

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
et al.	:	
	:	Docket No. R-2013-2355886
v.	:	
	:	
Peoples TWP LLC	:	

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**BUREAU OF INVESTIGATION AND ENFORCEMENT  
STATEMENT IN SUPPORT OF  
JOINT PETITION FOR SETTLEMENT**

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**TO ADMINISTRATIVE LAW JUDGE KATRINA L. DUNDERDALE:**

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by and through its Prosecutors, hereby respectfully submits that the terms and conditions of the foregoing Joint Settlement Petition (Joint Petition or Settlement) are in the public interest and represent a fair, just, and reasonable balance of the interests of Peoples TWP LLC (PTWP or Company) and its customers:

**I. INTRODUCTION AND BACKGROUND**

1. I&E is charged with representing the public interest in Commission proceedings related to rates, rate-related services, and applications affecting the public interest. In negotiated settlements, it is incumbent upon I&E to identify how amicable resolution of any such proceeding benefits the public interest and to ensure that the public interest is served. Based upon I&E's analysis of the Company's base rate filing,

acceptance of this proposed Settlement is in the public interest and I&E recommends that the Administrative Law Judge and the Commission approve the Settlement in its entirety.

2. On April 30, 2013, PTWP filed Tariff Gas – PA PUC No. 8, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$18.7 million in additional annual revenues, an overall increase of 22.8%. If approved as filed, the Company would earn an overall 7.97% rate of return on its original cost rate base, including an 11.25% return on equity.

3. On June 13, 2013, the Commission instituted an investigation to determine the lawfulness, justness, and reasonableness of the Company's existing and proposed rates, rules, and regulations. Pursuant to 66 Pa. C.S. §1308(d), the filing was suspended by operation of law until January 29, 2014, unless otherwise directed by Order of the Commission. Furthermore, the Commission directed that the case be assigned to the Office of Administrative Law Judge for the scheduling of hearings as may be necessary for the ALJ to render a Recommended Decision.

4. On May 16 and May 22, 2013, I&E filed the Notices of Appearance of Prosecutors Regina L. Matz and Stephanie Wimer, respectively.

5. Administrative Law Judge Katrina L. Dunderdale was assigned to this proceeding for purposes of conducting hearings and issuing a Recommended Decision. ALJ Dunderdale presided telephonically over a prehearing conference held June 21, 2013, during which the parties agreed to a schedule for the conduct of the case including the service of testimony among the parties and the dates for evidentiary hearings. Scheduling of a public input hearing was initially deferred, but was subsequently

scheduled and held July 23, 2013, in Butler, Pennsylvania, at which 28 customers testified.

6. I&E conducted prompt and full discovery, sending its first sets of discovery to the Company on May 16, 2013, and continuing to conduct discovery throughout the course of the proceeding until just prior to the scheduled hearings.

7. In accordance with the established procedural schedule, I&E served on all active parties the following eight pieces of testimony and accompanying eight exhibits from the four I&E witnesses identified below addressing the subjects of rate of return, revenue and expenses, rate base and rate structure, and the Company's Energy Help Fund (Customer Assistance Program or CAP):

**I&E Witness Rachel Mauer**

**Rate of Return**

Direct Testimony and Exhibit

I&E Statement No. 1  
I&E Exhibit No. 1

Surrebuttal Testimony and Exhibit

I&E Statement No. 1-SR  
I&E Exhibit No. 1-SR

**I&E Witness Debra Backer**

**Operation and Maintenance Expenses**

Direct Testimony and Exhibit

I&E Statement No. 2  
I&E Exhibit No. 2

Surrebuttal Testimony and Exhibit

I&E Statement No. 2-SR  
I&E Exhibit No. 2-SR

**I&E Witness Jeremy Hubert**

**Rate Base/Revenues/Rate Structure**

Direct Testimony and Exhibit

I&E Statement No. 3  
I&E Exhibit No. 3  
(Proprietary and Non-Proprietary)

Surrebuttal Testimony and Exhibit

I&E Statement No. 3-SR  
I&E Exhibit No. 3-SR

**I&E Witness Susan Daub**

**Energy Help Fund (CAP)**

Direct Testimony and Exhibit

I&E Statement No. 4  
I&E Exhibit No. 4

Surrebuttal Testimony and Exhibit

I&E Statement No. 4-SR  
I&E Exhibit No. 4-SR

8. In accordance with Commission policy at 52 Pa. Code § 5.231 encouraging settlements in lieu of time and resource consuming litigation, I&E participated in multiple settlement discussions with the Company and other parties to the proceeding. Following extensive settlement negotiations, the parties reached a full and complete settlement of all issues.

9. An evidentiary hearing via video-teleconference was held before ALJ Dunderdale on September 18, 2013, at which all parties' prepared testimony and exhibits served during the course of the proceeding were formally introduced and admitted into the evidentiary record by stipulation of the Joint Petitioners.

**II. TERMS AND CONDITIONS OF SETTLEMENT**

**A. Introduction**

10. I&E submits that the Settlement balances the interests of the Company and its customers in a fair and equitable manner and presents a resolution for the Commission's adoption that best serves the public interest. As a black box settlement, the Settlement does not reflect agreement upon individual issues unless specifically addressed. Rather, with the exception of matters specifically identified by Joint Petitioners for resolution, the parties have agreed to an overall increase to base rates that

each party accepts as a fair and equitable resolution of all of its discrete issues and satisfaction of its interests.

Black box settlements benefit ratepayers because they allow for the resolution of a contested proceeding at a level of increase that is below, often substantially, that requested by the regulated entity. Moreover, they do so in a manner that avoids the further expenditure of significant time and resources required from all parties, including the Commission, by further litigation. Finally, a settlement allows parties to mitigate the risks of litigation by providing each signatory party a compromised resolution that is acceptable in exchange for the certainty that accompanies a settled resolution of the case. While resolution of all individual issues is not identified, from a holistic perspective, each party has agreed that the settlement satisfies and benefits its respective interests.

The use of black box settlements is not uncommon in Commission practice. Indeed, the Commission has enthusiastically endorsed the use of black box settlements, as noted in a statement by then Commissioner, now Chairman Powelson, approving such a settlement:

I ... will continue to support settlements, including those of a black box nature, enthusiastically. Determination of a company's revenue requirement is a calculation that involves many complex and interrelated adjustments affecting revenue, expenses, rate base and the company's cost of capital. To reach agreement on each component of a rate increase is an undertaking that in many cases would be difficult, time-consuming, expensive and perhaps impossible. Black box settlements are an integral component of the process of delivering timely and cost-effective regulation.<sup>1</sup>

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<sup>1</sup> *Pennsylvania Public Utility Commission v. Wellsboro Electric Company*, Docket No. R-2010-2172662; *Pennsylvania Public Utility Commission v. Citizens' Electric Company of Lewisburg, PA*, January 31, 2011 Statement of Commissioner Robert F. Powelson.

Moreover, the Commission has recognized that a settlement “reflects a compromise of the positions held by the parties of interest, which, arguably fosters and promotes the public interest.”<sup>2</sup> The Settlement in this proceeding promotes the public interest because a review of the testimony submitted by all parties demonstrates that the Joint Petition reflects a compromise of the litigated positions held by those parties and presents results that are within the range of potential litigated outcomes.

I&E individually, and Joint Petitioners collectively, considered, discussed, and/or negotiated in this Settlement the merits of all issues of import. Further line-by-line identification and ultimate resolution of each and every revenue-related issue raised in the proceeding beyond those addressed in the Settlement is not necessary to find that the Settlement is in the public interest nor could such a result be achieved as part of a settlement.

Public utility regulation allows for the recovery of prudently incurred expenses and allows the regulated entity the opportunity to earn a reasonable return on the value of assets used and useful in public service. The revenue increase agreed to by the parties in this proceeding respects this principle. Ratepayers will continue to receive safe and reliable service at just and reasonable rates while allowing the Company sufficient additional revenues to meet its operating and capital expenses and providing the opportunity to earn a reasonable return on its investment. Furthermore, as addressed in greater detail below, the Settlement rates and terms significantly moderate the increases initially proposed by the Company and, I&E believes, properly balance the interests of all parties.

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<sup>2</sup> *Pennsylvania Public Utility Commission v. C S Water and Sewer Associates*, 74 Pa. PUC 767, 771 (1991).

Accordingly, for all these reasons as well as the specific reasons articulated below, and in order to achieve the full scope of benefits addressed in the Settlement, I&E submits that the proposed Settlement is in the public interest and requests that it be recommended for approval by the ALJ and approved by the Commission without modification.

I&E addresses below the specific terms and conditions of the Settlement in the same order in which they are presented in the Joint Petition. Specific parenthetical references to the applicable paragraphs of the Joint Petition in which the terms and condition are located, paragraphs 19-42, are provided.

**B. Settlement Terms and Conditions**

**1. Revenue Requirement (Joint Petition, Section III.A, ¶¶ 19-24)**

As proposed, PTWP filed for a total increase in base rates of \$18,664,690, or an overall increase of 22.8% based upon a historic test year (HTY) ended December 31, 2012, a future test year (FTY) ending December 31, 2013, and a fully projected future test year (FPFTY) ending January 31, 2015.<sup>3</sup> The Company's proposed rates were designed based upon a projected pro forma level of throughput for the twelve months ended January 1, 2015, of 4,708,814 Mcf for residential customers<sup>4</sup> and 786,650 Mcf for small general service customers.<sup>5</sup>

I&E analyzed the ratemaking claims contained in the Company's filing including, but not limited to, operating and maintenance expenses, rate base, projected revenues, proposed rate structure, and the cost of common equity and debt. In its direct case, I&E

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<sup>3</sup> I&E Statement No. 2, p. 2.

<sup>4</sup> I&E Exhibit No. 3, Sch. 15, col. D, ln. 1.

<sup>5</sup> I&E Exhibit No. 3, Sch. 15, col. D, ln. 4.

recommended a revenue increase of \$9,108,000,<sup>6</sup> including the proposal to design rates based upon I&E's proposed pro forma levels of throughput of 4,880,700 Mcf for residential customers<sup>7</sup> and 773,800 for small general service customers<sup>8</sup> for the FPFTY based on I&E's adjustment to the Company's weather normalization adjustment, and projected pro forma levels of throughput of 5,065,000 Mcf for residential customers<sup>9</sup> and 834,840 Mcf for small general service customers<sup>10</sup> based on both I&E's weather normalization and declining consumption adjustments.<sup>11</sup>

In the Settlement, Joint Petitioners agree to an increase in base rates to allow the Company the opportunity to recover an increase to annual intrastate operating revenues of \$13.8 million in lieu of the \$18.66 million originally requested. In addition, rates are designed based upon a pro forma throughput level of 4,770,000 Mcf for residential customers and 812,549 Mcf for small general service customers for the twelve months ended January 31, 2015.

I&E supports the levels of revenue and throughput compromised upon in the Settlement. The increase in operating revenues of \$13,800,000 is substantially less than the increase originally proposed. Further, the settlement revenues will be recovered through rates designed over levels of throughput for the residential and small general service customers that are higher than those originally proposed by the Company, contributing to a lower overall rate for each of those classes. Finally, the Settlement also implements a \$2 million Acquisition Credit arising from the Commission order

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<sup>6</sup> I&E Statement No. 1, p. 28.

<sup>7</sup> I&E Exhibit No. 3, Sch. 14, col. F, ln. 1.

<sup>8</sup> I&E Exhibit No. 3, Sch. 14, col. F, ln. 4.

<sup>9</sup> I&E Exhibit No. 3, Sch. 15, col. F, ln. 1.

<sup>10</sup> I&E Exhibit No. 3, Sch. 15, col. F, Ln. 4.

<sup>11</sup> See also I&E Statement No. 3, pp. 13-40.

approving the indirect acquisition of PTWP by SteelRiver Infrastructure Fund of North America, further reducing the impact of the rate increase on customers.<sup>12</sup>

As demonstrated in the Settlement, using the cost of gas in effect at the time the case was filed and customers were provided notice, the monthly bill of a typical residential customer using 84 Mcf/month will increase by \$15.71 as a result of this settlement, from \$79.22 to \$94.94,<sup>13</sup> or an increase of 20% in lieu of the \$22.49 increase, from \$79.22 to \$101.71, or 28.4% increase originally proposed by the Company.<sup>14</sup>

The overall revenue requirement agreed to in the Settlement is within the levels advanced on the evidentiary record and reflects a full compromise of all revenue-related issues raised by Joint Petitioners. As a black box settlement, unless specifically addressed, the Settlement does not and could not reflect agreement upon individual issues. The remaining paragraphs of the Revenue Requirement section of the Settlement are specific only as to Post-retirement Benefits Other than Pensions (PBOPs) as necessary and appropriate for recording, ratemaking, and accounting purposes.

As a full compromise of all revenue-related issues raised by Joint Petitioners, the Settlement should be adopted as in the public interest.

## **2. Revenue Allocation and Rate Design (Joint Petition, Section III.B, ¶¶ 25-33)**

Revenue allocation and rate design under the Settlement are set forth in Appendix A. The distribution of revenue among the customer classes was a matter of interest to all parties in the proceeding and was the subject of settlement discussions. All

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<sup>12</sup> Docket No. A-2010-2210326. See Joint Settlement Petition at note 2.

<sup>13</sup> The one cent difference is due to rounding.

<sup>14</sup> Joint Settlement Petition, ¶ 16.

parties agree to the settled-upon allocation of the proposed increase among the classes. I&E maintains that the Settlement allocation is just, reasonable, and non-discriminatory. The allocation, agreed to by all Joint Petitioners, is in the public interest and should be approved.

Rate design under the Settlement is also set forth in Appendix A. In its filing, the Company proposed substantial revisions to the design of its rate classes, which is accepted in paragraph 27 of the Settlement. I&E thoroughly reviewed the Company's proposed redesign of its classes and agrees with its adoption.<sup>15</sup>

In paragraph 30 of the Settlement, Joint Petitioners also agreed to the following customer charges:

- \$15.75 RS customer charge
- \$35 SGS-I customer charge
- \$65 SGS-II customer charge
- \$75 MGS-I customer charge
- \$175 MGS-II customer charge
- LGS customer charges remain as filed

The Company originally proposed to increase the present RS \$12.75 per month residential customer charge to \$20.00 per month, an increase of \$7.25 per month or 56.9%. I&E recommended that the present \$12.75 per month residential customer charge be increased by no more than \$4.95 to \$17.70 per month, or an increase of 38.8% in its direct case,<sup>16</sup> and revised that recommendation to \$16.60 in its surrebuttal testimony,<sup>17</sup> based upon I&E's customer cost analysis. Under the Settlement, the RS customer charge

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<sup>15</sup> I&E Statement No. 3, pp. 43-46.

<sup>16</sup> I&E Statement No. 3, pp. 58-59.

<sup>17</sup> I&E Statement No. 3-SR, p. 28.

will increase by \$3.00, to \$15.75, or an increase of 23.5%, a substantial reduction from the Company's proposals of record.

The Company's proposed new SGS class contained customers from both the first and second tiers of the current GSS class (the tiers being distinctions between customers within the same class grouping customers based on usage). The Company proposed a \$40.00 per month customer charge for Tier 1 customers and a \$70.00 per month charge for customers under Tier 2.<sup>18</sup> I&E recommended an \$18.00 per month customer charge for Tier 1 customers and a \$45.00 per month charge for Tier 2 customers in its direct case,<sup>19</sup> which I&E revised in surrebuttal testimony to \$19.00 and \$34.00, respectively.<sup>20</sup> These recommendations were based upon I&E's customer cost analysis and its evaluation of the weighted average of Tiers I and II customer charges for the SGS class as a whole.<sup>21</sup> I&E conducted a similar analysis for the new MGS class, which includes medium-sized commercial and industrial customers served under PTWP's current rate schedules GSS, GSS-T, GSL, GSL-T, and WS. The Company proposed an \$80.00 per month customer charge for Tier 1 customers and a \$200.00 per month charge for customers under Tier 2.<sup>22</sup>

Under the Settlement, SGS-I and SGS-II customer charges are increased to \$35 and \$65, respectively, and MGS-I and MGS-II customer charges are increase to \$75 and \$175, respectively. All SGS and MGS customer charges under the Settlement are below the Company's original proposals and within the range of potential outcomes based upon

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<sup>18</sup> I&E Statement No. 3, p. 60.

<sup>19</sup> I&E Statement No. 3, p. 62.

<sup>20</sup> I&E Statement No. 3-SR, pp. 28-30.

<sup>21</sup> I&E Statement No. 3, p. 62.

<sup>22</sup> I&E Statement No. 3, p. 63.

proposals of record. The LGS customer charge remains as filed. I&E submits that the proposed customer charges and rate design under the Settlement as agreed to by all Joint Petitioners are in the public interest and should be approved.<sup>23</sup>

**3. Universal Service and Conservation (Joint Petition, Section III.C, ¶¶ 34-37)**

The Settlement provides clarity on discrete issues relevant to the Company's Energy Help Fund, now renamed Customer Assistance Program, and Low Income Usage Reduction Program (LIURP) programs. As part of the overall settlement, I&E supports the clarity provided to those programs while reserving more substantive comment generally on the CAP and LIURP for subsequent proceedings, and therefore recommends that the Settlement as agreed to by all Joint Petitioners is in the public interest and should be approved.

**4. DSIC-Related Provisions (Joint Petition, Section III.D, ¶¶ 38-39)**

The Settlement provides clarity on the interaction of this base rate increase to PTWP's Distribution System Improvement Charge (DSIC). I&E supports the clarity provided to the DSIC, and therefore recommends that the Settlement as agreed to by all Joint Petitioners is in the public interest and should be approved.

**5. Other Provisions (Joint Petition, Section III.E, ¶¶ 40-42)**

In paragraph 40 of the Settlement, the Company agreed to establish more formal documentation of the need for, and level of, discounts offered to competitive customers. PTWP also agreed to provide interim reports on the progress of projected-to-actual investment given the forecasts involved in the Company's use of a Fully Projected Future

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<sup>23</sup> I&E has no comments on other provisions of this section of the Settlement.

Test Year. Specifically, in paragraph 41 of the Settlement, PTWP agreed to provide to I&E, OCA, and OSBA, as well as to Commission's Bureau of Technical Utility Services (TUS), updates to PTWP's Exhibit No. AC-2, on or before May 1, 2014, for the 12 months ending January 31, 2014, and on or before May 1, 2015, for the 12 months ending January 31, 2015. In addition, the Company agreed to provide as a part of its next base rate case a comparison of its actual expenses and rate base additions for the 12 months ended January 31, 2015, to the projections in this case.

With respect to competitive discounts, all parties expressed concerns in one fashion or another over the discounts employed by PTWP.<sup>24</sup> I&E is satisfied that as a part of the overall Settlement and particularly with respect to the agreement regarding documentation, the Company has taken those concerns seriously and will ensure not only a strenuous but also a transparent review of competitive circumstances prospectively before flexing rates in order to retain competitive load.

I&E is also satisfied with the Company's agreement to the provision of interim reporting with respect to projected versus actual investment. In its filing, PTWP used a FPFTY as allowed under Act 11 of 2012.<sup>25</sup> The FPFTY marked a dramatic change from the standard ratemaking process and is still new and novel in its use among utilities. Although previously allowing for use of a Future Test Year, Section 315 of the Public Utility Code traditionally required that utility investment be used and useful in the provision of service before the investment was reflected in rates.<sup>26</sup> As amended under Act 11, however, Section 315 of the Public Utility Code now allows a utility to project

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<sup>24</sup> See e.g. I&E Statement No. 3, pp. 40-43.

<sup>25</sup> 66 Pa. C.S. §§ 308, 315, 1307, 1350-1360.

<sup>26</sup> I&E Statement No. 3, pp. 9-10.

investment, and correspondingly include it in the utility's claimed revenue requirement, through the twelve-month period beginning with the first month that the new rates will be placed in effect.

In light of that extended time period beyond which utilities are now permitted to project rate base investment, I&E recommended a reporting requirement intended to allow interested Commission Bureaus, I&E and TUS, the ability to timely review and verify the accuracy of the estimates PTWP used in its FPFTY. By allowing a utility to include within its calculated revenue claim projections of rate base additions, the FPFTY essentially allows a utility to require ratepayers in effect to pay a return on a utility's projected investment in future facilities that are not only not in place and providing service at the time the new rates take effect, but also that are not subject to any guarantee of being completed and placed into service. As addressed by I&E witness Jeremy Hubert, the additional level of revenue deficiency claimed by PTWP that was associated solely with the Company's inclusion of the FPFTY was \$3,050,149.<sup>27</sup>

While the FPFTY clearly authorizes the use of such projections, because this statutory provision is new and generally untested, I&E sought to have PTWP provide interim reports through the duration of the FPFTY in order to be able to timely review and verify the status of the Company's rate base projections. I&E requested that the updates be provided in the same format as the Company's Exhibit No. AC-2, which included actual capital expenditures, plant additions, and retirements by month in order to

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<sup>27</sup> I&E Statement No. 3, p. 5. As Mr. Hubert explained, "[t]he claimed revenue deficiency in this proceeding of \$18,664,690 is higher than in previous cases because this rate case includes the revenue requirement associated with the capital invested prior to the new proposed rates' effective date as well as the capital invested during the fully projected future test year. In prior rate cases only the capital invested prior to the new rate effective date has been included." *Id.*

provide interim comparisons of the Company's actual investment to its base rate projections used in setting rates using the FPFTY.<sup>28</sup>

I&E fully supports the Settlement because this condition fully achieves I&E's goals of timely receiving data sufficient to allow for the evaluation and confirmation of the accuracy of PTWP's FPFTY projections in advance of its next base rate case filing. I&E submits that the proposed provisions under the Settlement regarding competitive discounts and FPFTY interim reporting as agreed to by all Joint Petitioners are in the public interest and should be approved.<sup>29</sup>

### **III. THE SETTLEMENT SATISFIES THE PUBLIC INTEREST**

11. I&E has joined this Settlement after an exhaustive investigation of the Company's filing, extensive formal and informal discovery, and the submission and review of multiples pieces of direct, rebuttal, surrebuttal, and rejoinder testimony by all Joint Petitioners.

12. All issues raised in testimony have been satisfactorily resolved through discovery and discussions with the Company or are incorporated or considered in the resolution proposed in the Settlement. The very nature of a settlement requires compromise on the part of all parties. This Settlement exemplifies the benefits to be derived from a negotiated approach to resolving what initially may appear to be irreconcilable differences. Joint Petitioners have carefully discussed and negotiated all issues and further delineation of issues beyond those presented in the Settlement is not necessary. I&E believes that the settled outcome is well within the range of proposals

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<sup>28</sup> I&E Statement No. 3, pp. 10-11.

<sup>29</sup> I&E has no comments on the remaining provision of this section of the Settlement.

offered by the various parties to the proceeding and maintains a proper balance of the interests of all parties. I&E is satisfied that no further action is necessary, and considers its investigation of this rate filing complete.

13. Based upon I&E's analysis of the filing, acceptance of this Settlement is in the public interest. Resolution of this case by settlement rather than litigation avoids the substantial time and effort involved in continuing to formally pursue all issues in this proceeding at the risk of accumulating excessive expense and regulatory uncertainty.

14. I&E further submits that the acceptance of this Settlement negates the need for evidentiary hearings, which would compel the extensive devotion of time and expense for the preparation, presentation, and cross-examination of multiple witnesses, the preparation of Main and Reply Briefs, the preparation of Exceptions and Replies, and the potential of filed appeals, all yielding substantial savings for all parties, including the Commission, and ultimately all customers. Moreover, the Settlement provides regulatory certainty with respect to the disposition of issues and final resolution of this case which all parties agree benefits their discrete and specific interests.

15. The Settlement is conditioned upon the Commission's approval of all terms without modification. Should the Commission fail to grant such approval or otherwise modify the terms and conditions of the Settlement, it may be withdrawn by the Company, I&E, or any other Joint Petitioner.

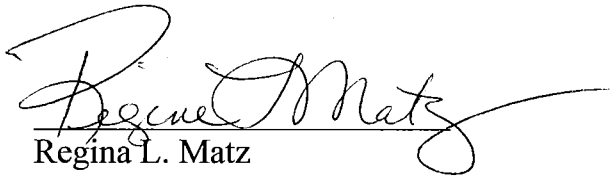
16. I&E's agreement to settle this case is made without any admission or prejudice to any position that I&E might adopt during subsequent litigation in the event

that the Settlement is rejected by the Commission or otherwise properly withdrawn by any other parties to the Settlement.

17. If the ALJ recommends that the Commission adopt the Settlement as proposed, I&E agrees to waive the filing of Exceptions. However, I&E does not waive its right to file Replies to Exceptions with respect to any modifications to the terms and conditions of the Settlement or any additional matters that may be proposed by the ALJ in the Recommended Decision. I&E also does not waive the right to file Replies in the event *any* party files Exceptions.

**WHEREFORE**, the Commission's Bureau of Investigation and Enforcement represents that it supports the Joint Petition for Settlement as being in the public interest and respectfully requests that Administrative Law Judge Katrina Dunderdale recommend, and the Commission approve, the terms and conditions contained in the Settlement.

Respectfully submitted,



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