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October 22, 2015

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Petition for Waiver for Continued Operation of Segments of Natural Gas Pipelines in  
Cambria and Somerset Counties, Pennsylvania by Johnstown Regional Energy, LLC,  
Docket No. P-2014-2457138

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Johnstown Regional Energy, LLC's ("JRE") Petition for Amendment of PUC Order with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Daniel Clearfield

DC/lww  
Enclosure

cc: Certificate of Service w/enc.  
Cheryl Walker Davis, w/enc.  
Robert Young, w/enc.

## Certificate of Service

I hereby certify that this day I served a copy of the foregoing **Petition for Amendment** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### Via First Class Mail

Gas Safety Division  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
PO Box 3265  
Harrisburg, PA 17105

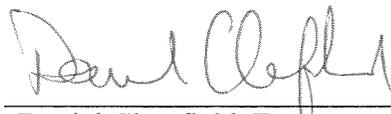
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
PO Box 3265  
Harrisburg, PA 17105

Office of Trial Staff  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
PO Box 3265  
Harrisburg, PA 17105

Office of Consumer Advocate  
5<sup>th</sup> Floor, Forum Place Bldg.  
555 Walnut Street  
Harrisburg, PA 17101-1921

Office of Small Business Advocate  
300 North Second Street – Suite #202  
Harrisburg, PA 17101

Date: October 22, 2015



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Daniel Clearfield, Esq.

Attorney for  
Johnstown Regional Energy, LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION FOR WAIVER FOR :  
CONTINUED OPERATION OF :  
SEGMENTS OF NATURAL GAS : Docket No. P-2014-2457138  
PIPELINES IN CAMBRIA AND :  
SOMERSET COUNTIES, :  
PENNSYLVANIA :  
BY JOHNSTOWN REGIONAL :  
ENERGY, LLC :

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**PETITION FOR AMENDMENT  
OF PUC ORDER**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Johnstown Regional Energy, LLC (“JRE” or “Petitioner”), the operator of three jurisdictional landfill gas pipelines in Cambria and Somerset Counties, hereby requests that the Pennsylvania Public Utility Commission (“PUC” or “Commission”): (1) amend its Order entered on December 18, 2014 (“Conditional State Waiver”) so as to include the conditions and limitations in the letter from the Office of Pipeline Safety, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (“PHMSA”)<sup>1</sup> with respect to the Pipelines; (2) issue a final order granting a waiver of applicable PHMSA regulations, subject to the specific terms and conditions set forth in the Commission’s Order of December 18, 2014 and JRE’s Petition for Waiver, Attachment J (Amended) (“Final State Waiver”); **and** (3) do so by a notational vote (collectively, “Petition for Amendment”).

The grant by the Commission of the requested relief<sup>2</sup> will result in the adoption of Final State Waiver as requested by PHMSA, thereby permitting the pipelines to continue to operate,

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<sup>1</sup> The PHMSA Letter received by the Commission on March 20, 2015 referencing Pennsylvania Public Utility Commission Docket Number: P-20 14-2457 138 and PHMSA Docket Number: PHMSA-2015-0008 (“PHMSA Letter”).

<sup>2</sup> These requests for relief are being filed pursuant to Sections 501 and 703(g) of the Pennsylvania Public Utility Code and 52 Pa. Code § 5.572. Section 501(a) of the Code provides that "the commission shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise, all and

providing economic and environmental benefits to the Commonwealth. In support of the granting of the relief requested, JRE states as follows:

## **I. BACKGROUND**

1. JRE is a registered pipeline operator<sup>3</sup> operating three landfill gas pipelines in Cambria and Somerset Counties (“the Pipelines”). Approximately 8.8 miles of the 14.5 miles of the Pipelines consist of Fiberspar composite piping. It was determined that continued operation of the Fiberspar piping required the Commission to issue a waiver of certain federal non-steel pipeline regulations.

2. Accordingly, JRE filed a petition for waiver on November 20, 2014,<sup>4</sup> which was granted by this Commission under the terms and conditions contained in the December 18<sup>th</sup> Order, and set forth in Attachment “J” to JRE’s Petition. Consistent with federal law,<sup>5</sup> that Order, or Conditional State Waiver, was also conditioned upon technical review and affirmance by PHMSA. *See* Conditional State Waiver, at p. 4 and at Ordering Paragraphs 1 and 3.

3. On March 20, 2015, PHMSA completed its technical review of the Conditional State Waiver.<sup>6</sup> PHMSA had no objections to the Conditional State Waiver, provided that certain

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singular, the provisions of this part, and the full intent thereof; and shall have the power to rescind or modify any such regulations or orders." 66 Pa. C.S. § 501(a). Likewise, Section 703(g) of the Code states: "The commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it." 66 Pa. C.S. § 703(g). Section 5.572 of the Commission’s Regulations relates to petitions for relief following the issuance of a final decision, 52 Pa. Code § 5.572.

<sup>3</sup> Additional details on JRE and said term and conditions can be found in the underlying Petition for Waiver and said December 18<sup>th</sup> Order, which are incorporated herein by reference.

<sup>4</sup> *Petition for Waiver for Continued Operation of Segments of Natural Gas Pipelines in Cambria and Somerset Counties. Pennsylvania by Johnstown Regional Energy, LLC, Docket No. P-2014-2457138.*

<sup>5</sup> 49 U.S.C. §§ 60118(c), (d).

<sup>6</sup> *See* footnote 1, *supra*.

specified conditions and limitations were met.<sup>7</sup> A copy of the PHMSA Letter is attached as Attachment 1.<sup>8</sup>

4. In the PHMSA Letter, PHMSA stated that if the Commission includes said specified conditions and limitations in the Commission's grant of the Final State Waiver and posted said Final State Waiver to the Commission's website (under PUC Docket Number P-2014-2457138), then the Commission would not need to resubmit the State Waiver request for PHMSA's review.<sup>9</sup> Nevertheless, PHMSA requested that the Commission forward a copy of any Final State Waiver to PHMSA within 30 days after the Commission's approval.<sup>10</sup>

5. As outlined below, JRE is willing to comply with all of the conditions and limitations set forth in the PHMSA Letter.

## **II. REQUEST FOR AMENDMENT**

6. JRE is requesting that the PUC's Conditional State Waiver be amended so as to: (a) include the conditions and limitations in the PHMSA Letter, and (b) grant a Final State Waiver. Specifically, it is requested that Attachment J to the Petition for Waiver be amended as set forth in the attached Attachment "J" (Amended) (which is attached as Attachment 2 hereto) and adopted as the final and complete set of terms, conditions and limitations applicable to the Pipelines.

7. Exhibit 1 to Attachment "J" (Amended) (which is attached as Attachment 3 hereto) lists all of the conditions and limitations set forth in the PHMSA letter and verifies that JRE is complying with each of them and, where appropriate, the manner in which it will comply.

8. JRE submits that Attachment 3 and the requested Final State Waiver satisfies the requirements set forth in both the PHMSA Letter and 49 U.S.C. § 60118 concerning the grant of

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<sup>7</sup> PHMSA Letter, at p. 1.

<sup>8</sup> It is also available on the Commission's website at <http://www.puc.state.pa.us/pcdocs/1352070.pdf>.

<sup>9</sup> PHMSA Letter, at p. 11.

<sup>10</sup> PHMSA Letter, at p. 11.

waivers. The resulting Final State Waiver will have reasonable conditions and limitations and will result in equal or greater safety than the existing requirements. The circumstances presented by JRE are unique, and as noted by JRE's Petition for Waiver, the Conditional State Waiver and the PHMSA letter, ample reasons exist to support the requested Final State Waiver as being reasonable and in the public interest.

### **III. REQUEST FOR NOTATIONAL VOTE**

9. JRE is requesting that any hearings on its request for amendment be waived and said Final State Waiver be adopted by a notational vote, which will be announced, recorded and entered upon the minutes of an appropriate public meeting and posted on the PUC's website.<sup>11</sup>

10. This is an uncontested proceeding and JRE has agreed to abide by all the specific conditions and limitations identified by both this Commission and PHMSA, as evidenced by the compliance document, set forth herein, setting for its specific compliance commitments. Accordingly, the requested Final State Waiver will be consistent with the PHMSA Letter, and therefore will not require resubmission to PHMSA for further technical review.

11. The use of a notational vote is appropriate under the circumstances presented and will: (a) permit the incorporation of the important (but uncontested) limitations and conditions set forth in the PHMSA Letter into the Final State Waiver; and (b) expeditiously remove any uncertainty on the applicable conditions and limitations to the continued operation of the subject pipelines so that JRE can complete the compliance construction process as soon as possible.

### **IV. CONCLUSION**

12. JRE respectfully requests that the Commission act expeditiously and consider the amendments, waivers and actions requested herein as quickly as possible. Continued operation of

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<sup>11</sup> See 4 Pa. Code §§ 1.41(b), 1.43 (c)(5), 1.52(a)(9).

the subject pipelines is in the public interest and will enable JRE to continue to complete its compliance construction as soon as possible.

WHEREFORE, JRE respectfully requests that that the Commission:

- (1) Consider the amendments, waivers and actions requested by JRE on an expedited basis;
- (2) Adopt the amendments and waivers requested by a notational vote;
- (3) Grant the amendments and waivers requested by issuing a final/revised order, amending so that Attachment "J" (Amended), together with Exhibit 1 thereto, is adopted and appended to final/revised Order as a term and condition of said a Final State Waiver;
- (4) Post the final/revised Order on the Commission's website;
- (5) Grant any other necessary approvals (or waivers) to effectuate the requests and actions described in this Petition for Amendment; and
- (6) Take any other action deemed to be in the public interest.

Respectfully submitted,



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Carl R. Shultz, Esq.  
(PA Atty I.D. 70328)  
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Harrisburg, PA 17101  
Phone: (717) 237-7173  
Fax: (717) 237-6019  
Attorneys for  
Johnstown Regional Energy, LLC

Date: October 22, 2015

## Verification

I, James Shaw, state that I am the Regional Manager for Johnstown Regional Energy, LLC ("JRE"). I further hereby state that the facts set forth in the foregoing **Petition for Amendment** are true and correct to the best of my knowledge, information and belief and that I expect JRE to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to sworn falsification to authorities).



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James Shaw  
Regional Manager  
Johnstown Regional Energy, LLC

## List of Attachments

### Attachment

- |   |                                     |
|---|-------------------------------------|
| 1 | PHMSA Letter                        |
| 2 | Attachment J (Amended)              |
| 3 | Exhibit 1 to Attachment J (Amended) |

**Johnstown Regional Energy, LLC**

**PHMSA Letter**



U.S. Department of Transportation  
Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

MAR 20 2015

Ms. Rosemary Chiavetta  
Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED

MAR 20 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

REF: Pennsylvania Public Utility Commission Docket Number: P-2014-2457138

**Docket #: PHMSA-2015-0008**

Dear Secretary Chiavetta:

On January 20, 2015, the Pipeline and Hazardous Materials Safety Administration (PHMSA) received your request to review the Pennsylvania Public Utility Commission (PaPUC) issued State Waiver to Johnstown Regional Energy, LLC (JRE), for variance from certain Federal regulations contained in 49 CFR Part 192, regarding the design and usage of plastic pipe (Fiberspar), and requesting that PHMSA initiate a review of the waiver as required under 49 U.S.C. § 60118(d).

The State Waiver segments consist of three buried Fiberspar pipelines, the Raeger, Shade, and Southern Alleghenies Pipelines in Cambria and Somerset Counties of Pennsylvania.

PHMSA has completed its technical review of the request and accompanying documents and has no objections to the state waiver, provided the following additional conditions and limitations are met:

**Conditions:**

- 1) The State Waiver waives compliance with the following sections of the Pipeline Safety Regulations (49 CFR Part 190-199):
  - a. 192.53(c);
  - b. 192.121;
  - c. 192.123; and
  - d. 192.619(a).

**2) Class Location, High Consequence Areas, and General Design Requirements:**

- a. JRE shall design and operate the State Waiver segments as follows:
- i. At or below the maximum allowable operating pressure (MAOP) as calculated per these Conditions as identified below in Condition 2d, or 225psig for Class 2 locations, whichever is lower.
  - ii. With a design factor (DF) of 0.32 or less as in Condition 2d.
  - iii. If any portion of the *state waiver segments* are currently (this includes original construction pipe), or in the future become, a Class 3 or 4 location, or a high consequence area, at any time, JRE shall remove and replace that portion of Fiberspar pipe with steel line pipe. If any portion of the *state waiver segments* currently (this includes original construction pipe) or in the future have one or more residences within a 125 foot radius of the segment, JRE shall remove and replace that portion of Fiberspar pipe with steel line pipe. Those steel portions will no longer be a part of the *state waiver segments* and must follow Part 192, as applicable, in its entirety. JRE shall have one year from determination of a class location, high consequence area or proximity change, or from the grant of this state waiver if determination was made prior to the grant, to comply with this Condition.
- b. **Branches:** JRE shall not tap, branch, or split the *State Waiver segments* of Fiberspar pipe except as necessary to comply with Condition 3(g) or JRE Petition "Attachment G" - "Verified Statement - Proposed Testing/Analysis Protocol."
- c. **Minimum Separation:** The separation between the *State Waiver segments* and other pipelines shall be a minimum of 12 inches.
- d. **Pipe Design:** JRE shall comply with the following language, in place of § 192.121, for pipe within the State Waiver segments within 180 days of a grant of the revised State Waiver. If MAOP pressure calculations by this method result in more conservative (lower) values than those being utilized by the operator currently, JRE must immediately communicate this to PaPUC and must adopt the lowest MAOP values into their Design and Operations. Design parameters as determined under Condition 3c may be applicable here. Note that not all of the requirements are applicable to reinforced thermosetting pipe (Fiberspar):

*Design of plastic pipe.*

*Subject to the limitations of § 192.121, the design pressure for plastic pipe is determined by either of the following formulas:*

$$P = 2S \frac{t}{(D - t)} (DF)$$

$$P = \frac{2S}{(SDR - 1)} (DF)$$

*Where:*

*P = Design pressure, gauge, psig (kPa).*

*S = The HDB is determined in accordance with the listed specification at a temperature equal to 73 °F (23 °C), 100 °F (38 °C), 120 °F (49 °C), or 140 °F (60 °C). In the absence of an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part D.2 of PPI TR-3/2004, HDB/PDB/SDB/MRS Policies (incorporated by reference, see §192.7). [Note: Arithmetic interpolation is not allowed for PA-11 pipe.]*

*t = Specified wall thickness, inches (mm).*

*D = Specified outside diameter, inches (mm).*

*SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10.*

*DF = 0.32 or*

*= 0.40 for PA-11 pipe produced after January 23, 2009 with a nominal pipe size (IPS or CTS) 4-inch or less, and a SDR of 11 or greater (i.e. thicker pipe wall).*

### **3) Material and Testing Requirements:**

- a. Pigging:** JRE shall work with the pipe manufacturer to ensure that any in-line inspection (ILI) tools and maintenance pigs will not damage or degrade the pipe.
  - i.** JRE shall document and implement detailed Operation and Maintenance (O&M) procedures for use of ILI tools along with Operator Qualifications (OQ), Construction OQ requirements, lessons learned documents, and best

practice findings with related presentations. This shall be completed before further non-emergency ILL or maintenance pigs are utilized.

- ii. JRE shall conduct any necessary research & development (R&D) necessary to comply with this condition. JRE shall present the findings of such R&D to PaPUC within 180 days of completion.
- b. **Material Standards:** JRE shall comply with ASTM D-2517 (2000), or an equivalent standard, for the pipe used.
- c. **Calculation of Pipe Design Parameters:** For each Fiberspar product used (includes differences in dimensions, variations in layers, fiberglass, etc.), JRE shall, within 180 days of a grant of the State Waiver, determine the hydrostatic design basis and long term hydrostatic strength information used for the calculation of design parameters in accordance with ASTM D-2992 (2006) "Standard Practice for Obtaining Hydrostatic or Pressure Design Basis for 'Fiberglass' (Glass-Fiber-Reinforced Thermosetting-Resin) Pipe and Fittings" Paragraph 14.1 for a representative sized pipe, using the same compositions as the pipe used within the State Waiver segment.
- d. **Factory Pressure Testing:** From finalizing the grant of the State Waiver, JRE shall have all Fiberspar pipe that is currently used in the *State Waiver segments* (for repair or replacement) factory pressure tested to a minimum of 1.5 times MAOP for a minimum of one (1) hour. JRE shall maintain records of such that are traceable to all line pipe used within the *State Waiver segments*, or purchased for subsequent pipe repairs or replacement, and shall include at a minimum: pressure test reports and all pressure testing parameters (pressure, time, procedure and/or standard number, date, etc. and test acceptance parameters) and pressure testing recorders with current calibration records. JRE shall also provide a certification from the pipe manufacturer that the tests were completed and that all pipe was visually checked for leaks during the pressure tests.
- e. **Hydrostatic test:** Within 180 days of grant of the revised State Waiver, the pipe, connections, and appurtenances, including those previously installed and pressure tested, shall be field hydrostatically tested at 1.5 times the MAOP (as revised, if necessary, per these Conditions) for a minimum of 24 hours with recording charts (pressure chart, temperature chart, dead weights and log, and calibration records of equipment, calibrated within 30 days of test), the results of which shall be presented to the PaPUC for review, including determination parameters of an acceptable test, within 90 days of test completion. JRE shall compensate for temperature and elevation variations and such compensation shall be documented on test records. For state waiver segments which contain Class 2 locations, test pressures shall be determined based on the calculated MAOP and not on the imposed 225 psig limitation.

- f. **Long-Term Integrity:** JRE shall consider and plan for all pipeline risk factors, including, but not limited to: pressure and temperature cycling; performance of multilayer composite pipe in freezing temperatures (including during excavations), during line stoppling, and repairs under a range of ambient conditions; long term performance of composite material and mechanical fittings; cathodic protection of metallic appurtenances; coating performance; fiber migration over time; long term failure prediction of line pipe; risk of inter-lamellar or inter-layer intrusion of gas and the possible effect on integrity; and methods for assessment of buried or excavated pipe. This shall be documented within JRE's Integrity Management Plan.
- g. JRE shall supplement the JRE Petition "Attachment G" - "Verified Statement - Proposed Testing/Analysis Protocol," with the following, and make changes as necessary:
  - i. JRE shall schedule and perform Fiberspar pipe and connector inspections during which non-destructive and destructive testing must be performed on the pipe material after installation. At a minimum, nondestructive testing shall focus on the composition and degradation of the pipe material and destructive testing shall include a hydrotest to Burst Pressure and Axial Compression testing. Following JRE's initial testing to be performed in 2015, as proposed, each future Periodic Test shall be no more than 2 years from the previous Initial or Periodic Test. JRE must revise its test schedule to accommodate these changes.
  - ii. JRE testing and inspections must be developed and implemented to better understand potential and actual degradation mechanisms, and other material related phenomena, and must develop a plan to mitigate for these threats, maintaining adequate levels of pipeline safety. Test protocols shall be adapted over time as these threats are better characterized.
  - iii. Any test results which indicate possible time dependent changes of properties below the acceptable values for factory tested pipe must be immediately discussed with PaPUC. Careful attention must be made to Burst Pressure and Axial Compression properties if they fall below the minimum criteria as set up by the manufacturer for new or in service pipe. Any changes in properties below these minimum criteria may be an indication of time dependent degradation and must be treated as such, and must be immediately reported to and discussed with PaPUC. Operating pressure reductions, temporary or permanent, must be considered as appropriate.
  - iv. Perform removal, replacement, and installation of pipe and fittings, and other actions related to the removal of test segments, in accordance with the requirements of this State Waiver.

- v. JRE shall report to the PaPUC the results of the inspections and tests within 90 days of completion of testing.

4) **Pipe - Inspection for Damage:** JRE shall, within 90 days of the approval of the revised State Waiver, verify that the following conditions, or a reasonable equivalent, have been met or were met during past construction, and where they have not or cannot be met, or cannot be verified in a safe and reasonable manner, JRE shall propose alternative measures to PaPUC, above and beyond the current regulatory and State Waiver requirements in order to maintain an equal or better level of safety, as a pipeline built and operated to these requirements. These requirements also apply to all future repair, and replacement activities:

- a. JRE shall inspect the pipeline during offloading at the storage yard, offloading on location, during uncoiling, placement into the ditch, backfill, and right-of-way grading and clean up.
- b. JRE shall survey the pipe location and depth of cover at 50-foot intervals.
- c. JRE shall certify and document all inspections with date, time, pipeline station, and pipe spool number.
- d. JRE shall remove and replace any pipe with the following conditions:
  - i. Cuts, scrapes, abrasions, or gouges that at any place exceed 50% of the outer High Density Polyethylene (HDPE) layer thickness and in the case that no outer layer was used, 0% is the applicable threshold;
  - ii. Discolorations of the outer HDPE layer that may indicate material degradation or inhomogeneity (based on manufacturer product recommendations);
  - iii. Any section of pipe that appears to contain cracking or crazing (this may require laboratory testing to determine any widespread materials issue with the pipe); and
  - iv. Other possible signs of material damage or unsoundness shall be reviewed by qualified personnel, and if the integrity of the pipeline would be less than undamaged pipe, JRE shall remove and replace such pipe.
- e. JRE shall document its repair and replacement procedures and standards within the comprehensive written specifications or standards required under § 192.303 and the O&M Manual required under § 192.605.
- f. JRE shall hand dig or hand shovel dig whenever excavation operations are within two (2) feet of the *State Waiver segments* pipeline or any associated communications cables. Careful attention shall be paid to Fiberspar pipe connectors and components whenever they are exposed, and they must be subject to, at a minimum, a visual inspection.

- g. Careful attention shall be paid to Fiberspar pipe connectors and components whenever they are exposed, and they must be subject to, at a minimum, a visual inspection.
- h. JRE shall prepare and follow a damage prevention program in accordance with § 192.614. JRE shall make this program part of its O&M Manual within 180 days of grant of a state waiver. JRE shall train its personnel on damage prevention.

**5) Corrosion Control**

- a. JRE shall apply protective coatings and cathodic protection (CP) on all buried metallic pipe, components, and joints within the State Waiver area in accordance with Part 192. This includes those that are currently installed.
- b. Test stations: JRE shall install CP test stations at each metallic connector.
- c. JRE shall perform external corrosion control monitoring on each buried metallic fitting in accordance with § 192.465(a). JRE shall perform such monitoring at least once each calendar year, not exceeding 15 months. Corrosion control monitoring of the buried metallic fittings by a sampling basis is not permitted.
- d. JRE shall determine the native structure-to-electrolyte potential for each buried metallic fitting prior to energizing the cathodic protection system.

**6) Pressure and Temperature Control and Monitoring:** Within 180 days of the grant of the State Waiver, JRE must comply with the following:

- a. **Overpressure Protection:** JRE shall install overpressure protection equipment necessary to keep the pipeline pressure from exceeding the recalculated and approved MAOP (per Condition d2) at any time.
- b. **Pressure Monitoring:** JRE shall monitor operating pressures by the installation of pressure transmitters and switches in the piping system that report to the facility's Supervisory Control and Data Acquisition (SCADA) system. JRE shall also provide a means to inform operator personnel performing work on the pipeline of the pressure on the line.
- c. **Gas Temperature:** JRE shall continuously monitor natural gas temperature in order that the pipeline is not exposed to temperatures exceeding 120 degrees F. As soon as practicable, JRE shall inform the PaPUC for review, any condition that leads to exposure of Fiberspar pipe to greater than 120 degrees F. If the Fiberspar line pipe is exposed to temperatures exceeding 140 degrees F, the *State Waiver segments* pipeline shall be immediately shut down, and JRE shall contact the PaPUC for their review within 24 hours of the detection.

**d. SCADA:**

- i. JRE shall continuously monitor the *State Waiver segments* with a SCADA system. If communication is lost for over 3 hours, JRE shall have personnel onsite to continue operations and monitoring of the *State Waiver segments* pipeline.
- ii. JRE shall document SCADA operating procedures and Control Room Management procedures within the O&M Manual for the *State Waiver segments pipeline*.

**7) Operations:**

- a. **Repair criteria:** JRE shall develop pipe repair criteria and document them within the O&M Manual. Repair criteria shall be submitted to the PaPUC within 180 of grant of the revised State Waiver.
- b. **Leakage detection surveys:** In Class 1 locations, JRE shall conduct leakage detection surveys two (2) times per calendar year at a minimum, not to exceed 7 ½ months between surveys, utilizing industry standard leak detection equipment capable of parts per million detection of gas in air (flame ionization or similar). In Class 2 locations, JRE shall conduct leakage detection surveys four (4) times per calendar year at a minimum, not to exceed 100 days between surveys, utilizing industry standard leak detection equipment capable of parts per million detection of gas in air (flame ionization or similar). JRE shall repair all leaks as they are found, and notify the PaPUC of any leaks found as soon as it is safe to do so. Leak testing procedures, equipment, and scheduling shall be documented within the O&M Manual.

**8) Communication and Records:**

- a. If at any time JRE becomes aware of a threat to the integrity of the *State Waiver segments* pipe that poses a risk to the public, or a failure risk, JRE shall immediately notify the PaPUC. Concurrent with such notification, JRE shall outline the potential mitigative and integrity measures that will be used to address the threat or risk, including replacement with steel line pipe currently approved by Part 192.
- b. JRE shall notify the PaPUC as soon as practicable if:
  - i. Repairs and modifications are required or made to the Fiberspar pipe, including fittings;
  - ii. A *State Waiver segments* is at any time damaged or hit; or
  - iii. The pipe or fitting manufacturer modifies or discontinues any items used in the *State Waiver segments*.

**9) Gas Quality:**

- a. JRE shall develop and implement a program to monitor and mitigate the presence of deleterious gas stream constituents. At a minimum, the monitoring equipment must include moisture analyzer, chromatograph, and quarterly hydrogen sulfide monitoring.
- b. If it is determined that the commodity transported in this pipeline *State Waiver segments* is not compatible with, and proves detrimental to this pipe material, PaPUC reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

**10) Right-of-Way Management Program:**

- a. JRE shall install and maintain line-of-sight markings, not to exceed 100 feet from marking-to-marking, on the pipeline in the state waiver segments except in agricultural areas or large water crossings such as lakes where line-of-sight signage is not practical.
- b. Each calendar year, not to exceed 15 months, JRE shall complete an overland terrain survey over the *State Waiver segments* to ensure the depth of cover has not changed. For any pipe in the *State Waiver segments* that does not meet the cover requirements of Part 192, JRE shall restore the required depth of cover, or, if restoration is impracticable, shall implement additional safety measures in areas with reduced depth of cover. Within 30 days of implementation, JRE shall submit to the PaPUC a description of such additional safety measures. JRE shall base such measures, such as lowering the pipeline, increased pipeline patrols and/or additional line markers, upon the threat.
- c. JRE shall perform ground or aerial right-of-way patrols on a monthly basis, not to exceed 45 days, in the *State Waiver segments*. JRE shall document findings from all patrols and all required remediation.

**11) Annual Reporting:** Annually<sup>1</sup> following the grant of the revised State Waiver, JRE shall report the following to the PaPUC, with copies to the PHMSA Director of Engineering and Research: (note that requirements for annual reporting do not excuse JRE from other more immediate reporting requirements of this State Waiver or Pipeline Regulations):

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<sup>1</sup> Annual reports shall be received by PaPUC by the last day of the month in which the grant of the State Waiver is dated. For example, the annual report for a State Waiver dated September 15, 2015, shall be received by PaPUC no later than September 30, each year beginning in 2016.

- a. The number of new residences, other structures intended for human occupancy and public gathering areas built or identified within 220 yards of the pipeline centerline and along the *State Waiver segments*.
- b. Any new integrity threats identified during the previous year and the results of any excavations or other integrity assessments performed during the previous year in the *State Waiver segments*.
- c. Any reportable incident, any leak normally indicated on the U.S. Department of Transportation Annual Report, and all repairs that occurred on the pipeline in the *State Waiver segments* during the previous year.
- d. Any ongoing damage prevention initiatives affecting the *State Waiver segments* and a discussion of the success of the initiatives.
- e. Any mergers, acquisitions, transfer of assets, or other events affecting the regulatory responsibility of the company operating the pipeline.

**12) Certification:** A Senior Executive Officer, Vice President or higher of JRE, shall certify in writing that:

- a. JRE pipeline meets the conditions described in this State Waiver and Part 192 for the *State Waiver segments*.
- b. JRE has maintained the following records for the *State Waiver segments* and included these requirements in JRE's O&M Manual:
  - i. Documents (material test reports) certifying that the pipe in the *State Waiver segments* meets the requirements of ASTM D-2517 or equivalent as required by these Conditions and the State Waiver, and all related material standards in this State Waiver and Part 192.
  - ii. Documentation of compliance with all Conditions of this State Waiver shall be retained for the applicable life of this State Waiver for the referenced *State Waiver segments*.
- c. That all written manuals for the JRE pipeline have been updated to include all additional construction, and O&M requirements of the State Waiver and Conditions and Part 192 applicable sections; and
- d. That JRE has reviewed and modified its damage prevention program relative to the JRE pipeline to include any additional conditions required by State Waiver.

JRE shall send the certifications required in Condition 12 (a) through (d) with completion date, compliance documentation summary, and the required senior executive signature and date of signature to PaPUC, with copies to the PHMSA Director of Engineering and Research within one (1) year of the grant date of the revised State Waiver.

**Limitations:**

- 1) Should JRE fail to comply with any of the specified conditions of this State Waiver, PaPUC may revoke this State Waiver and require JRE to comply with the regulatory requirements in §§ 192.53(c), 192.121, 192.123, and 192.619(a).
- 2) The terms and conditions of any corrective action order, compliance order or other order applicable to a pipeline facility covered by this State Waiver will take precedence over the terms of this State Waiver.

If the PaPUC includes all of the above conditions and limitations in its final grant of the State Waiver and posts the State Waiver to PaPUC Docket Number P-2014-2457138, then PaPUC does not need to resubmit the State Waiver request for PHMSA's review. However, PHMSA requests that the PaPUC forward a copy of the revised PaPUC Waiver to PHMSA within 30 days after the PaPUC's approval.

If you wish to discuss this or any other pipeline safety matter, my staff would be pleased to assist you. Please contact Mr. John Gale, Director, Division of Standards and Rulemaking, at 202-366-0434 for regulatory matters, or Kenneth Lee, Director, Division of Engineering and Research, at 202-366-2694, for technical matters. Thank you for your continued efforts in pipeline safety.

Sincerely,



Jeffrey D. Wiese  
Associate Administrator for Pipeline Safety

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SECRETARY'S BUREAU

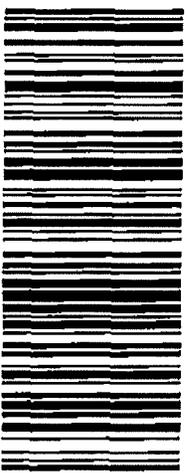
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<p>JANICE MORGAN 202-366-2392 PHMSA-DC 1200 NEW JERSEY AVE SE WASHINGTON DC 20590</p> <p><b>SHIP TO:</b> MS. ROSEMARY CHIAVEITTA COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA PUBLIC UTILITY COMMIS. PO BOX 3265 HARRISBURG PA 17105-3265</p>	<p>0.0 LBS LTR 1 OF 1</p> <p><b>PA 171 9-20</b></p> 	<p><b>UPS NEXT DAY AIR</b></p> <p>TRACKING #: 1Z WR2 575 24 9325 7881</p> <p><b>1</b></p>		<p>BILLING: P/P SIGNATURE REQUIRED</p> <p>CS 171.PA. VNTES90 60.0A.01/2015</p> 
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**Attachment J (Amended)**

**Johnstown Regional Energy, LLC**

**Amended Limitations and Conditions for Continued Operations  
of Fiberspar Piping by JRE**

1. The use of Fiberspar is limited to the Raeger, Shade and Southern Alleghenies Pipelines in Cambria and Somerset Counties by Johnstown Regional Energy, LLC (“JRE”). This waiver will continue in effect until the Fiberspar pipeline is retired.
2. JRE will apply this waiver to Raeger, Shade and Southern Alleghenies Pipelines as stated in the Petition for Waiver.
3. JRE will notify the Commission’s Gas Safety Division (“GSD”) of a class location change that would result in the Transmission line being subject to the requirements of 49 CFR § 192.625(b).
4. Fiberspar is being used in Class 1 and Class 2 locations.
5. JRE shall notify the GSD if: any repairs or modifications to the Fiberspar pipe or fittings are required; or the Fiberspar segments are at any time damaged or unintentionally struck.
6. JRE shall schedule and perform (a) increased frequency of leak patrols in Class 2 areas and (b) pressure and destructive tests as described in the testing/analysis protocol set forth in the Petition for Waiver to confirm safe operation at the appropriate Maximum Allowable Operating Pressure.
7. JRE will notify the GSD of the results of the patrols and tests conducted as required by Condition No. 6.
8. If the tests required by Condition No. 6 determine that the Fiberspar pipe material is no longer suited for service as described in this application, based on the criteria in the testing/analysis protocol described in Attachment G to the Petition for Waiver, JRE will take appropriate remedial action.
9. JRE shall treat the pipeline that is subject to the waiver as if it is a “covered” segment and shall follow an Integrity Management Plan consistent with 49 CFR, Subpart O. JRE shall include its Integrity Management Plan in its Operations & Maintenance Manual. JRE shall maintain measures for monitoring operations and implementing appropriate remedial actions if the safety or integrity of the pipeline is threatened.

10. JRE shall incorporate the relevant best practices of the Common Ground Alliance into its damage prevention program, including pipeline marking and right-of-way management. JRE shall document findings from all patrols and all required remediation.
11. JRE shall require personnel involved in the construction or repair of the pipe to be qualified in these tasks with necessary emphasis given to procedures unique to the Fiberspar pipe material. JRE shall treat such tasks as “covered tasks” and comply with Operator Qualification requirements of 49 CFR, Subpart N.
12. JRE itself or as part of a teaming arrangement with its third-party consultants shall have access to tools, fittings and materials for operational maintenance and emergency repairs of the Fiberspar pipeline.
13. JRE will develop pipe repair criteria and document them in its Operations & Maintenance Manual.
14. JRE shall maintain the measures outlined in Exhibit 1 to this Attachment J (attached hereto) so as to comply with the conditions and limitations in the Letter from the Office of Pipeline Safety, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (“PHMSA”) received by the Commission on March 20, 2015 referencing Pennsylvania Public Utility Commission Docket Number: P-20 14-2457 138 and PHMSA Docket Number: PHMSA-2015-0008 (“PHMSA Letter”).
15. JRE shall file a copy of the waiver and any final Orders issued by PHMSA in this docket.
16. If JRE does not comply with any of these requirements, the Commission reserves the right to terminate this waiver.

**Attachment J (Amended)  
Exhibit 1**

**Johnstown Regional Energy, LLC**

**Compliance Plan**

**Discussion**

The following is presented to detail the procedures proposed for complying with the requirements of the PHMSA No Objection letter regarding the continued usage of National Oilwell Varco (“NOV”) Fiberspar composite piping as a transmission line in jurisdictional areas of Somerset and Cambria Counties, Pennsylvania. All procedures comply with CFR 49 where possible (excluding material of construction).

**PHMSA Conditions**

1. **The State Waiver waives compliance with the following sections of the Pipeline Safety Regulations (49 CFR Part 190-199) [No Response Necessary]**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
2.a.i. At or below the maximum allowable operating pressure (“MAOP”) as...	JRE currently operates below the MAOP as calculated in Condition 2d below. In addition JRE shall also amend the Operations and Maintenance (“O&M”) procedures and install pressure limiting devices (“PLD”) replacement at the newly calculated MAOP or 225 psi in Class 2 locations (whichever is lower) in class 2 locations.
2.a.ii. With a design factor (“DF”) of 0.32 or less as in Condition 2d.	JRE in compliance.
2.a.iii. If any portion of the state waiver segments are currently...	JRE will remove from service all Fiberspar in areas with housing currently within a 125 ft radius of the line as per PHMSA requirements. Fiberspar will be replaced with 4” nominal coated, cathodically protected steel with existing Fiberspar exhumed where appropriate. Remaining Fiberspar will be abandoned in accordance with 192.727.
2.b. Branching: JRE shall not tap, branch, or split the State Waiver segments .....	JRE will not tap, branch or split any of the State Waiver segments for regular operation.

2.c. Minimum Separation: The separation between the State Waiver segments and other pipelines shall be a minimum of 12 inches.	JRE shall comply.
2.d. Pipe Design: JRE shall comply with the following language, in place of...	JRE currently operates below the MAOP calculated under this Condition 2(d) or 225 psi in Class 2 locations, (whichever is lower).

**2. Materials and Testing Requirements:**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
2.a. Pigging: JRE shall work with the pipe manufacturer to ensure that any in-line...	JRE will work with NOV to ensure that all O&M procedures and tools used in those procedures will not damage or degrade the Fiberspar pipe contained in the State Waiver segments.
2.a.i. JRE shall document and implement detailed Operations and Maintenance...	JRE shall comply.
2.a.ii. JRE shall conduct any necessary research and development...	JRE will annually contact NOV to investigate any advancements in in-line inspection (ILI) tools and maintenance pigs for use in fiberglass pipe line systems.
2.b. Material Standards: JRE shall comply with ASTM D-2517 (2000)...	JRE complies with ASTM D-2517 (2000) or equivalent standards for all pipe used.
2.c. Calculation of Pipe Design Parameters: For each Fiberspar product used...	JRE has been provided by NOV (and will make available for inspection) the determination of hydrostatic design basis and long-term hydrostatic strength information used for the calculation of design parameters in accordance with ASTM D-2992, paragraph 14.1 for each size of pipe and using the same compositions as the pipe used in the State Waiver segments.
2.d. Factory Pressure Testing: From finalizing the grant of the State Waiver...	JRE will, to the extent currently held in stock for repair and replacement and any to be purchased in the future for repairs and replacement, have all Fiberspar pipe factory pressure tested at 1.5 times MAOP for a minimum of one hour and maintain reports, test parameters and certifications from the pipe manufacturer in accordance with this Condition 3(d).

2.e. Hydrostatic test: Within 180 days of grant of the revised State Waiver...	JRE will, as part of the section replacements, hydrostatically test all pipelines at 1.5 times the calculated MAOP (as revised, if necessary, per these Conditions) for a minimum of 24hrs. and report the test results to the PAPUC within 90 days of test completion.
2.f. Long Term Integrity: JRE shall consider and plan for all pipeline risk factors...	JRE shall consider, plan, and document responses for all pipeline risk factors in JRE's Integrity Management Plan.
2.g.i. JRE shall schedule and perform Fiberspar pipe and connector inspections...	JRE will schedule and perform Fiberspar pipe and connector inspections and destructive and non-destructive testing on each of the two types of Fiberspar installed as prescribed in this Condition 3(g)(i) in addition to those prescribed in the JRE Petition "Attachment G' Proposed Testing/Analysis Protocol" and will perform each future test no more than 2 years from the previous Initial and Periodic Test. JRE will document such changes in its O&M Manual.
2.g.ii. JRE testing and inspections must be developed and implemented to better...	JRE will work with NOV to evaluate and modify test protocols to better understand the potential and actual degradation mechanisms and adapt test protocols accordingly.
2.g.iii. Any test results which indicate possible time dependent changes of...	JRE shall comply.
2.g.iv. Perform removal, replacement, and installation of pipe and fittings...	JRE shall comply.
2.g.v. JRE shall report to the PAPUC the results of the inspection and tests within 90 days of completion of testing.	JRE shall comply.

### 3. Pipe-Inspection for Damage:

PHMSA Requirement	Recommended Plan of Action
3. Pipe-Inspection for Damage	For all future repair and replacement activities JRE shall comply with all requirements contained in this Condition 4. For past construction where these tests cannot be verified in a safe and reasonable manner JRE will perform additional leak patrols and terrain surveys over and above

	those required in accordance with Condition 7(b) and 10(b) in order to maintain an equal or better level of safety as a pipeline built and operated under this Condition 4.
3.a. JRE shall inspect the pipeline during offloading at the storage yard...	For all future repairs and replacement activities, JRE will inspect the pipeline during all activities required as prescribed in this Condition 4(a).
3.b. JRE shall survey the pipe location and depth of cover at 50-foot intervals.	JRE shall, as part of the annual patrol and leak survey (not to exceed 15 months between surveys), measure depth of cover at 50 foot intervals over the entire length of the State Waiver segments
3.c. JRE shall certify and document all inspections with date, time, pipeline station, and pipe spool number.	JRE shall comply.
3.d. JRE shall remove and replace any pipe with the following conditions...	JRE shall replace all segments within 125ft of a residence, class 3 or 4 areas. JRE will inspect for cuts, scraps, abrasions, gouges, discoloration, cracking or crazing during the replacement of the required segments. If it is determined that the integrity of such pipe is less than undamaged pipe, JRE shall remove from service and replace such pipe.
3.e. JRE shall document its repair and replacement procedures and standards...	JRE shall amend the O&M manual to reflect the new requirements contained within the state waiver.
3.f. JRE shall hand dig or hand shovel dig whenever excavation operations are...	JRE shall rewrite the O&M manual to require contractors to hand dig or hand shovel dig whenever excavations are within 2 feet of the State Waiver segments or any associated communications cables. All Fiberspar pipe components and connectors shall be visually inspected whenever they are exposed.
3.g. JRE shall hand dig or hand shovel dig whenever excavation operations are...	JRE shall visually inspect, at a minimum, all Fiberspar pipe connectors and components that become exposed.
3.h. JRE shall prepare and follow a damage prevention program in accordance...	JRE shall prepare and follow a damage prevention program in accordance to 192.614 and include in JRE's O&M manual. JRE shall train all personnel on the damage prevention program contained in the O&M manual.

**4. Corrosion Control:**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
4.a. JRE shall apply protective coatings and cathodic protection ("CP") on all buried...	JRE will verify that protective coatings and cathodic protection currently exist and apply protective coatings and cathodic protection in any State Waiver segments where it does not currently exist.
4.b. Test stations: JRE shall install CP test stations at each metallic connector.	CP test stations are already in place at Southern and Shade. JRE will install CP Test stations on all Raeger pipeline connections.
4c. JRE shall perform external corrosion control monitoring on each buried...	JRE will perform on each buried metallic fitting, external corrosion control monitoring in accordance with 192.465(a) each calendar year, not to exceed 15 months.
4.d. JRE shall determine the native structure-to-electrolyte potential for each...	JRE will use the instant off potential for each CP test station.

**5. Pressure and Temperature Control and Motoring:**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
5.a. Overpressure Protection	JRE will install pressure relief valves on the pipeline that are set for the newly calculated MAOP. Shade and Southern will be set to 225 psig because of the Class 2 status. Raeger will be set below 804 psig.
5.b. Pressure Monitoring	JRE already measures pipeline pressures using the plants SCADA system. This is a real time reading that operators can access through the HMI.
5.c. Gas Temperature	JRE shall comply.
5.d.i. JRE shall continuously monitor the State Waiver segments with a SCADA...	JRE continuously monitors the pipeline using the existing plant SCADA system. If communications are lost for over 3 hours, JRE personnel will be onsite to allow for continued operation and monitoring of the State Waiver segments.
5.d.ii. JRE shall document SCADA operating procedures and Control Room...	JRE shall comply.

## 6. Operations:

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
6.a. Repair criteria	JRE will modify the O&M with procedure to repair any failed pipe with steel.
6.b. Leakage detection surveys	JRE will repeat annual leak detection survey a twice per year in Class 1 locations (not to exceed 7.5 months between surveys) at a minimum and 4 times per year (not to exceed 100 days between surveys) in Class 2 areas. JRE will modify the O&M Manual for the increased surveys, testing procedures and required equipment. JRE shall repair all leaks when found and notify the PaPUC of any leaks found.

## 7. Communication and Records:

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
7. Communication and Records	JRE will, as it becomes aware of a threat to the integrity of the State Waiver segments pipe that poses a risk to the public or failure, notify the PaPUC immediately. JRE will modify the O&M manual to include potential mitigate and integrity measures including replacement of the affected segments with steel line pipe approved by Part 192.

## 8. Gas Quality:

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
8.a. JRE shall develop and implement a program to monitor and mitigate...	All JRE sites have moisture analyzers and chromatographs in place on the pipeline gas. JRE already conducts bi-weekly hydrogen sulfite monitoring of the sales gas.
8.b. JRE shall develop and implement a program to monitor and mitigate...	See 9.a.

**9. Right-of-Way Management Program:**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
9.a. JRE shall install and maintain line-or-sight markings, not to exceed...	JRE shall comply.
9.b. Each calendar year, not to exceed 15 months, JRE shall complete...	JRE shall comply.
9.c. JRE shall perform ground or aerial right-of-way patrols on a monthly basis...	JRE shall comply.

**10. Annual Reporting:**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
10. Annual Reporting	JRE shall comply.

**11. Certification:**

<b>PHMSA Requirement</b>	<b>Recommended Plan of Action</b>
11. Certification	JRE shall comply.



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