBJECT: PA PUBLIC UTILITY COMMISSION VS AQUA PENNSYLVANIA WASTEWATER INC**

Supplement No. 3 to Tariff Sewer - Pa. P.U.C. No. 3 (Supplement No. 3) filed on 12/7/22, with an effective date of 8/17/23. Supplement No. 3 proposed a tariff rider which would authorize Aqua Pennsylvania Wastewater, Inc. (Aqua) to negotiate discounted rates from the currently approved tariff rates for certain qualifying large industrial customers. On 1/11/23, the Office of Consumer Advocate (OCA) filed a Formal Complaint in opposition. On 1/20/23, the Office of Small Business Advocate (OSBA) intervened in opposition. On 4/14/23, an evidentiary hearing was held. On 6/6/23, the Recommended Decision of ALJ Chiodo, was issued. On 6/16/23, Aqua filed Exceptions. On 6/23/23, the OCA and the OSBA filed Replies to Exceptions.

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. 3039818-OSA**  
**DOCKET NO. A-2023-3039818**

**NAME AND SUBJECT: SMP TRANSPORT COMPANY LLC**

Application filed on 2/27/23, seeking approval for the right to operate as a motor common carrier of persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver. On 3/2/23, the Commission issued a Secretarial Letter (March 2023 SL) acknowledging receipt of the Application and informing Applicant that certain information was deficient from its Application. On 3/27/23, Applicant filed a Corrected Application in response to the March 2023 SL. The Commission's Bureau of Technical Utility Services (TUS) determined there was a need for clarification regarding Applicant's proposed service area and requested supplemental responses by Data Request dated 4/24/23. On 5/19/23, Applicant responded to TUS' Data Request. On 5/24/23, the Commission issued a Secretarial Letter denying and dismissing the Application for lack of response to TUS' Data Request. On 6/14/23, Applicant filed its Petition for Reconsideration from Staff Action (Petition). No Answer to the Petition has been 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

## **BUREAU OF TECHNICAL UTILITY SERVICES**

### **AGENDA NO. 1184225-TUS** **DOCKET NO. M-00031715F0003**

#### **NAME AND SUBJECT: PPL SUSTAINABLE ENERGY FUND OF CENTRAL EASTERN PENNSYLVANIA**

Letter Petition filed on 6/23/23, for approval of Mr. Kyle Burak to the Board of Directors of the PPL Sustainable Energy Fund of Central Eastern Pennsylvania.

RECOMMENDATION: That the Commission adopt the proposed Order.

#### **Votes and Notes:**

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

### **AGENDA NO. 3031218-TUS** **DOCKET NO. M-2022-3031218**

#### **NAME AND SUBJECT: AQUA PENNSYLVANIA INC**

The Commission initiated its periodic review of Aqua Pennsylvania Inc.'s (Aqua) Long Term Infrastructure Improvement Plan by Secretarial Letter on 3/31/22. For the purposes of the periodic review, the Commission established a 30-day comment period and a 20-day reply comment period. On 4/26/22, comments were filed from customer Richard Gage. On 5/2/22, Aqua filed comments. On 5/23/22, Aqua filed reply 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. 3037651-TUS**

**DOCKET NO. R-2023-3037651 P-00971229F1000**

**NAME AND SUBJECT: CITIZENS TELEPHONE COMPANY OF KECKSBURG**

The Annual 2023 Price Stability Index/Service Price Index Report was filed on 2/1/23, under the provisions of Act 183 of 2004, P.L. 1398 (66 Pa.C.S. §§ 3011-3019) (Chapter 30) and pursuant to the Company’s Amended Alternative Regulation and Network Modernization Plan (Amended Chapter 30 Plan) that this Commission approved at Docket No. P-00971229F1000.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

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

**AGENDA NO. 3038737-TUS**

**DOCKET NO. R-2023-3038737 R-2023-3038738 P-00961115F1000 P-00961116F1000**

**NAME AND SUBJECT: TDS TELECOM/MAHANNOY & MAHANTANGO TELEPHONE COMPANY**

Combined 2023 Price Index and Service Price Index Report filed on 3/2/23, under the provisions of Act 183 of 2004, P.L. 1398 (66 Pa.C.S. §§ 3011-3019) (Chapter 30) and pursuant to the Companies’ Amended Joint Streamlined Regulation and Network Modernization Plan (Amended Chapter 30 Plan) that this Commission approved at Docket Nos. P-00961115F1000 and P-00961116F1000.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

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

**AGENDA NO. 3039812-TUS**  
**DOCKET NO. A-2023-3039812**

**NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER DIVISION**

Application filed on 4/11/23, seeking a Certificate of Public Convenience, for approval of the right to offer, render, furnish and supply wastewater service to the public in an additional portion of Sadsbury Township, Chester County, Pa. Pennsylvania American 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 Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

**AGENDA NO. 3041285-TUS**  
**DOCKET NO. P-2023-3041285**

**NAME AND SUBJECT: THE YORK WATER COMPANY**

Petition for an Order filed on 6/15/23, authorizing the amortization of utility plant acquisition adjustment amounts on The York Water Company's corporate books.

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. 3038267-LAW

(PP from 7/13/2023)

**DOCKET NO. M-2023-3038267**

#### **NAME AND SUBJECT: DIVERSITY POLICY STATEMENT**

The Commission further proposes to amend its Diversity Policy Statement which was previously amended in 2020 at 52 Pa. Code §§ 69.801–69.809. Since amending the Diversity Policy Statement, the Commission promulgated Diversity Reporting regulations at Chapter 51. The regulations became effective on 9/1/22. To be consistent with the Diversity Reporting regulations, it is now necessary for the Commission to amend its Diversity Policy Statement.

**RECOMMENDATION:** That the Commission adopt the proposed Order.

#### Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

**AGENDA NO. 3024569-ALJ**

**DOCKET NO. C-2021-3024569**

**NAME AND SUBJECT: KATHLEEN BABYAK VS FULL SERVICE NETWORK LP**

Formal Complaint (FC) filed 2/3/21, alleging Respondent failed to provide adequate and reasonable service regarding auto pay, a suspension notice and proper customer service. On 5/3/21, Respondent filed its Answer and New Matter denying the material allegations set forth in the FC. A telephonic hearing was held on 1/3/23.

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

Notes and Votes:

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

**AGENDA NO. 3035669-ALJ**

**DOCKET NO. F-2022-3035669**

**NAME AND SUBJECT: JOANNE M MCGARRITY VS PHILADELPHIA GAS WORKS**

Formal Complaint filed on 9/26/22 alleging Philadelphia Gas Works (PGW) was threatening to shut off Complainant's service or had already shut off service. Complainant also requested a payment arrangement. PGW filed its Answer on 10/17/22. A hearing was held on 2/9/23.

COMMISSION REVIEW: That the Commission adopt DCALJ Hoyer's Initial Decision.

Notes and Votes:

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

**AGENDA NO. 3035783-ALJ**  
**DOCKET NO. C-2022-3035783**

**NAME AND SUBJECT: VICTORIA WHITAKER VS PHILADELPHIA GAS WORKS**  
Formal Complaint filed 9/30/22 alleging Philadelphia Gas Works (PGW) threatened to shut off Complainant's service or has already shut off service. Complainant also requested a payment agreement. PGW filed an Answer on 10/24/22. A hearing was held on 2/2/23.

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

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

**AGENDA NO. 3036338-ALJ**  
**DOCKET NO. C-2022-3036338 C-2022-3036340**

**NAME AND SUBJECT: ELOUISE COLEMAN AND ROBYN COLEMAN-PLEASANT VS AQUA PENNSYLVANIA WASTEWATER INC**  
Formal Complaint filed 10/21/22 alleging, *inter alia*, that Complainants did not receive notice of a 72.55% rate increase. On 11/14/22, Aqua Pennsylvania Wastewater, Inc. timely filed an Answer and New Matter. A hearing was held on 2/2/23.

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

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

**AGENDA NO. 3036549-ALJ**  
**DOCKET NO. C-2022-3036549**

**NAME AND SUBJECT: MARY JANE NOLAN VS PHILADELPHIA GAS WORKS**

Formal Complaint filed 11/3/22, alleging Complainant's bill was high even though the service address was unoccupied without any appliances. The Complainant further indicated that she complained to Philadelphia Gas Works (PGW) on several occasions and requested that PGW inspect the service address. A gas leak was discovered. PGW filed its Answer on 11/25/22. A hearing was held on 1/20/23.

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

Notes and Votes:

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Carry-In Agenda

August 3, 2023

### OFFICE OF SPECIAL ASSISTANTS

#### AGENDA NO. 3034051-OSA

**DOCKET NO. C-2022-3034051**

#### **NAME AND SUBJECT: MATTHEW FORGIE C/O MEGAN FORGIE VS PECO ENERGY COMPANY - ELECTRIC**

Formal Complaint (FC) filed on 7/26/22, requesting a payment arrangement. On 8/12/22, PECO Energy Company (PECO) filed an Answer and New Matter to the FC. A hearing was held on 12/6/22. In an Initial Decision issued on 3/31/23, ALJ Long dismissed the FC. PECO filed Reply Exceptions on 4/20/23. By Secretarial Letter issued 5/31/23, the Complainant was directed to file his Exceptions with the Secretary of the Commission no later than 6/12/23, after a review of the docket revealed that the Complainant's Exceptions served on PECO were not filed with the Commission. The Complainant filed Exceptions on 6/7/23. On 7/13/23, the Commission entered an Opinion and Order denying the Exceptions. On 7/27/23, the Complainant filed a Petition for Reconsideration.

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

#### Votes and Notes:

Chairman Dutrieuille  
Vice Chairman DeFrank  
Commissioner Yanora  
Commissioner Zerfuss  
Commissioner Coleman