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May 18, 2016

Via Electronic Filing


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

Re: PA Public Utility Commission v. Philadelphia Gas Works – 1307(f)
Docket No. R-2016-2526700

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Joint Petition for Settlement of Philadelphia Gas Works' 2016-2017 GCR Proceeding. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,


Deanne M. O'Dell

DMO/lww
Enclosure

cc: Hon. Marta Guhl w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

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

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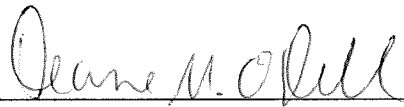
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Dated: May 18, 2016



Deanne O'Dell, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION, et al.	:	
	:	
v.	:	Docket No. R-2016-2526700
	:	
PHILADELPHIA GAS WORKS	:	

**JOINT PETITION FOR SETTLEMENT OF
PHILADELPHIA GAS WORKS'
2016-2017 GCR PROCEEDING**

I. INTRODUCTION

Philadelphia Gas Works (“PGW” or the “Company”), the Bureau of Investigation and Enforcement (“I&E”) and the Office of Consumer Advocate (“OCA”) (collectively “the Settling Parties”)¹ hereby submit this Joint Petition for Settlement of PGW’s 2016-2017 Gas Cost Rate (“GCR”) Proceeding (“Settlement”), as captioned above, and respectfully request the following:

- 1) That Administrative Law Judge (“ALJ”) Marta Guhl recommend that the Commission approve this Settlement and all of its terms and conditions.
- 2) That the ALJ recommends and the Commission authorizes PGW to file a tariff supplement to reflect rates and terms consistent with this Settlement and applicable to the Section 1307(f) purchased gas cost rate investigation at Docket No. R-2016-2526700 to be effective for services rendered on or after September 1, 2016, subject to quarterly adjustments permitted by Commission regulations, including a quarterly adjustment to be effective on September 1, 2016 to reflect actual experience and changes in forecasted natural gas prices utilizing the methodology prescribed by paragraph III 1.(b).

¹ The Office of Small Business Advocate (“OSBA”) and the Philadelphia Industrial and Commercial Gas Users Group (“PICGUG”) do not join in this Settlement but have authorized the Settling Parties to state their non-opposition to the Settlement.

- 3) That based on the data and testimony submitted in this case, the ALJ recommends and the Commission makes the Findings of Facts and Conclusions of Law proposed at Sections IV and V below.
- 4) That the Commission terminate its investigation at Docket No. R-2016-2526700, deem the complaints at Docket Nos. C-2016-2531250 and C-2016-2532678 satisfied, and mark the proceedings closed.

II. BACKGROUND

- 1) On January 29, 2016, PGW submitted required data in advance of its annual GCR filing pursuant to 66 Pa. C.S. § 1307 and 52 Pa. Code § 53.64 (“February 1, 2016 Pre-filing”)
- 2) At the same time, PGW filed a Petition for Special Permission to Depart from Certain Requirements of 52 Pa. Code Sections 53.45(b), 53.64(c), 53.68(a) and 53.64(i)(5)(i) (“Petition for Special Permission”). The purpose of the Petition was to address the timing of bill inserts and public notice regarding the March 1, 2016 annual filing as well the underlying data to be relied upon for the March 1, 2016 quarterly 1307(f) filing.
- 3) I&E entered a Notice of Appearance on February 12, 2016 and PICGUG filed a Petition to Intervene on February 11, 2016. OSBA filed a Complaint (docketed at C-2016-2531250), Public Statement and Notice of Appearance on February 29, 2016.
- 4) On March 1, 2016, PGW submitted Supplement No. 91 to Gas Service Tariff - Pa. P.U.C. No. 2 and Supplement No. 65 to Gas Supplier Tariff - Pa. P.U.C. No. 1 to become effective for services rendered on or after September 1, 2016 (“March 1, 2016 Annual Filing”). This annual gas cost rate (“GCR”) filing was made pursuant to 66 Pa. C.S. § 1307(f), which authorizes certain natural gas distribution companies to make annual purchased gas cost filings with the Commission to reflect increases or decreases in natural gas costs.

- 5) Also on March 1, 2016, PGW submitted data in support of its Tariff supplement related to, *inter alia*, the GCR; the Price to Compare; and, the rates for various surcharges including the Restructuring and Consumer Education Surcharge, the Universal Service and Energy Conservation Surcharge, and the Other Post Employment Benefit Rider Surcharge. PGW also submitted the direct testimony of witnesses Kenneth Dybalski (**PGW St. 1** re: Proposed 2016 Annual GCR Adjustment) and Raymond Snyder (**PGW St. 2** re: Proposed 2016 Annual GCR Adjustment).
- 6) As required by Commission regulations and consistent with PGW's Petition for Special Permission, PGW provided public notice of its proposed GCR rate in Supplement No. 91 through bill inserts during the one-month billing cycle beginning on March 1, 2016 which concluded on March 31, 2016. Also, as set forth in PGW's letter dated February 25, 2016, PGW published notice in the *Philadelphia Daily News* and the *Philadelphia Inquirer* on February 26, 2016.
- 7) OCA filed a Formal Complaint (docketed at C-2016-2532678) and Public Statement on March 7, 2016. By letter dated March 10, 2016, PGW notified the Commission of its intent to not file a formal answer to the complaints of OCA and OSBA pursuant to 52 Pa Code § 6.61(d).
- 8) A Prehearing Conference Order was entered on March 7, 2016 which: (1) granted PGW's Petition for Special Permission; and, (2) scheduled a prehearing conference for March 16, 2016.
- 9) As set forth in Prehearing Order #1 dated March 17, 2016, during the prehearing conference, the Petition to Intervene of PICGUG was granted. In addition, discovery modifications and a litigation schedule were adopted.

- 10) Discovery, both formal and informal, was undertaken by I&E and OCA. Formal discovery consisted of 36 and 78 interrogatories propounded by these parties, respectively.
- 11) Consistent with the litigation schedule, I&E served I&E Statement No. 1, the Direct Testimony of Lisa A. Gumby and I&E Exhibit No. 1, the Exhibit Accompanying the Direct Testimony of Lisa A. Gumby on April 12, 2016. No other party elected to serve direct testimony.
- 12) On April 15, 2016, a formal complaint from Shanna Anderson was served and was docketed at C-2016-2540049.
- 13) Based on the review of the testimony in this matter and settlement discussions open to all parties, a settlement was reached which resolves all issues pertaining to PGW's 2016-2017 annual GCR Filing.

III. SETTLEMENT

The undersigned Settling Parties, intending to be legally bound and for due consideration given, agree to accept the underlying data and calculations submitted by PGW in its February 1, 2016 pre-filing and its March 1, 2016 annual filing subject to the terms and conditions set forth below:

1) PURCHASED GAS COST RATES

- a) The GCR rate adopted by this Settlement is \$3.7967 per Mcf. This rate is predicated on PGW's gas cost projections at the time of the March 1, 2016 annual GCR filing as modified herein. In accordance with 52 Pa. Code § 53.64, PGW will submit a quarterly adjustment to the GCR rate on or before September 1, 2016, to be effective on one day's notice, to account for actual experience and changes in forecasted natural gas prices and demand, which will establish the GCR rate, effective September 1, 2016.

- b) PGW shall calculate the quarterly filing updates for the 2016-2017 GCR period in accordance with the Commission's regulations at 52 Pa. Code § 53.64(i)(5).
- c) Attached as Appendix "A" hereto are the rates relating to this Settlement.

2) PLANALYTICS ENERGY BUYER SERVICES

PGW is permitted to continue to recover the Planalytics fee for price analysis and buying advisory services (not to exceed \$125,000) for the 2016-2017 GCR period. Continued recovery of the fee beyond the 2016-2017 GCR period must be addressed in next year's Purchased Gas Cost proceeding.

3) OFF-SYSTEM SALES MARGIN, CAPACITY RELEASE CREDIT AND ASSET MANAGEMENT MARGIN/CREDIT/FEE RETENTION

PGW is permitted to continue to retain 25% of capacity release credits (excluding capacity release to firm transportation suppliers), off-system sales margin and asset management margin/credit/fees with the remaining 75% applied as an offset to purchased gas costs.

4) E-FACTOR INTEREST ADJUSTMENT

- a) PGW will revise its proposed weighting (or time) factor to utilize a time factor numerator value of twelve months less than proposed consistent with the recommendations of I&E. By application of the time factor correction, PGW will reflect an interest adjustment dollar allowance of \$549,960 for calendar year 2015.
- b) In all future GCR filings, PGW will adopt the time factor calculation reflected in I&E Statement 1.

5) NOTICE OF FUTURE ANNUAL GCRS AND USE OF ESTIMATED DATA FOR MARCH QUARTERLY GCR

a) Consistent with the request made in PGW's Petition for Special Permission filed on January 29, 2016 (which has also been used in past proceedings), PGW requests that the Commission permit PGW to continue to proceed as follows in its 2017-2018 GCR proceedings:

- (1) provide written notice to customers by bill insert in the one-month billing cycle commencing on the date of the annual 1307(f) filing, on March 1, of a tariff addendum and tariff or tariff supplement reflecting changes in purchased gas costs and ending no later than thirty (30) days after the filing of such tariff addendum and tariff or tariff supplement, instead of beginning such notice with the one-month billing cycle commencing thirty (30) days prior to the filing of the tariff addendum and tariff or tariff supplement as required by 52 Pa. Code § 53.68(a);
- (2) in company offices in which payments are accepted, provide public notice on the date of the annual 1307(f) filing, March 1, of a tariff addendum and tariff or tariff supplement reflecting changes in purchased gas costs, instead of thirty (30) days prior to the filing of such tariff addendum and tariff or tariff supplement as required by 52 Pa. Code §§ 53.68(a) and 53.45(b); and
- (3) provide estimated data for both January and February in the March 1 quarterly 1307(f) filing instead of providing actual data for January alone as required by 52 Pa. Code § 53.64(i)(5)(i).

b) The Settling Parties do not object to PGW's request to use the public notice process and estimated data for the March 1 quarterly filing for its 2017-2018 GCR proceeding.

6) ADMISSION OF EVIDENCE

The Settling Parties stipulate to the admission of the filing, testimony and exhibits identified in Appendix "B" hereto.

IV. PROPOSED FINDINGS OF FACT

As a consequence of the Settlement terms and conditions set forth in Section III above, the Settling Parties request that the ALJ and the Commission make the following findings of fact and such other findings and conclusions as may be required as appropriate:

- 1) PGW's gas distribution system is located in Southeastern Pennsylvania in the County and City of Philadelphia. Since this is not a gas producing area, PGW and its natural gas customers are dependent upon the interstate natural gas pipeline system to deliver natural gas into the PGW gas distribution system. (PGW St. 2 at 2).
- 2) PGW relies on interstate pipelines for all natural gas supply, storage and transportation services, except for PGW's own on-system peak shaving facilities. In this regard, PGW owns and operates liquefied natural gas ("LNG") facilities that are used both to meet intraday, daily and seasonal supply needs as well as to meet peak day requirements. (PGW St. 2 at 2).
- 3) Spectra Energy's Texas Eastern Transmission and Williams' Transco Gas Pipeline are the two interstate natural gas pipelines that deliver gas to PGW's city gates. In addition, PGW uses off-system natural gas storage services to meet winter peak requirements. (PGW St. 2 at 2).
- 4) PGW pursues a least cost procurement policy using a portfolio approach in both contract structure and pricing. The portfolio approach protects ratepayers from some of the risk of natural gas market volatility by utilizing a mix of daily index priced swing contracts, physical forward purchase contracts, storage, winter-only supply contracts, and LNG, as appropriate given market conditions, and to the extent PGW is not constrained by its financial condition. (PGW St. 2 at 2-6).

- 5) PGW also uses capacity release and off-system sales when available. The prices for the off-system sales transactions are negotiated and 75% of associated credits and margins are returned to customers through the GCR. (PGW St. 2 at 6-8).
- 6) The details of PGW's actual gas purchases for the 12 months ending December 31, 2015 and an estimate of gas purchases through August of 2017 are presented in the schedules attached to Tab 1, Item 53.64(c)(1) of PGW's February 1, 2016 Pre-filing and Tabs 3 and 4 of PGW's March 1, 2016 Annual Filing.
- 7) Projected gas costs as reflected in this Settlement are based on peak-day capacity requirements at a 0 degree design day temperature. (Tab 12, Item 53.64(c)(13) of PGW's February 1, 2016 Pre-filing).
- 8) PGW is not affiliated with any pipeline or gas supply entity, nor does it have any contracts for local production. Therefore, transactions with affiliates are not an issue in this proceeding pertaining to PGW's procurement practices. (Tab 15, Item 53.65(5), PGW's February 1, 2016 Pre-filing).
- 9) PGW submitted supporting schedules as required by Section 53.64(a) in support of its GCR; the Price to Compare; and, the rates for various surcharges including the Restructuring and Consumer Education Surcharge, the Universal Service and Energy Conservation Surcharge, the Other Post Employment Benefit Rider Surcharges. (PGW St. 1 at 4-7)
- 10) PGW provided the results of an evaluation of the monthly imbalance reconciliation for all suppliers for Fiscal Year 2015, which concluded that GCR customers are adequately protected. (PGW St. 2 at 10-12).

11) PGW is currently developing a pool trading mechanism to improve the balancing mechanism and enhance current customer protection rules and regulations. (PGW St. 2 at 12).

V. PROPOSED CONCLUSIONS OF LAW

1) Historical Reconciliation Period Standards

With respect to PGW's gas purchases and gas purchasing practices during the twelve-month historical reconciliation period ended December 31, 2015,² it is requested that the ALJ and the Commission find that PGW has met the standards of Section 1318 of the Public Utility Code, 66 Pa.C.S. § 1318, as required by Section 1307(f)(5) of the Public Utility Code, 66 Pa.C.S. § 1307(f)(5), as to all actual purchased gas costs in the historical period. It is requested that the Commission find that, during the twelve months ended December 31, 2015, PGW met the requirements of Section 1318(a) of the Public Utility Code by pursuing a least-cost fuel procurement policy, consistent with its obligation to provide safe, adequate and reliable service to its customers.

2) Interim and Projected Period Findings

a) With respect to the eight-month interim period beginning on January 1, 2016, and with respect to the projected twelve-month period beginning September 1, 2016, when rates contained in this Settlement will be in effect, it is requested that the Commission find, based upon information presently available and based upon evidence of record in this proceeding concerning PGW's projected purchases and purchasing policies, that the rates to be adopted by the Commission result from PGW's compliance with all of the provisions of Section 1318 of the Public Utility Code.

² The reconciliation period for PGW in this proceeding is the twelve-month period ended December 31, 2015, in accordance with the Commission's regulations at 52 Pa. Code § 53.64(i)(1).

b) The Settling Parties agree, based upon evidence of record in this proceeding concerning PGW's projected gas purchases and gas purchasing policies, that PGW's projected gas purchases and projected gas purchasing policies comply with the standards of Section 1318 of the Public Utility Code. Nevertheless, it is expressly understood and agreed that this Section of the Settlement, Section V.2., is made solely for the purpose of setting prospective rates that shall be subject to the standards of Section 1318 of the Public Utility Code, 66 Pa.C.S. § 1318, and further review in an appropriate future proceeding. Section V.2. of the Settlement is not intended in any way to limit or prevent I&E or OCA from reviewing, after such projected gas purchases actually have been made and gas purchasing practices actually have been implemented, whether PGW's gas purchases and gas purchasing practices complied with Section 1318. If, in an appropriate future proceeding, gas purchases and gas purchasing practices from January 1, 2016 through August 31, 2016 were challenged, the Commission's findings based upon Section V of the Settlement shall not bar the examination of such purchases and practices, including, but not limited to, disallowance of, or reductions to, such costs during the eight-month interim period commencing January 1, 2016, and the twelve-month application period commencing September 1, 2016, and ending on August 31, 2017.

VI. CONDITIONS OF SETTLEMENT

1) This Settlement will go into effect upon the Commission's entry of a final order approving the Settlement, in full and without modification. If the Commission rejects the Settlement, the Agreement automatically will terminate and be null and void with the exception of paragraph 3 below, which will continue in full force and effect. The Settlement also shall automatically become null and void (except for paragraph 3, below) if the Commission, in approving the Settlement, modifies any of its terms or conditions or adds any conditions,

unless it is subsequently accepted by the aggrieved signatory party, or parties, as so modified.

If the Commission approves the Settlement in full and without modification, the Stipulation:

- a) shall be deemed to resolve with prejudice all issues addressed by this Settlement; and
 - b) shall be implemented and shall be enforceable notwithstanding the pendency of a petition for reconsideration or a legal challenge to the Commission's approval, unless such implementation and enforcement of the Settlement is stayed or enjoined by the Commission, another regulatory agency, or a Court having competent jurisdiction over the matter.
- 2) This Settlement is made without admission against or prejudice to any factual or legal positions which any of the signatories hereto may assert in subsequent litigation in the event that the Commission does not issue a final Order approving this Settlement in full and without modification. If the Commission does not adopt this Settlement in accordance with the terms set forth herein, the Settling Parties reserve their full right to argue that the Commission is without the legal authority to order the implementation of all or part of the terms and conditions set forth herein and no party shall be deemed to have waived or be estopped from asserting such a position before the Commission or before any court.
- 3) This Settlement Petition may be executed in counterparts, all of which shall constitute one agreement binding on all signatories, and shall have the same force and effect as an original instrument, notwithstanding that the signatories may not be signatories to the same original or the same counterpart.
- 4) Each of the Settling Parties will submit a Statement in Support of this Settlement.

- 5) The Settling Parties agree to waive exceptions to the ALJ's recommended decision if the ALJ recommends that the Joint Petition for Settlement of Philadelphia Gas Works' 2016-2017 GCR Proceeding be approved without change or modification.³

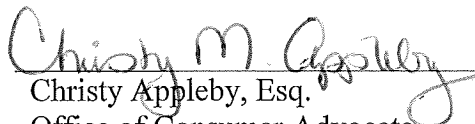
VII. CONCLUSION

WHEREFORE, the Settling Parties, by their respective counsel, respectfully request as follows:

- 1) That Administrative Law Judge Marta Guhl and the Commission approve this Settlement including all terms and conditions thereof; and
- 2) That the Commission enter an order consistent with this Settlement, resolving and terminating the 2016-2017 GCR proceeding.

Of Counsel:

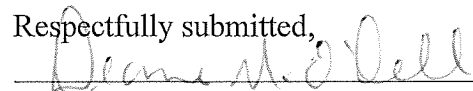
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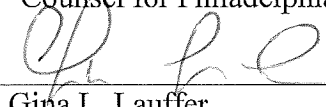
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³ See Appendix C – Sample Ordering Paragraphs for the Recommended Decision.

APPENDIX A

<u>Gas Cost Rate</u>	
	<u>9/1/2016</u>
Rate per Mcf	\$3.7967
<u>Universal Services Surcharge</u>	
	<u>9/1/2016</u>
Rate per Mcf	\$1.1095
<u>Other Post Employment Benefit Surcharge</u>	
	<u>9/1/2016</u>
Rate per Mcf	\$0.3450

APPENDIX B

Stipulated Record

- 1) PGW's February 1, 2016 Pre-filing Information;
- 2) PGW's Petition for Special Permission to Depart from Certain Requirements of 52 Pa. Code Sections 53.45(b), 53.64(c), 53.68(a) and 53.64(i)(5)(i);
- 3) PGW's March 1, 2016 Annual GCR Filing;
- 4) PGW St. 1, Direct Testimony of Kenneth S. Dybalski dated March 1, 2016
- 5) PGW St. 2, Direct Testimony of Raymond M. Snyder dated March 1, 2016
- 6) I&E Statement No. 1, the Direct Testimony of Lisa A. Gumby and I&E Exhibit No. 1, the Exhibit Accompanying the Direct Testimony of Lisa A. Gumby

APPENDIX C

Sample Ordering Paragraphs for Recommended Decision

- 1) The Joint Petition for Settlement of Philadelphia Gas Works' 2016-2017 GCR Proceeding submitted by the Philadelphia Gas Works, the Bureau of Investigation and Enforcement and the Office of Consumer Advocate is approved.
- 2) Philadelphia Gas Works is authorized to file a tariff supplement to reflect rates and terms consistent with this order to be effective for services rendered on or after September 1, 2016, subject to quarterly adjustments permitted by Commission regulations, including a quarterly adjustment to be effective on September 1, 2016, to reflect actual experience and changes in forecasted natural gas prices.
- 3) Philadelphia Gas Works is permitted to continue to recover the Planalytics fee for price analysis and buying advisory services (not to exceed \$125,000) for the 2016-2017 GCR period. Continued recovery of the fee beyond the 2016-2017 GCR period must be addressed in next year's Purchased Gas Cost proceeding.
- 4) Philadelphia Gas Works is permitted to continue to retain 25% of capacity release credits, off-system sales margin and asset management margin/credit/fees with the remaining 75% applied as an offset to purchased gas costs.
- 5) Philadelphia Gas Works is permitted to revise its proposed weighting (or time) factor to utilize a time factor numerator value of twelve months less than proposed and to utilize this time factor for future overcollections.
- 6) Philadelphia Gas Works is permitted to proceed as follows in its 2017-2018 GCR proceedings:
 - (1) provide written notice to customers by bill insert in the one-month billing cycle commencing on the date of the annual 1307(f) filing, on March 1, of a tariff addendum and tariff or tariff supplement reflecting changes in

purchased gas costs and ending no later than thirty (30) days after the filing of such tariff addendum and tariff or tariff supplement, instead of beginning such notice with the one-month billing cycle commencing thirty (30) days prior to the filing of the tariff addendum and tariff or tariff supplement as required by 52 Pa. Code § 53.68(a);

- (2) in company offices in which payments are accepted, provide public notice on the date of the annual 1307(f) filing, March 1, of a tariff addendum and tariff or tariff supplement reflecting changes in purchased gas costs, instead of thirty (30) days prior to the filing of such tariff addendum and tariff or tariff supplement as required by 52 Pa. Code §§ 53.68(a) and 53.45(b); and
- (3) provide estimated data for both January and February in the March 1 quarterly 1307(f) filing instead of providing actual data for January alone as required by 52 Pa. Code § 53.64(i)(5)(i).

- 5) The Commission investigation at Docket R-2016-2526700 is terminated and shall be marked closed.
- 6) The formal complaints at docket numbers C-2016-2531250 and C-2016-2532678 are deemed satisfied and shall be marked closed.