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August 20, 2010

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
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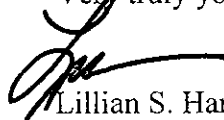
Re: Docket No. R-2010-2155608 – Pennsylvania Public Utility Commission v. Peoples Natural Gas Company LLC (1307(f) - 2010 Proceeding); **REPLY TO THE EXCEPTIONS OF THE OFFICE OF SMALL BUSINESS ADVOCATE AND DOMINION RETAIL, INC.**

Dear Secretary Chiavetta:

Enclosed please find an original and nine (9) copies of Peoples Natural Gas Company LLC's Reply to the Exceptions of the Office of Small Business Advocate and Dominion Retail, Inc.

Thank you for your attention to this matter.

Very truly yours,

  
Lillian S. Harris

LSH:TLG/san

Cc: Honorable David A. Salapa  
Per Certificate of Service  
Joseph A Gregorini  
Anthony Caldro  
William H. Roberts II, Esquire

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Administrative Law Judge David A. Salapa

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, et al.

v.

PEOPLES NATURAL GAS  
COMPANY LLC

Docket Nos. R-2010-2155608  
C-2010-2163637 and  
C-2010-2164664

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**REPLY OF  
PEOPLES NATURAL GAS COMPANY LLC  
TO THE EXCEPTIONS OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE  
AND DOMINION RETAIL, INC.**

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Dated: August 20, 2010

Counsel for Peoples Natural Gas Company  
LLC



**1. Peoples has fully met its burden of proof as determined by the ALJ (Response to Dominion Retail’s Exception No. 1 (part 1) and OSBA’s Exceptions Nos. 1 and 3).**

Dominion Retail and the OSBA both assert that Peoples has not shown that LUGF levels on its system are just and reasonable.<sup>2</sup> The excepting parties accuse Peoples of inappropriately attempting to justify its LUGF levels by comparing its system to other natural gas distribution (“NGDC”) systems in the Commonwealth,<sup>3</sup> while in the same breath themselves using examples of other NGDCs’ LUGF levels and remediation efforts to bolster their own cases against Peoples.<sup>4</sup>

Peoples acknowledges that a Commission finding of reasonable LUGF for one year does not automatically equate to a similar finding of reasonableness the following year. However, Dominion Retail’s own argument, at pages 3-4 of its Exceptions, shows that the unique features of Peoples’ system have historically been a major consideration, and should continue to be so, in the determination of whether the level of LUGF on Peoples’ system is reasonable. The Administrative Law Judge (“ALJ”) recognized this as a factor in his Recommended Decision in this proceeding, stating that “[g]iven Peoples [sic] extensive gathering and storage facilities necessitated by it [sic] large purchases of local gas, its LUGF levels are reasonable.”<sup>5</sup> The OSBA has made the bold conclusion that the characteristics of Peoples’ system, including its extensive gathering and storage facilities, are irrelevant to the reasonableness determination of Peoples’ LUGF levels.<sup>6</sup>

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<sup>2</sup> Dominion Retail Exceptions at 8-14; OSBA Exceptions at 16-21.

<sup>3</sup> Dominion Retail Exceptions at 10; OSBA Exceptions at 19.

<sup>4</sup> Dominion Retail Exceptions at 9; OSBA Exceptions at 20.

<sup>5</sup> R.D. at 48.

<sup>6</sup> OSBA Exceptions at 19-20.

This is simply incorrect. The Commission has previously found that these features of Peoples' system play a significant role in the amount of LUFG Peoples' system experiences.<sup>7</sup> To claim that these facets of Peoples' system are irrelevant is to ignore the most important factor consistently reviewed in the determination of Peoples' LUFG reasonableness. LUFG is not a static factor. Rather, it is an ever-changing number that, despite efforts to control and reduce, are at times difficult to attribute to any particular cause. This point is illustrated by T.W. Phillips Gas and Oil Co.'s ("T.W. Phillips") explanation of its own LUFG levels.<sup>8</sup> In its July 8, 2010 letter to the Commission, T.W. Phillips noted that, despite its efforts to maintain LUFG levels, the company experienced an unexpected slight increase in its levels from the previous year, the cause for which increase could not be explained by T.W. Phillips, in spite of an extensive investigation into the increase.

Dominion Retail goes on to suggest that Peoples should set forth what a range of reasonable LUFG would be,<sup>9</sup> when the Commission has itself intentionally refrained from setting a range of reasonableness for the very reason that the reasonableness of such

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<sup>7</sup> R.D. at 46-48; *Focused Management and Operations Audit of The Peoples Natural Gas Company d/b/a Dominion Peoples*, Docket No. D-2009-2149012, Report Issued December 2009, at 39; *Pa. P.U.C. v. The Peoples Natural Gas Co. d/b/a Dominion Peoples*, Docket No. R-2009-2088069, *et al.*, Recommended Decision issued on July 14, 2009, at 39 (Order entered September 24, 2009) (ALJ Corbett agreed and noted that Peoples had shown that its UFG levels are reasonable for a system that is quite different from the vast majority of NGDCs in Pennsylvania).

<sup>8</sup> See July 8, 2010 letter from T.W. Phillips Oil and Gas Co. in Response to Statement of Chairman Cawley, filed at Docket No. R-2009-2145441.

<sup>9</sup> Dominion Retail Exceptions at 9.

levels is relative and should be considered on a case-by-case basis.<sup>10</sup> This very point is admitted by Dominion Retail itself in its exceptions.<sup>11</sup>

Additionally, the excepting parties argue that Peoples did not give record support showing that the cost of its LUFG is offset by the savings it reaps by purchasing local gas, and consequently, the LUFG levels attributable to losses on Peoples' gathering system cannot be found to be reasonable.<sup>12</sup> The Commission has consistently accepted the fact that local gas historically has been and continues to be a low cost source of supply for NGDCs. In fact, the Commission's regulations favor a policy supporting the purchase and transportation of local gas. The record does not support a contrary conclusion and the excepting parties' claims should therefore be rejected.

Conversely, neither of the excepting parties presented evidence demonstrating that Peoples' LUFG levels are unreasonable. At most, the excepting parties stated that the Company's LUFG levels experienced an increase and questioned the efficacy of Peoples' mitigation measures to date. The OSBA asserted that, because the Company's LUFG levels have increased, its LUFG levels should be capped for recovery purposes, drawing the conclusion that the mere fact of an increase is cause to find LUFG levels unreasonable.<sup>13</sup> The ALJ noted in his Recommended Decision that a finding of increased LUFG does not equate to a classification of unreasonable automatically, and then

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<sup>10</sup> *Pa. P.U.C. v. Equitable Gas Co.*, 65 Pa. PUC 27 (1987) (Commission rejected proposal to limit the level of LUFG where NGDC had an above average number of gas wells and field lines and an above average amount of gas injected into storage, and, therefore, could be reasonably expected to have levels of UFG in excess of the proposed cap); *See also, Pa. P.U.C. v. T.W. Phillips Gas and Oil Co.*, Docket Nos. R-2009-2145441, *et al.* (Opinion and Order entered June 17, 2010); *Pa. P.U.C. v. PPL Gas Utils. Corp.*, Docket Nos. R-2008-2039634, *et al.* (Opinion and Order entered November 14, 2008).

<sup>11</sup> Dominion Retail Exceptions at 3-4.

<sup>12</sup> Dominion Retail Exceptions at 10; OSBA Exceptions at 20.

<sup>13</sup> OSBA Exceptions at 4.

properly rejected the OSBA's proposed cap.<sup>14</sup> The excepting parties went on to argue that Peoples' mitigation measures are the same as those promised previously.<sup>15</sup> This is not true. The evidence presented by the Company clearly shows that the Company is going beyond previous commitments to bring about a reduction by upgrading those existing mitigation measures and introducing additional new programs.<sup>16</sup>

**2. Peoples has acted prudently in addressing its LUGF levels and it is appropriate that such levels be found reasonable (Response to Dominion Retail's Exception No. 1 (part 2) and the OSBA's Exception No. 2)**

Peoples' LUGF levels meet the reasonableness test, and the Company has repeatedly shown that its levels of LUGF are reasonable for the kind of system it operates. In its direct case, Peoples complied with the settlement approved in its 2009 1307(f) proceeding by detailing the status of its LUGF measures as well as outlining new measures undertaken voluntarily augmenting its LUGF reduction efforts.<sup>17</sup> The Commission's findings in the 2009 case underscored the unique nature of Peoples' system and laid the groundwork for the considerable LUGF study presently underway at Peoples.<sup>18</sup> This is despite the fact that no finding of unreasonableness was made. The ALJ in the instant proceeding specifically noted that Peoples has been fully complying with all required efforts to identify and reduce the Company's LUGF levels.<sup>19</sup>

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<sup>14</sup> R.D. at 48-49.

<sup>15</sup> Dominion Retail Exceptions at 12-13; OSBA Exceptions at 30.

<sup>16</sup> See Peoples' Reply Brief at 11-12, 14-15.

<sup>17</sup> Peoples Exhibit No. 21; Peoples Statement No. 3 at 16-17.

<sup>18</sup> *Pa. P.U.C. v. The Peoples Natural Gas Co. d/b/a Dominion Peoples*, Docket No. R-2009-2088069, *et al.* (Order entered September 24, 2009).

<sup>19</sup> R.D. at 48.

Dominion Retail and the OSBA are quick to point out that a finding of reasonableness in one year does not mean that LUGF levels the following year will also be found to be reasonable. OSBA also avers that the increase in Peoples' three-year average LUGF should infer that the mitigation measures are not working. Peoples disagrees strongly. While Peoples' three-year average LUGF calculated **as of July 2009** has gone up slightly, the mere fact that an increase occurred does not equate to an unreasonable level of LUGF on Peoples' system. This is particularly true given the timing lag of implementation of most of the mitigation measures agreed upon in September 2009 1307(f) settlement.<sup>20</sup> It is important that the Commission recognize that it will take time for the potential impact of mitigation measures to be realized. This is particularly true in the current instance, following the transfer of Peoples to new ownership.<sup>21</sup> This lag time is specifically what the Settlement Agreement approved by this Commission in the Sale Case contemplated.

Dominion Retail would like to characterize Peoples as failing to maintain its system on an ongoing basis.<sup>22</sup> This, again, is simply incorrect. Peoples has had an ongoing leak survey program, contrary to the excepting parties' suggestions, and voluntarily expanded this leak survey program to encompass its entire gathering system.

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<sup>20</sup> Some of the mitigation measures approved in the 2009 1307(f) case had been in place for several years and continue to be used, but some of the measures were entirely new and Peoples began implementing them once the September 24, 2010 Order issued.

<sup>21</sup> See *Joint Application for All of the Authority and the Necessary Certificate(s) of Public Convenience to Transfer All of the Issued and Outstanding Shares of Capital Stock of The Peoples Natural Gas Company, d/b/a Dominion Peoples, currently owned by Dominion Resources, Inc., to Peoples Hope Gas Companies LLC, an indirect subsidiary of Babcock & Brown Infrastructure Fund North America LP, and to Approve the Resulting Change in Control of The Peoples Natural Gas Company, d/b/a Dominion Peoples*, Docket No. A-2008-2063737 (Order entered November 19, 2009) ("Sale Case").

<sup>22</sup> Dominion Retail Exceptions at 11-12.

Despite other comments by Dominion Retail in its Exceptions,<sup>23</sup> Peoples did not just now begin right of way maintenance on its gathering system. While Peoples is including it as part of its now-regular program, it has historically maintained its gathering right of ways. Those programs which have already been in place have been, however, improved in order to become more effective at diagnosing the sources of LUGF and addressing those changes necessary in order to eliminate these sources.

Peoples is currently going beyond simply performing a study of its system and its related LUGF levels. It is also employing affirmative efforts to cause reductions on its system, by continuing the ongoing efforts indicated in Peoples Exhibit No. 21, by making commitments to leak survey the entire gathering system by the end of 2010, and by initiating a more effective check meter program in order to validate local producers' gas measurement. This check meter program expands the program implemented in 2009 by placing check meters at points located at the gas custody transfer locations, as opposed to the prior practice of placing them farther downstream. The expanded leak survey that Peoples has begun will cover 372 miles of Peoples gathering system in 2010, and will involve the repair and/or replacement of lines at points where leaks are determined.<sup>24</sup> As of the end of 2009, Peoples had already surveyed 483 miles of its total 855 mile gathering system.<sup>25</sup> As discussed in testimony, the leaks found thus far have been and are currently undergoing repairs, as will be done with the remaining 372 miles noted above.<sup>26</sup> Such affirmative actions are expected to cause future LUGF levels to drop.

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<sup>23</sup> Dominion Retail Exceptions at 12.

<sup>24</sup> Peoples' Statement No. 3 at 16-17.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

The Commission should not condemn Peoples' ongoing and substantial mitigation measures based on a three-year average 2009 LUFG figure when the impact of the mitigation measures has not yet been experienced. LUFG levels are reported for a 12-month period ending in July of each year. As such, the improvements taken thus far may not result in reductions being seen immediately. For example, Peoples' 2011 1307(f) case will consist of a report of LUFG levels for the 12-month period ended July 2010. Peoples' accelerated gathering system leak surveying program will result in leaks being discovered in 2010 and leak repairs being made in late 2010 and throughout 2011. At the earliest, the impact of these new measures (e.g. the voluntary total gathering system leak survey that Peoples began in the spring of 2010) and adjustments to the approved mitigation measures (e.g. placing check meters closer to the producer points to verify meter accuracy) likely will not be realized until late 2010 and 2011. As a result of the method by which LUFG levels are reported paired with the timing of such a project, results of this program will not likely be illustrated in a report until Peoples' 2012 and 2013 1307(f) proceedings.

A review of the lag associated with LUFG reporting also undermines Dominion Retail's arguments at pages 6-8, wherein it implies that the Company consistently has failed to address what it characterizes as a pervasive, long-term problem for Peoples. This is an untrue characterization of Peoples' historic levels of LUFG and response to the same. Dominion Retail's quotation of its own witness to this point is certainly not persuasive.<sup>27</sup> No party raised LUFG levels as an issue in a proceeding until Peoples' 2008 1307(f) proceeding, which issue was resolved in that case by a settlement requiring

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<sup>27</sup> Dominion Retail Exceptions at 6, n. 28.

Peoples to “initiate steps to begin monitoring unaccounted for gas levels on its system.”<sup>28</sup> This language did not in any way place a demand on the Company to “remedy the causes of LUFG,” as Dominion Retail asserts the Company committed to do.<sup>29</sup> Rather, the Company began investigating the possible causes of LUFG. The Order in the Company’s 2008 proceeding was not entered until August 22, 2008, after which it began its study of its system. However, the LUFG report submitted in the 2009 1307(f) proceeding was associated with the twelve month period ending in July 2008, previous to the commencement of this study. While the 2009 proceeding was similarly resolved via adoption of a settlement, this settlement adopted mitigation steps for the Company to implement in an effort to begin reductions on its system.<sup>30</sup> The Company’s 2009 1307(f) case concluded with a final Order being entered on September 24, 2009, after which these mitigation efforts were instituted. But once again, the LUFG reports that are filed in each year’s gas cost recovery proceeding reflect the year ending the July previous. In this case, July 2009. The mitigation efforts employed as a result of the 2009 1307(f) proceeding, therefore, were not even adopted by the Commission at the conclusion of this set of data. It is unreasonable for the Company to not be granted an appropriate period of time in which to bring about completion of its programs, and even more unreasonable for Dominion Retail to characterize Peoples as nonresponsive to concerns over its LUFG levels, when considering the time frame under which the Company has been given to address these concerns.

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<sup>28</sup> *Pa. P.U.C. v. The Peoples Natural Gas Company d/b/a Dominion Peoples*, Docket No. R-2008-2022206, Recommended Decision at 5.

<sup>29</sup> Dominion Retail Exceptions at 6.

<sup>30</sup> *Pa. P.U.C. v. The Peoples Natural Gas Co. d/b/a Dominion Peoples*, Docket No. R-2009-2088069, *et al.* (Order entered September 24, 2009).

Also of import to this consideration is the fact that Peoples changed ownership a mere two months before Peoples filed this case. As agreed by the settling parties, including the OSBA, and approved by the Commission in the Sale Case, Peoples has an obligation to report to the Commission on or before its 2011 1307(f) proceeding with regard to the outcome of its examination of the LUGF levels on its system. The Commission's approval of this settlement term in the Sale Case had meaning – it gave the new owners of Peoples time to undertake an adequate review of the LUGF levels, develop a plan for mitigation and report that to the Commission in due course. The sale of Peoples was closed in early 2010. The new owners should be given the opportunity to conduct the agreed-upon review of LUGF, employ appropriate mitigation measures, and report to the Commission. This reasoning is illustrated by the Commission's recent acknowledgement in approving a settlement on the PPL Gas Utilities System that time to complete LUGF mitigation measures is essential and adjustments to the company's gas cost to penalize them in the interim are unfair and unnecessary.<sup>31</sup>

In addition, Dominion Retail cites various orders of the Commission in other NGDCs' 1307(f) proceedings where LUGF levels were examined, contrary to its own objection to Peoples' demonstration of its unique system in comparison to other NGDCs. While Peoples maintains that its system should be viewed as unique based upon its own system characteristics, Peoples notes that in the case of the most similar NGDC – Equitable Gas Company ("Equitable") – the Commission recently approved a settlement of Equitable's 2009 1307(f) proceeding, rejecting the OTS' recommendation that

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<sup>31</sup> *Pa. P.U.C. v. PPL Gas Utils. Corp.*, Docket Nos. R-2008-2039634, *et al.* (Opinion and Order entered November 14, 2008).

Equitable's reasonable level of LUFG be capped at 8%.<sup>32</sup> Equitable is another NGDC with significant gathering facilities and which has a very similar LUFG mitigation plan underway. To the extent there is any basis for comparison between NGDCs, the most reasonable comparison would be between Peoples and Equitable. In fact, the OSBA uses Equitable as a comparison to Peoples in its exceptions for this very reason.<sup>33</sup> The retainage percentages proposed in the Settlement in this case do not even equal, let alone exceed those approved in the Equitable case.

Dominion Retail was a settling party in every year where it now is complaining that Peoples' LUFG levels were increasing. Dominion Retail attacks the mitigation efforts employed by Peoples to date pursuant to Commission Order, as well as those LUFG mitigation measures it has agreed to undertake on a voluntary basis. These arguments are disingenuous, considering that Dominion Retail itself was a party to the 2009 1307(f) settlement which called for such measures. Likewise, OSBA was a party to the settlement reached as part of the Sale Case where the Commission accepted the parties' agreement to have the new owners of Peoples study LUFG and report on it in the 2011 1307(f) case. The excepting parties' positions discounting Peoples' efforts to reduce LUFG levels are contrary to their prior positions in the afore-mentioned cases and as such should be rejected as self-serving. The Company has diligently been following its mitigation plans, and the fact that the proposed settlement goes beyond those measures already in place to proactively seek remedies to increasing LUFG levels makes the

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<sup>32</sup> *Pa. P.U.C., et al. v. Equitable Gas Co.*, Docket Nos. R-2009-2088072, *et al.*, Order entered September 30, 2009, at 17; ALJ Recommended Decision dated July 16, 2009, at 10.

<sup>33</sup> OSBA Exceptions at 20-21.

proposed settlement's terms reasonable, especially in light of the lag time associated with attaining results. As such, the settlement should be approved.

**3. Peoples' Changes To Its Tariffed Retainage Levels are Fully Justified, as found by the ALJ (Response to Dominion Retail's Exceptions Nos. 2 and 3)**

Dominion Retail emphasizes the differences between Peoples' tariffed retainage levels and those of other Pennsylvania NGDCs, but fails to acknowledge the fact many of the LUFG mitigation measures Peoples is employing are the same ones undertaken by other NGDCs, which measures have been shown to reflect improvements to LUFG levels and corresponding tariffed retainage levels over time.<sup>34</sup>

Dominion Retail ignores the agreed-upon and Commission-approved three-year average measure by which LUFG must be presented by Peoples, despite the fact that Dominion Retail itself agreed to such a calculation only two years ago. Dominion Retail does so to make inflammatory statements with regard to Peoples' LUFG levels and the associated retainage percentage increases that will be experienced by transportation customers. Dominion Retail wants its cake and to eat it too. It will take the Settlement benefits but now argues for a substantial gas cost adjustment to be made in its favor with no record support now that the settlement is inked. This self-serving approach ignores that the Commission approved a settlement in the 2008 1307(f) proceeding<sup>35</sup> where it was agreed that a three-year average would be used for the representation of LUFG because

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<sup>34</sup> See July 8, 2010 letter from T.W. Phillips Oil and Gas Co. in Response to Statement of Chairman Cawley, filed at Docket No. R-2009-2145441; See also *Pa. Pub. Util. Comm'n v. Equitable Gas Co.*, Docket No. R-2009-2088072 (R.D. issued July 16, 2009).

<sup>35</sup> Dominion Retail was a settling party in the case and not only had no problem with the three-year averaging at that time, but benefited from a drop in GS-T and T retainage factors as a result of using this method.

LUFG varies from year to year. It made sense then and it makes sense today to examine LUFG on a three-year average basis as opposed to a straight year-to-year analysis.

Dominion Retail goes on to attack Peoples' disclosure of LUFG numbers and company use figures,<sup>36</sup> disregarding the fact that Peoples Exhibit No. 20 provides a complete history, by system, of the Company's LUFG for the past three years. In addition, Peoples provided a complete history of monthly company use volumes to the parties in data responses.<sup>37</sup> Dominion Retail presented no evidence to refute the accuracy of the OTS' calculated three-year average. In fact, the OSBA itself, while coming to a different conclusion than the OTS, admitted that it could not find any fault in the OTS' calculation.<sup>38</sup> Further, Dominion Retail mischaracterizes OSBA witness Kalcic's statements related to the data provided by the company, claiming it is "incorrect/incomplete."<sup>39</sup> This is purely false. Rather, the OSBA witness Kalcic reserved the right to adjust his numbers if the data provided by the Company turned out to be inaccurate.<sup>40</sup> The data provided by the Company was entirely accurate.

A cursory examination of Peoples' filing in this case indicates that 38-40 Bcf of supplies are moved onto Peoples' system from the gathering system,<sup>41</sup> which is approximately 78% of the total local production into Peoples' system.<sup>42</sup> PNG Exhibit No. 3 shows system supply local purchases of approximately 14 Bcf, about 11 Bcf of which supply moved through the gathering system, leading to the logical conclusion that the balance of the volumes moved off of the gathering system – 27-29 Bcf – are moved

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<sup>36</sup> Dominion Retail Exceptions at 5, 19-20.

<sup>37</sup> OCA Statement No. 1 at 10.

<sup>38</sup> OSBA Statement No. 2 at 2.

<sup>39</sup> Dominion Retail Exceptions at 5.

<sup>40</sup> OSBA Statement No. 2 at 2.

<sup>41</sup> Peoples' Statement No. 3 at 12.

<sup>42</sup> OCA Statement No. 1 at 10-11.

by transportation customers, including Dominion Retail. Dominion Retail conceded on the record at hearing that Peoples' system is the system where it has the most customers in all of Pennsylvania. For a supplier who serves a large number of customers and logically draws a substantial amount of its supply off of Peoples' gathering system, it is unreasonable for it to argue that retainage factors associated with movement of that supply should not track the current three-year average LUFG.

Dominion Retail finally throws into the mix the argument that Peoples should not have any recourse to any other customer class of the difference between the current and settled retainage levels.<sup>43</sup> Under Dominion Retail's method, Peoples would eat the difference, despite the fact that Dominion Retail and other suppliers are benefiting markedly by heavily utilizing the gathering system to move local supplies onto Peoples' system. In essence, Dominion Retail wants to use all portions of Peoples' system, including the gathering system, and benefit from low cost local gas supplies, but it does not want to be subject to retainage factors commensurate with the use of that system. The Commission should not grant such a self-serving request. Instead, the Commission should find that, in light of the Company's efforts to reduce LUFG levels and its efforts to date, the Company's LUFG levels and its retainage levels are reasonable, and the settlement should be found to be reasonable and approved.

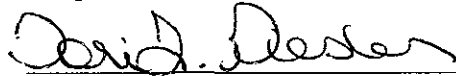
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<sup>43</sup> Dominion Retail Exceptions at 21.

**CONCLUSION**

Peoples Natural Gas Company LLC respectfully requests that the Exceptions of the Office of Small Business Advocate and Dominion Retail, Inc. be denied and that the Commission adopt ALJ Salapa's recommendation that the Joint Petition for Settlement be approved in its entirety in this matter.

Respectfully submitted,



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Dated: August 20, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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Dated this 20th day of August, 2010

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