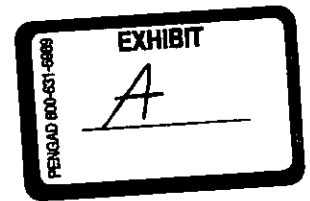


COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 11, 2008



SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 13

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

PRAYER

REV. RICHARD A. CLARK, Guest Chaplain of the House of Representatives, offered the following prayer:

Representatives of the House and visitors, may we be in an attitude of prayer.

Most Holy One, You whom we call by many different names, we have gathered once more in this chamber in Your presence, coming in from the frigid winds and cold of winter, gathering from our many places around this State to ask Your blessing upon our session as we exchange ideas, debate, and deliberate laws and do the work of the people of this Commonwealth. May the surroundings of this chamber remind us of the diversity and the spirit of welcome for those of different religions, cultures, and people that has been the heritage of our Commonwealth. And may we be renewed in our sense of responsibility to those who elected us to this place of privilege and responsibility, trusting that what we do is right and good for all Your people.

We pray for the wisdom to do Your will. We pray that in our deliberations, our thoughts, and our efforts, as well as the work of all those who support us in doing the work of this body, and especially during those times when the heat and passion of debate roll over us, we may once more be reminded that You have created each and every one of us in Your image, and that when You had finished creation, You pronounced it very good.

This is our prayer not only for ourselves but for our brothers and sisters in the Senate and our Governor, but also remembering those in the Congress of these United States and our President as well as those everywhere whom You have called to the work of governing. May we prove ourselves worthy of the trust given to us for this task. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, February 7, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests of leaves of absence. The Chair recognizes the majority whip, who requests that Representative SHIMKUS from Lackawanna County be placed on leave for the day. The Chair sees no objection. The leave will be granted.

The Chair recognizes the minority whip, who indicates that there are no requests.

Members will report to the floor.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT-202

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Rubley
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	Mclhattan	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Mensch	Scavello
Bianucci	Godshall	Metcalfe	Schroder
Bishop	Goodman	Micozzie	Seip
Blackwell	Grell	Millard	Shapiro
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti

Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kaufman	Payton	Thomas
Curry	Keller, M.	Peifer	True
Cutler	Keller, W.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walke
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longiotti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Readshaw	Youngblood
Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D.,
Frankel	Mann	Rock	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Shimkus

LEAVES ADDED—5

Harper	Micozzie	Perzel	Taylor, J.
Metcalf			

LEAVES CANCELED—2

Metcalf	Taylor, J.
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The SPEAKER. A quorum being present, the House will proceed to conduct business.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major for an announcement.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to ask all Republicans to please report back to our caucus room. We will continue caucus until we are asked to come back to the floor.

Thank you. Thank you, Mr. Speaker.

The SPEAKER. The House will be at ease until notified by the leaders of the adjournment of the caucus.

The House will come to order.

FIRST PROGRAM STUDENTS INTRODUCED

The SPEAKER. The Chair recognizes Representative Harkins for the purpose of an introduction.

Mr. HARKINS. Thank you, Mr. Speaker.

Mr. Speaker, it is with great pride today that I bring an Erie delegation down through a frightening snowstorm last evening

on 79. They made the trek from Collegiate Academy up in Erie in my district.

They are up in the gallery; they are seated in the gallery. The student leader is Adam Last, and Adam, along with seven of his team members; I will read them off: Molly Homchenko, Erica DiLuzio, Alexandra Pfadt, Tom Pomorski, John Curtin, Chris Wehrer, and Emily Last. And also their mentor, Peter Reed, and parent Mike Wehrer are seated up in the gallery. If we could give them a round of applause, please.

We had the good fortune this morning of meeting with the Lieutenant Governor, and Catherine Baker Knoll was gracious enough to allow them at least an hour of time, and they had a chance to give their presentation. It is a very worthwhile program that I plan to introduce to the House Education Committee as well as the Senate Education Committee. I look forward to working with my colleagues to bring them and their mentors and everybody else to the table and let the people see where our tax dollars are going and how well worthy they are being spent.

Thank you again, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease until notified by the leaders.

The House will come to order.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative PERZEL be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2230, PN 3215 (Amended) By Rep. D. EVANS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing the Protecting Pennsylvania's Progress Program.

APPROPRIATIONS.

HB 2231, PN 3191 By Rep. D. EVANS

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 949, PN 2933 By Rep. D. EVANS

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification,

for surrender of suspended or revoked certificate, for penalties and for injunctive relief.

APPROPRIATIONS.

HB 1188, PN 3011

By Rep. D. EVANS

An Act amending the act of July 2, 1993 (P.L.345, No.48) entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension." further providing for civil penalties; and making related repeals.

APPROPRIATIONS.

HB 1199, PN 3012

By Rep. D. EVANS

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for definitions, for State Board of Physical Therapy and its powers and duties, for training and license required and exceptions, for application for license, for qualifications for license and examinations, for renewal of license and for reporting of multiple licensure; providing for continuing education; further providing for practice of physical therapy, for physical therapy assistant, education and examination, scope of duties and registration and for supportive personnel; repealing provisions relating to Athletic Trainer Advisory Committee and certification of athletic trainers and certification renewal, revocation and suspension; and further providing for refusal or suspension or revocation of license, for automatic suspension, for temporary suspension, for subpoenas, reports and surrender of license, for penalties and injunctive relief and for impaired professional.

APPROPRIATIONS.

HB 1257, PN 2934

By Rep. D. EVANS

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; defining "certified dental assistant"; further providing for general powers of the State Board of Dentistry, for fees, for reason for refusal, revocation or suspension of license or certificate, for penalties, for civil penalties, for right of dentists to practice as dental hygienists and expanded function dental assistants, for reporting of multiple licensure or certification and for the definition of "assignment of duties"; and providing for scope of practice of expanded function dental assistant and for scope of practice for certified dental assistant.

APPROPRIATIONS.

HB 1999, PN 3014

By Rep. D. EVANS

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants and for respiratory care practitioners.

APPROPRIATIONS.

HB 2051, PN 3015

By Rep. D. EVANS

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants and for respiratory care practitioners; and making inconsistent repeals.

APPROPRIATIONS.

HB 2200, PN 3176

By Rep. D. EVANS

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for adoption of energy efficiency and demand-side response.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on a supplemental calendar.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 584 By Representatives CRUZ, YOUNGBLOOD, GALLOWAY, M. O'BRIEN, JAMES, BUXTON, BRENNAN, SAINATO, GIBBONS, GEORGE, McGEEHAN, SIPTROTH, READSHAW, DePASQUALE, PARKER, MANN, BELFANTI, PHILLIPS, LEACH, JOSEPHS, DALEY, MURT, PALLONE, KULA and MILNE

A Resolution urging the Congress of the United States to declare March 31, 2008, a national holiday in honor of the late, great farm worker leader Cesar E. Chavez.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 11, 2008.

No. 590 By Representatives BENNINGTON, GINGRICH, ROAE, BENNINGHOFF, HUTCHINSON, WAGNER, SWANGER, HORNAMAN and McILHATTAN

A Resolution amending the 2007-2008 House Rules by providing for term limits for chairs of standing committees.

Referred to Committee on RULES, February 11, 2008.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2232 By Representatives M. KELLER, BOYD, CLYMER, CREIGHTON, CUTLER, EVERETT, FAIRCHILD, GINGRICH, GRELL, KAUFFMAN, MAHER, MARSICO, MOUL, NAILOR, PICKETT, REICHLEY, ROSS, SAYLOR, SCHRODER, BAKER, DENLINGER, FLECK, GILLESPIE, HARRIS, HERSHEY, R. MILLER, PEIFER, PERRY, RAPP, ROCK, R. STEVENSON and SWANGER

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for administration.

Referred to Committee on LABOR RELATIONS, February 11, 2008.

No. 2234 By Representatives ADOLPH, BARRAR, CIVERA, KILLION, MICOZZIE, RAYMOND, BRENNAN, FRANKEL, HARPER, HERSHEY, HORNAMAN, JOSEPHS, W. KELLER, KENNEY, KING, LEACH, MANN, MANTZ, McGEEHAN, MELIO, R. MILLER, MILNE, MURT, MYERS, O'NEILL, PETRI, PRESTON, READSHAW, REICHLEY, SABATINA, SCHRODER, SIPTROTH, SONNEY, STURLA, SWANGER, J. TAYLOR, THOMAS, WATSON, YOUNGBLOOD and HENNESSEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, making an editorial change.

Referred to Committee on JUDICIARY, February 11, 2008.

No. 2235 By Representatives MANTZ, ARGALL, BAKER, BARRAR, BASTIAN, BENNINGHOFF, BOBACK, BOYD, CALTAGIRONE, CIVERA, CLYMER, COHEN, CREIGHTON, DALEY, DALLY, DeWEESE, DiGIROLAMO, J. EVANS, EVERETT, GABIG, GEORGE, GIBBONS, GILLESPIE, GODSHALL, GRUCELA, HANNA, HENNESSEY, HERSHEY, HUTCHINSON, JAMES, KAUFFMAN, M. KELLER, KILLION, KOTIK, LONGIETTI, MANDERINO, MARKOSEK, MARSHALL, MARSICO, McILHATTAN, McILVAINE SMITH, MICOZZIE, MILLARD, MOUL, MOYER, MURT, NAILOR, O'NEILL, PAYTON, PYLE, REED, REICHLEY, ROEBUCK, ROHRER, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, K. SMITH, S. H. SMITH, STAIRS, STURLA, SWANGER, VULAKOVICH, YOUNGBLOOD, HARHART, DENLINGER and HARPER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for municipal service grants; and making an appropriation.

Referred to Committee on EDUCATION, February 11, 2008.

No. 2237 By Representatives TANGRETTI, ROSS, FREEMAN, KESSLER and GINGRICH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for compensation of council members and for salary of mayor.

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

No. 2238 By Representatives TANGRETTI, KESSLER, FREEMAN, ROSS and GINGRICH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for compensation of commissioners.

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

No. 2239 By Representatives TANGRETTI, ROSS, FREEMAN, KESSLER and GINGRICH

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for compensation of supervisors.

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

No. 2240 By Representatives FAIRCHILD, ARGALL, BAKER, BARRAR, BASTIAN, BENNINGHOFF, BOBACK, BOYD, BRENNAN, CAPPELLI, CAUSER, CLYMER, COHEN, CUTLER, DALLY, DENLINGER, EVERETT, GEIST, GEORGE, GINGRICH, GODSHALL, GRUCELA, HALUSKA, HARHAI, HARPER, HARRIS, HELM,

HENNESSEY, HERSHEY, HESS, HORNAMAN, JAMES, KENNEY, KILLION, KING, LENTZ, MANTZ, McGEEHAN, MELIO, MICOZZIE, R. MILLER, MILNE, MOUL, MURT, NAILOR, PASHINSKI, PETRARCA, PETRONE, PHILLIPS, READSHAW, REICHLEY, ROEBUCK, RUBLEY, SAYLOR, SCHRODER, SIPTROTH, SONNEY, SURRA, J. TAYLOR, THOMAS, VULAKOVICH, WANSACZ, J. WHITE, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 2008.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 295, PN 1739

Referred to Committee on TRANSPORTATION, February 11, 2008.

SB 776, PN 1740

Referred to Committee on STATE GOVERNMENT, February 11, 2008.

SB 987, PN 1741

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

SB 1019, PN 1711

Referred to Committee on PROFESSIONAL LICENSURE, February 11, 2008.

SB 1201, PN 1742

Referred to Committee on TRANSPORTATION, February 11, 2008.

ALLENTOWN CENTRAL CATHOLIC GIRLS VOLLEYBALL TEAM INTRODUCED

The SPEAKER. The Chair recognizes Representative Jennifer Mann for the purposes of an introduction.

Miss MANN. Thank you, Mr. Speaker, and good morning.

It is really my privilege this morning to introduce some very accomplished young women to all of you and hope that you will join me in celebrating their most recent accomplishment. I am joined this morning by colleagues, Representative Karen Beyer and Representative Julie Harhart. The truth is that most of the delegation from all of Lehigh County can celebrate in this victory because today I am proud to present to you the PIAA AAA State Champion girls volleyball team from Allentown Central Catholic. These are the Vikettes. Let us welcome them to the hall of the House. Ladies, please stand; please stand.

Allow me just to tell you a little bit about the extent of the accomplishments of this fantastic team. I am also joined here this morning by coach Laurie Corcoran and captains Erin Leaser and Kelsey Semler.

Let me tell you just a little bit about these folks. This is the second State championship for Central Catholic High School in volleyball. The last one was in 2001. But this season they achieved their overall record of 29 and 1 and were 16 and 0, undefeated, in their conference. They won the Lehigh Valley Conference Championship for the sixth straight year, and for the seventh straight year won the District XI Championship. This senior class has won 109 matches, only losing 5 times in 4 years, and that is a winning percentage of 96. I think we would all take that in November.

Ladies and gentlemen, I think that what we have seen from these young women is really what it takes. They talked about their motto this year was, it takes teamwork to make the dream work, and they worked very hard and really leaned on each other to accomplish a mutual goal, and I think that they are truly not only great athletes but great role models for other young women and for all the students at Allentown Central Catholic and throughout the Lehigh Valley.

So again I want to thank these women and their coaches seated in the back, Rob McFadden and Angela Myles, and everybody that helped to make such a great year a success for this volleyball team and giving us a great sense of pride in the city of Allentown and throughout the Lehigh Valley, the 2007 PIAA AAA State Champion volleyball team, Allentown Central Catholic Vikettes.

Thank you very much.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to acknowledge that Representative Dick Stevenson is celebrating his birthday today. Congratulations, Representative Stevenson.

STATEMENT BY MR. SIPTROTH

The SPEAKER. The Chair would like to welcome back Representative Siptroth, and the Chair would like to recognize Representative Siptroth under the provision of unanimous consent. The floor is yours.

Mr. SIPTROTH. Do you object, Mr. King?

Thank you very much, Mr. Speaker. Thank you very much, members of the Pennsylvania House.

It is certainly a great feeling to be back. I just want to say thank you for all of your cards, your well wishes; to the leadership, especially for the flowers – thank God it was not my funeral – and the fruit baskets, all those good foods, and also to all of the staff folks on both sides of the aisle. I got many, many cards and many, many e-mails and many best wishes, and to the folks that are watching from the back in the little room with the TV, also from them as well.

So again, Mr. Speaker, I want to thank you. I want to thank my Harrisburg staff and my district office staff for picking up the slack while I was gone and also those individuals from Monroe County and Pike County, my colleagues up there, for offering their assistance in my absence.

Thank you again.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. M. KELLER called up **HR 587, PN 3203**, entitled:

A Resolution designating the week of February 16 through 23, 2008, as "FFA Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Mark Keller on the resolution.

Mr. M. KELLER. Thank you, Mr. Speaker.

It gives me great pleasure to have with us today the State officers of the FFA (Future Farmers of America) sitting in the back of the House floor here, if they would please rise, and give them a round of applause.

As I said, this resolution designates the week of February 16 through the 23d as "FFA Week" in Pennsylvania. Future Farmers of America, now the National FFA Organization, has grown from its agricultural beginnings into a broad-spectrum leadership incubator, and the FFA creed expresses belief in the future of agriculture: "with a faith born not of words but of deeds."

In this 21st century, we welcome young women and men with diverse backgrounds to become our future leaders of this great Commonwealth.

I encourage all of you to please support this resolution on behalf of the FFA, the State leaders. I appreciate your taking care of this and seeing that we do recognize them because they are our future.

Thank you.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McL. Smith	Santoni
Benninghoff	Gibbons	Melthattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalf	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Siptroth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	Smith, M.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra

Cohen	Hickemell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitafi
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnarowski
Evans, D.	Longicetti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS-0

NOT VOTING-0

EXCUSED-2

Perzel Shimkus

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2200, PN 3176**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for adoption of energy efficiency and demand-side response.

On the question,
Will the House agree to the bill on second consideration?

Mr. **FREEMAN** offered the following amendment No. **A05751**:

Amend Sec. 2 (Sec. 2806.1), page 4, lines 7 and 8, by striking out "in whose service territory the programs are implemented." and inserting

from all sources, including default service generation revenues as of January 1, 2007.

Amend Sec. 2 (Sec. 2806.1), page 9, by inserting between lines 3 and 4

(j) By May 31, 2011, total annual deliveries to retail customers of electric distribution companies shall be reduced by a minimum of 1%. This load reduction shall be measured against the expected load forecasted by the commission for June 1, 2010, through May 31, 2011.

based on load for the period June 1, 2007, through May 31, 2008, with provision made for weather adjustments and extraordinary load that the electric distribution company must serve. The commission shall determine and make public the forecasts to be used for each electric distribution company no later than August 31, 2008. The program administrator shall ensure that a third-party entity meets the goals contained in this section through the implementation of a program of energy efficiency measures throughout the service territory of the electric distribution company.

Amend Sec. 2 (Sec. 2806.1), page 9, line 4, by striking out "(i)" and inserting

(ii)

Amend Sec. 2 (Sec. 2806.1), page 9, line 6, by inserting a period after "2.5%"

Amend Sec. 2 (Sec. 2806.1), page 9, lines 6 through 8, by striking out "WITH PROVISIONS MADE FOR" in line 6, all of line 7 and "ELECTRIC DISTRIBUTION COMPANY MUST SERVE." in line 8

Amend Sec. 2 (Sec. 2806.1), page 9, line 12, by inserting after "2008"

, with provision made for weather adjustments and extraordinary load that the electric distribution company must serve

Amend Sec. 2 (Sec. 2806.1), page 9, line 20, by striking out "(ii)" and inserting

(iii)

Amend Sec. 2 (Sec. 2806.1), page 9, line 28, by striking out "(iii)" and inserting

(iv)

On the question,
Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Freeman on the amendment.

Mr. **FREEMAN**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does a number of things. First, it adds clarifying language dealing with the 2-percent cost cap that is currently contained in the legislation. It would add generation to the list of items that go into calculating the final figure. Currently it only deals with transmission and distribution, but we add generation, and generation makes up roughly 60 percent of the revenues of a public utility. So it is important to put generation in to make sure that we have a higher figure to work off of.

Second, we add an incremental figure of 1 percent. Currently in the bill the goal, or target goal, is going to be 2.5 percent, in terms of target, of making demand go down by 2013, and we have an interim goal of 1 percent that would kick in in 2011, and that is important to provide for in this legislation as a means of expediting the efforts on the part of the electric utility companies to put in place their efforts to reduce demand and to make conservation a real priority.

And third, we provide language in this amendment to deal with the issue of adjusting the figure, the load figure, based on weather conditions and the like, those kinds of extraordinary factors that are beyond the control of the utility company, in order to take that into consideration.

I would urge a "yes" vote on this amendment.

The **SPEAKER**. Representative Ross, on the amendment.

Mr. **ROSS**. Thank you, Mr. Speaker.

I believe this is a good amendment, and I intend to support it.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Madam Speaker – Mr. Speaker.

The SPEAKER. The Chair will remind the gentleman to be judicious in his comments.

Mr. McCALL. I was referring to Sue, Mr. Speaker.

Mr. Speaker. I would also ask for an affirmative vote on the Freeman amendment.

It does a number of things, but more importantly, it accelerates the energy efficiency goals as set in HB 2200 and implements that 1-percent reduction by 2011, and I think what that does, it ensures that the implementation of the 2.5 goal, that they can in fact meet that goal and we could benchmark that early on in 2011 to see that they are well on their way to implementation of the 2 1/2-percent conservation goal as set in HB 2200.

But I think, more importantly, that it can in fact help customers mitigate rate increases as they come off in 2010 by having the conservation measure of 1 percent implemented before those caps come off, and I would ask for an affirmative vote on the Freeman amendment.

The SPEAKER. Representative Bud George.

Mr. GEORGE. Mr. Speaker, I would echo the sentiments of the gentleman, Mr. McCall. It would seem, and hopefully I am right, that the big wall has gone down and we are about to pursue what those of us on both sides of the aisle feel is most necessary in regard to conservation, in regard to controlling the spiraling of electric rates, and I would urge the passage of this amendment.

Thank you.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Manderino	Rohrer
Argall	Freeman	Mann	Ross
Baker	Gabig	Mantz	Rubley
Barrar	Galloway	Markosek	Sabatina
Bastian	Geist	Marshall	Sainato
Bear	George	Marsico	Samuelson
Belfanti	Gerber	McCall	Santoni
Benninghoff	Gergely	McGeehan	Saylor
Bennington	Gibbons	Mel. Smith	Scavello
Beyer	Gillespie	Mellhattan	Schroder
Biancucci	Gingrich	Melio	Seip
Bishop	Godshall	Mensch	Shapiro
Blackwell	Goodman	Micozzie	Siptroth
Boback	Grell	Millard	Smith, K.
Boyd	Grucela	Miller	Smith, M.
Brennan	Haluska	Milne	Smith, S.
Brooks	Hanna	Moul	Solobay
Buxton	Harhai	Moyer	Sonney
Caltagirone	Harhart	Mundy	Staback
Cappelli	Harkins	Murt	Stairs
Carroll	Harper	Mustio	Steil
Casorio	Harris	Myers	Stern
Causser	Helm	Nailor	Stevenson
Civera	Hennessey	Nickol	Sturla
Clymer	Hershey	O'Brien, M.	Surra
Cohen	Hess	O'Neill	Swanger
Conklin	Hickernell	Oliver	Tangretti
Costa	Hornaman	Pallone	Taylor, J.
Cox	Hutchinson	Parker	Taylor, R.
Creighton	James	Pashinski	Thomas
Cruz	Josephs	Payton	True

Curry	Kauffman	Peifer	Turzai
Cutler	Keller, M.	Petrarca	Vereb
Daley	Keller, W.	Petri	Vitafi
Dally	Kenney	Petrone	Vulakovich
DeLuca	Kessler	Phillips	Wagner
Denlinger	Killion	Pickett	Walko
DePasquale	King	Preston	Wansacz
Dermody	Kirkland	Pyle	Waters
DeWeese	Kortz	Quigley	Watson
DiGirolamo	Kotik	Quinn	Wheatley
Donatucci	Kula	Ramaley	White
Eachus	Leach	Rapp	Williams
Ellis	Lentz	Raymond	Wojnaroski
Evans, D.	Levdansky	Readshaw	Yewcic
Evans, J.	Longietti	Reed	Youngblood
Everett	Mackereth	Reichley	Yudichak
Fabrizio	Maher	Roae	
Fairechild	Mahoney	Rock	O'Brien, D., Speaker
Fleck	Major	Roebuck	

NAYS—3

Metcalf	Payne	Perry
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NOT VOTING—0

EXCUSED—2

Perzel	Shimkus
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question.

Will the House agree to the bill on second consideration as amended?

Mr. FREEMAN offered the following amendment No. **A05807**:

Amend Title, page 1, line 2, by striking out "and"

Amend Title, page 1, line 4, by removing the period after "response" and inserting

: and further providing for duties of electric distribution companies.

Amend Sec. 1 (Sec. 2803), page 3, line 3, by striking out all of said line and inserting

"Real-time price." A rate that directly reflects the different cost of energy during each hour.

"Smart meter technology." Technology, including, but not limited to, metering technology and network communications technology capable of bidirectional communication and that records electricity usage on at least an hourly basis, including related electric distribution system upgrades to enable the technology. The technology shall provide customers with direct access to and use of price and consumption information. The technology shall also:

(1) Directly provide customers with information on their hourly consumption.

(2) Enable time-of-use rates and real-time price programs.

(3) Effectively support the automatic control of the customer's electricity consumption by one or more of the following as selected by the customer:

- (i) the customer;
- (ii) the customer's utility; or

(iii) a third party engaged by the customer or the customer's utility.

"Time-of-use rate." A rate that reflects the costs of serving customers during different time periods, including off-peak and on-peak periods, but not as frequently as each hour.

Amend Bill, page 13, by inserting between lines 22 and 23

Section 3. Section 2807(e) of Title 66 is amended by adding a paragraph to read:

§ 2807. Duties of electric distribution companies.

(e) Obligation to serve.—***

(6) (i) Within nine months after the effective date of this paragraph, electric distribution companies shall file a smart meter technology procurement and installation plan with the commission for approval and make the plan available for public comment for a minimum of 30 days. The plan shall describe the smart meter technologies the electric distribution company proposes to install, how the smart meter technology meets the requirements of this paragraph and how the smart meter technology shall be installed according to this paragraph. In addition, the plan shall ensure that all smart meter technology installation and maintenance work shall be performed by adequately trained and qualified personnel and that, to the extent practical, such work shall be offered initially to employees of the electric distribution company.

(ii) Electric distribution companies shall furnish smart meter technology to:

(A) Customers responsible for 40% of the distribution company's annual peak demand within four years after the effective date of this paragraph.

(B) Customers responsible for 75% of the distribution company's annual peak demand within six years after the effective date of this paragraph.

(C) One hundred percent of its customers within ten years after the effective date of this paragraph.

Electric distribution companies shall, with customer consent, make available electronic access to customer meter data to third parties, including electric generation suppliers and providers of conservation and load management services.

(iii) Electric distribution companies shall be permitted to recover all reasonable and prudent costs, as determined by the commission, of providing smart meter technology, including annual depreciation and capital costs over the life of the smart meter technology, that are incurred after the effective date of this paragraph, less all operating and capital costs savings realized by the electric distribution company from the introduction and use of the smart meter technology. An electric distribution company may, at its option, recover such smart meter technology costs:

(A) through base rates, including a deferral for future base rate recovery of current costs, with carrying charges equal to 6%; or

(B) on a full and current basis through a reconcilable automatic adjustment clause under section 1307 (relating to sliding scale of rates; adjustments).

In no event shall lost or decreased revenues by an electric distribution company due to reduced electricity consumption or shifting energy demand be considered a cost of smart meter technology. Smart meter technology shall be deemed to be a new service offered for the

first time under section 2804(4)(vi) (relating to standards for restructuring of electric industry).

(iv) By January 1, 2010, or at the end of the applicable generation rate cap period, whichever is later, a default service provider shall submit to the commission one or more proposed time-of-use rates and a real-time price plan. The commission shall approve or modify the time-of-use rates and real-time price plan within six months of submittal. The default service provider shall offer commission-approved time-of-use rates and a real-time price plan to all residential and commercial customers that have been provided with smart meter technology within 60 days of installation of the smart meter technology or commission approval of the time-of-use rates and a real-time price plan, whichever is later. Customer participation in time-of-use rates or real-time pricing shall be voluntary and shall only be provided with the affirmative consent of the customer. The default service provider shall submit an annual report to the commission on the participation in the time-of-use and real-time price programs and the efficacy of the programs in affecting energy demand and consumption and the effect on wholesale market prices.

(v) For purposes of this paragraph, the term "electric distribution company" shall mean a public utility providing facilities for the jurisdictional transmission and distribution of electricity to 100,000 or more retail customers in this Commonwealth.

Amend Sec. 3, page 13, line 23, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Freeman on the amendment.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require that all public utilities, electric utilities, install smart meters for residential and business customers across the Commonwealth. Smart meters are a very important technology which is available to us, which would save both customers and utilities a considerable amount of money by allowing the customer to be able to opt in – and it is optional – in to a purchasing process where they could purchase their electricity at off-peak hours, thereby saving on cost.

Currently the electric rate that all of us receive as utility customers is an averaging of peak-hour costs, which are high, and off-peak-hour costs, which are low. With smart meters, which are a bidirectional mechanism to let both the utility know when electricity is being used and also the customer, the customer has the option of being able to purchase their electricity at off-peak periods at considerable savings to them in terms of their electric utility bill.

In terms of the provision of the amendment, the utility companies would be required to file procurement plans with the PUC (Public Utility Commission), I believe within a 9-month period. They would have to provide for the installation of these meters by people who have been trained, giving the current employees of those utility companies the opportunity to do that work. There would be a phase-in of the smart meters over a 10-year period – 40 percent in the first 4 years, 75 percent in the 6-year period, with 100 percent at the end of the 10-year period.

Obviously, a utility company would be able to recover their costs for the installation of these meters, but only their net cost.

and there is a tremendous savings to the utility company. In fact, when PPL, which is one of the utility companies that actually has installed smart meters, installed their meters, it was their belief that the meters actually paid for themselves. So there was little cost to be passed on to the utility customer.

I should note, too, that the customers will not be billed for the smart meter. It becomes part of the rate base and one that the utility company would have to file for, but it is important to note that there are savings both for the utility customer as well as for the utility company.

Within this amendment is the time-of-use plan, which I mentioned or referred to earlier. The customer would be able to purchase their electricity at off-peak periods, and that is important. That is a cheaper period of time in which to get your electricity. So there are quite a bit of savings that can be realized by the consumer by using the smart meter technology and opting in to that plan.

Smart meters are already used in a number of sections of the State. As I mentioned, PPL has installed smart meters at a considerable savings to their customers as well as to the utility company. Smart meters allow customers, as I mentioned, to voluntarily sign up for that optional plan to buy their electricity at off-peak periods, and it has been shown that if only 1 percent of utility customers were to use the smart meter technology to reduce their cost of electricity, it could mean a savings of 10 percent overall for all utility customers.

Smart meters also benefit the utility company in providing for better knowledge as to blackouts, as to thefts, as to being able to address and cut down on consumer complaints. Smart meters truly are a win-win proposition for the utility customers here in Pennsylvania and also for those who generate the electricity because it will save them on the amount of money that needs to go in to creating new generating facilities and transmission lines.

I would urge a "yes" vote for this conservation measure.

The SPEAKER. Representative Pyle, on the amendment.

Mr. PYLE. Will the maker of the amendment please answer a few questions?

The SPEAKER. The gentleman, Representative Freeman, indicates he will stand for interrogation. Representative Pyle is in order and may proceed.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker. I am having trouble here understanding this bidirectional communication ability. What vehicle might be used to enable this communication?

Mr. FREEMAN. The smart meter.

Mr. PYLE. The smart meter has to connect to something for the EDC (electric distribution company) to read usage. I am asking, what is the vehicle for communication?

Mr. FREEMAN. I am sorry. I am having trouble following the gentleman's line of questioning.

Mr. PYLE. I am asking if Internet access is essential to make this idea work.

Mr. FREEMAN. I do not believe it is, if I recall my readings of the smart meter technology.

Mr. PYLE. Could the gentleman please fill me in on how this meter is going to be hooked up to an electric company? By the wording in your bill, it says it can kind of step in and monitor day usage, time-of-day usage, et cetera?

Mr. FREEMAN. Correct.

Mr. PYLE. That is the part I am curious about, Mr. Speaker.

Mr. FREEMAN. Well, the meter, as is true of any meter, reads your usage of electricity, and with smart meters, you are able to read both peak and off-peak periods. The generation of electricity is cheaper in an off-peak period. So there is the opportunity for the utility customer, the consumer, to be able to purchase that electricity at an off-peak period of time, and that would be noted through the smart meter, saving the utility customer, the consumer, considerable dollars.

Mr. PYLE. Another question, Mr. Speaker. I am curious about section (3) here. "Effectively support the automatic control of the customer's electricity consumption by one or more of the following...." I am looking at section (ii), "the customer's utility...." In any way does that have any bearing on the electric customer's ability to use electricity as they see fit?

Mr. FREEMAN. No, not in any way, Mr. Speaker.

Mr. PYLE. Is there a potential for the EDC, the electric distribution company, to effect a rolling blackout by readings on these smart meters?

Mr. FREEMAN. Could you add clarity to that question? I am not quite sure where you are going with it.

Mr. PYLE. What I am asking is, is there a potential utilizing these smart meters and customers' electrical usage for the electric distribution company to choose to selectively route electricity to areas showing peak and off-peak usage?

Mr. FREEMAN. No. Keep in mind that opting in to this program is an optional opportunity for customers, and they would not be able to selectively pick certain customers to be blacked out versus others.

It should be noted, too, that, if anything, this technology actually will reduce the possibility of blackouts and brownouts, because if you reduce the amount of electricity that is demanded at peak times, you limit or reduce the possibility of blackouts. One of the problems with our system now is that when we hit a peak time, particularly in the hottest days of the year, you have the system being overloaded. If you can shift some of that use to nonpeak periods, or off-peak periods, rather, you save considerably in terms of money for the consumer but you also save in the amount of money the utility company has to expend in purchasing far more expensive energy at peak times. So it is a win-win for both the customer and the utility, but in addition to that, you also reduce the possibility of blackouts and brownouts because you have already incentivized the shifting to nonpeak periods, which will reduce the potential of overstraining the system.

Mr. PYLE. What is confusing me, Mr. Speaker, is the wording that says, and I quote, "Effectively support the automatic control of the customer's electricity consumption by one or more of the following...: the customer;" – which I am all right with – "the customer's utility...." Is there a potential, is what I am asking, for the customer's utility to exercise automatic control over the amount of electricity a customer may purchase?

Mr. FREEMAN. I would direct the gentleman's attention, Mr. Speaker, to the word "support" that appears on line 23. It is to support in that effort. It is not to wrest control from the consumer.

Mr. PYLE. Sorry; automatic control is what is throwing me off here.

Mr. FREEMAN. Again, I would direct the gentleman's attention to the word "support." Keep in mind, it is a bidirectional system, so there is information being transmitted to the utility as well as to the customer.

Mr. PYLE. Thank you, Mr. Speaker.

The SPEAKER. Representative Hutchinson, on the amendment.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

Mr. Speaker, I think that this amendment makes absolutely no common sense at this time. The consumers of Pennsylvania are about to experience an increase in the electricity costs over the next couple of years because rate caps will be phasing out in various areas over the next 2 or 3 years, and with that, consumers are going to see their electric rates increased. By passing this amendment, we are going to be piling on the consumers because they will be mandated, although in an indirect way, they will be mandated to pay for these new meters to be installed in their home whether they save on their electric costs or not.

It only makes sense to say smart meters should go to consumers who can save money by installing them. Those who can save by having a smart meter, it would make sense for them to have smart meters in their home. Mandating it across the board mandates that everybody pays whether they save or not, and that just does not make sense.

I am very concerned that we continue to ignore the consumers by making more mandates and increasing their costs, whether it is through mandating the meters, through trying to have some kind of a surcharge, all these things at a time when their electric costs are going up anyways.

So although on a case-by-case basis, smart meters might be a good thing to do, making a 100-percent mandate does not make sense. So I am opposing this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Godshall, on the amendment.

Mr. GODSHALL. I would like to interrogate the maker of the amendment, please.

The SPEAKER. Representative Freeman indicates he will stand for interrogation. Representative Godshall is in order and may proceed.

Mr. GODSHALL. Thank you, Mr. Speaker.

On these smart meters, I understand that PPL has smart meters installed already in their service area. Is that correct?

Mr. FREEMAN. That is correct, Mr. Speaker.

Mr. GODSHALL. Is that in their full service area?

Mr. FREEMAN. To the best of my knowledge, it is.

Mr. GODSHALL. I questioned in our caucus this morning. I am in a PPL service area. If I have a smart meter installed, I do not know it. I have not been told that, nor do I have any idea what it is doing to save me energy. I do not know.

Mr. FREEMAN. I should note that PPL did install smart meters. They would need to upgrade that technology that they installed to make it bidirectional. The benefits being realized by smart meters in the PPL service area really are to the utility at this point, because it allows them to better track theft, to track blackouts, to track out shortages, anything that they could respond to more quickly, which also helps them in terms of their cost savings and cutting down on consumer complaints. At this point in time, they do not offer the optional requirement that we are putting in with this amendment, which would allow the consumer to be able to pick and choose their off-peak periods, if they so choose, in order to run their dishwasher or their laundry to save in terms of their electric utility costs.

So the technology is there in the PPL territory. It needs a slight upgrade to be able to be bidirectional, but the benefits from the utility standpoint of being able to be better on top of blackouts, thefts, shortages is already being accrued to the utility. What we would be able to do with this is to ensure that the customer will now have the option of buying their electricity at off-peak periods and thereby saving considerable dollars.

Mr. GODSHALL. So at this point the benefit of the smart meter supposedly that is on my home is benefiting the company, and I am still not sure how that— I have no knowledge as far as turning this appliance off or buying my electric at whatever. If it is there, it is of little use, and if there is going to be any conservation, it would be on my part, not on the company's part.

Mr. FREEMAN. Keep in mind again, Mr. Speaker, that when PPL—

Mr. GODSHALL. Mr. Speaker, I am having trouble hearing. Just one second.

I am sorry.

Mr. FREEMAN. That is okay.

Mr. Speaker, the meters as installed by the PPL utility really are for the benefit of the company in their current configuration. With this amendment, we would be able to realize the benefits for the consumer as well.

The company understood that this technology was a cost savings for them, because again, they could capture blackouts, they could capture shortages, they could capture cases of theft through this technology. It will require on the part of PPL somewhat of an upgrade in order to be able to realize a bidirectional reporting system, but in doing so, we then afford to the consumer the option of saving money by being able to purchase their electricity at cheaper off-peak periods as opposed to the current system where they are stuck with the averaging out, which is a much higher rate than an off-peak period.

Mr. GODSHALL. As of right now, I believe, in going to PJM (Pennsylvania-Jersey-Maryland Interconnection), you know, they look at the peak demand, and everybody is really charged the same rate when PPL or PECO or whoever is buying electric. It is based on the last amount of energy needed coming in to PJM before it goes out. I still do not understand how that is going to relate to each individual household, you know, when you are talking about millions of households in the system.

And the costs, we had a cost, I believe, from the PUC of \$1.2 billion or \$1.3 billion to install these around in the State of Pennsylvania, and I do not know if that has taken off because PPL has them already, and you know, if they are in place or not, I have no idea. But I am not sure how each individual home is going to be able to purchase based on the way our electric is being distributed today and the various companies charge, the distribution companies charge for that electric by the PJM, who distributes the electric.

Mr. FREEMAN. Just for the members' information, Mr. Speaker, I would point to the fact that PPL, by their own estimates, has stated that they believe that the cost of installation has paid for itself in terms of the savings that the company has realized, which is good news for the consumer if this becomes a statewide program.

The other factor to be kept in mind, too, is that even if only 1 percent, only 1 percent of all utility customers, all consumers, utilize smart meter technology by purchasing their power at off-peak hours, that reduces dramatically the amount of demand on peak-hour periods of generation. Bringing that number down can result in a 10-percent savings for all utility customers,

whether they use the smart meter technology or not, and the reason for that is the fact that if you can reduce the peak-hour demand, you reduce the period of time when any utility company is forced to buy the most expensive amount of energy. It is at peak periods that energy costs the most. You bring that demand down in those peak periods and you have a cost savings for both the utility company and the consumer. So even just 1 percent of utility customers utilizing smart meter technology, purchasing their electricity at off-peak hours, will result in a 10-percent savings for everyone.

Mr. GODSHALL. Do you have any idea how many people — are there any projections based on how many people would actually use this? Have there been any kind of test markets done showing how many people are going to use this technology and how many people are going to be sitting up there watching this meter on their computer or whatever?

Mr. FREEMAN. Well, there are a couple of factors to be kept in mind, Mr. Speaker, in that regard. One is the fact that a statewide poll that was conducted last year showed that 67 percent of registered Democrats and 62 percent of registered Republicans support smart meter technology and have expressed their support for the concept.

In terms of usage, obviously there has got to become a greater awareness on the part of the consumer that they have this option, and that will become part of the process as the utilities move forward with their procurement plans.

I do recall an article I came across — I do not have it with me on the floor today — but an article that I came across where smart meter technology was utilized in the Province of Ontario in Canada, and it has met with a great response on the part of customers. They have voluntarily bought into the optional plan. They are saving money and energy demand at peak periods is dropping. So at least in the case of Ontario, there shows a real response to it, and I think given the nature of our consumer-oriented society where in the last 10 to 15 years in particular, we have given more and more options of choice to consumers in an array of different utility service areas, it only makes common sense to be able to give them this choice, to give the consumer the opportunity to be able to purchase their power at a cheaper rate. In particular, when you are dealing with those very mundane household chores like doing laundry or washing the dishes in a dishwasher, why run those activities during a period of peak hour when you can save money in an off-peak period?

I would also note, and you will see this in the amendment, there is the option to the consumer of getting the services of a third party so that that third party can guarantee, through the consumer's consent, the ability of purchasing the power through a computer-programmed period. There is no need for the consumer to have to keep watching when the peak hour and off-peak hour is. They could actually purchase that service and have that third party make sure that the purchase of electricity occurs in an off-peak period for whatever the consumer wants that electricity purchased for.

So there are a lot of options that we lay out with this amendment that will benefit the consumer, reduce their utility bill, and save money for both the utility company and definitely for the customer themselves.

Mr. GODSHALL. In this case are we not taking the choice away from the consumer by saying you have to put this in service in your district rather than you may or you have a choice? Are we not saying that you must do it? We are taking

that choice away from the consumer, I believe, and I would have no problem with this if we do it on a choice basis, as you used the word "choice" before. We are taking that choice away.

Mr. FREEMAN. Well, I would only point out, Mr. Speaker, that we are requiring the utility company to install the meter, not the customer, and it is the utility company. If we are going to see the kind of cost savings that will reduce the price of electricity for consumers throughout the State, it has got to be done on a statewide basis by the utility companies. To do it piecemeal really would not result in a lot of savings to the individual customer, but if we do it statewide, the economies of scale begin to kick in and you see a savings statewide to all customers.

And as I mentioned before, a very important statistic, if just 1 percent, just 1 percent of utility customers decide that they want to utilize this technology, everyone saves a minimum of 10 percent because peak-hour demand goes down, and that is the most expensive time to purchase electricity both for a utility company and for a customer. So there is a savings for everyone, and they have the choice to either opt in to those smart meters or to not opt in, but at least through this process, we can guarantee that through the economies of scale, that will be there and the savings can be realized by all customers across the Commonwealth.

Mr. GODSHALL. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to make a few comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GODSHALL. In looking at this, I totally agree with the gentleman that we need to conserve energy, we need to save energy. I totally agree that smart meters are a big step in doing this. What I am not in full agreement on in any way is that everyone is mandated to, whether they intend to use it or not, whether they know how to use it or not, everyone is mandated, under this legislation, to go ahead with the smart meter technology.

And again, the gentleman mentioned there were polls taken. If there is a poll taken and said, do you believe in the use of smart meters, my answer to that would be yes. I would have absolutely no problem in answering yes, but then if there was a question at the bottom that says you are going to be paying \$300 for the installation through your utility bill for this meter and the software that goes with it, I am not sure what the answer would be.

And the other thing I am not quite certain of is why we are addressing this in HB 2200 when the smart meter technology part of it is in HB 2201, which remains in committee. We did not move that out of committee as of 2 weeks ago, I believe it was. It is still there, and the smart meter part of the discussion that we are doing today on the smart meters is in HB 2201, which remains in the Consumer Affairs Committee.

As I said, I agree with the bulk of what the gentleman says. I agree we have got to conserve. I agree on everything else he said, but I am just totally not in agreement that somebody who has no intention of using this technology should be assessed by the utility companies approximately, until it is finished, at least \$300 to get this in place in his residence and he is going to be paying for it. It is going to be paid for by the consumer whether they use it or not.

So anyway, those are my feelings on the bill, and you have to vote accordingly.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I think that we have gotten engaged in a very technical discussion about the particular technology here, but underneath this, there is a larger issue, and that is that regardless of what we do here today, the Public Utility Commission is moving us toward real-time pricing, real-time pricing basically reflecting the actual demands and costs at any particular time in the day. In order to be able to react to that, we will need technology sufficient to help customers understand and save money on their usage.

It is inherent in the discussion that we ultimately get this technology one way or another. We can dispute about whether this is the best way to go at getting that technology deployed, whether a voluntary or incentive-based program might be better, but ultimately we will need, in order to save money for our customers and reduce peak demand and achieve our goals in that regard, we will need some form of technology that will enable communications with devices within the house and enable us to manage our electric usage in real time in a better way.

So although I recognize some valid points by some of my colleagues here, Mr. Speaker, I will personally be voting in favor of this amendment.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to support the Freeman amendment, and I would submit to the members that this is one of the most important tools that we will have at our disposal for us to achieve the energy conservation and demand-side management that we need. And there is no question with this technology that if it is implemented and implemented properly, that we will save both the consumers money and we will save the utilities money. The bottom line is that if we give people the tools and the ability to reduce peak demand, that reduction in peak demand reduces everybody's energy bill, not just one-sided. Everybody gets a reduction in their energy bill when we start managing peak demand in this Commonwealth.

And the other thing that it does, when you reduce that peak demand, you reduce the probability that we are going to have to build more generation in this Commonwealth. The reason why we are here today is because of the growth and demand on the energy front, and if we continue to rely on the energy or consume the energy that we are consuming today, 10 years down the road we are going to have to build at least five new generating facilities at exorbitant costs, at costs of like \$25 to \$30 billion, and they are costs that our consumers are going to have to pay unless we start giving them the tools to manage, and the Freeman amendment does precisely that. It gives people the ability to, voluntarily, by the way – and I think that is the key to this whole debate, is voluntarily – we are going to allow them to decide whether they want time-of-use pricing.

Just like we do with cell phones today – you get free calls on the weekend or cheaper rates in the evening – you could choose on your electric utility bill with smart meter technology time-of-day pricing, because maybe you are not home during the day, but at nighttime or weekends you want to run the dryer and you know it is going to be a cheaper price, so time-of-use pricing is the way for you to go. Or if you are more savvy, and I know a lot of us in this chamber do not have the time, but you could go for real-time pricing. You will have the ability as the

consumer – voluntarily, by the way; understand this is a voluntary program – voluntarily you will have the ability to use real-time pricing that will allow you as a consumer to look at your electric meter on an hour-to-hour, minute-to-minute basis to see where energy consumption is and where peak demand is, and you could make that decision as a consumer, looking at what that kilowatt average is on that meter and decide whether or not you want to run the oven, an iron, or whatever else. If you are savvy enough, you will have that ability under this legislation. Or you could be just like me right now. I will just use same-day pricing. That is what most of us use right now. If you do not want to worry about where the peak demand is, just give me a bill with real-time pricing. You have that ability, under this amendment, to just keep your electric bill the way it is.

But I think we need to give our consumers the ability and the tools to make those kinds of decisions to help reduce peak demand. If we reduce peak demand, we can reduce that certain probability that we are going to have to build more generation. And when you consider peak demand, the demand side of this equation, where we are telling the utility companies that the 100 highest hours of any peak demand in a utility's year, which is generally July or August, the hottest, hottest days of the week where air conditioners are running constantly, that we want you to have the ability to reduce that demand and understand what the consequences of that are.

It is not just all of this money that we are spending on those peak-demand prices, but we can actually help air pollution in this State because utilities have to buy energy on the spot market, which is very expensive. They have to turn on facilities that burn maybe not as efficiently as we would all like. There are increased mercury emissions, increased carbon dioxide emissions by virtue of these 100 highest peak hours that utilities have to turn up extra generation.

Mr. Speaker, I think it is extremely important that we give our consumers this necessary tool, help utilities with the issue of reliability because it will help with reliability when you reduce that peak demand. This is a very, very strong component of the overall energy conservation and demand-side management program, and I would certainly urge each and every one of you to look at this hard and vote affirmatively on the Freeman amendment.

The SPEAKER. Representative Bud George.

Mr. GEORGE. Mr. Speaker, we sit here not only as legislators but also as consumers, and there are none of us that do not understand the concept of supply and demand.

Now, for someone to engage in an argument about why nonpeak hours cost more is simply because the utility had to procure, unassured of what was going to be delivered. And when it is not delivered, the truth of the matter is, it is not cliché, that it is literal and it is factual that you are basically paying more for those hours at nonpeak. So the truth is, you are paying more for power you do not use than for power you do use.

Where there are many, many ways, I am sure, that we can get around to where we are going, the most positive way for the utilities and mostly for the consumer is what we are trying to do with this amendment. So in all fact, if you want to eliminate what is now pressing us very hard, this matter of deregulation and rate cap, the best way to do this is to work with one and all and to give these individuals who pay for power they do not use

an opportunity to look at a meter and make a decision of when they should turn off this or turn off that.

So really and truly, what better way is it for us to understand supply and demand and the concept of needing to pay for something you do not use than it is to look at your bill every month and understand that now there will be an opportunity for the bill to be somewhat less because you are not going to pay for something you did not use.

I would urge that we would support this amendment.

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, when I first started looking into this issue of the smart meters, there was certainly a component of it that makes a lot of sense, and I think one of the previous speakers touched on that, meaning that it would give individual homeowners or businesses the opportunity to adjust their usage based on that actual time-of-day pricing.

What I think is inconsistent with how this amendment has been put forth, though, and what we are saying here on the floor of the House is that members are saying that this is entirely voluntary. That is not completely accurate, Mr. Speaker, because what this amendment would require is for the electric distribution company to put the cost of a smart meter, distribute it to every user in that service territory, into your rate base, and to install those, whatever is involved in the smart meter, on every meter.

What is voluntary is whether you actually use it or not. What I think the difference is in the way we should be approaching this is to allow the individuals who want to take advantage of smart meter technology, allow them to sign up for it to have it installed, then they engage in the program, as opposed to many of the people who might have the availability of the technology, the cost of the technology, but not the desire to use it.

So, Mr. Speaker, while I certainly support the voluntary utilization of smart meters, what I think is going to be a costly measure that many people will not reap the benefits of is the fact that the smart meters will be put onto your bill. The overall cost of distributing, installing, and setting up that smart meter technology will be put onto every consumer of the Commonwealth whether or not they use it.

If we really want to encourage people to use it, I think we ought to allow them to engage it themselves as opposed to forcing them to pay for something they may not use, and that is really the difference, Mr. Speaker, in what I think is right or wrong with this amendment. While I certainly appreciate the direction it is trying to go, I think the fact that it forces the cost of the meters onto every consumer of electricity in Pennsylvania, I think that is the wrong direction to go and would ask for a vote against the amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Saylor, on the amendment.

Mr. SAYLOR. Mr. Speaker, I want to make it clear to everybody, this is a mandate. This is not voluntary; it is a mandate required to use smart meters in Pennsylvania. And while I agree, again, with my colleague on the other side of the aisle that this is all great, the Adams Electric, the Rural Cooperatives of Pennsylvania, have been very effective in using smart meter technology to help lower consumers' bills, the choice is up to the consumer to use that technology and whether they want that smart meter installed on their house. The key is, should we in the General Assembly mandate something on

consumers that is going to cost them more dollars in their electric bill?

Every year we hear from people who need more money to pay their electric bills throughout this Commonwealth through LIHEAP (Low-Income Home Energy Assistance Program) and their fuel bills, and we constantly are asking the Federal government to put more money into LIHEAP and other programs similar to that, installation programs and so on and so forth, to help consumers.

This issue in particular should be a choice by consumers, not a mandate by the General Assembly onto an additional cost to electric bills in Pennsylvania. So remember, voting for this amendment, while I think it has great goals and where the gentleman wants to get to is very admirable and where we need to get to at some point in time, it still needs to be a consumer choice, not a General Assembly mandate onto consumers that is going to cost them more in their electric bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali, on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Freeman amendment. This is truly a voluntary measure for consumers, and I think the interesting thing is, going to the gentleman from Jefferson County's point about increased costs with regard to smart metering, it should be noted that PPL installed smart metering in every one of its customers' homes or businesses while they were under a rate cap. In other words, PPL put smart metering in because it benefited them and saved them money, even when they were in a rate-cap situation, so they could not recover the costs. I think that is an important point to make here, because smart meters do save money. They do save the utilities money, because when there is a power outage, they can get the power up faster. They have less problems with customers' bills. It is a money savings.

Another point, Mr. Speaker, is I sat in on the Consumer Affairs Committee meeting on this issue last week, and one thing I was surprised about is many of the major utility companies in Pennsylvania support smart metering. I thought it would be just the opposite. But utility company after utility company testified they supported this.

Mr. Speaker, listen to this; this is from Reliant Energy: "HB 2201 also directs deployment of smart meters, an initiative Reliant fully supports. In fact, Reliant urges the committee to speed up the implementation of advanced metering...." So you have utility companies supporting smart metering.

Listen to this; this is from PECO: "PECO supports the section of H.B. 2201 that provides for a phased-in deployment of smart-meter technology and the availability of time-of-use rates for all customers. Such offerings will provide customers with tools to help enable them to manage their energy consumption...." The same with EPGA (Electric Power Generation Association). Mr. Speaker, this is something, quite surprisingly, that is also supported by utilities.

The next point, Mr. Speaker, I know some of us are hunters. We respect game land. We are fans of our parks and forests. The problem is, if we do not enact things like smart metering, we put them in jeopardy, and here is the connection. There is a national transmission corridor. Huge swaths of Pennsylvania have been designated by the Federal government to be part of this corridor because of the country's need for power lines, and these power lines, if we increase and increase and increase our demand for electricity, will go through Pennsylvania's wooded areas near the view scapes of our national parks. Smart metering

helps us protect our parks and forests and historical places by preventing the need for additional transmission lines.

The next point, Mr. Speaker, consumers need to be aware that rate hikes are coming. In the PECO service area, for example, PECO experts predicted that rates could go as high as 26 percent between 2010 and 2011. Utility rates could increase as high as 26 percent. We need to do something about that. The Freeman amendment does something about that by dealing with reducing demand. It is a very basic economic principle that price is a function of supply and demand, and one thing Freeman does is keep down the lid on the demand for electricity, so when these rate caps come off in 2011, our constituents are not going to be paying these big predicted rate increases because we have helped reduce demand. That is why we are saving consumers money if we can enact measures that will reduce demand.

Mr. Speaker, finally, smart metering helps consumers who do not opt for the time-of-use rates in a number of ways. One, even if you do not opt in, the power goes out, if you have a smart meter in your home, even though you did not opt in to the time-of-use rates, your utility company knows that; it can get your power up much more quickly. So even if you do not use the time-of-use rating, having a smart meter in your home will help you.

Also, Mr. Speaker, another reason why it is necessary to do this in a comprehensive way, as the Freeman bill does, is you can capture the economies of scale if all these meters are installed in a systematic program instead of having an installer go out one by one as people volunteer for this.

Mr. Speaker, for all these reasons I urge the adoption of the Freeman amendment. Thank you.

The SPEAKER. Representative Benninghoff, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I wish to see if the maker of the amendment would stand for a couple of questions, please?

The SPEAKER. The gentleman, Representative Freeman, indicates he will stand for interrogation. Representative Benninghoff is in order and may proceed.

Mr. BENNINGHOFF. Thank you.

I was just curious if the maker could tell me how many other States have done this and whether their program was a mandate.

Mr. FREEMAN. I cannot say how many States have done it. I know that the Province of Ontario in Canada has done this.

Mr. BENNINGHOFF. All right. Well, my follow-up question was going to be, obviously, from an economic perspective, I am curious if we know of any savings, but if no other State in the Commonwealth has done that, then I will assume that there are no savings to those States.

My second question concerns, if people in the Commonwealth are mandated to put a meter in their home and prices fluctuate from time to time, is the potential there for a company or a supplier to absorb or inherit a windfall of money or revenue or proceeds? I just cannot imagine that the company is going to be adjusting cost every time that it is adjusted for them back to the consumer. So therefore, I would think that they could inherently see a windfall of profits, as we see oftentimes when the gas pump prices are going up every other day and we know the fuel in the ground has already been paid for a week in advance. Will that not be the same case in this scenario?

Mr. FREEMAN. No, it really will not, and I will tell you why, Mr. Speaker. Keep in mind that the utility company has to

purchase energy at various times of the day to meet demand. If that demand is being purchased during peak hour, when you are at the maximum of the system, it is going to be more expensive energy. So we realize two savings with this legislation with my amendment. One is for the consumer – for the customer. They have the opportunity, if they want to opt in to this optional program, to be able to choose their electricity at an off-peak time when it is cheaper than what it is at peak times.

Currently what we get is an averaging of the expensive and the less expensive. So when you pay your electric bill, even if you were to be someone today who runs their electricity at off-peak periods – you are doing it at a time when the actual cost of electricity is cheaper – you are not realizing a savings. You might be doing the utility company a favor, you might be doing the environment a favor, but you are not realizing a savings, because the average cost, or the cost, rather, that you will pay is going to be an averaged-out cost of high peak and low peak.

So even though you are someone who is being conservation-minded, thinking about the environment, thinking about the purchase of electricity, under the current system, you will not realize a savings. Under this amendment, you have the option of entering into that program to realize a savings by buying your electricity at off-peak periods. That reduces the cost for everyone. Again, I go back to the statistic that if just 1 percent of all utility customers were to buy into the optional purchasing proposal, it would be a cost savings for everyone of 10 percent, because it reduces peak-hour demand.

Now, obviously that also helps the utility company, because they do not have to purchase as much energy during a high-peak period, but it is not going to be a windfall situation because they have to justify their rates, obviously. If they do not, it causes the possibility of going to a different utility company. So there is not going to be a windfall of savings in that regard.

Mr. BENNINGHOFF. I appreciate your thorough answer. I think you and I share some obviously common ground where we want to see energy efficiency and energy savings.

Again, under your answer, I am still having difficulty understanding why a company would not try to purchase the bulk of their energy at the lowest cost and know what time period that is, how that subsequently is not going to be sold to me at a higher peak time, and thus I pay a higher rate than what they may have purchased at a lower peak time. And as a customer, how am I going to know that on my bill?

Mr. FREEMAN. Well, once you have the smart meter technology, you will be able to either choose by yourself or by contracting with a third party who can monitor it for you as to when the off-peak periods are. You will know that information, and as such, you will be able to make an informed decision as to when to purchase your electricity.

Maybe you want to run your laundry in the middle of the night when the cost of electricity is down considerably because of it being an off-peak period. Maybe you will set your dishwasher to kick in in the middle of the night, again, when electricity is cheaper. So you will have that information through the smart meter technology, and that will enable you to be able to make smart choices and to reduce your electric bill.

Mr. BENNINGHOFF. And the last question, if you would.

I as a consumer, if this is voluntary, do I have the ability to acquire one of those meters right now? If this is the best thing to come down the road for me and it is going to have the

opportunity for me to save money, can I go and get a meter right now and have it installed in my house?

Mr. FREEMAN. Because of the simple reason that without this amendment, there is no requirement for the utility company to recognize your personal smart meter. You might be able to know when you are purchasing, but keep in mind, under current procedures, utility companies do not give you rates at a cheaper time of day or a more expensive time of day. The only way they bill you is on an average of the overall cost of the electricity.

So unless we can put into place my amendment which will require them to have the optional buy-in program where you can purchase your electricity at a cheaper rate, you will never be able to realize that savings on your own by going out and purchasing a smart meter. You might be able to monitor it, you might be able to see when your rates are higher or lower, but there is nothing that is going to require the utility company to charge you based upon your usage. It requires this amendment to achieve that and to, in essence, require the utility company to give you the savings that they are realizing by you using it at an off-peak period.

Mr. BENNINGHOFF. Thank you. And if I may clarify one last question on that.

Mr. FREEMAN. Sure.

Mr. BENNINGHOFF. So I understand, the part that is actually voluntary is not the installation of the meter statewide by your amendment: it is the billing process by the companies—

Mr. FREEMAN. Well, I would say that—

Mr. BENNINGHOFF. —how I am going to be billed. If this passes, I am going to get a meter whether I want it or not. The only option is going to be on the rates of energy that I would be paying for. So it is the billing that is the optional part?

Mr. FREEMAN. Yeah. I would say that in order for everyone to realize the savings of smart meter technology, it has to be done as a requirement statewide because of economies of scale. But you are right, what we are requiring here is the installation of those meters.

And keep in mind, utility companies change their meters, roughly 5 or 10 percent of their meters, every year. So in a 10-year period of time, whether you want it or not, you as the customer are going to have to pay for the installation currently of a new meter. The difference is, the current meters they install every 10-year cycle is a dumb meter. We are requiring a smart meter. So you will have the opportunity to then buy into that optional plan in which you can purchase your electricity at a cheaper period of time and realize the savings in your electric bill.

Mr. BENNINGHOFF. Thank you.

Mr. Speaker, a quick comment on the amendment itself.

The SPEAKER. The gentleman is in order and may proceed.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

And again I thank the maker of the amendment for his time in answering those questions. I guess my reservation, obviously, is do we want a statewide mandate? Do we want the government telling you that you have to have a meter put in your property? I think the majority of us appreciate the fact that we want to be more energy conscious, have more efficient appliances, and I think a lot of us are moving that way.

I just struggle with the fact that there is no other State in the Commonwealth that has done this in the past, although I would like to see Pennsylvania obviously be a leader. It gives me some reservations that if this technology is so accurate and so helpful and such a cost reduction savings for the consumer, why is it

not being used unilaterally across this great nation? I would ask the members to keep that in mind.

I think it is important that we are smart about our energy use, but I also think we have to think about what government's role is in mandating such a thing.

Mr. Speaker, thank you very much for your time.

The SPEAKER. Representative Bennington, on the amendment.

Ms. BENNINGTON. Thank you, Mr. Speaker.

If Pennsylvania does nothing to reduce its electricity consumption, our State will need to make room for at least 12 new power plants.

Opponents of this amendment talk about the cost to the consumer. All told, not passing Representative Freeman's amendment and HB 2200 will cost \$17 billion in capital, fuel, and other costs associated with meeting increases in electricity demand. Smart meters and Representative Freeman's amendment will help reduce this demand.

Again, in response to the queries regarding the cost of this technology, I ask, what is the cost of clean air to our children? What is the cost of clean water to our children? When they ask us, should we tell them that it costs too much? Please vote "yes" on the Freeman amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig, on the amendment.

Mr. GABIG. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Representative Freeman, indicates he will stand for interrogation. Representative Gabig is in order and may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

I have been listening to the debate, and I need to get a few answers that I have not heard yet.

How much would it cost a customer to have a smart meter installed? What would be the cost of that?

Mr. FREEMAN. Excuse me, Mr. Speaker. Are you referring to the actual price of a smart meter? Is that what the question is?

Mr. GABIG. Well, I think there is a cost— As I understand it, there is a cost of the meter and a cost of installation, and so I was trying to find out what that cost would be to an electric customer.

Mr. FREEMAN. Now, this question came up in the Environmental Resources and Energy Committee when we discussed this issue previously. It is difficult to ascertain an actual cost for a variety of reasons. Let me explain, if I may.

If you are looking at the actual cost of a meter, it could be as high as \$240, or it could be \$175, as was the case with PPL. But what you have to figure in to the actual costs, what will be realized, is the fact that the utility company makes considerable savings with smart meter technology. By installing the smart meters, they will realize savings which will bring the actual cost down dramatically for the actual customer. So in fact, in the case of PPL, they felt that the cost of the meters paid for themselves simply by being able to use this technology to be able to get a hold of outages, blackouts, theft of electricity, to be able to lower the amount of customer complaints, because with this technology, they know how to respond quickly before the complaints overload the system. All of that brings the cost down dramatically.

And one final point, if I may, to answer the gentleman's question, and that is the fact that the cost itself is not going to be

that significant when you think of the overall savings, and we have to think long term. If you are thinking about trying to reduce the amount of electricity that is consumed in this Commonwealth, that is used in this Commonwealth, if you are thinking about saving energy and saving money for the consumer, you need conservation technology like smart meters to bring it down. The actual cost of the meter will be considerably less because of economies of scale, because of the savings that will be realized by the consumer, and because of the simple fact that the utility will only be able to recoup that percentage of the cost that is an actual cost for them. Whatever savings they realize they will not be able to charge the customer for, and the savings to them is considerable.

Mr. GABIG. Wow, what an answer. Now, if I understood the answer, I think the gentleman said between \$175 and \$240 for a smart meter, for the cost of the meter. Did that include per customer? Does that cost of the meter, the installation, does that include installation or just the cost of the physical meter?

Mr. FREEMAN. Again, with all due respect to the gentleman, Mr. Speaker, it is mixing apples and oranges. That is not the actual cost under this amendment for the simple reason that you have economies of scale which bring that price down, and you have cost savings by the utility which are not borne by the customer. Since the utility actually realizes cost savings under this amendment, it is nowhere near \$175 for the meter. When you stop and realize the exact cost savings that occur to the company as well as to the consumer, it is far less.

It is difficult to give the gentleman a precise figure, but I can guarantee the fact that it is considerably less based on the fact that there are cost savings for the utility and obvious savings for those customers who wish to participate in the optional program as well as all utility ratepayers who will realize the benefit from even a small percentage of those customers opting to purchase their electricity at off-peak periods.

Mr. GABIG. All right. I understood that from the gentleman's first response to the question, but if I understood the earlier advocacy of this amendment, it said that the big corporations, the utility companies, are not going to be paying for this installation. It is going to be borne by the customer. So the gentleman keeps bringing up in his responses matters dealing with the utility — it may be savings down the road or not. I am just talking about how much it is going to cost the electric customer to have this installed, and I do not know why it is such a State secret. It is going to cost so much money to go on an electric bill, and I think, to respond to the gentleman's answer, I think we have a duty as the House to tell the people in Pennsylvania how much it is going to cost them. This might be the greatest thing since sliced bread, as the gentleman seems to think. I am not debating that right now. All I want to know is how much we are going to be charging? How much does it cost to do this? And you said it has been done in Ottawa or someplace in Canada—

Mr. FREEMAN. Ontario.

Mr. GABIG. Ontario; I am sorry, and it has also been done by other utilities. We heard that Adams Electric has done it. So how much is it going to cost them to put these meters in? That is the simple question. There should be a dollar figure. If it is not \$175 to do it, we should have at least a range that we can tell people. Does the gentleman have that information, after all these hearings he has been to, all this research that he has done, all the investment that he has looked at? I just want to know how much it is initially costing a customer in Pennsylvania to

put one of these in their house or in their business. That is a simple question. I hope I can get a simple response from the gentleman.

Mr. FREEMAN. Unfortunately, Mr. Speaker, not all complex issues can be boiled down to a simple answer. That is why they are complex issues.

However, to give the gentleman greater clarity, there is a reasonable and prudent standard within the legislation, within the amendment, rather, and the PUC will determine how much the utility can recoup their costs for on a reasonable and prudent basis. They can only recoup the net costs. Any savings they realize they cannot charge the consumer for.

And I think there is a bit of a misunderstanding on the part of the gentleman, Mr. Speaker, when the gentleman said that this is a cost to the—

Mr. GABIG. Well, Mr. Speaker, if I could rephrase the question since it was—

Mr. FREEMAN. Just let me answer—

Mr. GABIG. —complicated.

The SPEAKER. The gentlemen will suspend.

The Chair will remind the gentleman to ask a question and wait for the responder to give his answer and request that the gentlemen not speak over each other in interrogation.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just to finish my—

Mr. GABIG. Thank you, Mr. Speaker.

If I could just—

The SPEAKER. The Chair will ask the gentlemen to suspend.

The Chair will ask the gentleman, Mr. Gabig, to ask his question and then ask Representative Freeman to respond.

Mr. GABIG. Thank you, Mr. Speaker.

I am going to ask it one more time. Three times can be good, and three times you can be out. Is it fair to say that the gentleman cannot tell the people of Pennsylvania how much it is going to cost them to put these meters in their homes and businesses? Is that fair to say? You just do not know?

Mr. FREEMAN. In answer to your question, it is the PUC which determines the cost based upon a reasonable and prudent decision, and it is wrong for the gentleman to insist that somehow this is a cost that gets directly put at the door of the consumer. It is the utility that has to pay for it. They then have to go to the PUC, as they do for the installation of current meters.

Any expense by a utility in terms of equipment has to go before the PUC to recover the costs. If you expend money as a utility, that gets passed on to the consumer, but under this amendment, there is a savings to the utility company which dramatically brings down the cost of installation, and on top of that, there is a savings to the customer by having the option of purchasing cheaper electricity.

These meters more than pay for themselves. That is the bottom line, and any customer will have to pay for the installation of a dumb meter or a smart meter. If you pay for the installation of a smart meter, you save money. That is the bottom line.

Mr. GABIG. All right. I appreciate the gentleman's candid response to those questions.

Mr. Speaker. I have another question that I do not know if I am going to get any more of a response to or not. But in my district, there are apartment buildings, apartment buildings, where people live in apartment buildings, and there are senior

centers where people live in individual, sort of apartment-style units. And so what I am wondering, is each person that lives in an apartment going to be mandated under this Freeman amendment to get a meter or not? Or if there is an apartment building or a townhouse that has many different units in it that has one meter currently, will each individual apartment dweller in such a situation be required to get one of these meters?

Mr. FREEMAN. With all due respect to the gentleman, Mr. Speaker, we are making the mandate on the utility company to install smart meters. The individual customer does not have to go out and purchase a smart meter. That requirement is being borne by the utility. They have to replace their meters every 10 years anyway. They can either replace it with a dumb meter that does little to save energy and save dollars for the consumer, or we can, through this amendment, require them to purchase and install smart meters that save money for the consumer and the utility company by cutting down on the amount of energy that is consumed.

Mr. GABIG. So if I understand the gentleman's response, it will be in the power of the utility company to decide whether or not they are going to require each person in an apartment building or not to have a meter or not. It will be in their power to decide whether to do that and whether to pass that cost on to their customers. Is that correct?

Mr. FREEMAN. No, Mr. Speaker. It is not the power—

Mr. GABIG. There is no protection in this legislation—

Mr. FREEMAN. Mr. Speaker, can I please answer the question?

The SPEAKER. The Chair will again remind the gentlemen not to speak over each other.

Mr. FREEMAN. I would like to be able to—

Mr. GABIG. I thought he was done when he said no, Mr. Speaker.

The SPEAKER. The gentleman will suspend. The gentleman is not in order. Representative Freeman will respond.

Mr. FREEMAN. Thank you, Mr. Speaker.

It is not the power of the utility company; it is a requirement in our conservation efforts here in this Commonwealth with this amendment that they install smart meters.

A utility company has the requirement to have meters for all of its customers. They have to replace those meters every 10 years because they wear out. Now, they can either put in a dumb meter that does not allow the customer to choose what time of day they wish to purchase their electricity, either at a cheaper off-peak period or at a more expensive high-demand period, or through this amendment, we can require those utility companies to utilize smart meter technology to save money in terms of the purchase of electricity for them and, most importantly, for the customer. If we wish to save money for the customer, you need smart meter technology, and it has to be done on a statewide basis if you are to realize economies of scale. It is a basic point of economics.

Mr. GABIG. Thank you, Mr. Speaker.

That concludes my attempts to question the maker of the amendment. If I might speak on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GABIG. The problem I am having with the amendment is I think if I were called on the telephone and asked, are you for a smart legislator or a dumb legislator, are you for a smart card or a dumb card, are you for a smart meter or a dumb meter, I would probably answer, I am for the smart legislator, the smart card, the smart meter. But if they start saying, well,

for the smart legislator you are going to pay five times more money and for the dumb legislator you are going to pay five times less money, for the smart card you are going to pay five times more money and for the dumb card you are going to pay five times less money, for the smart meter you are going to pay we do not know how much more money because we will not tell you, but it is not going to be the utilities that pay for it because we took care of them in our amendment; they are taken care of in this Freeman amendment. The big utility companies and corporations, they are all right with it; they support this, but the customer, well, you are going to pay the freight for this mandate, this State mandate.

You know, I think some of you know I was in the Navy before I came here to the House, and we were under orders. I was overseas, I can remember, and the command said, hey, we are running out of water. I was stationed in Guantanamo Bay, Cuba — there has been a lot in the news about it — and they did not have fresh water down there. They had to desalinate the water, and the Army would come with their big desalination things and they would have to take the salt out of the water so that we could use it. And we would start running out of water, and they would come down and say, you cannot wash your clothes between such and such a time and such and such a time; you can only do it, you know, midnight to 2 o'clock in the morning. You can only wash your clothes on Tuesdays and Thursdays; you cannot do it Wednesdays. And there were other regulation and command and control items that we had to abide by. And I was in the Navy; I said "yes, sir" and saluted. Some people got in trouble for washing their clothes on the wrong day. That is what this is. This is a mandate to people saying you have to buy this whether this is good for you or not good for you; we are telling them what to do.

And it is going to cost them money. The average apartment person, their electric bill is, I do not know, when I used to live in an apartment it was \$30, maybe, a month or something like that. It was not that much money. The gentleman would not answer the question. I do not know what the answer is. I heard different figures. I heard it could be up to \$300 to install one of these smart meters, for the cost of the meter and to install it. So somebody is paying \$30 a month, or a senior citizen that is on a fixed income, to have that passed on by the big utility company to pay for this because somehow it is going to, in the long run, be a cost benefit to us. Now, maybe it is, and maybe these things are great, but it should not be forced upon people to have to do it who live on fixed incomes. It should be something that is voluntary and that the market drives.

I think that the gentleman from York, Stan Saylor, mentioned that Adams Electric Co-op has a similar program, but it is not forced on people; it is a voluntary program, and they can use the market to decide whether they want to do it or not.

We also have heard that you have to have Internet capability to do this, and in rural areas — I know in the big cities and other areas I am told that there is Internet capability. I do not know if that is true in all cities across Pennsylvania. But in some of the areas that I represent, they do not have that out there yet, so they are going to be forced to buy this \$300, this cost will be passed on to them, and they will not get the benefit of it. They will not get the benefit of it.

So I appreciate the intent of this amendment. I think there are some serious questions, unresolved questions, that have not been satisfactorily dealt with, and that is why the gentleman, who is a very good friend of mine, by the way, was unable to

give me direct answers to and to answer the people in Pennsylvania the questions that need to be answered before we go to such a strong mandate, a very expensive mandate.

So for that reason, I am not going to be able to support this amendment, Mr. Speaker.

The SPEAKER. The Chair will ask all members to take their seats and reduce the noise level on the floor. Is there any other member seeking recognition on the amendment, because the Chair is about to recognize the prime sponsor for the second time.

Representative Levdansky, on the amendment.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make a clarification in case people understand the way markets are supposed to work. You know, if you read Adam Smith and the classical economic doctrines, prices are accurate and fair when buyers and sellers in a perfectly competitive marketplace have access to goods and services and to information. Capitalism assumes perfect competition and perfect access of buyers and sellers to information. That is when markets work.

Essentially what the Freeman amendment does is requires the electric utility industries to roll out a plan to provide all consumers with smart meters, smart meters so that consumers will know how much electric costs at a given time of the day so that they can adjust their purchasing habits according to their preferences for what they want to pay for electricity.

If Adam Smith were here, if Adam Smith, the father of capitalism, were here, he would say you have got to vote for this. If you want markets to work, if you want markets to work, then consumers have to have access to perfect information. This amendment gives consumers access to perfect information so capitalism and the market distribution of electricity will work. If you are a conservative economist and a conservative legislator, you have got to vote for this.

Support it. Thank you.

The SPEAKER. Is there any member seeking recognition before the Chair recognizes the prime sponsor of the amendment?

The Chair recognizes Representative Freeman for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, there are a number of points to be kept in mind in regard to this amendment and what it will achieve. First, to clear up some misunderstandings that were expressed on the floor.

Participating in the optional program, deciding whether you want to choose whether to purchase your electricity at peak times or off-peak times, that is an optional voluntary program. We are not mandating that people have to buy into that process, but they will be advised to do so, because it would empower them to be informed and to purchase their electricity at a cheaper time. No one is saying they have to run their laundry in the middle of the night, no one is saying they have to use their dishwasher in the middle of the night, but if they so choose, in order to realize great savings on their utility bill, under this amendment, they would have that opportunity.

One of the things that has to be kept in mind, utility companies replace their meters every 10 years. Somewhere between 5 and 10 percent of all current dumb meters have to be replaced every 10 years. So why not replace those dumb meters with smart meters that can give consumers options and allow them to control their own destiny as far as electric utility rates

by purchasing electricity at a cheaper off-peak period, if they choose to do so?

In this amendment we provide for a reasonable and prudent standard in terms of the utility's ability to recoup its cost, so it is the cost of the meter minus the savings to the utility. And if you ask people from PPL, they say the meters pay for themselves. The cost savings to the utility company are tremendous, and therefore, the cost to be borne by the customer is limited and in fact will result in tremendous savings to customers because of the ability to purchase power at a cheaper off-peak period.

I have to drive home one very critical point once again. If only 1 percent of all utility customers, of all consumers, decide to opt in to the program to be able to purchase their electricity at a cheaper off-peak period, that means a savings, a minimum of 10 percent, to all utility customers, because it reduces the purchasing of electricity at the most expensive, high-peak periods of time. That is a savings for everyone. This legislation is a win-win situation for utility companies but more importantly for consumers, allowing utility customers to reduce the cost of their electricity bill. That is the bottom line.

One speaker said that this made no common sense. It makes a great deal of common sense. It is the essence of common sense to utilize technology in a period of energy crisis in order to reduce costs for the consumer and to conserve energy. For too long we have buried our head in the sand when it comes to making good measures to conserve energy here in this Commonwealth and throughout our nation. Today, with this amendment, we have the opportunity to make a tremendous stride forward in conserving energy and reducing the cost of electricity for our consumers, and therefore, I urge a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—128

Adolph	George	McGeehan	Scavello
Argall	Gerber	Mel. Smith	Schroder
Belfanti	Gergely	Melio	Seip
Bennington	Gibbons	Mensch	Shapiro
Beyer	Goodman	Micozzie	Siptroth
Biancucci	Gruceia	Milne	Smith, K.
Bishop	Haluska	Moyer	Smith, M.
Blackwell	Hanna	Mundy	Solobay
Brennan	Harhai	Murt	Staback
Buxton	Harkins	Myers	Sturla
Caltagirone	Harper	O'Brien, M.	Surra
Carroll	Hornaman	O'Neill	Tangretti
Casorio	James	Oliver	Taylor, J.
Civera	Josephs	Pallone	Taylor, R.
Cohen	Keller, W.	Parker	Thomas
Conklin	Kenney	Pashinski	Vereb
Costa	Kessler	Payton	Vitali
Cruz	Killion	Petrarca	Wagner
Curry	King	Petri	Walko
Daley	Kirkland	Petrone	Wansacz
Dally	Kortz	Preston	Waters
DeLuca	Kotik	Quinn	Watson
DePasquale	Kula	Ramaley	Wheatley
Dermody	Leach	Raymond	White
DeWeese	Lentz	Readshaw	Williams
DiGirolamo	Levdansky	Roebuck	Wojnaroski
Donatucci	Longietti	Ross	Yewcic
Eachus	Mahoney	Rubley	Youngblood
Evans, D.	Manderino	Sabatina	Yudichak
Fabrizio	Mann	Sainato	

Frankel	Mantz	Samuelson	O'Brien, D.,
Freeman	Markosek	Santoni	Speaker
Galloway	McCall		

NAYS—73

Baker	Fleck	Maher	Quigley
Barrar	Gabig	Major	Rapp
Bastian	Geist	Marshall	Reed
Bear	Gillespie	Marsico	Reichley
Benninghoff	Gingrich	McLhattan	Roae
Boback	Godshall	Metcalfe	Rock
Boyd	Grell	Millard	Rohrer
Brooks	Harhart	Mittler	Saylor
Cappelli	Harris	Moul	Smith, S.
Causser	Helm	Mustio	Sonney
Clymer	Hennessey	Nailor	Stairs
Cox	Hershey	Nickol	Steil
Creighton	Hess	Payne	Stern
Cutler	Hickernell	Peifer	Stevenson
Denlinger	Hutchinson	Perry	Swanger
Ellis	Kauffman	Phillips	True
Evans, J.	Keller, M.	Pickett	Turzai
Everett	Mackereth	Pyle	Vulakovich
Fairchild			

NOT VOTING—0

EXCUSED—2

Perzel	Shimkus
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring.

Will the House agree to the bill on second consideration as amended?

The SPEAKER. The House will be at ease.

The Chair announces his intention to recess regular session, go over HB 2200 temporarily, and go into special session at 3:26 p.m.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2200 will be over temporarily.

RECESS

The SPEAKER. Regular session will now be in recess.

AFTER RECESS

The time of recess having expired, the House was called to order.

SUPPLEMENTAL CALENDAR B CONTINUED

CONSIDERATION OF HB 2200 CONTINUED

The SPEAKER. The Chair returns to HB 2200.

On the question recurring.

Will the House agree to the bill on second consideration as amended?

Mr. KORTZ offered the following amendment No. A05750:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for recovery of certain labor relations expenses:

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1329. Recovery of certain labor relations expenses.

No public utility may charge its customers as a permissible operating expense for ratemaking purposes any portion of the direct or indirect cost of meetings, publications, consultants, attorneys or other professional services and expenses associated with the utility's efforts to dissuade the employees of the utility, or the employees of any affiliated interest of the utility as defined in section 2101 (relating to definition of affiliated interest), from becoming or remaining a member in, or otherwise being represented by, any labor union.

Section 2. Section 2803 of Title 66 is amended by adding definitions to read:

Amend Sec. 2, page 3, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 13, line 23, by striking out "3" and inserting

4

On the question.

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Kortz on the amendment.

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, amendment A5750 deals with the labor relations expenses of public utilities. Mr. Speaker, there is a right under the laws of this country and the Commonwealth of Pennsylvania for employees to form a union and bargain collectively to secure various protections and benefits on the job. Basically, Mr. Speaker, this amendment says that utilities may not charge its customers the cost of dissuading employees from joining a union or remaining a member of the union.

Mr. Speaker, I would urge all of my colleagues to support this amendment.

The SPEAKER. The Chair recognizes Representative Ross on the amendment.

Mr. ROSS. Thank you, Mr. Speaker.

My understanding of the current functioning of the Public Utility Commission and what they would or would not allow into the rate base would prevent the elements that my colleague from Allegheny County wishes to not be included in a rate case anyway. So I do not think that this amendment really advances things further, neither does it do any harm.

The SPEAKER. Will the House agree to the amendment? The Chair recognizes the majority whip.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker. I would agree that there are provisions in the law, but this will make sure that those provisions are enforced, and I would ask that we support the Kortz amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-137

Adolph	Galloway	Markosek	Santoni
Argall	George	Marshall	Scavello
Baker	Gerber	McCall	Seip
Barrar	Gergely	McGeehan	Shapiro
Belfanti	Gibbons	McI. Smith	Siptroth
Bennington	Godshall	Melio	Smith, K.
Beyer	Goodman	Mensch	Smith, M.
Bianucci	Grell	Micozzie	Solobay
Bishop	Gruceia	Moyer	Sonney
Blackwell	Haluska	Mundy	Staback
Brennan	Hanna	Murt	Stairs
Buxton	Harhai	Mustio	Sturla
Caltagirone	Harhart	Myers	Surra
Carroll	Harkins	O'Brien, M	Tangretti
Casorio	Harper	O'Neill	Taylor, J.
Civera	Hornaman	Oliver	Taylor, R.
Cohen	James	Pallone	Thomas
Conklin	Josephs	Parker	Vereb
Costa	Keller, M.	Pashinski	Vitali
Cruz	Keller, W.	Payne	Vulakovich
Curry	Kenney	Payton	Wagner
Daley	Kessler	Petrarca	Walko
Dally	Killion	Petrone	Wansacz
DeLuca	King	Preston	Waters
DePasquale	Kirkland	Pyle	Wheatley
Dermody	Kortz	Ramaley	White
DeWeese	Kotik	Raymond	Williams
DiGirolamo	Kula	Readshaw	Wojnaroski
Donatucci	Leach	Reed	Yeweic
Eachus	Lentz	Reichley	Youngblood
Evans, D.	Levdansky	Roebuck	Yudichak
Evans, J.	Longietti	Ross	O'Brien, D., Speaker
Fabrizio	Mahoney	Sabatina	
Frankel	Manderino	Sainato	
Freeman	Mann	Samuelson	

NAYS-64

Bastian	Fleck	Mantz	Quinn
Bear	Gabig	Marsico	Rapp
Benninghoff	Geist	McLhattan	Roae
Boback	Gillespie	Metcalfe	Rock
Boyd	Gingrich	Millard	Rohrer
Brooks	Harris	Miller	Rubley
Cappelli	Helm	Milne	Saylor
Causser	Hennessey	Moul	Schroder
Clymer	Hershey	Nailor	Smith, S.
Cox	Hess	Nickol	Steil
Creighton	Hickernell	Peifer	Stern
Cutler	Hutchinson	Perry	Stevenson
Denlinger	Kauffman	Petri	Swanger
Ellis	Mackereth	Phillips	True
Everett	Maher	Pickett	Turzai
Fairchild	Major	Quigley	Watson

NOT VOTING-0

EXCUSED-2

Perzel	Shimkus
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. ROSS offered the following amendment No. A05747:

Amend Sec. 2 (Sec. 2806.1), page 7, line 21, by inserting after "established."

The program administrator, or its appointed fiscal agent, shall administer any and all funds to be used as payments to the third-party entities, and shall disburse said funds upon finding by the program administrator that the selected third-party entity complied with the terms of the agreement between the program administrator and the selected third-party entity.

Amend Sec. 2 (Sec. 2806.1), page 8, lines 20 and 21, by striking out all of line 20 and inserting

(2) Upon approval by the commission of a recommendation by the program administrator for selection of a third-party entity to

Amend Sec. 2 (Sec. 2806.1), page 8, lines 29 and 30; pages 9 and 10, lines 1 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting

(e) Plan goals.—

(1) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of energy efficiency measures includes meeting the goal of reaching an incremental annual energy savings based on a percentage of all electricity sold in calendar year 2007 of 0.4% in 2010 and 2.5% in 2014 and each year thereafter. The program administrator shall ensure that a third-party entity meets the goals contained in this section through the implementation of a program of energy efficiency measures throughout the service territory of the electric distribution company. After December 31, 2014, the commission, in consultation with the program administrator, may adopt additional incremental energy efficiency goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with energy efficiency measures, updated or new technologies and economic conditions that may exist at the time the additional incremental goals are being considered. The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

(2) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of demand-side response measures includes meeting the goal of reducing peak demand from a target year being the calendar year 2007 on a weather-normalized basis and adjusted to eliminate the effect of emergency load control procedures implemented by a regional transmission organization by an amount equal to 2.0% in the 100 hours of highest demand in 2010, 4.0% in the 100 hours of highest demand in 2012 and each year thereafter. The program administrator shall ensure a third-party entity meets the goals contained in this section through the implementation of a program of demand-side resources measures throughout the service territory of the electric distribution company. After December 31, 2012, the commission, in consultation with the program administrator, may adopt additional incremental peak load reduction goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with demand-side response measures, updated load growth forecasts and economic conditions that may exist at the time the additional incremental goals are being considered.

The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

On the question.

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Ross on the amendment.

Mr. ROSS. Thank you, Mr. Speaker.

Amendment A05747 cleans up several elements in the bill which I think were, when it was redrafted, made a little less clear. In particular, it attempts to make it quite clear exactly how the payments would flow through the program administrator to the third-party organizations, not necessarily going through the electric distribution companies. It also makes it clear that the commission, once the commission has approved a recommendation for the third-party administrator, that this process move forward.

And finally, we go through the planned goals one more time. Obviously, the first section is less important now because the interim goal on energy efficiency had been established by the Freeman amendment, but I would point out that there is no interim goal in the demand-side management portion, and I think that that is an important element for us to get some interim cost savings as price caps come off.

That is all that is contained in this particular amendment, and I urge the members to have a positive vote.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the members oppose the Ross amendment.

Two fronts. On the first section of his amendment, he removes the language concerning the program administrator or its appointed fiscal agent. The problem with that is there is a question on funding, a fiscal concern by the removal of that language in this amendment. The question, you know, arises, where does the money come from to pay the third-party entities? You know, does it come out of the General Fund budget or General Fund appropriations, or does it come out of the PUC budget? And the amendment really does not speak to that.

But secondly and even more importantly is, he leaves the cap in place on the energy conservation provisos in the law or in this bill. We cap or put a hard cap on the amount of money the utilities can spend each year to achieve their energy conservation goals, 2 percent of their gross revenues. The problem I see is that the gentleman leaves the cap in place but he raises the goal line or the bar as far as how much or what percentage of reductions are necessary, and because of the fact that the cap is maintained yet the goal has been raised, we do not feel that there is enough money there to take care of the goals that he implements in the legislation or in the amendment, and therefore, I would ask for a negative vote on the amendment.

The SPEAKER. Is there any member seeking recognition before the Chair recognizes the prime sponsor of the amendment for the second time?

Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to rise to acknowledge all of the excellent work the Representative from Chester County has done, not only on

this particular amendment but on the bill as a whole. His ideas and his hard work have really brought us in large measure to what we are. So if I would vote against this measure, which I very well may, it is not a reflection of the ideas contained in this amendment but it is more a matter of the overall strategy of getting a bill to the other side and getting it signed into law.

So I just wanted to tip my hat to Representative Ross for all the good work he has done.

The SPEAKER. The Chair thanks the gentleman – and his hat.

Representative Ross, for the second time.

Mr. ROSS. Mr. Speaker, with some reluctance, I ask the members to read my amendment. My amendment does not change any of the goal targets. That is a misreading of my amendment. It uses the underlying goal targets in the bill.

Secondly, the other provision which was referred to earlier in debate is also in error. I believe that the gentleman in question was reading the wrong amendment. Please refer all members to 5747, not 5730, and once again I urge a positive vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-103

Adolph	Fleck	Marsico	Reed
Argall	Freeman	Mellhattan	Reichley
Baker	Gabig	Mensch	Roae
Barrar	Geist	Metcalfe	Rock
Bastian	Gillespie	Micozzie	Rohrer
Bear	Gingrich	Millard	Ross
Benninghoff	Godshall	Miller	Rubley
Bennington	Grell	Milne	Samuelson
Beyer	Harhart	Moul	Saylor
Boback	Harper	Moyer	Scavello
Boyd	Harris	Murt	Schroder
Brooks	Helm	Mustio	Smith, S.
Cappelli	Hennessey	Nailor	Sonney
Causser	Hershey	Nickel	Stairs
Civera	Hess	O'Neill	Steil
Clymer	Hickermell	Payne	Stern
Cox	Hutchinson	Peifer	Stevenson
Creighton	Kaufman	Perry	Swanger
Cutler	Keller, M.	Petri	Taylor, J.
Dally	Kenney	Phillips	True
Denlinger	Killion	Pickett	Turzai
DiGirolamo	Mackereth	Pyle	Vereb
Ellis	Maher	Quigley	Vitali
Evans, J.	Major	Quinn	Vulakovich
Everett	Mantz	Rapp	Watson
Fairchild	Marshall	Raymond	

NAYS-98

Belfanti	George	Manderino	Shapiro
Bianucci	Gerber	Mann	Siproth
Bishop	Gergely	Markosek	Smith, K.
Blackwell	Gibbons	McCall	Smith, M.
Brennan	Goodman	McGeehan	Solobay
Buxton	Grucela	McI. Smith	Staback
Caltagirone	Haluska	Melio	Sturla
Carroll	Hanna	Mundy	Surra
Casorio	Harhai	Myers	Tangretti
Cohen	Harkins	O'Brien, M.	Taylor, R.
Conklin	Hornaman	Oliver	Thomas
Costa	James	Pallone	Wagner
Cruz	Josephs	Parker	Walko

Curry	Keller, W.	Pashinski	Wansacz
Daley	Kessler	Payton	Waters
DeLuca	King	Petrarca	Wheatley
DePasquale	Kirkland	Petrone	White
Dermody	Kortz	Preston	Williams
DeWeese	Kotik	Ramaley	Wojnaroski
Donatucci	Kula	Readshaw	Yewcic
Eachus	Leach	Roebuck	Youngblood
Evans, D.	Lentz	Sabatina	Yudichak
Fabrizio	Levdansky	Sainato	O'Brien, D.,
Frankel	Longietti	Santoni	Speaker
Galloway	Mahoney	Seip	

NOT VOTING-0

EXCUSED-2

Perzel	Shimkus
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. The Chair recognizes Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to withdraw the other amendments that I had previously offered.

The SPEAKER. The Chair thanks the gentleman.

The Chair is not aware of any other amendments pending to the bill.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

AMENDMENT A05747 RECONSIDERED

The SPEAKER. It has been moved by Representative McCall and Representative Surra that the vote by which amendment A05747 was passed to HB 2200, PN 3176, on the 11th day of February 2008 be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-102

Belfanti	Galloway	Manderino	Shapiro
Bennington	George	Mann	Siptroth
Biancucci	Gerber	Markosek	Smith, K.
Bishop	Gergely	McCall	Smith, M.
Blackwell	Gibbons	McGeehan	Solobay
Brennan	Goodman	Mel. Smith	Staback
Buxton	Grucela	Melio	Sturla
Caltagirone	Haluska	Mundy	Surra
Carroll	Hanna	Myers	Tangretti
Casorio	Harhai	O'Brien, M.	Taylor, R.
Cohen	Harkins	Oliver	Thomas
Conklin	Hornaman	Pallone	Vitali
Costa	James	Parker	Wagner

Cruz	Josephs	Pashinski	Walke
Curry	Keller, W.	Payton	Wansacz
Daley	Kessler	Petrarca	Waters
DeLuca	King	Petrone	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Ramaley	Williams
DeWeese	Kotik	Readshaw	Wojnaroski
Donatucci	Kula	Roebuck	Yewcic
Eachus	Leach	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Fabrizio	Levdansky	Samuelson	
Frankel	Longietti	Santoni	O'Brien, D.,
Freeman	Mahoney	Seip	Speaker

NAYS-99

Adolph	Fleck	Marsico	Raymond
Argall	Gabig	McLhattan	Reed
Baker	Geist	Mensch	Reichley
Barrar	Gillespie	Metcalfe	Roae
Bastian	Gingrich	Micozzie	Rock
Bear	Godshall	Millard	Rohrer
Benninghoff	Grell	Miller	Ross
Beyer	Harhart	Milne	Rubley
Boback	Harper	Moul	Saylor
Boyd	Harris	Moyer	Scavello
Brooks	Helm	Murt	Schroder
Cappelli	Hennessey	Mustio	Smith, S.
Causar	Hershey	Nailor	Sonney
Civera	Hess	Nickol	Stairs
Clymer	Hickernell	O'Neill	Steil
Cox	Hutchinson	Payne	Stern
Creighton	Kauffman	Peifer	Stevenson
Cutler	Keller, M.	Perry	Swanger
Dally	Kenney	Petri	Taylor, J.
Denlinger	Killion	Phillips	True
DiGirolamo	Mackereth	Pickett	Turzai
Ellis	Maher	Pyle	Vereb
Evans, J.	Major	Quigley	Vulakovich
Everett	Mantz	Quinn	Watson
Fairchild	Marshall	Rapp	

NOT VOTING-0

EXCUSED-2

Perzel	Shimkus
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. **A05747**:

Amend Sec. 2 (Sec. 2806.1), page 7, line 21, by inserting after "established,"

The program administrator, or its appointed fiscal agent, shall administer any and all funds to be used as payments to the third-party entities, and shall disburse said funds upon finding by the program administrator that the selected third-party entity complied with the terms of the agreement between the program administrator and the selected third-party entity.

Amend Sec. 2 (Sec. 2806.1), page 8, lines 20 and 21, by striking out all of line 20 and inserting

(2) Upon approval by the commission of a recommendation by the program administrator for selection of a third-party entity to

Amend Sec. 2 (Sec. 2806.1), page 8, lines 29 and 30; pages 9 and 10, lines 1 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting

(e) Plan goals.—

(1) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of energy efficiency measures includes meeting the goal of reaching an incremental annual energy savings based on a percentage of all electricity sold in calendar year 2007 of 0.4% in 2010 and 2.5% in 2014 and each year thereafter. The program administrator shall ensure that a third-party entity meets the goals contained in this section through the implementation of a program of energy efficiency measures throughout the service territory of the electric distribution company. After December 31, 2014, the commission, in consultation with the program administrator, may adopt additional incremental energy efficiency goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with energy efficiency measures, updated or new technologies and economic conditions that may exist at the time the additional incremental goals are being considered. The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

(2) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of demand-side response measures includes meeting the goal of reducing peak demand from a target year being the calendar year 2007 on a weather-normalized basis and adjusted to eliminate the effect of emergency load control procedures implemented by a regional transmission organization by an amount equal to 2.0% in the 100 hours of highest demand in 2010, 4.0% in the 100 hours of highest demand in 2012 and each year thereafter. The program administrator shall ensure a third-party entity meets the goals contained in this section through the implementation of a program of demand-side resources measures throughout the service territory of the electric distribution company. After December 31, 2012, the commission, in consultation with the program administrator, may adopt additional incremental peak load reduction goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with demand-side response measures, updated load growth forecasts and economic conditions that may exist at the time the additional incremental goals are being considered. The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Table with 4 columns of names: Adolph, Argall, Baker, Barrar, Bastian, Bear, Benninghoff, Beyer, Boback, Boyd, Brooks, Cappelli, Causer, Civera, Fleck, Gabig, Geist, Gillespie, Gingrich, Godshall, Grell, Harhart, Harper, Harris, Helm, Hennessey, Hershey, Hess, Marsico, McIlhatten, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Murt, Mustio, Nailor, Nickol, Raymond, Reed, Reichley, Roae, Rock, Rohrer, Ross, Rubley, Saylor, Scavello, Schroder, Smith, S., Sonney, Stairs

Table with 4 columns of names: Clymer, Cox, Creighton, Cutler, Dally, Denlinger, DiGirolamo, Ellis, Evans, J., Everett, Fairchild, Hickernell, Hutchinson, Kauffman, Keller, M., Kenney, Killion, Mackereth, Maher, Major, Mantz, Marshall, O'Neill, Peifer, Perry, Petri, Phillips, Pickett, Pyle, Quigley, Quinn, Rapp, Steil, Stern, Stevenson, Swanger, Taylor, J., True, Turzai, Vereb, Vulakovich, Watson

NAYS—103

Table with 4 columns of names: Belfanti, Bennington, Biancucci, Bishop, Blackwell, Brennan, Buxton, Caltagirone, Carroll, Casorio, Cohen, Conklin, Costa, Cruz, Curry, Daley, DeLuca, DePasquale, Dermody, DeWeese, Donatucci, Eachus, Evans, D., Fabrizio, Frankel, Freeman, Galloway, George, Gerber, Gergely, Gibbons, Goodman, Grucela, Haluska, Hanna, Harhai, Harkins, Hornaman, James, Josephs, Keller, W., Kessler, King, Kirkland, Koltz, Kotik, Kula, Leach, Lentz, Levdansky, Longiotti, Mahoney, Manderino, Mann, Markosek, McCall, McGeehan, McI. Smith, Melio, Mundy, Myers, O'Brien, M., Oliver, Pallone, Parker, Pashinski, Payne, Payton, Petrarca, Petrone, Preston, Ramaley, Readshaw, Roebuck, Sabatina, Sarnato, Samuelson, Santoni, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Solobay, Staback, Sturla, Surra, Tangretti, Taylor, R., Thomas, Vitali, Wagner, Walko, Wansacz, Waters, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NOT VOTING—0

EXCUSED—2

Table with 2 columns of names: Perzel, Shimkus

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

The SPEAKER. Does Representative Ross still wish to withdraw the other amendments?
Mr. ROSS. I have no interest in wasting the time of the body.
The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 494, PN 549**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for State Board of Dentistry.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McL. Smith	Santoni
Benninghoff	Gibbons	Mellhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Siptroth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	Smith, M.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Verch
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Deninger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski

Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roac	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

Perzel	Shimkus
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1752, PN 3194**, entitled:

An Act providing for education for parents relating to sudden infant death syndrome and sudden unexpected death of infants; establishing the Sudden Infant Death Syndrome Education and Prevention Program; and providing for duties of the Department of Health.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McL. Smith	Santoni
Benninghoff	Gibbons	Mellhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Siptroth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	Smith, M.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay

Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS-0

NOT VOTING-0

EXCUSED-2

Perzel Shimkus

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1867, PN 3174**, entitled:

An Act requiring a circulating nurse in certain operating rooms.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-201

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Sipiroth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	Smith, M.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS-0

NOT VOTING-0

EXCUSED-2

Perzel Shimkus

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

HOUSE SCHEDULE**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

Just on scheduling: We are going to break for caucus and return to the floor at 4:30. We have approximately 10 bills on second consideration that we are going to caucus on and then return to the floor at 4:30.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess; that is, Republicans will caucus immediately at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Representative Petri, rise?

Mr. PETRI. Mr. Speaker, to correct the record.

The SPEAKER. The gentleman is in order.

Mr. PETRI. Thank you.

On amendment 5750 to HB 2200, I was recorded negatively, and I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Are there any other announcements?

RECESS

The SPEAKER. This House will stand in recess until 4:30 p.m.

RECESS EXTENDED

The time of recess was extended until 5 p.m.; further extended until 5:30 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER. Members will report to the floor.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative METCALFE and Representative John TAYLOR be placed on leave for the remainder of the day. The Chair sees no objection. The leaves will be granted.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2241 By Representatives McILVAINE SMITH, KENNEY, BENNINGTON, BISHOP, BRENNAN, BUXTON, CAPPELLI, CARROLL, CONKLIN, COSTA, CURRY, CUTLER, DALEY, DERMODY, DIGIROLAMO, FABRIZIO, FLECK, FREEMAN, GEORGE, GOODMAN, GRUCELA, HALUSKA, HARHAJ, HARKINS, HARPER, HENNESSEY, HERSHEY, HORNAMAN, JOSEPHS, ADOLPH, KESSLER, KING, KOTIK, KULA, LEACH, LENTZ, LEVDANSKY, LONGIETTI, MAHONEY, MANDERINO, MANN, McILHATTAN, MELIO, MICOZZIE, MUNDY, MYERS, NAILOR, OLIVER, PETRARCA, PETRONE, RAPP, READSHAW, ROAE, ROSS, RUBLEY, SAMUELSON, SANTONI, SCAVELLO, SEIP, SHAPIRO, SHIMKUS, K. SMITH, M. SMITH, SOLOBAY, STABACK, STEIL, SURRA, J. TAYLOR, THOMAS, WALKO, WATERS, WATSON, J. WHITE, WILLIAMS, YOUNGBLOOD, MILNE, GRELL and D. O'BRIEN

An Act providing for an annual allocation of funds to county mental health and mental retardation programs.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 11, 2008.

No. 2242 By Representatives GINGRICH, MUNDY, HENNESSEY, WATSON, BELFANTI, BENNINGTON, BIANCUCCI, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, FREEMAN, GEIST, GILLESPIE, LONGIETTI, R. MILLER, O'NEILL, PALLONE, PETRONE, RAPP, REICHLEY, RUBLEY, SAYLOR, SIPTROTH, SWANGER, J. TAYLOR and YOUNGBLOOD

An Act requiring public notices relating to long-term care providers; and providing for compliance and enforcement, for certain information to be posted on the Internet, for certain information to be provided directly to consumers and consumers' designated persons and for certain duties of Commonwealth agencies responsible for licensure, certification and other approval of long-term care providers.

Referred to Committee on AGING AND OLDER ADULT SERVICES, February 11, 2008.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 949, PN 1744

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 2008.

SUPPLEMENTAL CALENDAR B CONTINUED**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1257, PN 2934**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; defining "certified dental assistant"; further providing for general powers of the State Board of Dentistry, for fees, for reason for refusal, revocation or suspension of license or certificate, for penalties, for civil penalties, for right of dentists to practice as dental hygienists and expanded function dental assistants, for reporting of multiple licensure or certification and for the definition of "assignment of duties"; and providing for scope of practice of expanded function dental assistant and for scope of practice for certified dental assistant.

On the question.
Will the House agree to the bill on second consideration?
Bill was agreed to.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1804, PN 3013**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions and for the State Board of Medicine; providing for jointly promulgated regulations; and further providing for respiratory care practitioners and for respiratory care practitioner certificates and permits.

On the question.
Will the House agree to the bill on second consideration?

Mr. **YUDICHAK** offered the following amendment No. **A05245**:

Amend Sec. 4 (Sec. 13.1), page 5, line 23, by striking out "disability" and inserting impairment

Amend Sec. 4 (Sec. 13.1), page 5, line 30, by striking out all of said line and inserting Medicine.

On the question.
Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Yudichak on the amendment.

Mr. **YUDICHAK**. Thank you, Mr. Speaker.
This makes minor technical changes to the bill.
The **SPEAKER**. The Chair thanks the gentleman.

On the question recurring.
Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The **SPEAKER**. The Chair recognizes the minority whip, who requests that Representative **HARPER** be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

CONSIDERATION OF HB 1804 CONTINUED

On the question recurring.
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuea	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eaehus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcie
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roac	O'Brien, D.
Fleck	Manderino	Rock	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Metcalfe			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on second consideration as amended?
Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1999, PN 3014**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants and for respiratory care practitioners.

On the question,
Will the House agree to the bill on second consideration?

Mr. **SEIP** offered the following amendment No. **A05447**:

Amend Sec. 1 (Sec 13), page 2, lines 3 and 4, by striking out all of line 3 and "(2)" in line 4 and inserting

(1)

Amend Sec. 1 (Sec. 13), page 2, line 5, by striking out "(3)" and inserting

(2)

Amend Sec. 1 (Sec. 13), page 2, line 8, by striking out "(4)" and inserting

(3)

Amend Sec. 1 (Sec. 13), page 2, line 9, by striking out "(5)" and inserting

(4)

Amend Sec. 1 (Sec. 13), page 2, line 10, by striking out "(6)" and inserting

(5)

Amend Sec. 1 (Sec. 13), page 2, line 12, by striking out "(7)" and inserting

(6)

Amend Sec. 1 (Sec. 13), page 2, line 13, by striking out "(8)" and inserting

(7)

On the question,
Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Seip on the amendment.

Mr. **SEIP**. Thank you, Mr. Speaker.

This is an agreed-to technical agreement.

The **SPEAKER**. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley

Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Greil	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Cahtagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longiotti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roe	O'Brien, D., Speaker
Fleck	Manderino	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Metcalf			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

The House proceeded to second consideration of **HB 2051, PN 3015**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants and for respiratory care practitioners; and making inconsistent repeals.

On the question,
Will the House agree to the bill on second consideration?

Mr. **SEIP** offered the following amendment No. **A05448**:

Amend Sec. 2 (Sec. 10), page 4, line 1, by striking out all of said line

Amend Sec. 2 (Sec. 10), page 4, line 2, by striking out "(ii)" and inserting

(i)

Amend Sec. 2 (Sec. 10), page 4, line 3, by striking out "(iii)" and inserting

(ii)

Amend Sec. 2 (Sec. 10), page 4, line 6, by striking out "(iv)" and inserting

(iii)

Amend Sec. 2 (Sec. 10), page 4, line 7, by striking out "(v)" and inserting

(iv)

Amend Sec. 2 (Sec. 10), page 4, line 9, by striking out "(vi)" and inserting

(v)

Amend Sec. 2 (Sec. 10), page 4, line 11, by striking out "(vii)" and inserting

(vi)

Amend Sec. 2 (Sec. 10), page 4, line 12, by striking out "(viii)" and inserting

(vii)

On the question,
Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Seip on the amendment.

Mr. **SEIP**. Thank you, Mr. Speaker.
This also is an agreed-to technical agreement.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Bellanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	Mellhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro

Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walco
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longiatti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-5

Harper	Perzel	Shimkus	Taylor, J.
Metcalfe			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on second consideration as amended?
Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2088, PN 3007**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for the State Board of Osteopathic Medicine, for

respiratory care practitioners, for respiratory care practitioner certificates and permits and for reasons for refusal, revocation or suspension of license; and providing for regulations.

On the question.
 Will the House agree to the bill on second consideration?
 Bill was agreed to.

RESOLUTIONS PURSUANT TO RULE 35

Mr. DONATUCCI called up **HR 569, PN 3150**, entitled:

A Resolution observing the month of March 2008 as "National Colorectal Cancer Awareness Month" in Pennsylvania.

On the question.
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McL. Smith	Santoni
Bennington	Gibbons	Mellhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yeweie
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D.,
Fleck	Manderino	Rock	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Metcalfe			

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. HESS called up **HR 573, PN 3166**, entitled:

A Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Pennsylvania chapters of the National Multiple Sclerosis Society for their work; and proclaiming the week of March 10 through 17, 2008, as "Multiple Sclerosis Awareness Week" in Pennsylvania.

On the question.
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McL. Smith	Santoni
Bennington	Gibbons	Mellhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson

DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yeweic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D.,
Fleck	Manderino	Rock	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Harper	Perzel	Shimkus	Taylor, J.
Metcalf			

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. The House will be at ease.

The House will come to order.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1137, PN 1621**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund and for actuarial data; providing for the Medical Care Availability for Pennsylvanians (MCAP) Reserve Fund; further providing for abatement program, for the Health Care Provider Retention Account and for expiration; and providing for expiration of certain sections.

On the question,
Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1137 be removed from the active calendar and placed on the tabled bill calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1137 be removed from the tabled bill calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1643, PN 2876**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for reports to Department of Education, for rules and regulations and safety patrols, for financial reports, for residence and right to free school privileges, for possession of weapons prohibited and for suspension and expulsion of pupils.

On the question recurring,
Shall the bill pass finally?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1643 be removed from the active calendar and recommitted to the Committee on Rules.

On the question,
Will the House agree to the motion?
Motion was agreed to.

The SPEAKER. The House will be at ease.

The House will come to order.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 949, PN 2933**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification, for surrender of suspended or revoked certificate, for penalties and for injunctive relief.

On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

The SPEAKER. The House will be at ease.

The House will come to order.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately. All Republicans please report to our caucus room immediately. Thank you

The SPEAKER. The Chair thanks the lady.

ANNOUNCEMENT BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes Representative DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

The House will reconvene at 7:30 promptly. There will be no need for a Democratic caucus. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Any other announcements?

RECESS

The SPEAKER. This House will stand in recess until 7:30 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The House will come to order.

For what purpose does the majority leader, Representative DeWeese, rise?

Mr. DeWEESE. A parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. DeWEESE. I am under the impression, Mr. Speaker, that the language that the Legislative Reference Bureau was working on is now on the computers and a vote is imminent. Can the Chair verify that?

The SPEAKER. The Chair is not aware that it has been posted on the system. We are monitoring that, and we will let you know as soon as that is available. It is not on the system as yet.

Mr. DeWEESE. We are anticipating a 5- or 10-minute wait. I have been told 10 minutes two or three different 10 minutes ago, if there is such a phrase; not by you, Mr. Speaker, but by several of our very worthy helpers.

The SPEAKER. We will call and find out what the timeframe is and report to you immediately.

Mr. DeWEESE. Thank you.

GUEST INTRODUCED

The SPEAKER. The Chair would like to recognize as the guest of Representative Ken Smith, his wife, Dorothy, who is

seated to the left of the Speaker. Would you please stand and be recognized. Welcome to the floor of the House.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Metcalfe on the floor. His name will be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative MICOZZIE be placed on leave. The Chair sees no objection. The leave will be granted.

The House will come to order.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair informs the majority leader the amendment is on the system.

RESCISSION OF POSTPONEMENT OF BILL

The SPEAKER. The Chair recognizes the majority leader, Mr. DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

I would like to move that the vote of February the 6th, 2008, whereby SB 1 was postponed until Tuesday, February 12, 2008, be rescinded so that we may return to the consideration of SB 1.

The SPEAKER. The majority leader moves that the vote on February 6, 2008, whereby SB 1 was postponed until Tuesday, February 12, 2008 be rescinded so that we may return to the consideration of the bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	Mellhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Siptroth
Boyd	Gruceta	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causser	Hennessey	Nickol	Stern

Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yeweic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roac	O'Brien, D.,
Fleck	Manderino	Rock	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Harper	Perzel	Shimkus	Taylor, J.
Micozzie			

The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1, PN 1726**, entitled:

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

RULES SUSPENDED

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman, Representative King of Bucks County, who moves that the rules of the House be suspended so that he can offer amendment A05848, which the clerk will read.

The clerk read the following amendment No. **A05848**:

Amend Sec. 102, page 57, line 24, by striking out "INCLUDES:" and inserting

Any of the following:

Amend Sec. 102, page 58, line 3, by striking out all of said line and inserting

(3) A financial audit report. The term does not include work papers underlying an audit.

Amend Sec. 102, page 59, by inserting between lines 11 and 12

(15) The Legislative Audit Advisory Commission.

Amend Sec. 102, page 60, line 3, by inserting after "AUDIT" report

Amend Sec. 102, page 61, line 11, by inserting after "PRIVILEGE" where it appears the second time
. the speech and debate privilege

Amend Sec. 102, page 61, line 14, by inserting after "RECORD" where it appears the second time

. including a financial record.

Amend Sec. 102, page 62, line 7, by striking out "AND" where it appears the second time and inserting
services and training.

Amend Sec. 102, page 62, line 10, by inserting after "SERVICES" where it appears the second time

. services for the elderly, services for individuals with disabilities

Amend Sec. 102, page 62, line 11, by inserting after "CRIMES" and domestic violence

Amend Sec. 701, page 74, line 13, by inserting after "TO" or the personal security of

Amend Sec. 708, page 78, line 21, by inserting after "RECORD" which is not otherwise exempt from access under this act and which is

Amend Sec. 708, page 79, lines 22 through 25, by striking out all of said lines and inserting

(15) (i) Academic transcripts.

(ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

Amend Sec. 708, page 82, line 5, by inserting a comma after "RECORDING" where it appears the second time

Amend Sec. 708, page 84, by inserting between lines 25 and 26

(30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

Amend Sec. 708, page 84, lines 27 and 28, by striking out "FOR FINANCIAL RECORDS" and inserting

that an agency may redact that portion of a financial record

Amend Sec. 708, page 84, lines 29 and 30; page 85, line 1, by striking out all of said lines on said pages and inserting

(4), (5), (6), (16) or (17). An agency shall

Amend Sec. 708, page 85, line 3, by inserting a period after "ACTIVITY"

Amend Sec. 708, page 85, lines 3 through 5, by striking out "OR OTHER" in line 3 and all of lines 4 and 5

Amend Sec. 708, page 85, by inserting between lines 9 and 10
(e) Construction.—In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.

Amend Sec. 1307, page 94, line 7, by inserting after "BY" where it appears the second time

or connected with

Amend Sec. 1307, page 94, line 9, by striking out "NEWSPAPER" and inserting publication

Amend Sec. 1307, page 94, lines 16 through 18, by striking out all of said lines

Amend Sec. 1707, page 100, line 11, by striking out "OBLIGATION" and inserting contract

Amend Bill, page 102, lines 11 through 21, by striking out all of said lines and inserting

This act shall apply to requests for information made after December 31, 2008.

Section 3101.1. Relation to other laws.

If the provisions of this act regarding access to records conflict with any other Federal or State law, the provisions of this act shall not apply.

Amend Sec. 3103, page 103, lines 9 and 10, by striking out all of line 9 and "DECREE" in line 10 and inserting

Notwithstanding 1 Pa.C.S. § 1937(b), a reference in a statute or regulation

Amend Sec. 3104, page 103, line 19, by striking out all of said line and inserting

(2) Chapters 15 and 17 and sections 3102(1)(i) and 3102(2)(i) shall take effect July 1, 2008.

(3) The remainder of this act shall take effect January

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McL. Smith	Santoni
Bennington	Gibbons	McLhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Sjproth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carrroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True

Curry	Keller, M.	Perfer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longiotti	Raymond	Yeweic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Micozzie			

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

Mr. KING offered the following amendment No. A05848:

Amend Sec. 102, page 57, line 24, by striking out "INCLUDES:" and inserting

Any of the following:

Amend Sec. 102, page 58, line 3, by striking out all of said line and inserting

(3) A financial audit report. The term does not include work papers underlying an audit.

Amend Sec. 102, page 59, by inserting between lines 11 and 12

(15) The Legislative Audit Advisory Commission.

Amend Sec. 102, page 60, line 3, by inserting after "AUDIT" report

Amend Sec. 102, page 61, line 11, by inserting after "PRIVILEGE" where it appears the second time

, the speech and debate privilege

Amend Sec. 102, page 61, line 14, by inserting after "RECORD" where it appears the second time

, including a financial record,

Amend Sec. 102, page 62, line 7, by striking out "AND" where it appears the second time and inserting

services and training.

Amend Sec. 102, page 62, line 10, by inserting after "SERVICES" where it appears the second time

, services for the elderly, services for individuals with disabilities

Amend Sec. 102, page 62, line 11, by inserting after "CRIMES" and domestic violence

Amend Sec. 701, page 74, line 13, by inserting after "TO" or the personal security of

Amend Sec. 708, page 78, line 21, by inserting after "RECORD" which is not otherwise exempt from access under this act and which is

Amend Sec. 708, page 79, lines 22 through 25, by striking out all of said lines and inserting

(15) (i) Academic transcripts.

(ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

Amend Sec. 708, page 82, line 5, by inserting a comma after "RECORDING" where it appears the second time

Amend Sec. 708, page 84, by inserting between lines 25 and 26

(30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

Amend Sec. 708, page 84, lines 27 and 28, by striking out "FOR FINANCIAL RECORDS" and inserting that an agency may redact that portion of a financial record

Amend Sec. 708, page 84, lines 29 and 30; page 85, line 1, by striking out all of said lines on said pages and inserting

(4), (5), (6), (16) or (17). An agency shall

Amend Sec. 708, page 85, line 3, by inserting a period after "ACTIVITY"

Amend Sec. 708, page 85, lines 3 through 5, by striking out "OR OTHER" in line 3 and all of lines 4 and 5

Amend Sec. 708, page 85, by inserting between lines 9 and 10

(e) Construction.—In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.

Amend Sec. 1307, page 94, line 7, by inserting after "BY" where it appears the second time

or connected with

Amend Sec. 1307, page 94, line 9, by striking out "NEWSPAPER" and inserting publication

Amend Sec. 1307, page 94, lines 16 through 18, by striking out all of said lines

Amend Sec. 1707, page 100, line 11, by striking out "OBLIGATION" and inserting contract

Amend Bill, page 102, lines 11 through 21, by striking out all of said lines and inserting

This act shall apply to requests for information made after December 31, 2008.

Section 3101.1. Relation to other laws.

If the provisions of this act regarding access to records conflict with any other Federal or State law, the provisions of this act shall not apply.

Amend Sec. 3103, page 103, lines 9 and 10, by striking out all of line 9 and "DECREE" in line 10 and inserting

Notwithstanding 1 Pa.C.S. § 1937(b), a reference in a statute or regulation

Amend Sec. 3104, page 103, line 19, by striking out all of said line and inserting

(2) Chapters 15 and 17 and sections 3102(1)(i) and 3102(2)(i) shall take effect July 1, 2008.

(3) The remainder of this act shall take effect January

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

Very briefly, tonight's effort will be to clarify what we believe is an already good open records proposal. Senator Pileggi and his team as well as the Democrats in the Senate sent us a proposal that was voted 50 to nothing out of the Senate. It had some exciting debate last week. We have in the best spirit of compromise been working over the weekend and throughout the day with our Republican colleagues here in the chamber, and we have made several visits back and forth to the State Senate, and we have met with Senator Pileggi as recently as a few minutes ago.

If this legislation is passed tonight, it will indeed be the result of a bicameral and bipartisan effort that has been engendered by preeminently this House, our own chamber. We probably with 102 members could have jammed this thing through to the Governor's desk, but that probably would not have been a good idea. We did not want to leave a sour taste in anybody's mouth. We wanted to go for a bicameral, bipartisan proposal, and with the help of Senator Pileggi and our experts on the legal teams in all of the caucuses, we have that.

So I would ask for an affirmative vote on the King amendment.

The SPEAKER. The Chair recognizes Representative King for an explanation of the amendment.

Mr. KING. Thank you, Mr. Speaker.

Mr. Speaker, amendment 5848 provides for some technical clarifications and further provides for some protections of information in SB 1.

The SPEAKER. The Chair recognizes Representative Maher on the amendment.

Mr. MAHER. Thank you, Mr. Speaker.

This is a happy day for Pennsylvania. The long, long road towards expanding the public's access to government records is about to be a journey completed. The amendment before us serves to add protections of seniors across Pennsylvania who receive services from governments so that their personal information would not be revealed to those who might exploit it. It adds protections for children in Pennsylvania so that their names, addresses, dates of birth will not be just generally available. It improves 911 protections for victims and whistleblowers. It ensures that public records that once are made available, they are public, and if somebody wishes to repackage that information in some creative fashion to make it more easily available to the public, that they have every right to do that.

It also recognizes that the Legislative Audit Advisory Commission's activities should be open to the public, just as any other aspect of the legislature. But most importantly in a nutshell, all of the concerns that were raised on this side of the aisle, many of which meant that we simply needed to improve the drafting because it had real-world reproductions, have been addressed, and senior citizens and children who are at risk will not be at risk, and I want to thank the members of this chamber for taking a deep breath and understanding that this very good proposal could proceed without injuring the innocent, and today this amendment will cure those defects.

Thank you, Mr. Speaker

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I was at this microphone Wednesday and really upset about some issues, and I want to thank the majority leader and thank the gentleman for coming forward with this amendment to

clarify some of those issues, all of those issues, and I think we have a good piece of legislation here that we can live with. Thank you.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Will the gentleman from Bucks County just submit to a short interrogation on the amendment, please?

The SPEAKER. The gentleman, Representative King, indicates that he will stand for interrogation. The gentleman, Representative Fairchild, is in order and may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker, and thank you for bringing together this amendment. I think it goes a long way, and I applaud all those on both sides of the aisle here and both sides of the aisle in the Senate for working to bring us where we are this evening.

I do have a question on legislative intent. I notice the amendment did not take out the time response logs information, and for legislative intent, I visualize the time response logs as a log of when a call comes into a 911 center, when action is taken and when it is complete. Is that your interpretation, or what is your definition or intent as far as a time response log?

Mr. KING. Mr. Speaker, I would say that is a fair interpretation of legislative intent.

Mr. FAIRCHILD. Thank you.

Then just to solidify here, it is not the incident log itself, which has all the detailed information of a caller — the address, the telephone number, the date of birth, all that stuff?

Mr. KING. Mr. Speaker, that is correct.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to say, and I will say it now if you will just give me leeway.

The SPEAKER. If the gentleman has concluded his interrogation, he is in order and may proceed with his comments.

Mr. FAIRCHILD. Yes, Mr. Speaker.

This does have to do with the amendment and the bill. Then I will not get up on the bill. But again, thank you. We have come a long way. We probably have to tweak a couple things here a little bit, and I think if we continue to work in a bipartisan manner, we can do that.

Finally, there was a very terrible incident that happened in Bucks County recently, and I want to just make all the members aware that the Speaker of the House, Speaker O'Brien, is going to be holding an event on April 7. It is backed and supported by all your 911, your emergency services people, and it is going to be a great enhancement to our system, and I would like to thank you, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative John Taylor on the floor. His name will be added to the master roll.

CONSIDERATION OF SB 1 CONTINUED

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Very briefly, the majority leader noted that possibly with a 102 votes they could have rammed SB 1 through as it came back to this House recently, and I would say that with 102 votes, he definitely could have rammed this bill through. I think that would have been wrong, and I appreciate that the majority leader was willing to work with us to put together this amendment that I believe goes a long way in putting a proper balance between the public's right to know and the public's expectation of personal privacy protection.

I appreciate the work that has gone into this over the last 24 hours or so, in particular to bring us to this point. I think given where we were last Tuesday or Wednesday night and the controversy on the floor, that we have come a long way in improving SB 1, and I want to thank and appreciate the majority leader's support and help in that regard as well as the members of this House.

Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Sipthoth
Boback	Gruccia	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solohay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causer	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, M.	Peifer	True
Curry	Keller, W.	Perry	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGirolamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longiotti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewic

Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairechild	Manderino	Rock	O'Brien, D.
Fleck	Mann	Roebuck	Speaker
Frankel			

NAYS-0

NOT VOTING-0

EXCUSED-4

Harper	Micozzie	Perzel	Shimkus
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question.

Will the House concur in Senate amendments to House amendments as amended?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-199

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Bellanti	Gergely	McL. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Siptroth
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causer	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, M.	Peifer	True
Curry	Keller, W.	Perry	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Daffy	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGirolamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White

Eachus	Levdansky	Rapp	Williams
Ellis	Longietti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairechild	Manderino	Rock	O'Brien, D.
Fleck	Mann	Roebuck	Speaker
Frankel			

NAYS-0

NOT VOTING-0

EXCUSED-4

Harper	Micozzie	Perzel	Shimkus
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments as amended were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. It is the intention of the Chair to recess regular session and go into special session at 8:21.

The House rescinds its announcement.

The Chair renews its announcement of its intention to recess regular session and go into special session at 8:22.

RECESS

The SPEAKER. Regular session of the House is now in recess.

AFTER RECESS

The time of recess having expired, the House was called to order.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, are we concluded with our other enterprises for the evening?

The SPEAKER. As far as the Chair—

Mr. DeWEESE. Just for a matter of scheduling, we will launch at 11 o'clock tomorrow.

I did not want to belabor the House chamber during the debate, but as the majority leader and minority leader are occasionally given the opportunity, I wanted to share four quick points. I think I can do it in 60 seconds.

The SPEAKER. The gentleman is in order and may proceed.

Mr. DeWEESE. Relative to our open records law that we worked together on in a bipartisan way, four quick points: One, the presumption of openness is now flipped and government documents will be available, and it will be up to the government to prove why they should not be made open. Number two, for the first time in history, thanks to a bipartisan, bicameral arrangement, the Pennsylvania legislature will be incorporated into the open records proposal. Number three, due to the

financial accountability activities that are prescribed in this measure, the public will know exactly how their tax dollars are being spent. Fourth and finally, a State Office of Open Records will be created. There will be an appeals process, and I think that our Commonwealth will go to the forefront among the 50 States for a very aggressive and successful open records law.

The Senate, and especially Senator Pileggi, deserves congratulations, but again, I think tonight's work product is certainly an example of when a bipartisan effort is a more healthy effort.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Are there any other announcements?

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Pashinski from Luzerne County, who moves that the House do now adjourn until Tuesday, February 12, 2008, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question.

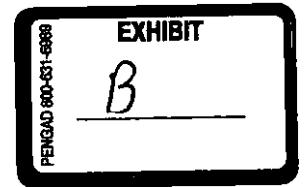
Will the House agree to the motion?

Motion was agreed to, and at 8:25 p.m., e.s.t., the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 12, 2008



SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 14

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

The SPEAKER. The prayer today will be offered by Father John Paul, who is a friend of the Speaker and is the pastor of Our Lady of Calvary Church in northeast Philadelphia, which happens to be my parish. So I welcome Father John Paul here today.

REV. JOHN P. PAUL, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning.

We have already got the Pope, John Paul, but he is dead. I am no relation. I am German-Irish. He was Polish.

I would like to just spend a minute and give you a little background of who I am, a minute giving a little story that leads into the prayer.

I am Father John Paul, as Denny said, at Our Lady of Calvary Parish. I am the pastor there, and we have approximately 10,000 people, about 3,000 families. We are nestled up in the northeast corner, up near Franklin Mills mall.

When I went to the parish, the pastoral council there – as you have your councils and meeting groups – the pastoral council gave me a dictionary. They said, if you have any questions, here is a dictionary for you. You already have the Bible.

So after my first sermon, I came back and I said, well, how did I do? One of the members of the council said, you are a warm preacher. I said, what do you mean by warm? He said, look it up in the dictionary. So I went to the dictionary and found out the word "warm" means not so hot. So I took that okay. The next Sunday, if you are familiar with Bishop Sheen who used to be on television, I stole one of his sermons, which you guys would never do, I am sure, but I took his whole talk and I delivered it the way he would deliver it. I came back and I really felt great, and I said, well, how did I do? A pastoral council member looked at me and said, well, you are a model preacher. I said, what do you mean by model? He said, look it up in the dictionary. So I looked it up in the dictionary, and I found out that the word "model" means a small imitation of the real thing. My ego was deflated, and I went back the next Sunday and I told the congregation what had happened about the dictionary and my comments and I was just going to try to be myself. After church a little guy came up to me and he said,

Father, my mom says you have a mellow voice. I said, what do you mean by mellow? He said, look it up in the dictionary. I went back and found out that the word "mellow" means overripe and almost rotten. So I present myself as a warm, model preacher with a mellow voice for singing.

A little story that would lead into the prayer, I was down at the beach, summertime, really at the end of the summer, day off, walking along, and I spotted this fisherman. I said, how are you doing? He said, how are you doing? And I said, how is fishing? He said, it is all right here, but I would rather be out there, out there in the deep. I would like to launch out into the deep. That is where the real action is. I like to explore. I like to see the different kinds of fish that are out there, even the sharks. He said, it is great out there, into the depths, looking at all those kinds of fish, bringing them up. It is wonderful. He turned to me and he said, what do you do? I looked at him and I said, well, I am a pastor. He said, where do you pasture? I said, well— He misunderstood what I said. I figured, well, I am not going to lie to him, but he may not know what a pastor is. So I said, well, I pasture up in north Philadelphia. He said, what do you pasture, cows or sheep? Well, I thought for a moment and thinking of the Bible, I said, well, I pasture sheep. Are you a shepherd? I said, yes, I am a shepherd. He said, how many sheep do you have? I said, well, about 10,000. He said, you have 10,000 sheep? I cannot believe it. Up in north Philadelphia? I did not know they had that many sheep in all of Philadelphia. I sort of let it go. I said, they do. He said, well, how do you take care of your sheep? I said, well, I take care of them, try to protect them, provide for them, make sure they are okay, watch over. Sometimes they are weak, but I know that I have to take care of them and take good care of them. I walked along.

I would like to present the prayer.

Lord, You gather us together from different backgrounds and traditions, from different origins and families, but You gather us together to be one. You move our minds, stretch our imaginations and our hearts; fill us with love.

Help us to be good fishermen to explore the issues, the depths, the uniqueness, the truth, the beauty of each and every one, the issues as well as the people. But also, Lord, make us good shepherds. Help us to protect and provide for and to watch over especially those who are weaker, especially those who cannot speak for themselves.

Lord, give us faith, hope, and love. Give us faith to trust in Your way and Your purpose, to surrender, to guide us each day. Give us hope, have courage to take risk to be responsible, and give us love to serve others, provide for those especially who are in need. Help us to know that each moment is special and sacred to You and to us. Help us to use them wisely. God bless.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 11, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to request for leaves of absence and recognizes the majority whip, who requests that Representative HANNA of Clinton County be placed on leave. The Chair sees no objection. The leave will be granted.

The Chair turns to the minority whip, who requests that Representative Mark KELLER from Perry County be placed on leave. The Chair sees no objection. The leave will be granted.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, as the guest of Representative Dan Moul, Trevor Staub. Trevor is serving today as a guest page. He is a senior at Biglerville High School, and he is a future pediatrician. Trevor, would you please stand and be recognized. He is in the well of the House. Welcome to the floor.

The Chair would also like to welcome, seated to the left of the Speaker, as the guest of Representative John Evans, Dr. Jeremy Brown, president of Edinboro University. Dr. Brown was appointed the 16th president of Edinboro University on July 1, 2007, succeeding Dr. Frank Pogue. He currently resides in Edinboro with his family. Doctor, would you please stand and be recognized.

We would like to welcome two special guests, who are the guests and also the parents of Representative Sean Ramaley. Art and Chris Ramaley are seated in the balcony. Welcome. Would you please stand and be recognized.

The Chair would also like to welcome, as the guests of Representative Brennan, Nicolas Nucito, who is the State president of the Family, Career and Community Leaders of America, and the chaperone, Eugenia Emert, and they are seated in the gallery. Would you please stand and be recognized.

The Chair would also like to welcome, as the guests of Representative Bob Mensch, two guest pages. One is Bob Mensch's grandson, Zackary Gerhart, and his parents are in the balcony, and they are Marissa and Scott; and also Bob Mensch's friend, Marissa McNaughton, and her mother is in the gallery, Mary Ellen. Please join the Chair in welcoming these special guests to the floor of the House. Would you please stand and be recognized.

Members will report to the floor.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative PERZEL of Philadelphia be placed on leave. The Chair sees no objection. The leave will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—200

Adolph	Freeman	Marshall	Ross
Argall	Gabig	Marsico	Rubley
Baker	Galloway	McCall	Sabatina
Barrar	Geist	McGeehan	Sainato
Bastian	George	Mel. Smith	Samuelson
Bear	Gerber	Mellhattan	Santoni
Belfanti	Gergely	Melio	Saylor
Benninghoff	Gibbons	Mensch	Seavello
Bennington	Gillespie	Metcalfe	Schroder
Beyer	Gingrich	Micozzie	Seip
Biancucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Grucela	Moul	Smith, K.
Boyd	Haluska	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casario	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Petrarca	Turzai
Cutler	Kessler	Petri	Vereb
Daley	Killion	Petrone	Vitali
Dally	King	Phillips	Vulakovich
DeLuca	Kirkland	Pickett	Wagner
Denlinger	Kortz	Preston	Walko
DePasquale	Kotik	Pyle	Wansacz
Dermody	Kula	Quigley	Waters
DeWeese	Leach	Quinn	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Donatucci	Levdansky	Rapp	White
Eachus	Longiatti	Raymond	Williams
Ellis	Mackereth	Readshaw	Wojnaroski
Evans, D.	Maher	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D., Speaker
Fleck	Mantz	Rohrer	
Frankel	Markosek		

ADDITIONS—0**NOT VOTING—0**

EXCUSED—3

Hanna Keller, M. Perzel

LEAVES ADDED—4

Bastian Donatucci Quigley Rohrer

LEAVES CANCELED—1

Quigley

The SPEAKER. A quorum being present, the House will proceed to conduct business.

STATEMENT BY MR. TURZAI

The SPEAKER. The Chair recognizes Representative Turzai, under the provision of unanimous consent.

Members will please take their seats. Caucuses will break up.

Mr. TURZAI. Thank you. Thank you very much, Mr. Speaker.

I do ask for unanimous consent and will be very brief.

Today is February 12, and it is the 199th birthday of Abraham Lincoln, the 16th President of the United States. I have standing with me Representative Dan Moul from Adams County, who is from Gettysburg, and we just want to bring a few short thoughts about the President to the body today.

I wanted to say this first. I had the honor this past week of delivering a Lincoln Day dinner speech in Adams County in Gettysburg and was able to reflect, once again, on just how great of a man Abraham Lincoln was.

I have pulled a tribute that was written by Frederick Douglass to Abraham Lincoln, subsequent to the President's death, when a statue was being erected in Washington, DC for President Lincoln. I thought Douglass really did one of the best honors or tributes ever to Lincoln that I have read, and Douglass got to the man of Lincoln and he knew Lincoln personally and not merely to the myth. But I think these two paragraphs that I would like to read – and then I will turn it over to my colleague, Dan Moul, with respect to the Gettysburg Address – I think they capture just how important Lincoln was, and it says, "Fellow citizens, whatever else in this world may be partial, unjust, and uncertain, time...is impartial, just, and certain in its action.... The honest and comprehensive statesman, clearly discerning the needs of his country, and earnestly endeavoring to do his whole duty, though covered and blistered with reproaches, may safely leave his course to the silent judgment of time. Few great public men have ever been the victims of fiercer denunciation than Abraham Lincoln was during his administration. He was often wounded in the house of his friends. Reproaches came thick and fast upon him from within and from without, and from opposite quarters. He was assailed by abolitionists; he was assailed by slaveholders; he was assailed by the men who were for peace at any price; he was assailed by those who were for a more vigorous prosecution of the war; he was assailed for not making the war an abolition war" from the start, "and he was most bitterly assailed for making the war an abolition war" at all.

"But now behold the change: the judgment of the present hour, that taking him for all in all, measuring the tremendous

magnitude of the work before him, considering the necessary means to ends, and surveying the end from the beginning, infinite wisdom has seldom sent any man into the world better fitted for his mission than Abraham Lincoln...."

And it is true. Abraham Lincoln met the test of time and did two hugely important things. He, once again, focused on the dignity of all men and ended slavery in a country where it needed to be ended, and secondly, he kept the Union whole to make sure that there was, in fact, a country that believed in democracy and that believed in equality. We know how great his speech was at Gettysburg.

I turn over right now to the Representative from Adams County, Gettysburg, Representative Dan Moul.

The SPEAKER. If the gentleman will suspend for one moment, the Chair will again ask members to please take their seats.

STATEMENT BY MR. MOUL

The SPEAKER. Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

I have the distinct pleasure and privilege of representing not only the most beautiful district in the Commonwealth of Pennsylvania but the district where Abraham Lincoln wrote the famous, world-renowned "Gettysburg Address." I am not going to read the whole thing to you, but I would like to read one passage from it.

"It is rather for us to be here dedicated to the great task remaining before us...that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth."

Something to remember. Thank you.

STATEMENT BY MR. CLYMER

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just as my two colleagues, I had prepared a few remarks to celebrate the 199th anniversary of the President, Abraham Lincoln. And if I can indulge the members of the General Assembly for a few minutes, I will try to be very quick.

Abraham Lincoln was born Sunday, February 12, 1809, in a log cabin near Hodgenville, Kentucky. He was the son of Thomas and Nancy Hanks Lincoln, and was named for his paternal grandfather, Thomas Lincoln.

When Abraham was seven, the family moved to southern Indiana. Abraham had gone to school briefly in Kentucky and did so again in Indiana. He attended school with his older sister, Sarah, his younger brother, Thomas, having died in infancy.

In 1830 the Lincolns moved west to Illinois. In his adult years, Lincoln stood 6'4" and weighed approximately 180 pounds. He had made an unsuccessful run for the Illinois legislature in 1832. He ran again in 1834, 1836, 1838, and 1840, and won all four times. In 1836 he was admitted to the bar.

In Springfield in 1839 Lincoln met Mary Todd. Three years later they were married, and over the next 11 years had four children – Robert, Edward, William, and Thomas.

In 1846 Lincoln ran for the United States House of Representatives and won. While in Washington, he became known for his opposition to the Mexican War and to slavery.

On June 16, 1858, he delivered his famous address, "House Divided."

In 1860 Lincoln ran for the Presidency. With his running mate, Hannibal Hamlin, he won the Presidency on November 6, 1860, defeating Douglas, John Bell, and John C. Breckinridge. He became our 16th President.

On January 1, 1863, he delivered the "Emancipation Proclamation," which went into effect. Also, on November 19, 1863, which you heard read a few minutes ago, Lincoln delivered his famous "Gettysburg Address," which dedicated the battlefield there to the soldiers who had perished, and he called on the living to finish the task the dead soldiers had begun.

He was reelected President with Andrew Johnson as his running mate. He won the Presidency for a second term on November 8, 1864.

On April 9, 1865, Gen. Robert E. Lee surrendered to Grant. Two days later Lincoln addressed a crowd outside the White House. Among other things, he suggested support that Blacks should have the right to vote. This infuriated a racist and southern sympathizer, and his name was John Wilkes Booth.

On Good Friday, April 14, 1865, the Lincolns attended a play entitled "Our American Cousin" at Ford's Theatre there in Washington, DC. Around 10:15 p.m. that evening, John Wilkes Booth entered the theater and shot the President. Abraham Lincoln was carried across the street to the Petersen House, where he passed away the next day at 7:22 a.m.

Abraham Lincoln is remembered for his vital role as the leader in preserving the Union during the Civil War and beginning the progress that led to the end of slavery in the United States. He is also remembered for his character, his speeches and letters, and as a man of humble origins whose determination and perseverance led him to the nation's highest office.

Thank you, Mr. Speaker.

ANNOUNCEMENT BY MR. ROEBUCK

The SPEAKER. The Chair recognizes Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Although I cannot claim 199 years, I would note that today is also my birthday, and certainly—

The SPEAKER. The Chair wishes the gentleman a very happy birthday and so do the other members of the House.

REGINA WOFFORD-COOPER INTRODUCED

The SPEAKER. The Chair recognizes Representative Thaddeus Kirkland for an introduction.

Mr. KIRKLAND. Thank you, Mr. Speaker.

The month of February has been set aside as we celebrate Black History Month, and before I go into my formal introductions, I just wanted to share with you a piece of Black history and culture. Many members, as I came in, thought I brought this in to persuade people to vote my way. That was not the case. This is a wood carving from a very, very elderly gentleman and his wife from the island of Freeport in the

Bahamas. It is something that they have been doing down through the years, and it is just a beautiful piece of art. African-American art. And just so you know, you cannot take it because it has my name on the back. I want to make that clear.

Thank you, Mr. Speaker, and good morning to the members of the House.

It gives me great pleasure to introduce this very fine vocalist from my alma mater to provide for you and for us a moment in Black history, the "Negro National Anthem," written by James Weldon Johnson. Her name is Regina Wofford-Cooper, and she is a junior at Cheyney University, the oldest historically Black university in the country. She is a music major, and she hails from Philadelphia, Pennsylvania.

GUESTS INTRODUCED

Mr. KIRKLAND. She is joined today by the president of Cheyney University, Dr. Michelle Howard-Vital, and Sharon Cannon, executive director of Economic and Workforce Development, to my left. Please join me in welcoming them and join me in this moment of Black history.

If you would be so kind as to give this young lady your undivided attention, please.

(The "Negro National Anthem" was sung by Regina Wofford-Cooper.)

Ms. WOFFORD-COOPER. Thank you.

The SPEAKER. Representative Thaddeus Kirkland has agreed to let me use this walking stick today. I have been told that every time you tap it, something magical happens. So I think the Speaker should keep it here all day. What do you think?

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. KILLION called up **HR 591, PN 3207**, entitled:

A Resolution congratulating Cheyney University of Pennsylvania for its lasting contributions to the rich cultural fabric of Pennsylvania, the United States and indeed the world and recognizing the contributions of the late Laura Wheeler Waring by designating February 12, 2008, as "Cheyney University - Laura Wheeler Waring Day" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

HR 591 congratulates Cheyney University, which is located in Thornbury, Delaware County, which I represent, and Thornbury, Chester County, represented by Representative Steve Barrar, for its lasting contributions to the rich cultural fabric of Pennsylvania, the United States, and indeed the world and recognizing the contributions of the late Laura Wheeler Waring by designating February 12, 2008, as "Cheyney University - Laura Wheeler Waring Day" in Pennsylvania.

Whereas Cheyney University's educators have left a profound and lasting legacy throughout the world and hired Laura Wheeler Waring, a graduate of the Pennsylvania Academy of Fine Arts, to establish an art department at the Institute of Colored Youth during the 1907-1908 academic year.

Ms. Waring was among the artists displayed in the nation's first all African-American traveling art exhibit sponsored by the Harmon Foundation, an organization that promoted the work of African-American artists, writers, educators, and scientists.

Ms. Waring was the recipient of the Harmon Award in 1928 and was selected by the Harmon Foundation to paint portraits of outstanding African-Americans in education, politics, medicine, science, and literature in order to address their marginalization in America because of racial prejudice.

Ms. Waring's dedication to making arts education available to African-Americans took precedence over her extensive studies in Europe and her prolific painting. She directed Cheyney University's art department until her death in 1948.

Ms. Waring's memory has been perpetuated by the naming of a Cheyney University building and a Philadelphia elementary school after her, as well as a historical marker located at her former residence in the city of Philadelphia.

One hundred years after her hiring, Cheyney University's art students continue to pursue portraiture in honor of Laura Wheeler Waring's commitment to increasing the representation and impact of African-American artists.

Here with us today, sitting in the gallery, is Ms. Waring's grandniece, Laura Wheeler Murphy. If she will please stand, please join me in welcoming her to the House.

Now, please join me in honoring Cheyney University and Ms. Laura Wheeler Waring by voting "yes" for HR 591.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Marshall	Ross
Argall	Gabig	Marsico	Rubley
Baker	Galloway	McCall	Sabatina
Barrar	Geist	McGeehan	Sainato
Bastian	George	McI. Smith	Samuelson
Bear	Gerber	Mellhattan	Santoni
Belfanti	Gergely	Melio	Saylor
Benninghoff	Gibbons	Mensch	Scavello
Bennington	Gillespie	Metcalf	Schroder
Beyer	Gingrich	Micozzie	Seip
Biancucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Crucella	Moul	Smith, K.
Boyd	Haluska	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causser	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger

Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Petrarca	Turzai
Cutler	Kessler	Petri	Vereb
Daley	Killion	Petrone	Vitali
Dally	King	Phillips	Vulakovich
DeLuca	Kirkland	Pickett	Wagner
Denlinger	Kortz	Preston	Walko
DePasquale	Kotik	Pyle	Wansacz
Dermody	Kula	Quigley	Waters
DeWeese	Leach	Quinn	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Donatucci	Levdansky	Rapp	White
Eachus	Longiotti	Raymond	Williams
Ellis	Mackereth	Readshaw	Wojnaroski
Evans, D.	Maher	Reed	Yewtic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D., Speaker
Fleck	Mantz	Rohrer	
Frankel	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

Hanna	Keller, M.	Perzel
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Mr. MENSCH called up **HR 586, PN 3202**, entitled:

A Resolution recognizing March 30, 2008, as "Welcome Home Vietnam Veterans Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Mensch on the resolution.

Mr. MENSCH. Thank you, Mr. Speaker.

I am being joined this morning by Representative Longiotti, who agreed to cosponsor this bill with me in a bipartisan fashion. I am also being joined by Representatives Fairchild and Belfanti, who are in-country Vietnam war veterans.

I would like to also welcome anyone else within the House who served during the Vietnam war era to please join us here in the well of the House. Please, anyone who is a Vietnam war era veteran, please join us.

Thank you.

I am also joined by some other guests this morning, and we will momentarily get to the introduction of those individuals.

While the Speaker is busy, could I ask for a little order, please.

The SPEAKER. The gentleman is correct. Members will please take their seats.

Mr. MENSCH. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MENSCH. Thank you.

It is an honor to stand with you today to help present and to offer my support to HR 586, which will recognize March 30, 2008, as "Welcome Home Vietnam Veterans Day" in Pennsylvania.

Since the end of the Vietnam war, our nation seems to have matured, and today we give respect and appreciation to the men and women of our Armed Forces. Unfortunately, the men and women fighting and dying in Nam did not receive that same level of respect and appreciation. Certainly today there are disagreements over the ongoing war on terror. Regardless, as a country we have matured enough so that we are able to separate our feelings for the men and the women who serve from our feelings about the military actions, and that is as it should be in a mature democracy.

Our brave soldiers, Marines, sailors, and Air Force personnel, who fought in Southeast Asia from 1961 through 1973, did so in miserable conditions fighting an unconventional enemy. But when our troops returned home from Nam, some veterans were wounded — more than 300,000 troops. Some veterans had wounds we could not see. They were psychologically broken, and most returning veterans were wondering why the folks at home could not respect them for their sacrifices.

These men and women were subjected to ugly epithets in protests, they were disrespected in the popular press of that time, and they were often not accepted back into our American society. We look back today, with the benefit of the passage of time — 35 years, actually — and we can see the wounds that were suffered by the veterans of Vietnam.

GUESTS INTRODUCED

Mr. MENSCH. Today we are joined by several gentlemen who served in Vietnam, and I would like to introduce them. Kit Watson is the American Legion Department Adjutant; Neil Appelby represents the Blind Veterans Association, and he is the past national president; Robert C. Miller is the American Legion Department Commander; Paul Hastings is the chairman of the State Veterans Commission; and Glenn Umberger is the supervisory staff administrator of Headquarters 338th Medical Brigade.

Now, additionally, as I mentioned, we have some members of our own legislature who served in that time, in that war. It is an honor to stand with my fellow veterans in friendship and admiration for their service to our nation.

On March 30, 1973, the withdrawal of the United States forces from Vietnam was completed. Those who survived came home to what was, at best, an uncertain future. They came home with memories of fallen comrades, and of those who were captured, not knowing their fate. Today we stand shoulder to shoulder with them in honor of their service and to let them know that we will never forget their bravery or the valor of those who fell.

Today we offer HR 586 to say welcome home. I ask for your unanimous support.

And at this time I would like to call on Representative Longiotti for some comments.

Mr. LONGIOTTI. Thank you, Mr. Speaker.

As was stated, 35 years ago, on March 30, 1973, the last U.S. combat troops left Vietnam. During the war, 3,142 Pennsylvanians made the supreme sacrifice by giving their lives in Southeast Asia. Thousands more Pennsylvanians were wounded during the war, while tens of thousands of Pennsylvanians served their country honorably. But in too many cases, they did not receive an honorable welcome home. Today, 35 years later, we give them that welcome home.

I want to recognize two Vietnam veterans from Pennsylvania who are not here today in person but who deserve special recognition. Wayne Stratos is the leader of the Mercer County chapter of the Vietnam Veterans of America. He lives in Sharon, PA, which is in my legislative district. He requested that this resolution be offered to recognize Vietnam veterans throughout Pennsylvania. Wayne and his band of brothers have made it their cause to ensure that every war veteran that returns home to Mercer County receives the honor and the welcome home that they so richly deserve.

Ron Alexander served three tours of duty in the infantry in Vietnam. He lives in New Castle, PA, which is located in Representative Sainato's district. He is an example of the Vietnam veteran — tough, brave, unassuming, and kindhearted. I salute him and all of his fellow Vietnam veterans, and I also urge unanimous passage of this resolution.

I believe Representative Belfanti would like to make some remarks.

Mr. BELFANTI. Thank you, Mr. Speaker.

On many occasions I have been asked to speak to this chamber on veterans occasions and have always declined. Today I stand here with only one or two other Vietnam veterans. I recall we had a small cadre when I first arrived in 1981 — Tommy Tigue and Tom Michlovic and E.J. Lucyk and some others — and Russ Fairchild and I, I think, are the only two left, and he does not look like a Vietnam veteran because he still uses Grecian Formula 44. So if ever I have the opportunity to go back to Vietnam, along with so many of my colleagues who have returned for a visit, I am going to take Russ as my son.

I will try not to bore you with my comments. Most of the time I speak off the cuff, as you are aware, but I have written down a few things so I can get through this in a somewhat cohesive manner.

Concerning myself, I enlisted in the Marine Corps for a 4-year hitch in 1967 and got out in 1971. And after boot camp and infantry training, which all Marines have to take, and several schools, I ended up being flown to WESTPAC. It stands for, the acronym, Western Pacific theater of operations, better known as South Vietnam. My MOS (military occupational specialty) was air supplyman, and I left the States a lance corporal and returned a sergeant. That is all I am going to say about myself as I really do not care to speak or relive a single combat experience. You can all read books and watch the History Channel to see what it was all about, but I do want to speak from my heart to some others.

First and foremost, my wife of 38 years. We were engaged when I left for Vietnam, and she promised to write every day. I spent about 400 days there and received 400 letters. And we actually had to code the letters, because I was in the Marine air group and in several different squadrons and we moved around a lot from Quang Tri to Phu Bai to Chu Lai to many other locations. So our mail never caught up with us until

we got back to our normal base camp, which, in my case, was Quang Tri. So I would open these letters randomly and I would always be missing four or five. So she finally started numbering them under her return address, and one of the main reasons for that was at the time there was a sitcom, or not a sitcom, but a soapbox, soap opera on TV that we used to watch before I enlisted called "Dark Shadows." It was about Barnabus Collins, and I know some of you guys were in diapers when I was in Vietnam, but some of you might remember "Dark Shadows," and the guys in my squadron would like to hear what Barnabus was up to. So I would get letter 111 and the next letter would be 116, and then I would not open 116 until I caught up with the other mail so we could keep tabs on our favorite vampire. As I said, 400 days and 400 letters.

Cec, my wife, is now sitting in a hotel room. She came down to help file nominating petitions yesterday, and she really helped get me through 1968 and 1969. I want to thank her for waiting for me, and our song will always be "Unchained Melody." Thank you, hon. I love you.

Back then we were only allowed to call home every 4 months through what was called a MARS (Military Affiliate Radio Systems) station. It was located somewhere in Hawaii, and we could only spend 3 minutes on the telephone, and there would always be someone in the middle listening to every word that was said back and forth between yourself and your loved one. You would have to end every sentence with "over," and then somebody would flip a toggle switch and then you would hear the response. I am so happy that today our fighting men and women in Iraq and Afghanistan have cell phones and can keep in touch with their loved ones, unlike what Vietnam veterans were able to do, because their families lived through anxiety attacks day in and day out not knowing what was going on. But the fact that they can call every day, every other day assures their loved ones here at home that they are okay.

And when they return there is a lot of healing that has to occur, especially those who were sent back for a second or a third tour, you know, mental problems as well as physical problems, some people with lifetime injuries. But when I got home and married my wife, I still had 22 months left in the Marine Corps, and I guess I should be happy for that because I received counseling, and I needed it because I used to have recurring nightmares. And, of course, I just got married and my wife was actually afraid to wake me up. So we went for counseling – and this is how good counseling was back then – the doctor told me I had sleep deprivation, a sleeping disorder, which was common. He then told my wife to open both the front and back door of our little rancher in our NCO (non-commissioned officer) quarters and wake me up with a broomstick and head for the nearest door. So that was the counseling we got back then.

No one knew what posttraumatic stress disorder was back then, and it is partly a guilty feeling that we all have when we come back with all four limbs, and we leave so many of our friends dead or coming home with lifelong injuries. So I thank God that the treatment is better today, but I do wish that the Veterans' Administration would do more, and I do wish the State of Pennsylvania would do more, especially for the families that are here whose loved ones are over there. We cannot afford to let them lose their houses; we cannot afford to let them go hungry. We need to show that we appreciate them.

One program I am going to do a short commercial on that I want to credit the State building trades with is Helmets to

Hardhats, and that is a program where any returning veteran from any of these conflicts is guaranteed admission into an apprenticeship program as a building tradesman, either an electrician or a plumber, bricklayer, or whatever trade you select or are qualified for.

One or two other things and I promise I will get away from the mike. But I also want to thank Americans and Pennsylvanians, because the polls show that almost 80 percent of people are opposed to the war at this point and the number is growing steadily as the body count grows. However, the polls also show that 80 percent of the men and women and citizens of this country and this great State support the troops. They do not hate the troops because of whatever policy we might be following, and I am not here to judge anyone, but I do want to say thank you, Pennsylvania, and thank you, America, for supporting those troops, because they are doing their job.

My closing comment is, some of you see me hobbling around – some days I have a better day than others – and I quite often get asked if my back problems are a result of war injuries, and they are not. One of the reasons my disk started going on me was I was trying to teach Bill DeWeese how to ski down an expert slope when he was an intermediate skier.

But again, I am here. It is almost 40 years later. To all of my comrades who served in Vietnam, welcome home. To the gentlemen in back of me, especially one of my lifelong friends, Paul Hastings, who was in the Marine Corps League, which I am very active in, thank you for being here. And to all veterans of every war, including the small skirmishes like Somalia and Panama and those really forgotten wars, welcome home, and to friends of mine who served in Korea, like Merle Phillips, welcome home as well.

Thank you all very much for your indulgence.

The SPEAKER. The Chair would like to beg the indulgence of the members for his own personal reflection on this resolution and thank Representative Mensch and his colleagues for this very significant resolution that is being offered here today, welcoming back our heroes in Vietnam not only for their honorable and courageous service in Vietnam, but for their contributions to Pennsylvania, to their community, and society as a whole. I think it is very important that we recognize these individuals compassionately and appropriately while they are still with us.

For some of us it is too late to afford that recognition. For myself and several members of this chamber, Lt. Lawrence Scheetz died on December 7, 2007, on the 29th anniversary of his first day in country. And as is typical of our heroes in Vietnam, he never spoke of his courageous service, for which he was awarded the Bronze Star. It was not until his passing that I was able to get that description, albeit brief, that was submitted for his awarding of the Bronze Star. And very simply stated, it said that Lt. Lawrence Scheetz was in charge of communications in the Tet Offensive. The switchboards went down, and he accessed those switchboards and put the communications back together; a very simple paragraph. But I have visions of Audie Murphy running around in the lily pads of Vietnam, and I assess to Larry Scheetz, our friend, his contribution and success in that Tet Offensive.

I also recognize that upon his passing, he suffered from stage IV lung cancer, a unique identifier of Agent Orange, and if you go on the Veterans' Administration Web site, there are 32 items that are presumptions of Agent Orange from Vietnam.

As Representative Belfanti acknowledged, they served us well. It is incumbent upon us, through this resolution, to recognize those contributions, and as policymakers here and in Washington and individuals across this country, we can do no less than to recognize those significant issues that visited our heroes in Vietnam and other conflicts.

I thank our colleagues for this significant resolution, and I thank the members of the General Assembly for this moment of reflection.

Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

And I would sincerely like to commend Representative Mensch and Representative Longjetti for honoring Vietnam soldiers and designating a day to welcome us home.

As Representative Belfanti said, there were a lot of tensions going on. I can remember specifically the day I returned and I was surprised, and I am going to get to that in a minute, and I do not want to drag out this day. But it kind of reminds me, in his description, of sometimes how all of us feel down here when we feel that everyone is against us or does not understand an issue, and we have all been through that. But if you can magnify that with spending a year or 2 years in a foreign country doing what you felt was correct and what you felt and knew that the government ordered you to do, it just magnified it and magnified it and magnified it.

But I would like to also thank the members behind me. As I serve on the Veterans Committee with Chairman Melio, we work with these gentlemen all the time. They are at the top of their class; they are at the top of their class. Ironically, those here today are Vietnam veterans, but I can tell you their mission is to look out for all veterans and their families, and they do that very well.

Next I would like to just correct my good friend, Representative Bob Belfanti. Mr. Speaker, there are people serving here today that were not born yet when you and I served in Vietnam. So I just want to correct that. And on the other issue that you mentioned, I might add that perhaps sitting on your seat flying around in a helicopter was not quite the same as being an infantry soldier in Vietnam, where we literally dragged everything around with us in a knapsack — it was not called that — but that was my mission in Vietnam, and I certainly— Bob and I joke back and forth all the time, and I sincerely respect all services there. I can name Air Force, Navy, Marines who probably kept my butt alive in Vietnam and some of the men that I commanded alive. So we all shared the pain, but we all worked together, and we remain brothers today.

My path was I volunteered for the draft. I had graduated from Penn State. My number was up or going to soon be up. So I decided, let us get it over with. I had moved up the ladder very quickly. I got to Vietnam. I was kind of told by all the returning veterans, do not worry about it, you will probably be a squad leader or something like that, or a platoon sergeant. Within 2 weeks, actually within a day of being assigned to my company, I was the platoon leader, and as such, I was in charge of supposedly 36 individuals, and we never had — we could never get a full complement of men to fill out a full platoon. But our mission was essentially night ambushes, and for approximately a year my platoon ran night ambushes every night; every night. I should not say every night. There were times when we would get relief and be assigned to guard a bridge to make sure that the enemy did not infiltrate or blow it

up, and of course that was at night, too. So it really was not like a vacation by any means. But we worked out in the field, we did not come back to base camp. Whatever we had on us, whatever we could carry including ammunition and Claymore mines, et cetera, that is what we had. It would be like going on a year camping trip, and we were resupplied by helicopters. If the weather was good, we would get our food dropped to us, sometimes mail and ammunition, and if anyone was sick or wounded, they would go back on that helicopter. If they were dead, they would go back on that helicopter and we would hopefully get a replacement out into the field in short order.

Vietnam — if you ever get a chance to go there, please go. It is an extremely beautiful country. The South Vietnamese— And I firmly believe today, the North Vietnamese are good people. I believe after some very interesting and heart-wrenching activities, I believe that Vietnam will eventually end up to be one of our strongest allies in Southeast Asia.

I also believe that America really faces a task at hand, and even though it is very easy for people to say, let us not go anyplace, let us shrink back to our borders. But is that really going to help us get to a position of world peace? I am not sure policy leaders of the future can make that decision, and I do not think they will. What we hope and pray for is that those decisions are very well thought out, they are made with honest and accurate data, and that they will, indeed, help bring this world together.

Since 1968 and '69, I really do not think we made that much progress, and that is a sad thing, and we can do much, much better and we will. But I think it is going to take a strong United States service, a multitude of service, because there are some very, very dangerous people in this world today, and we have to be on guard. We are going to lose more Americans, but that is what America has done. When you take a look at our military history, it is fantastic. It is absolutely fantastic. If you want to read a great book about the military and if you have not read it, please read "1776." It is a great read for anyone who is interested in our early history, our early military bearings, and our early political bearings, just how fragile, just how fragile and how close this country was to not really being the United States of America.

With that said, again, as usual, I got off point a little bit, but I just want to say thank you very much to all of you. I know many of you have had events honoring World War II, Korean, Vietnam veterans. I can tell you from my event, I did not know whether the Vietnam veterans were going to come out, I really did not, because a lot of them just hold it in, hold it in, hold it in, and I got the biggest turnout of all my events with the Vietnam veterans.

I have talked to a lot of you and I have spoken at some of your events, and I think you found out, too, that if there was any group — not that the Vietnam veterans are any more deserving — but if there was any group that appreciated what you did, it was the Vietnam veterans.

With that said, thank you very much, and God bless you all.

On the question recurring.

Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Marshall	Ross
Argall	Gabig	Marsico	Rubley
Baker	Galloway	McCall	Sabatina
Barrar	Geist	McGeehan	Sainato
Bastian	George	McI. Smith	Samuelson
Bear	Gerber	Mellhattan	Santoni
Belfanti	Gergely	Melio	Saylor
Benninghoff	Gibbons	Mensch	Scavello
Bennington	Gillespie	Metcalfe	Schroder
Beyer	Gingrich	Micozzie	Seip
Biancucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shirkus
Blackwell	Grell	Milne	Siproth
Boback	Gruccia	Moul	Smith, K.
Boyd	Haluska	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Petrarca	Turzai
Cutler	Kessler	Petri	Vereb
Daley	Killion	Petrone	Vitali
Dally	King	Phillips	Vulakovich
DeLuca	Kirkland	Pickett	Wagner
Denlinger	Kortz	Preston	Walko
DePasquale	Kotik	Pyle	Wansacz
Dermody	Kula	Quigley	Waters
DeWeese	Leach	Quinn	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Donatucci	Levdansky	Rapp	White
Eachus	Longietti	Raymond	Williams
Ellis	Mackereth	Readshaw	Wojnaroski
Evans, D.	Maher	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roac	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D., Speaker
Fleck	Mantz	Rohrer	
Frankel	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

Hanna	Keller, M.	Perzel
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker. Just some announcements, Mr. Speaker.

There is an event occurring right now – it started at noon in the rotunda – celebrating the history of the Black Caucus expressed through poetry. That event started at 12.

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

Mr. McCALL. We are going to recess the House at this time. The Appropriations Committee will meet at 1:45 in the majority caucus room, the Democrats will caucus at 2 o'clock in the majority caucus room, and we will return to the floor and take up the calendar at 3 o'clock.

The SPEAKER. The Appropriations Committee will meet at 1:45 in the majority caucus room.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative QUIGLEY be placed on leave. The Chair sees no objection. Leave will be granted.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Argall. Mr. ARGALL. Thank you, Mr. Speaker.

The House Republicans will also caucus at 2 o'clock.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess until 3 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative BASTIAN be placed on leave for the remainder of the day. The Chair sees no objection. Leave will be granted.

BILL REREPORTED FROM COMMITTEE

SB 917, PN 1106

By Rep. D. EVANS

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to CDM Ebensburg, LLC, certain lands situate in Cambria Township, Cambria County.

APPROPRIATIONS.

The SPEAKER. That bill will be placed on the supplemental calendar.

RESOLUTIONS REPORTED FROM COMMITTEES

HR 300, PN 1709 By Rep. THOMAS

A Resolution petitioning the Congress of the United States to ban the use of organic or inorganic arsenic and arsenic derivatives in poultry feed.

INTERGOVERNMENTAL AFFAIRS.

HR 383, PN 2405 By Rep. THOMAS

A Resolution recognizing that more than 160 million people in India are considered untouchable and dehumanized by the caste system.

INTERGOVERNMENTAL AFFAIRS.

HR 416, PN 2535 By Rep. THOMAS

A Resolution urging the Congress of the United States to enact legislation that would allow municipalities to contribute in-kind services as part of their cost-share under Federal grant programs.

INTERGOVERNMENTAL AFFAIRS.

HR 568, PN 3149 By Rep. FREEMAN

A Resolution directing the Legislative Budget and Finance Committee to study and make recommendations for the establishment and administration of a voluntary, opt-in Statewide system for health care and other employment-related benefits, including and excluding pensions for purposes of comparison, for uniformed and nonuniformed employees of local government units.

LOCAL GOVERNMENT.

The SPEAKER. Those resolutions will be placed on the active calendar.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2213, PN 3163 By Rep. FREEMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for real property, for personal property and for letting contracts.

LOCAL GOVERNMENT.

HB 2233, PN 3226 (Amended) By Rep. FREEMAN

An Act amending the act of February 9, 2004 (P.L.61, No.7), known as the Elm Street Program Act, further providing for program requirements and for rules and regulations; and repealing the expiration date of the act.

LOCAL GOVERNMENT.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1691, PN 2225**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS
TO SENATE AMENDMENTS
TO HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments to House amendments to **SB 1, PN 1763**.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 1, PN 1763

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

Whereupon, the Speaker, in the presence of the House, signed the same.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative DONATUCCI be placed on leave. The Chair sees no objection. Leave will be granted.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 1691, PN 2225

An Act authorizing the Department of Conservation and Natural Resources, Department of Transportation, Department of Environmental Protection and Philadelphia Regional Port Authority, on behalf of the Commonwealth, to agree to hold and save the United States Army Corps of Engineers free from certain damages arising from certain construction projects.

Whereupon, the Speaker, in the presence of the House, signed the same.

GUEST INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guest of Representative Tina Pickett, Representative Matt Baker, and Representative Sandra Major, Kevin Abrams, the executive director of the Northern Tier Regional Planning and Development Commission. Kevin is seated to the left of the Speaker. Would you please stand and be recognized.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Quigley on the floor. His name will be added to the master roll.

STATEMENT BY MS. RAPP

The SPEAKER. The Chair would like to recognize Representative Rapp under the provision of unanimous consent.

The Chair asks the members to please take their seats. Conferences will break up. The Sergeants at Arms will encourage the members to take their seats and quiet their conversations.

The Chair recognizes Representative Rapp.

Members will please take their seats. This is a very important issue that I am sure the members will be interested in hearing. If you would please take your seats and quiet your conversations.

Ms. RAPP. Thank you, Mr. Speaker.

On Friday, February 1, two Iraqi women diagnosed with Down syndrome were strapped to remote control explosives by al-Qaeda terrorists to be sacrificed as unknowing and unwilling suicide bombers, killing at least 99 people and wounding 208 others at two separate bazaars in Baghdad.

Mr. Speaker, the evidence surrounding each of these suicide bombings appears to reinforce several claims that al-Qaeda may be becoming more desperate and running short of able-bodied men willing or available to carry out such deadly missions.

For example, the Associated Press revealed that Iraqi women are being "...used in ever greater frequency in suicide attacks..." because they often encounter less scrutiny by security officials.

Maj. Gen. Jeffery Hammond confirmed that "...the suicide bombers were not willing martyrs...were likely used because they didn't understand what was happening and they were less likely to be searched."

U.S. Secretary of State Condoleezza Rice said the bombings prove al-Qaeda is "the most brutal and bankrupt of movements."

Finally, Iraqi police said one of these woman "sold cream in the mornings at the market and was known to locals as 'the crazy lady.'"

Mr. Speaker, when I first received the news of these horrific suicide bombings, the following poem, written by Pastor Martin Niemöller, depicting Adolf Hitler's tyrannical rise to power in Nazi Germany, vividly came to mind:

First they came for the Catholics, and I didn't speak up, because I wasn't a Catholic.

Then they came for the Jews, and I didn't speak up, because I wasn't a Jew.

Then they came for the sick, the so-called incurables, and I didn't speak up, because I wasn't mentally ill.

Then they came for me, and by that time there was no one left to speak up for me.

Mr. Speaker, as someone whose pre-State House experience was dedicated to assisting people with disabilities, I feel these words equally apply to our solemnly sworn obligation as State lawmakers to speak up for all of Pennsylvania's most vulnerable citizens.

Any time our government, created and empowered by the people, fails to speak up for those who cannot speak for themselves, our collective silence is, in fact, a vote against the fundamental human rights guaranteed by both our State and Federal Constitutions.

In conclusion, I challenge each and every State House member, especially every woman State Representative, who I am proud to have standing here with me today, to join me in speaking up rather than remaining silent whenever and wherever these unconscionable atrocities involving women or people with disabilities take place.

Last week, Representative Louise Bishop reminded us of the bravery of Rosa Parks and how her actions changed the lives of women and minorities. We can do no less in our positions of leadership in the Pennsylvania State House. We cannot be silent.

Thank you, Mr. Speaker, and thank you to my colleagues here standing with me today.

BOY SCOUT TROOP 226 INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guests of Representative Josh Shapiro and Representative George Kenney, Boy Scout Troop 226 from St. Timothy's Lutheran Church in Philadelphia. They are seated to the left of the Speaker. Would you please stand and be recognized.

The Chair would like to recognize Representative Shapiro to amplify that introduction.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Honorable colleagues, I wanted to give you the opportunity to meet some true Pennsylvania heroes. Boy Scout Troop 226 from St. Timothy's Lutheran Church in Philadelphia.

You may have read about these young people. These were the folks, these were the people, who assisted in the rescue of an injured hiker on October 20, 2007. The rescue took place along the Pinnacle section of the Appalachian Trail in Berks County near Hamburg, Pennsylvania. They found an injured hiker, and these Scouts built a stretcher to help rescue the injured hiker to bring her to safety and to make sure that she would once again be able to hike through the beautiful mountainsides here in Pennsylvania.

These are real Pennsylvania heroes, and I would like to welcome Representative George Kenney to recognize each of them individually. Representative Kenney.

Mr. KENNEY. Thank you, Representative Shapiro.

Mr. Speaker, I would like to introduce each Scout individually, and if they would please stand: Chris Gallagher, the Scout master; Sean Gallagher, assistant Scout master; Sean Snyder; Nicholas Swartz; William Bowman; and Megan Gallagher, Venture Crew 226.

Please join Representative Shapiro and me in congratulating these true Pennsylvania heroes.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2200, PN 3218**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for recovery of certain labor relations expenses; further providing for definitions; providing for adoption of energy efficiency and demand-side response; and further providing for duties of electric distribution companies.

On the question.
Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A05845**:

Amend Sec. 3 (Sec. 2806.1), page 9, line 19, by striking out "(c)(6)(iv)" and inserting (c)(6)(iii)

On the question.
Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative George on the amendment.

Mr. **GEORGE**. Mr. Speaker, this is a technical amendment that just makes a technical change. It does not change the bill in any way. I ask that we put that in the bill.

The **SPEAKER**. Will the House agree to the amendment? Representative Ross.

Mr. **ROSS**. Thank you, Mr. Speaker.

Although I think this is an excellent amendment, because it exactly mirrors a provision that I suggested, is it not true that we need to suspend the rules in order to do this on third?

The **SPEAKER**. This is a technical amendment. It does not require a suspension of the rules.

Mr. **ROSS**. In that case, I urge a positive vote on this excellent amendment.

The **SPEAKER**. The Chair thanks the gentleman.

On the question recurring.
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bear	Gerber	McL. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Seavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Scip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Gruccela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.

Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, W.	Peifer	Thomas
Curry	Kenney	Perry	True
Cutler	Kessler	Petrarca	Turzau
Daley	Killion	Petri	Verch
Dally	King	Petrone	Vitali
DeLuca	Kirkland	Phillips	Vulakovich
Denlinger	Kortz	Pickett	Wagner
DePasquale	Kotik	Preston	Walko
Dermody	Kula	Pyle	Wansacz
DeWeese	Leach	Quigley	Waters
DiGirolamo	Lentz	Quinn	Watson
Eachus	Levdansky	Ramaley	Wheatley
Ellis	Longiotti	Rapp	White
Evans, D.	Mackereth	Raymond	Williams
Evans, J.	Maher	Readshaw	Wojnaroski
Everett	Mahoney	Reed	Yeweic
Fabrizio	Major	Reichley	Youngblood
Fairchild	Manderino	Roae	Yudichak
Fleck	Mann	Rock	
Frankel	Mantz	Roebuck	O'Brien, D., Speaker
Freeman	Markosek	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-5

Bastian	Hanna	Keller, M.	Perzel
Donatucci			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?

The **SPEAKER**. The House will be at ease.

The House will come to order.

On the question recurring,
Will the House agree to the bill on third consideration as amended?
Bill as amended was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The **SPEAKER**. The question is, shall the bill pass finally?

The Chair recognizes Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

Back in 2004 when we passed the Alternative Energy Portfolio Standards, many of us were concerned about the effect that that would have in the long run on electricity pricing when the price caps came off. And over the next couple of years, I and others worked very hard on an idea to try and bring conservation and demand-side management forward as an alternative to reduce the cost of electricity when the price caps came off. A good deal of us worked on that and we made some significant progress on that over the last year or so, and I am pleased to see that much of what I was looking for in my legislation is contained in this bill as it currently is before us.

I am, of course, also disappointed, because it could be better. I am disappointed that we did not have more conversation, despite my efforts to reach across the aisle. And I would say that we have many speeches about bipartisanship, and I think they are important. But we have to also, in addition to having speeches about bipartisanship, we actually have to have conversations. We have to talk to each other, and I am disappointed that we did not have those conversations until after the voting was taken yesterday.

After the voting is taken, it is really too late. The conversations need to be had previous to that, when the language can be improved. It does not matter whose name is on this bill. When it goes to the Governor's desk, the names come off the bill and the language is left, and that is why it is important to improve the language, not with just one-half of the body but with the whole body, with every intelligent member participating fully and involved in the discussions.

I am hoping we are going to change. I am hoping we are going to start talking to each other in a useful way so that we can improve the quality of the legislation that we give to the public. It is important for the public, and I think that this is a good time to start making that change.

I urge a positive vote on this, and I urge all the members, Republicans, Democrats, Mr. Speaker, to work together more effectively in the future.

The SPEAKER. Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker. I rise in opposition to passage of HB 2200, and let me tell you why.

I believe that in its original, unamended form, before it came to the House floor, there were a lot of redeeming qualities in the bill. It did promote conservation, and that is a laudable goal for Pennsylvania, to try to conserve energy use. However, by the amendments passed yesterday, which mandated universal smart meters across Pennsylvania, that is a fatal flaw that makes this bill a bad idea for Pennsylvania. It is bad for the consumers of Pennsylvania who will have to pay for those smart meters, whether they save on their electric bills or not. It makes no sense whatsoever to force people to pay for those smart meters and then, in addition, still pay higher and higher utility bills.

It was said yesterday that if only 1 percent of the people used smart meters, we would have huge savings in energy use in Pennsylvania, and, Mr. Speaker, I agree with that statement. But my idea is, let us get the smart meters only to those 1 percent of the people and get this same savings in energy use. That is the smart way to move forward to promote energy conservation, to use technology like smart meters in a targeted and commonsense way instead of a mandated, across-the-board

consumer tax – that is what it is, a couple hundred dollars per person – that will have to be paid to pay for these smart meters.

So after adding that fatal flaw to this bill, I think it is incumbent upon everyone in this chamber to vote against HB 2200, and I ask them to join me in that vote. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative Sam ROHRER be placed on leave for the remainder of the day. The Chair sees no objection. Leave will be granted.

CONSIDERATION OF HB 2200 CONTINUED

The SPEAKER. The Chair recognizes Representative George.

Mr. GEORGE. Mr. Speaker, again, I echo the gentleman, Mr. Ross—

The SPEAKER. If the gentleman will suspend.

The Chair will ask the members to please take their seats and quiet their conversations. Conferences will break up. Conferences will break up. The House will come to order.

Representative George is in order and may proceed.

Mr. GEORGE. Mr. Speaker, do you think there is a possibility they do not want to hear what I have to say?

The SPEAKER. I do not think that is a possibility, Representative.

Mr. GEORGE. Well, as I said at the start, I admire Representative Ross's courage to do the best thing for all whom we serve, regardless of principle or party, and I commend him for his positive approach to what we should do for our constituents in that HB 2200 gives utilities and consumers the framework that they must have to counter the looming increases in generation charges.

In a nutshell, HB 2200 institutes rewards rather than penalties for conserving energy. Under HB 2200, utilities would be required to reduce overall output by 2 1/2 percent and peak demand, when energy prices are at their highest, by 4 percent.

HB 2200 would direct the State Public Utility Commission to establish the criteria for implementing conservation and efficiency programs and to select a program administrator to oversee the program's implementation within each utility. Under HB 2200, programs would be designed to benefit all classes of ratepayers – all classes – from the homeowners and the renters to the largest of industrial users. For the utilities, HB 2200 would establish a clearly defined process for financial compensation for meeting performance benchmarks.

Other States have realized – hear this – other States have realized a \$2 savings for constituents for every dollar invested by the utilities in efficiency measures. Currently, however, Pennsylvania ranks 44th among States in per capita spending on energy efficiency for utilities.

My colleagues, we thank you for your consideration of HB 2200. Thank you, Mr. Speaker.

The SPEAKER. Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

HB 2200 really takes us into the term of 2000. Last year when I had a hearing, I had a person who was involved in marketing and advertising and had talked to me about that she

did the first ad in 1985 for smart meters. Now, I do not know, but I had heard some gentleman previously talk about, well, we do not need to do this or do that -- since 1985. It is time to move forward. It is time to get the business on today. Think of all the energy we could have conserved instead of listening to somebody with a laissez-faire attitude about, let us hold off; let us hold off; let us stop doing this. Let us just get this on today so that we can save energy for the future and the generations of tomorrow.

Let us vote 2200 today.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-152

Adolph	Gabig	Marsico	Samuelson
Argall	Galloway	McCall	Santoni
Barrar	George	McGeehan	Scavello
Bear	Gerber	McI Smith	Schroder
Bellanti	Gergely	Melio	Seip
Benninghoff	Gibbons	Mensch	Shapiro
Bennington	Godshall	Micozzie	Shimkus
Beyer	Goodman	Milne	Siptroth
Biancucci	Grell	Moyer	Smith, K.
Bishop	Grucela	Mundy	Smith, M.
Blackwell	Haluska	Murt	Solobay
Boback	Harhai	Myers	Staback
Boyd	Harkins	Nailor	Stairs
Brennan	Harper	Nickol	Steil
Buxton	Helm	O'Brien, M.	Sturla
Caltagirone	Hennessey	O'Neill	Surra
Carroll	Hickernell	Oliver	Tangretti
Casorio	Hornaman	Pallone	Taylor, J.
Civera	James	Parker	Taylor, R.
Cohen	Josephs	Pashinski	Thomas
Conklin	Keller, W.	Payne	True
Costa	Kenney	Payton	Vereb
Cruz	Kessler	Petrarca	Vitali
Curry	Killion	Petri	Wagner
Cutler	King	Petrone	Walko
Daley	Kirkland	Phillips	Wansacz
Dally	Kortz	Preston	Waters
DeLuca	Kotik	Quigley	Watson
DePasquale	Kula	Quinn	Wheatley
Dermody	Leach	Ramaley	White
DeWeese	Lentz	Raymond	Williams
DiGirolamo	Levdansky	Readshaw	Wojnaroski
Eachus	Longietti	Reed	Yeweic
Evans, D.	Mahoney	Roebuck	Youngblood
Evans, J.	Major	Ross	Yudichak
Fabrizio	Manderino	Rublely	
Fairchild	Mann	Sabatina	O'Brien, D.,
Frankel	Mantz	Sainato	Speaker
Freeman	Markosek		

NAYS-45

Baker	Gillespie	McIlhattan	Reichley
Brooks	Gingrich	Metcalfe	Roae
Cappelli	Harhart	Millard	Rock
Causer	Harris	Miller	Saylor
Clymer	Hershey	Moul	Smith, S.
Cox	Hess	Mustio	Sonney
Creighton	Hutchinson	Peifer	Stem
Denlinger	Kauffman	Perry	Stevenson
Ellis	Mackereth	Pickett	Swanger
Everett	Maher	Pyle	Turzai

Fleck
Geist

Marshall

Rapp

Vulakovich

NOT VOTING-0

EXCUSED-6

Bastian
Donatucci

Hanna
Keller, M.

Perzel

Rohrer

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

The House proceeded to third consideration of **HB 949, PN 2933**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification, for surrender of suspended or revoked certificate, for penalties and for injunctive relief.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-197

Adolph	Gabig	Marshall	Rublely
Argall	Galloway	Marsico	Subatina
Baker	Geist	McCall	Sainato
Barrar	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Bellanti	Gergely	McIlhattan	Saylor
Benninghoff	Gibbons	Melio	Scavello
Bennington	Gillespie	Mensch	Schroder
Beyer	Gingrich	Metcalfe	Seip
Biancucci	Godshall	Micozzie	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Miller	Siptroth
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harper	Mustio	Staback
Cappelli	Harris	Myers	Stairs

Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causser	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, W.	Peifer	True
Curry	Kenney	Perry	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walco
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman	Markosek	Ross	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bastian	Hanna	Perzel	Rohrer
Donatucci	Keller, M.		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1257, PN 2934**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; defining "certified dental assistant"; further providing for general powers of the State Board of Dentistry, for fees, for reason for refusal, revocation or suspension of license or certificate, for penalties, for civil penalties, for right of dentists to practice as dental hygienists and expanded function dental assistants, for reporting of multiple licensure or certification and for the definition of "assignment of duties"; and providing for scope of practice of expanded function dental assistant and for scope of practice for certified dental assistant.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-196

Adolph	Gabig	Marshall	Rubley
Argall	Galloway	Marsico	Sabatina
Baker	Geist	McCall	Sainato
Barrar	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	McIlhattan	Saylor
Benninghoff	Gibbons	Melio	Scavello
Bennington	Gillespie	Mensch	Schroder
Beyer	Gingrich	Metcalfe	Seip
Biancucci	Godshall	Micozzie	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Miller	Siptroth
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harper	Mustio	Staback
Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causser	Hershey	O'Brien, M.	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Petrarca	Turzai
Cutler	Kessler	Petri	Vereb
Daley	Killion	Petrone	Vitali
Dally	King	Phillips	Vulakovich
DeLuca	Kirkland	Pickett	Wagner
Denlinger	Kortz	Preston	Walco
DePasquale	Kotik	Pyle	Wansacz
Dermody	Kula	Quigley	Waters
DeWeese	Leach	Quinn	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Eachus	Levdansky	Rapp	White
Ellis	Longiatti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Frankel	Mantz	Ross	Speaker
Freeman	Markosek		

NAYS-1

O'Neill

NOT VOTING-0

EXCUSED-6

Bastian	Hanna	Perzel	Rohrer
Donatucci	Keller, M.		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 2088, PN 3007**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for the State Board of Osteopathic Medicine, for respiratory care practitioners, for respiratory care practitioner certificates and permits and for reasons for refusal, revocation or suspension of license; and providing for regulations.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Gabig	Marshall	Rubley
Argall	Galloway	Marsico	Sabatina
Baker	Geist	McCall	Sainato
Barrar	George	McGeehan	Samuelson
Bear	Gerber	McL. Smith	Santoni
Bellant	Gergefy	Mellhattan	Saylor
Benninghoff	Gibbons	Melio	Scavello
Bennington	Gillespie	Mensch	Schroder
Beyer	Gingrich	Metcalfe	Scip
Biancucci	Godshall	Micozzie	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Miller	Siptroth
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harper	Mustio	Staback
Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causer	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, W.	Peifer	True
Curry	Kenney	Perry	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner

Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman	Markosek	Ross	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bastian	Hanna	Perzel	Rohrer
Donatucci	Keller, M.		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 917, PN 1106**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to CDM Ebsenburg, L.L.C., certain lands situate in Cambria Township, Cambria County.

On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1081, PN 3234 (Amended) By Rep. DALEY

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for State Board of Certified Real Estate Appraisers, for disciplinary and corrective measures and for penalties.

COMMERCE.

HB 1082, PN 3235 (Amended) By Rep. DALEY

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further prohibiting disclosure of certain information; and providing for conduct of administrative proceedings relating to institutions and credit unions.

COMMERCE.

HB 1083, PN 3236 (Amended)

By Rep. DALEY

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for general authority, for notice and institution of foreclosure proceedings, for notice requirements, for assistance payments and for repayment; and providing for an ongoing foreclosure study.

COMMERCE.

HB 1084, PN 1319

By Rep. DALEY

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law; defining "department"; and further providing for the definition of "residential mortgage" and for the duties of the Department of Banking.

COMMERCE.

HB 2026, PN 3229 (Amended)

By Rep. DeLUCA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for group health policies to continue for period of time after termination of employment or membership in health maintenance organizations.

INSURANCE.

HB 2028, PN 3230 (Amended)

By Rep. DeLUCA

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, providing for the Health Care Cost Containment and Comparison Council; further providing for definitions; adding powers and duties of the council; further providing for data submission and collection; providing for common services data analysis; and further providing for sunset.

INSURANCE.

HB 2098, PN 3231 (Amended)

By Rep. DeLUCA

An Act establishing a system for payment or reduction in payment for preventable serious adverse events within Commonwealth programs; informing health insurers of payment policies used by Medicaid and Medicare; and providing for the powers and duties of the Department of Public Welfare, the Insurance Department, the Department of Health and the Department of State.

INSURANCE.

HB 2179, PN 3237 (Amended)

By Rep. DALEY

An Act amending Titles 7 (Banks and Banking) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating the mortgage loan industry in terms of practice, licensure and penalties; providing for unlicensed mortgage loan activity; and making related repeals.

COMMERCE.

HB 2209, PN 3232 (Amended)

By Rep. DeLUCA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for issuance of group accident and sickness insurance.

INSURANCE.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
February 11, 2008

RESOLVED, (the House of Representatives concurring). Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when Regular Session of the Senate recesses this week, it reconvene on Monday, March 10, 2008, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, March 10, 2008, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED**RESOLUTION**

Mr. DeWEESE called up **HR 484, PN 2753**, entitled:

A Resolution directing the Joint State Government Commission to study the Uniform Power of Attorney Act and Pennsylvania's current power of attorney statute to determine whether any amendments should be made to Pennsylvania's current statute.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 484 be removed from the active calendar and placed on the tabled bill calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 484 be removed from the tabled bill calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

The SPEAKER. It is the intention of the Chair to recess regular recess and go into special session at 3:45.

RECESS

The SPEAKER. Regular session is now in recess.

AFTER RECESS

The time of recess having expired, the House was called to order.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guests of Representative Peter Daley, Mark Giovanelli of the Mon Valley Career Technical Center, with students Justine Lowly, Cassie King, Deandre Majors, and Austin Ramsey. They are seated in the balcony. Would you please stand and be recognized.

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. WANSACZ called up **HR 592, PN 3219**, entitled:

A Resolution recognizing February 25, 2008, as "Juvenile Arthritis Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS--197

Adolph	Gabig	Marshall	Rubley
Argall	Galloway	Marsico	Sabatina
Baker	Geist	McCall	Sainato
Barrar	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	Mellhattan	Saylor
Benninghoff	Gibbons	Melio	Scavello
Bennington	Gillespie	Mensch	Schroder
Beyer	Gingrich	Metcalfe	Seip
Biancucci	Godshall	Micozzie	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Miller	Siptroth
Boback	Gruccela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harper	Mustio	Staback
Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causer	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger

Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, W.	Peifer	True
Curry	Kenney	Perry	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiotti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yeweic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman	Markosek	Ross	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bastian	Hanna	Perzel	Rohrer
Donatucci	Keller, M.		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Tomorrow morning, we will have a Democratic caucus at 10:30. We will report to the floor at 11.

Due to the snowy conditions, I am under the impression that the Democrats and Republicans will only be maintaining a skeleton staff between 4 o'clock and 5 o'clock.

I do not think I have any other announcements. Thank you very much, sir.

The SPEAKER. The Chair thanks the majority leader.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus tomorrow morning at 10:30. I would ask all Republicans to please report to our caucus room at 10:30 Wednesday morning. Thank you.

The SPEAKER. The Chair thanks the lady.

Are there any other announcements?

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Rock of Franklin County, who moves that this House do now adjourn until Wednesday, February 13, 2008, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question.

Will the House agree to the motion?

Motion was agreed to, and at 3:54 p.m., e.s.t., the House adjourned.

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal



WEDNESDAY, OCTOBER 8, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 64

SENATE

WEDNESDAY, October 8, 2008

The Senate met at 10 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend LOUIS BUTCHER, of Brightside Baptist Church, Lancaster, offered the following prayer:

Let us pray.

Our father and our God, we come today with thanksgiving in our hearts and praise on our lips to You, the sovereign of the universe. We observe Your handiwork, and we certainly stand in awe. You are truly an awesome God. Today, we have much to be thankful for. First, You have smiled upon this nation and its people. Despite our problems, we remain the land of the free and the home of the brave. You have endowed us with life, liberty, and the pursuit of happiness, which has made us the greatest nation on Earth.

We come now to ask Your blessings upon the various elements of this union. Be gracious to our President and the branches of our government. Grant wisdom and insight to lead Your people prudently. Watch over us and keep us safe in a world prone to terrorism and violence. Bless our children and our seasoned citizens, the millions of workers who make this republic strong. More than that, remember our courageous young men and women who stand in harm's way to defend our freedom around the globe.

Bless the Commonwealth of Pennsylvania, if You will. Give unto us prosperity and good will. Bless each branch of our State government, and shed Your grace upon the Senate where we stand. Give wisdom to these legislators that they may, in a bipartisan way, do what is best for the citizens of this State. Be with the leadership and help them to make wise decisions.

We ask these things of You with humility and reverence. Grant them, if You will, in Jesus' name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Butcher, who is the guest today of Senator Armstrong.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2008, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2008, for the appointment of Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 768**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 908** and **SB 1019**, with the information the House has passed the same without amendments.

BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

October 8, 2008

Senators ORIE and COSTA presented to the Chair **SB 1602**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for an inmate medical services program, for deposits and for recovery of costs.

Which was committed to the Committee on JUDICIARY, October 8, 2008.

Senators McILHINNEY, COSTA, RAFFERTY, BAKER, FONTANA, CORMAN, M. WHITE, ERICKSON, ORIE, TOMLINSON, GORDNER, O'PAKE, WASHINGTON, BOSCOLA, RHOADES, KASUNIC, PILEGGI, MUSTO, BRUBAKER, C. WILLIAMS, MELLOW, BROWNE and GREENLEAF presented to the Chair **SB 1603**, entitled:

An Act providing for quarterly interim payments to certain providers of community mental retardation services; and providing for powers and duties of the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 8, 2008.

Senators WAUGH, PILEGGI, WONDERLING, ORIE, RHOADES and BRUBAKER presented to the Chair **SB 1604**, entitled:

An Act amending the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, further providing for the composition of the State Horse Racing Commission.

Which was committed to the Committee on STATE GOVERNMENT, October 8, 2008.

Senators WAUGH, RAFFERTY, MUSTO, FONTANA, TARTAGLIONE, LOGAN, WONDERLING, PUNT,

BRUBAKER, TOMLINSON, STACK, GREENLEAF, WASHINGTON and BOSCOLA presented to the Chair **SB 1605**, entitled:

An Act establishing a grant program for municipal fire and emergency services organizations; and providing for grant funding.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 8, 2008.

Senators WAUGH, ERICKSON, RAFFERTY, MUSTO, FONTANA, COSTA, TARTAGLIONE, LOGAN, WONDERLING, PUNT, BRUBAKER, TOMLINSON, GREENLEAF, M. WHITE, ORIE, WASHINGTON and FUMO presented to the Chair **SB 1606**, entitled:

An Act providing for the establishment and operation of the Pennsylvania Law Enforcement Officer Alert System; and imposing powers and duties on the Pennsylvania State Police and the Department of Transportation.

Which was committed to the Committee on LAW AND JUSTICE, October 8, 2008.

Senator WAUGH presented to the Chair **SB 1607**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, providing for a referendum and question when damages are not agreed to; and further providing for county to furnish bond when seeking possession of land.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 2008.

Senators ORIE, RAFFERTY, C. WILLIAMS, COSTA, FONTANA, WAUGH, O'PAKE, WONDERLING, LOGAN, TOMLINSON, PICCOLA, STACK and WASHINGTON presented to the Chair **SB 1608**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring criminal background checks.

Which was committed to the Committee on EDUCATION, October 8, 2008.

Senator ORIE presented to the Chair **SB 1609**, entitled:

An Act designating a portion of Route 8 in the Borough of Etna, Allegheny County, as the Chief Warrant Officer Michael J. Novosel Memorial Highway; and making a related repeal.

Which was committed to the Committee on TRANSPORTATION, October 8, 2008.

Senators McILHINNEY, FONTANA, M. WHITE, COSTA, TARTAGLIONE, ERICKSON, O'PAKE, RHOADES, MUSTO, RAFFERTY, BOSCOLA, WAUGH, LOGAN and STACK presented to the Chair **SB 1610**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for definitions and for classes of income.

Which was committed to the Committee on FINANCE, October 8, 2008.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

October 8, 2008

Senators ORIE, WASHINGTON, RAFFERTY, KASUNIC, RHOADES, WAUGH, KITCHEN and GREENLEAF presented to the Chair **SR 413**, entitled:

A Resolution memorializing the Congress of the United States to amend existing "food-to-fuel" mandates and immediately embark on a series of policy remedies aimed at the production of advanced biofuels.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 8, 2008.

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 684, SB 908, SB 1019, SB 1225, SB 1308, SB 1503, HB 420, HB 1147, HB 1634 and HB 2233.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Environmental Resources and Energy to meet off the floor to consider certain Environmental Quality Board regulations.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Mellow and Senator Washington.

The PRESIDENT pro tempore. Senator O'Pake requests legislative leaves for Senator Mellow and Senator Washington.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 1723 CALLED UP OUT OF ORDER

HB 1723 (Pr. No. 4513) -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1723 (Pr. No. 4513) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is a road-naming bill including the amendment that we adopted yesterday designating a section of U.S. Route 15 in Tioga County as the Senator Roger A. Madigan Highway.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Fumo	Piccola	Vance
Boscola	Gordner	Pileggi	Washington
Browne	Greenleaf	Pippy	Waugh
Brubaker	Hughes	Punt	White, Donald
Corman	Kasunic	Rafferty	White, Mary Jo
Costa	Kitchen	Regola	Williams, Anthony H.
Dinniman	LaValle	Rhoades	Williams, Constance
Earll	Logan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN EICHELBERGER
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, it is a privilege for me to welcome today, as a guest Page, 11-year-old Patrick Reagan Keefer, who is here with me from Fulton County. He is from McConnellsburg. He is a fifth grader at Fulton County Christian

School, and he already has quite an impressive resume for his young age. He is a member of the 4H gun club and Little League baseball and basketball teams. He has assisted with many campaigns, including county treasurer races and county commissioner races, and he has been to three National Republican Conventions, including the most recent one in Minnesota.

Patrick is here with his mother, a Fulton County commissioner, Bonnie Mellott-Keefer, who is seated in the gallery, and Bonnie has been a good friend of mine for a long time. Mr. President, please join me in offering Patrick and his mother our traditional warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Eichelberger please rise so the Senate may welcome you.

(Applause.)

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I just want to add to the story of Patrick. He also collects autographs, and he has gotten hundreds of autographs of political leaders. If any Senator in here would want to give Patrick their autograph, he would certainly appreciate it, and he would take that back home with great pride.

Thank you, Mr. President.

GUEST OF SENATOR J. BARRY STOUT PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, it is my honor and pleasure today to introduce a young lady in the gallery who is visiting the Capitol. Her name is Michelle Ferenz. Michelle is a senior at California University of Pennsylvania majoring in social work, and she has been recognized as a University Scholar. This semester, she has served as an intern in my district office, and she has had a lot of interfacing with the senior citizens and other constituents in my district. I am really impressed with her enthusiasm and the work she has done. So I think it has been a good experience for her. She will be pursuing a master's degree next year.

Now I would like her to be recognized. She is a resident of Bentleyville. She and her husband have lived there for the last 9 years, and she is originally a resident of Charleroi. Would the Senate give a warm welcome to Michelle Ferenz.

The PRESIDENT pro tempore. Would the guest of Senator Stout please rise for a Senate welcome.

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, also in the gallery are Mr. and Mrs. James P. Stewart of Mooresville, in Berks County. Jim supported the Prospectus Berco's 14th Annual Golf Tournament fundraiser by winning A Day at the Capitol with your State Senator. This was a surprise birthday present for his wife, Sally. Jim is a buyer with Carpenter Technology Corporation in Reading, a specialty steel manufacturer, and Sally is a CPA with the CPA firm of Reinsel Kuntz Leshner. They have two sons, ages 6 and 4.

They are in the gallery, and I ask that the Chair extend the usual warm welcome of the Senate to Mr. and Mrs. James P. Stewart.

The PRESIDENT pro tempore. Would the guests of Senator O'Pake please rise so the Senate may welcome you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator PILEGGI, as Special Orders of Business.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1845 (Pr. No. 4528) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is the bill that amends the laws regarding straw purchases, and also, we placed an amendment in the bill yesterday that deals with assaults on police officers.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington

Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2499 (Pr. No. 4523) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is a bill that deals with massage therapy and licensure for massage therapy.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-48

Baker	Fontana	Musto	Stack
Boscola	Fumo	O'Pake	Stout
Browne	Gordner	Oric	Tartaglione
Brubaker	Greenleaf	Piccola	Tomlinson
Corman	Hughes	Pileggi	Vance
Costa	Kasunic	Pippy	Washington
Dinniman	Kitchen	Punt	Waugh
Earl	LaValle	Rafferty	White, Donald
Eichelberger	Logan	Regola	Williams, Anthony H.
Erickson	Madigan	Rhoades	Williams, Constance
Ferlo	McIlhinney	Robbins	Wonderling
Folmer	Mellow	Scarnati	Wozniak

NAY-2

Armstrong	White, Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 647 (Pr. No. 4519) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this bill deals with crane operator licensure.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Oric	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1664 (Pr. No. 4520) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is a bill that deals with amendments to the State's wiretap law.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earl	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-1

Fumo

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2722 (Pr. No. 4224) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridges on State Route 830 over Interstate 80 in Washington Township, Jefferson County, as the SFC Michael J. Tully Memorial Bridges.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this bill names a bridge in Washington Township, Jefferson County.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Piccola has returned, and his temporary Capitol leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF HB 2499

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2499 (Pr. No. 4523) -- Senator O'PAKE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2499, Printer's No. 4523, passed finally.

A voice vote having been taken, the question was determined in the affirmative.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Baker	Fontana	O'Pake	Stout
Boscola	Fumo	Orie	Tartaglione
Browne	Gordner	Piccola	Tomlinson
Brubaker	Greenleaf	Pileggi	Vance
Corman	Hughes	Pippy	Washington
Costa	Kasunic	Punt	Waugh
Dinniman	Kitchen	Rafferty	White, Donald
Earll	LaValle	Regola	Williams, Anthony H.
Eichelberger	Madigan	Rhoades	Williams, Constance
Erickson	McIlhinney	Robbins	Wonderling
Ferlo	Mellow	Scarnati	Wozniak
Folmer	Musto	Stack	

NAY-3

Armstrong	Logan	White, Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE
AMENDMENTS AS AMENDED**

SB 740 (Pr. No. 2499) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 740?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 740.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose, first, of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a Republican caucus in the Majority Caucus Room.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, at the conclusion of the meeting of the Committee on Rules and Executive Nominations, I ask that the Democrats report to our caucus room.

The PRESIDENT pro tempore. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

BILLS REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 263 (Pr. No. 2453) (Rereported) (Concurrence)

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

SB 768 (Pr. No. 2431) (Rereported) (Concurrence)

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

SB 1107 (Pr. No. 2472) (Rereported) (Concurrence)

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

SB 1504 (Pr. No. 2454) (Rereported) (Concurrence)

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009 to be financed from current revenue or by the incurring of debt.

**CONSIDERATION OF CALENDAR RESUMED
BILL ON CONCURRENCE IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS AS AMENDED**

HB 1096 (Pr. No. 4527) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 1096?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 1096.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Furno	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR RESUMED

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2200 (Pr. No. 4526) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I rise to ask for support for House Bill No. 2200 as amended by the Senate. I think this is very, very important legislation for our consumers today who consume power and energy in Pennsylvania. House Bill No. 2200 is, I think, a large step forward. The Governor of the State of Pennsylvania, Ed Rendell, has been a leader in a new energy policy, and this legislation contains many of those items in there.

It includes demand-side reduction, conservation, that I think is going to help the consumer, in the long run, to reduce the demand on power. We are requiring a reduction of 3 percent by the year 2013 and 4 1/2 percent for peak power, and I think that is extremely important as we go forward with an energy policy, Mr. President. It also contains language in there that we will have smart meters. It is not mandated, but it allows for the deployment of smart meters through a depreciation process, through new home construction process, and through the depreciation of 15 years, and for anyone who wants to purchase a smart meter which they feel will help them manage their electric load better.

I think probably the most important reason that we do this is the procurement language. As many of you know, we fought, in the last few months, trying to get mitigation for rate caps coming off. So that is a year or 2 away in some instances, and I think we have more time to fight that battle, but something that I think will help the consumer immediately will be the fact that we have new procurement standards. We no longer are going to use market pricing. We are going to use best pricing or least price for the consumer, and I think that helps the consumer in the end, when utilities are able to go out and compete for power as they purchase it for the distribution company.

I think that by offering these different tools and giving some latitude, people are not locked into buying power in 1 day for the rest of their contracts. Many of you are aware of the Pike County

situation, where after the episode of Katrina, Pike County and that utility up there were forced to buy their power the day after the hurricane, and of course, the rates were extremely high. Under our provisions here for procurement, we would be able to prevent that. And so for that reason, I think that would be a huge step forward in trying to bring electric rates down for the consumers in Pennsylvania.

I am disappointed. I fought hard to try to get mitigation. I do not think that is possible now, but I do not think that chapter is closed. I think that we are going to stand here and fight hard in these next 2 years and fight for mitigation or fight to make sure that any rate increases when the caps come off are not onerous for our consumers. But I think it is important today that we step forward and take these steps when it comes to demand-side reduction, to energy conservation, and to procurement, to make sure that we are moving forward with a very sensible energy policy in Pennsylvania.

I want to thank several people here. I want to thank Senator Boscola, my counterpart on the committee, for her hard fight and her cooperation. I want to thank my counterparts in the House, Representative McCall and Representative Preston. I want to thank our staffs. Fran Cleaver and Kathy Eakin have worked extremely hard, along with Bernie Kieklak and Christopher Craig, who have done an outstanding job, particularly, I think, in representing the interests of the consumer in this.

We are very, very fortunate in Pennsylvania to have some very strong utility companies, and we are, in fact, an exporter of power. We are, in fact, very energy-independent. We export probably 40 percent of the power we produce. Thirty-five percent of our power is produced by nuclear, and we are, of course, very, very rich in coal resources in Pennsylvania. So I think we have a great base in our energy policies and in our energy companies here to be able to go on and move into some of our alternative energies, to move into a better energy policy, as the Governor has asked for.

So I think this is a great compromise bill. It has been hard-fought. There are very, very strong and passionate positions on both sides of this issue. But I think it is time now to move forward, help the consumer, move forward with a forward-thinking energy policy that the Governor has put forward, and pass this bill today. So for that reason, Mr. President, I ask for a favorable vote on House Bill No. 2200 as amended by the Senate.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, as we all know, electric rate caps are scheduled to expire in Pennsylvania's five largest electric companies in 2010. And if we do nothing, if we do nothing to protect millions of electric customers from rate shock, the people we represent will see their bills go up by 30, 40, 50, and up to 70 percent in some areas, and that will be overnight.

Today, in House Bill No. 2200, we can finally do something to help millions of ratepayers hold on to more of their money instead of having to send it to their electric company. The procurement provisions contained in this bill will force power companies to purchase least-cost fuel instead of purchasing coal or natural gas or uranium at prevailing market rates, which is more expensive. It also gives Pennsylvania's Consumer Advocate the

tools he needs to keep electric prices as low as possible in the future. That is why our Consumer Advocate endorses this bill today, and personally assured me late last night that passing House Bill No. 2200 today is the right thing to do.

The other major provision of this bill deals with energy conservation and some very important steps that we all need to take for electric use. So-called smart meters by themselves are not magically -- anyone's monthly electric bill is not going to go down just because you are getting a smart meter. That will not happen. But this new technology will reward customers who are smart enough to realize that they can use electricity when it is cheapest during off-peak hours and pay a lower rate. We also made sure that smart meters would not be mandated for every single ratepayer. Not only is that a smarter approach to smart meter deployment, but it will also save electric customers hundreds of millions of dollars paying for something that will not provide a real benefit in their own households.

There is also strong market manipulation language in House Bill No. 2200, and that is what Senator Mellow insisted on being part of this bill. He should be commended for that, and we should not overlook that critical provision, because it will insure that real competition will not be undermined by existing power companies manipulating the wholesale market or the retail market to their own advantage.

What is not contained in this bill, unfortunately, is a real rate relief mitigation plan that I think the Senate needs to pass eventually. As everyone in this Chamber knows, that is what I have been fighting for for the past 2 years, and I do not doubt anybody knows that I am passionate about it, and this is just the beginning of this fight. Now, have we reached an agreement on mitigation yet? No. Despite our best efforts and ongoing negotiations that lasted into early morning, we have not. But I believe we are getting there.

And I know for a fact that we are closer to real rate mitigation now than we were 2 weeks ago or 2 months ago or 2 years ago. If there is anyone who wants to dispute that, you just have to take my word for it. And you can ask Senator Pileggi and Senator Tomlinson. They both sat in marathon sessions, negotiating sessions, and they want what we all want. We want Pennsylvania power companies to put up their own money to make it easier for customers to afford the new deregulated electric rates in 2010 and 2011. To do that will cost billions of dollars, billions, billions, that the companies would have given to their shareholders or slyly added to their profits.

So real rate relief, not just some Christmas card program or a plan to add some coupons, stuff some coupons in your pocket and save \$10 off your next purchase of a \$30,000 solar panel, that is not real rate relief. Just because it did not all come together at the eleventh hour like it does in the movies does not mean that we are done and that mitigation is dead. I have too much respect for Senator Pileggi, Chairman Tomlinson, Senator Fumo, and Senator Mellow to doubt that we will have a mitigation plan in place before rate caps come off. I also know that Governor Rendell will not rest until we have a mitigation plan in place that helps the ratepayers, small businesses, and our most vulnerable industries from this rate shock.

Together, we have put a tremendous amount of time into making this bill good for ratepayers and good for Pennsylvania. I

want to thank Senator Pileggi and Kathy Eakin and Dave Woods on his staff, Senator Tomlinson for going above and beyond the call of duty on this very, very complicated issue, and of course, my shopping partner, Fran Cleaver on his staff. I want to also thank Senator Mellow and Senator Fumo for their faith in me during these times when the obstacles seemed almost insurmountable, and both Gladys Brown and Christopher "Wing Man" Craig, who distinguished themselves in the heat of so many battles here and so many late, late nights and early mornings of hard, hard work.

Our job is not finished. There is still a lot of work to do. As of today, we have 449 days left to get it done before the rate caps come off, and get it done right. And as of today, after talking to Governor Rendell, he had indicated that he will take the bus that he goes around in across the State, and we are going to talk rate mitigation come January and February and take that bus to every corner of the State until we get a rate mitigation plan in effect before 2010.

Thank you, Mr. President. I thank everybody for all their hard work, and let us try to move forward. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, first, I want to applaud everyone who has worked so hard on this particular issue - Senator Tomlinson and his staff, Senator Pileggi, and everyone who has been involved and committed to this. I really do think we have a good piece of legislation, but I am going to agree with the gentlewoman from Northampton, because I will tell you what, 10 years ago may have been—and I say may have been—the first and the only time I voted for deregulation.

But the decision I made then was based on what I perceived to be the statements made to me, and as I saw it, that this would result in lower or at least the same level playing field rates for consumers. There was no talk then of a cost increase. There was no talk of a projection increase. There was no talk of a 35- or 40-percent increase at the end. And we still allowed the stranded costs. Then I look over that 10-year period, and the local company I have has made billions of dollars of profit, has been able to distribute very fine dividends to its stockholders. That is fine. That is excellent. That is good.

We have gone from a regulated monopoly to an unregulated monopoly, and I have problems with that. I do not want to move on any piece of legislation until I see the mitigation piece and how it is going to affect the consumers. Then I will say we should do the whole thing. I want to see how it affects the consumers, what it is going to mean to them, and how we are going to put it in place. I know, I hear, well, we will give them a 75-percent break, then a 50-percent break, then a 25-percent break, but as a company borrows that money, you know who is going to end up paying the interest on it. Or I will tell you what, you put your deposit in, and I will give you 6 percent now. Why do I have to go through that gyration when I should have had an understanding, at least it was projected to me, that all things will remain basically the same, except now, you will be able to go out and be at least more competitive. I have not seen that.

Another grave concern I have, too, is I want to make sure that PPL retirees, and those are the people I am talking about, have their pension system put in a separate account. I do not want to

end up like Bethlehem Steel, where it ended up that they closed down, and then I had people looking for pensions. I want these kinds of things to be understood, and I want to know what the consumer is really going to have to pay before I can pass on anything. So for that reason, I will be voting "no."

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, with all due respect to all the self-congratulatory accolades being expressed, I am very disappointed in the final outcome represented in this bill, House Bill No. 2200, and it quite honestly represents a sucker punch in the face of electric ratepayers, both individual homeowners and ratepayers at a residential level, as well as those in the small business community, and even larger businesses that are going to have to continue to bear exorbitant rate hikes and rate increases when it comes to electricity.

I am disappointed mostly because as a benchmark piece of legislation, this legislation does not admit or declare in some type of form the horrendous failure that so-called electric choice has been. The State legislature should be held accountable for a bad decision made over 10 years ago in creating so-called electric choice. The only electric choice we have, basically, is to continue to pay exorbitant electric rates.

There is no true competition. There is basically an almost fraudulent methodology by which electricity is purchased on the PJM marketplace. We have companies going to Wall Street, blatantly and with very clear annual statements and reports, even documenting the amount of profiteering that they are going to make off the backs of ratepayers. And as one of my most brilliant colleagues reported at a press conference in June, the rate hikes will basically represent probably the largest tax increase on the backs of Pennsylvania residents and businesses, although it will not be in the form of taxes. It will come through the back door in the form of higher electric rates.

Needless to say, I am less than pleased. I have three amendments here. Two deal, actually, with the issue that everybody seems to say they want, and that is rate mitigation. Well, I have two amendments right here. One is to extend the rate caps to 2013. Another one is to implement a more modified rate cap over a 5-year period at 9 percent per year, which would at least create less pain for residents and small businesses. I am also concerned, at a third level, about the fact that this legislature, just 2 1/2 years ago, removed the so-called Chapter 14 provisions, which at least provided some consumer protections under the Public Utility Commission code.

We have had over 60 house fires in this State in the last 2 years since the removal of the Chapter 14 consumer rights provisions, where people have actually died in their houses, people trying to keep gas and light on either illegally or inappropriately, or during the winter months, trying to use kerosene heaters, lighting wood and fuel. That is a horrendous situation, and given the harsh reality of the economics of this country right now, today, and what everybody admits is going to be hard times for the next several years, I find it reprehensible that we are not able to proceed with some level of rate cap mitigation in this bill and, as well, some restoration of consumer rights to provide opportunities to ban winter shutoffs, to allow a more rational and reasonable reconnect policy as to how much people have to pay to get

their gas and light put back on by the utility company, to allow the Public Utility Commission to reenter as the mediator between the utility companies' narrow self-interests and the ratepayer. Right now, say you are on the phone with some operator, you do not even know if the operator works in China or India or Asia, and you are trying to argue about some consumer right that you feel you have to try to get a more reasonable reconnection. You have no rights whatsoever. We should restore that. And I have amendments that do that.

It is clear, however, that there are important elements in this bill that I certainly would not want to oppose or argue with, because I have fought hard. I have fought hard for some of the provisions that are in this bill, including the provision for the least-cost purchase price, and that is very important. And there are other elements of this bill that none of us would want to argue about, because, in fact, they are moving forward in trying to create a more level playing field between outright profiteering and the ability of small businesses and residences to survive in our Commonwealth with a needed, basic right to electricity.

So I am betwixt and between. There is not majority support to support these amendments, so I am not going to go forward in a Don Quixote fashion and offer amendments on the mitigation side of the equation, and I believe that come January, when people will be freezing to death, maybe there will be an ability for both sides of the aisle, in a nonpartisan way, to come together to talk about restoring some of the consumer protections.

So at this eleventh hour, as my colleague reported, I think it is important that we move forward on the bill, but I do think it is inappropriate that we were not able--and we keep saying we are rushed, it is the eleventh hour. I mean, we do not set the agenda on this side of the aisle. You all do on the aisle opposite. I do not know what says that we have to leave today. I know there is an election coming up in a few weeks. I do not know what says that we cannot reconvene to really deal with the rate cap mitigation. It is not rocket science.

So I am very disappointed, but I think it is important that we try to move forward on this bill, and accordingly, Mr. President, I will not be offering the amendments. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, as most people probably know, up until about an hour ago, I was prepared to vote "no" on this bill simply because I really wanted to see rate cap mitigation included. I thought that was the direction we were going. Since that time, and I want to be on record, the Governor has assured us that beginning in January, he will do all that he can to address that issue. Senator Boscola has been committed to addressing the issue and working as hard as she can possibly work to get the rate cap mitigation included, or at least address that issue next year. So although I am not very happy with not having it in now, I am prepared to vote "yes."

As Senator Ferlo said, there are some good things in the bill. However, you know, I am not going to be here next year, so the guy who takes my place when the rates go sky high, he can take all the complaining, and I will be one of the complainers. So, hopefully, we will do something to relieve him of that pain.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I want to thank Senator Ferlo for not offering his amendments today, because I think that would have ultimately denied us the opportunity of voting on House Bill No. 2200. I want to thank Senator LaValle and the other Members of my Caucus who were negative and are now positive. But I also want to echo some of the comments, in two particular areas.

This is not a bad bill. This is not a vote against mitigation, which we all seem to want, in one form or another, but this is a step in the right direction. The procurement portions of this bill will result in immediate ratepayer savings. As was mentioned earlier, and I just want to reemphasize, this legislation will change the current law and force utilities to purchase their electricity at the least possible rate, the lowest-cost rate, not the phony market rate that the current law allows them to do.

Secondly, it will require them to have a mix in their portfolio of long-term, short-term, and middle-term contracts, which will ultimately also benefit the consumer. It will require them, in that portfolio, to have at least some long-term contracts, more than 4 years, but not less than 20. And as was also said, the amendment will impose significant safeguards intended to prevent market manipulation and self-dealing.

In addition to that, the bill has been amended to say that the maximum fine will not be \$5 million, which to some of these large utilities is just merely the cost of operation, but rather \$20 million, which is some pain.

Then, on the demand side, we do have long-term goals and positions that will save us energy in the long run. But like everything else, no one wants to hear about that, because it is not going to really kick in for 8 to 10 years. But it is there, and future generations will be the beneficiaries of that. In addition, we did not mandate smart meters, but we made them optional. We did say in new construction, where they really are practical, they will be put in.

So this is not a bad vote for anybody. What has been explained to me in the main argument that I have heard is that, gee, we blew an opportunity. We had some leverage. We had no leverage with utility companies on this bill. This was similar to the guy who stands there with a gun to his head and says to the other guy, if you move, I will shoot. There was no leverage against utility companies in this bill.

Next, I want to address, because I, too, will not be here, but I was here in 1996 when I not only voted against deregulation, I predicted that there would not be any competition, and regrettably, my prediction has come true. But then I sued PECO, and I was the one who got the 8-percent reduction and the current caps that we have. Now I am beginning to think it was the right thing to do. We saved people billions of dollars, but when it comes off, they are going to be upset.

In addition to that, the people have not yet gotten the message. That is why I think the utility companies have made a major strategic mistake by not attempting to resolve mitigation at this stage. What is going to happen is every day they delay in coming to the table, and every day we do not do anything about mitigation in the next Session, more and more pressure is going to be built up

against them. And I know the reality here, having served here over 30 years. We are usually dealing with this lobbyist versus that lobbyist, this union versus this construction company, and all these special interests. For the first time, when this begins to become a reality, the power base will not be with any lobbyist, will not be with any special interest group. It will be with those who are with the people. The people will rebel. The people will demand mitigation far in excess, far in excess to what we are willing to compromise with today. But the utilities will ultimately pay for that arrogance.

Lastly, because I will not be here, the way to serve consumers is not to get \$1.5 billion, \$2 billion, \$5 billion, \$10 billion, \$20 billion into this, because we are now dealing with an unregulated utility industry. We have never done that before. They were always regulated, until 1996, when we deregulated, and then immediately, they had the caps imposed upon them so no one ever suffered or saw the reality of an unregulated monopoly, and that is what we have here. So when that happens, getting \$1 billion or \$10 billion is not going to help, because they are not regulated. They will just get it back again. It is a shell game. The only real way to protect the consumer is to devise a scheme that would have in it some sort of index with a ceiling that would go forth in perpetuity, and that ceiling might be inflation plus 2 percent, 3 percent, or whatever. But that will do two things. That will give consumers predictability in where their rates are going, it will protect them from the gouging, and it will also give utility companies predictability. That should be the goal you strive for in the next Session.

But in the end, voting for this bill is a major step forward, and this will save consumers and ratepayers money right now. It is not that we are not doing anything for them. We are. We would like to do more. We will do this now, given the reality. So I urge everyone to vote in the affirmative, and from what I understand on our side of the aisle, that will be a reality. I am very happy about that, and I want to thank my colleagues for that, and I would hope on the other side that we can get very near that unanimous number as well, to show the public that we do care, that we do have concerns for what is going to hit them. Because right now, they are getting beat up every which way from Sunday with the stock market, with their IRAs, savings accounts, the cost of food, the cost of gasoline, the cost of heating oil. We can help them with this. This is a step in that direction, and we should do more, and I am positive we will do more in the next Session.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I will be brief. I just want to reiterate that the utilities were never held at leverage. The utilities were never who we could get anything out of. It was always the Governor's proposal on energy. It was the Governor whom I was looking forward to bringing in to help us, against the utilities, to bring about mitigation. The Governor stepped up, the Governor stepped in, and the Governor had meetings.

The Governor called in all the CEOs and executives from the utility companies. I was in some of those meetings, and my colleagues from the other side of the aisle were in some of those meetings, and we tried very, very hard. And some utilities

stepped up. Some utilities offered some plans. Some utilities did not. I do not think it is something we can do piecemeal. I do not think it is something we can do with one utility and not with another utility. We just did not get all of the utilities together. But that is not a reason not to vote for this legislation.

This legislation-- I cannot believe that the utilities can be happy about the procurement language that we are about to propose. I think this procurement language helps the consumer, gives the PUC oversight over these contracts, allows them to look at these contracts to make sure that there is not any manipulation in the contracts. So I think we have given more tools to the consumer by allowing this.

Right now, there are actually two cases before the PUC. If we vote this out and the Governor signs this, that will give the PUC the power to actually help the consumer in those two rate cases because we changed the standards from market to best price or least price for the consumer, instead of market price. So I think it is extremely important to the consumer that we move this forward. It is extremely important when we start moving this energy policy into the new technologies, into the meters. Not everyone believes in universal meters and mandatory meters, but it is a technology that we have to move into. It is a technology that I think, in the future, is going to show more benefit to the consumer. And certainly, we should start to manage our demand side. We have to bring that peak power load down.

So there is a lot of good in this legislation. It is extremely important, I think, that we move forward, and the fight is not over. I want to thank Senator LaValle for his passion in the meetings that we have had on this. He has done a wonderful job standing up for the consumer. I want to thank Senator Ferlo for his passion, and I know he is going to continue to be here to help us fight that fight. But the leverage is not on this legislation, the leverage was on the Governor holding up his legislation to help me leverage the utilities. The Governor has done that, and I am confident the Governor is going to continue to help us fight the utilities and fight and bring about an equitable settlement with them.

So, with that, I think this is a very good bill. It is a good compromise bill. I think the administration has given up a lot to get this done, and I think we have given up a lot to get this done. Not everybody is totally happy with this. I know the Governor would like to have seen a little bit more. I would like to have seen a little bit more. I think it is a good compromise bill, and I ask for an affirmative vote. I would also like to thank Senator Fumo, whom I did not mention before, who has worked very, very hard to try to bring this thing together. And I thank Senator Fumo very much for his help on this.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I will be brief. I do not want to repeat all of the comments that have been made, many of them valid. I do want to address a couple of comments made, the comments by Senator Ferlo regarding the shutoff legislation that was contained in an amendment he planned to offer. I had told him privately, and I will repeat publicly, that I am willing to work with him on that important issue as we move toward the next Session, and hopefully we can reach an improvement in the cur-

rent law as it pertains to people facing both shutoff notices and the difficult task of being reconnected to utilities once they go through a shutoff process.

As to the issue of mitigation, I share Senator Boscola's comments as to the importance of that litigation being worked on and addressed here. I have said publicly that that was probably the most important topic that we needed to address in the various topics of energy legislation. Unfortunately, we simply were not able to reach an agreement on legislation to deal with that now, but I will continue to work with Senator Boscola and the other Members of the Senate who are interested in this topic. It is something that we absolutely have to do for consumers in Pennsylvania going forward.

I do want to commend Senator Tomlinson for his leadership on this issue and his patience over, now, almost 2 years in working through these issues; Senator Boscola and the leadership on the other side of the aisle, Senator Mellow and Senator Fumo, in working through these difficult issues; and also their staffs who worked very long hours. Although not complete because we do not have the mitigation legislation as part of this package, I think this is a tremendous improvement in the law in Pennsylvania on demand-side management and on procurement, and it is certainly something worthy of support by every Member of this body. I urge an affirmative vote.

Thank you, Mr. President.

LEGISLATIVE LEAVE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Punt.

The PRESIDENT pro tempore. Senator Pileggi requests a legislative leave for Senator Punt. Without objection, the leave will be granted.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Armstrong	Fumo	O'Pake	Tartaglione
Baker	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Browne	Hughes	Pileggi	Washington
Brubaker	Kasunic	Pippy	Waugh
Corman	Kitchen	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dinniman	Logan	Regola	Williams, Anthony H.
Earl	Madigan	Robbins	Williams, Constance
Erickson	McIlhinney	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fontana	Musto	Stout	

NAY-3

Eichelberger	Folmer	Rhoades
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2294 (Pr. No. 4525) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I offer remarks for the record.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA:)

Mr. President, I rise in support of this bill and to make a few brief remarks.

First, I would like to thank Senator Browne, Senator Greenleaf, Senator Stack, and Senator Fumo for their work on this important piece of legislation. Their efforts helped to address many of the concerns expressed by nonprofit consumer credit counseling agencies and made this bill a much better product.

For the first time, this legislation establishes a regulatory framework governing consumer credit counseling agencies, both for-profit and nonprofit agencies. We are in the midst of one of the greatest financial crises in our nation's history. A large part of the problem we are experiencing has to do with consumer debt. For better or worse, many in our communities have gotten in over their heads. In this atmosphere, many will rely on credit counseling agencies to provide advice and guidance, as well as assistance to put them into a debt management or debt settlement program.

Now is a great time for this legislation because it will impose strong regulation through the Department of Banking on the entities that will provide this important advice and services to consumers. Currently, there is no requirement to be licensed to offer debt management services or debt settlement services in Pennsylvania.

The bill would require that those offering debt management services be licensed, bonded, and certified. Further, the bill offers significant enforcement powers to the Department of Banking as well as remedies for aggrieved persons. The bill sets limitations on fees a consumer may be charged. This is an important consumer protection change to the law, as there currently are no limitations on the fees a consumer may be charged.

The legislation requires entities offering debt management services or debt settlement services to be licensed by the department and to operate according to regulations promulgated by the department. Those offering debt management services would also be required to renew their license on a yearly basis.

The application for a license would require the applicant to disclose any ownership interest of any officer, director, agent, or employee in an

affiliate, subsidiary, or any business that will provide any service to a consumer. The applicant would have to prove financial stability by providing, as evidence, an audit opinion from an independent certified public accountant. The applicant would have to prove it is insured against dishonesty, fraud, theft, and other malfeasance on the part of its employees, officers, directors, or principals.

The legislation gives the Attorney General enforcement action pursuant to the Unfair Trade Practices Act as well as provides individuals with a private right of action under the Unfair Trade Practices Act.

The licensee is required to file an annual report with the department concerning the services conducted in the previous year and authorizes a \$100-per-day fine for every day the report is late. Most significantly, the licensee is required to provide a free consumer education program to consumers before even offering a debt management plan to a consumer. The consumer education program must be designed to improve personal and household financial management and financial literacy. It must also be tailored for each consumer to provide education about budgeting, saving, investing, debt management, and maintaining credit-worthiness.

Before the consumer enters into an agreement, a financial analysis of the situation must be prepared with a good-faith determination of how the consumer will benefit from the debt management services with an explanation of that benefit. The licensee would be prohibited from providing debt management services absent that benefit. The licensee is required to orally review the analysis, budget, and debt management services and provide copies of them to the consumer.

Mr. President, this bill contains significant consumer protections in this previously unregulated area. I ask for an affirmative vote on the bill. Thank you.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-43

Armstrong	Folmer	O'Pake	Stack
Baker	Fontana	Orie	Stout
Boscola	Gordner	Piccola	Tomlinson
Browne	Greenleaf	Pileggi	Vance
Brubaker	Kasunic	Pippy	Waugh
Corman	LaValle	Punt	White, Donald
Costa	Logan	Rafferty	White, Mary Jo
Dinniman	Madigan	Regola	Williams, Anthony H.
Earl	McIlhinney	Rhoades	Wonderling
Eichelberger	Mellow	Robbins	Wozniak
Erickson	Musto	Scarnati	

NAY-7

Ferlo	Hughes	Tartaglione	Williams, Constance
Fumo	Kitchen	Washington	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2289 (Pr. No. 4518) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2188 (Pr. No. 4521) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling

Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2629 (Pr. No. 4517) – The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for licensure.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Oric	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 347 (Pr. No. 4509) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for issuance and reissuance of registration plates and for lost, stolen, damaged or illegible registration plate; in licensing of drivers, further providing for issuance and content of driver's license; in commercial drivers, further providing for definitions for requirement for commercial driver's license, for commer-

cial driver's license qualification standards and for disqualification; in fees, further providing for exemptions from other fees; in rules of the road in general, further providing for speed timing devices; in inspection of vehicles, further providing for inspection by police or Commonwealth personnel; in size, weight and load, further providing for securing loads in vehicles, for height of vehicles and for permit for movement during course of manufacture; in powers of department and local authorities, further providing for promulgation of rules and regulations by department; and in snowmobiles and all-terrain vehicles, further providing for definitions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Oric	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1543 (Pr. No. 4489) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, this is a very important bill, and it will help hundreds of people across Pennsylvania,

especially our young people. I would like to thank Senator Pileggi, Senator Greenleaf, Senator Mellow, and Senator Costa. We have been working together for several years, and this did not go quite as far as I would like, or as far as some of the people who are working on it would like, but at least this is a step in the right direction. So I would like to thank all Members of the Senate for considering this bill. Thank you.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2034 (Pr. No. 3198) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.

Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 263 (Pr. No. 2453) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 263?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 263.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 768 (Pr. No. 2431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 768?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 768.

On the question, Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Table listing names of senators who voted 'YEA' for SB 768, including Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Oric, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, and Wozniak.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1107 (Pr. No. 2472) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1107?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1107.

On the question, Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Table listing names of senators who voted 'YEA' for SB 1107, including Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Oric, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, and Wozniak.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1504 (Pr. No. 2454) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009 to be financed from current revenue or by the incurring of debt.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1504?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1504.

On the question, Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Table listing names of senators who voted 'YEA' for SB 1504, including Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, O'Pake, Oric, Piccola, Pileggi, Pippy, Punt, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald.

Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	Mellhinney	Scarnati	Wozniak
Ferio	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2525 (Pr. No. 4524) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions; for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, I appreciate this opportunity to make remarks here today on House Bill No. 2525. This important legislation provides for a humane and healthy environment for dogs living in commercial breeding operations, something that an overwhelming number of Pennsylvanians desire for this Assembly to do.

I believe that breeding dogs, including the commercial breeding of dogs, can be conducted humanely. There are numerous—let me emphasize—there are numerous good and reputable breeders in Pennsylvania. This legislation allows for a doubling of the primary enclosure; unfettered access to outdoor exercise, except in situations approved by a veterinary board; a prohibition on wire flooring; veterinary care every 6 months for all dogs in kennels; a prohibition on the stacking of cages; and a Canine Health

Board made up of veterinarians who will determine ventilation, lighting standards, and types of flooring that will be permitted based on acceptable animal husbandry practices. No longer will a dog in a licensed kennel in Pennsylvania be permitted to spend its entire life in a cage, never setting foot on solid ground. We were able to make these improvements while still providing for an environment in which the business of breeding dogs in Pennsylvania can continue. As I said when House Bill No. 2525 came to the Senate, I would not support a bill that arbitrarily shuts down kennels regardless of the quality of their breeding operation.

The work of this bill required a great deal of bipartisan cooperation by numerous people, including those persons in the Governor's Office, in the House and in the Senate, many interested parties, and volumes and volumes of people from the general public. We have heard thousands of people who spoke on this issue through e-mails, letters, phone calls, and visits. Let me guarantee you, your voice was heard, and I applaud you for being involved in your legislative process. The various interest groups on this were well-represented and were available at all times.

Representative Hanna and Representative Hershey in the House and their staffs worked tirelessly on this bill all through this summer. Chairman O'Pake, my counterpart on the Senate Committee on Agriculture and Rural Affairs, and Neil McAuliffe on Senator O'Pake's staff guided this bill through the committee with expertise and professionalism at all times. My fellow committee members listened and worked with me to improve House Bill No. 2525, and I appreciate their dedication to this issue.

I applaud Senator Armstrong and his staff, including Russ Miller, for their willingness to have a discussion which was necessary to move this bill forward through the Committee on Appropriations. Senator Pileggi was instrumental in moving this forward as well. Of course, we could not be here without the diligence of Governor Rendell on this issue. Secretary Steve Crawford was also always accessible and reasonable and willing to talk through some very difficult negotiations. Will Danowski, Greg Thall, and the staff of the Department of Agriculture worked tirelessly on this issue as well.

This bill is not perfect in the eyes of many. But perhaps, in an effort to gain perfect legislation, many times we end up with no legislation. House Bill No. 2525 came out of the House of Representatives with only 17 negative votes out of 203 Members. It received unanimous and bipartisan support for the amendments offered in the Senate Committee on Agriculture and Rural Affairs, and received unanimous and bipartisan support for the amendments offered in the Senate Committee on Appropriations.

This is the process of democracy. Everyone agreed something needed to be done. What that something looked like is where we all differ, but we all agreed that through a collaborative process, we could ultimately unite in House Bill No. 2525 as it came out of the Committee on Appropriations.

As a result of this, treatment of dogs in Pennsylvania will continue to be improved and will be treated in a humane and healthy manner. I urge my colleagues to support House Bill No. 2525 in its current form so we can send this bill back to the House of Representatives for concurrence and for the Governor to sign. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I also rise in support of House Bill No. 2525, and I urge my colleagues on both sides of the aisle to support it. First of all, I would like to commend Senator Brubaker and his staff. They did an excellent job working with the many interests involved in this and in taking a 91-page bill that came from the House of Representatives and actually improving upon it. The Governor's Office was most cooperative, as were the humane societies, the veterinarians, and all those who had an interest in improving the quality of life for our dogs who are in commercial kennels throughout Pennsylvania.

This is the puppy mill bill that has been written about and discussed so fervently in the past few months, even making national headlines. Unfortunately, because of the inhumane actions of a few commercial kennel operators, Pennsylvania had gained a reputation nationally as the puppy mill capital of the East Coast. It is a reputation that stained our image and one that we need to address, which we did here. I got over 5,000 e-mails in 1 day from all across the nation. I am sure most of you had the same experience.

House Bill No. 2525, which is now 101 pages long, will go a long way in improving conditions in Pennsylvania. It creates a new definition for commercial kennels, and it will specify how they must house dogs, treat them, exercise them, and provide proper veterinary care. It gives the Department of Agriculture the power it needs to enforce these provisions. It also provides that dogs in commercial kennels can only be euthanized by a veterinarian. I think all of us were shocked this past summer when a breeder in my senatorial district decided to shoot all of his dogs, 80 of them, rather than provide minimal veterinary care for some of them.

Since the bill arrived here 3 weeks ago, it has been amended by the Senate Committee on Agriculture and Rural Affairs and the Committee on Appropriations. As a result of these amendments, I believe we are passing a far better bill than what came over here from the House. The Governor has said he will sign this bill, and most of the major shareholders are also in support. I urge an affirmative vote on House Bill No. 2525.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, I just want to put on the record some information so it is clarified from my point of view. One of the sticking points of this legislation was what they call unfettered access, so that a dog in an enclosure could have access to an exercise area at any time. What this bill did was it vastly increased the area of the enclosure where a dog lives, but then they had this exercise area out there which would be double that size. The problem we have with kennels that are built, current kennels, is it would be very expensive to retrofit them, and they would be much, much bigger.

We said, how about if you have an area that would be even bigger than the area that current law would have set? In other words, let us say it is 200 feet, they have an area that is 400 feet that they could take them to that is not unfettered, but they would take the dogs there and leave them there for a couple of hours and bring them back. Well, the administration brought up a good point, saying that if the dog warden shows up and says, well, has

your dog been exercised, they could say, well, you just missed them, because the dogs were out there for 2 hours, and we just put them back in the cage 10 minutes ago, and you missed them. So we said, well, how about if we have some system in which you can verify positively through microchips or through video systems that they were in an exercise area that would be even greater than what this law will have. And they said, well, that is something they would consider, because if not, some of these kennel owners would be put out of business. So what they said was, if you come up with a plan in which you can go before the Canine Health Board and show them what your program is for exercise, they can rule on this on a case-by-case basis, and if you have an exercise area which you can prove they have been in so many hours a day, they would sign off on it.

So that is a very important part of this legislation, because without that, a lot of these kennel owners may be put out of business, and we do not want to hurt anybody out there. I appreciate the administration being willing to work with us on this, and I do support the bill and thank all those people who worked diligently on this.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fumo	Oric	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earll	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	
Fontana	O'Pake	Tartaglione	

NAY-1

Eichelberger

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 740.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 100** and **SB 295**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT pro tempore**. Pursuant to Senate Rule XIV, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 44** and **HB 834**.

DISCHARGE PETITION

The **PRESIDENT pro tempore** laid before the Senate the following communication, which was read by the Clerk as follows:

October 8, 2008

A PETITION

To place before the Senate the nomination of Fred P. Rinaldi, Esquire, as a member of the Pennsylvania Economic Development Financing Authority.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8(b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Fred P. Rinaldi, Esquire, Old Forge, Pennsylvania, as a member of the Pennsylvania Economic Development Financing Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

The **PRESIDENT pro tempore**. The communication will be laid on the table.

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator **ROBBINS**, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2008, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2008, for the appointment of Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator **ROBBINS**. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

COMMUNICATION FROM THE GOVERNOR**NOMINATION REFERRED TO COMMITTEE**

The **PRESIDENT pro tempore** laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

COMMONWEALTH TRUSTEE OF THE UNIVERSITY OF PITTSBURGH OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ira J. Gumberg, 5222 Wilkins Heights Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University

of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 647, HB 747, HB 949, HB 1027, HB 1044, HB 1511, HB 1664, HB 1723, HB 1845** and **HB 2499**.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 763** and **SB 1258**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT** pro tempore. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1114 (Pr. No. 2489) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the scenic view adjacent to State Route 40 in Wharton Township, Fayette County, as the "Blue Star Point Lookout"; designating the portion of US Route 20, known as West 26th Street, in Millcreek Township, Erie County, from Peninsula Drive to Powell Avenue as the John W. Groters Memorial Highway; designating a portion of Cottman Avenue (Route 73), Burholme section, City of Philadelphia, as the Police Sergeant Stephen Liczbinski Memorial Highway; designating the bridge on State Route 259 dividing Bolivar Borough and Fairfield Township, Westmoreland County, as the Glenn McMaster Memorial Bridge.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1114?

Senator **PILEGGI**. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1114.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator **PILEGGI** and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	Mclhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1413 (Pr. No. 2476) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license, for driving while operating privilege is suspended or revoked, for permitting violation of title, for homicide by vehicle and for habitual offenders.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	Mclhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2644 (Pr. No. 3986) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to add Senate Bill No. 1028 to the agenda for today's meeting.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Connie Williams and Senator Dinniman.

The PRESIDENT pro tempore. Senator O'Pake requests legislative leaves for Senator Connie Williams and Senator Dinniman. Without objection, the leaves will be granted.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

BILLS REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 100 (Pr. No. 2484) (Rereported) (Concurrence)

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

SB 295 (Pr. No. 2485) (Rereported) (Concurrence)

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

SB 763 (Pr. No. 2500) (Rereported) (Concurrence)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

SB 1028 (Pr. No. 2471) (Rereported) (Concurrence)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for public roads.

SB 1258 (Pr. No. 2487) (Rereported) (Concurrence)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

LEGISLATIVE LEAVE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Brubaker.

The PRESIDENT pro tempore. Senator Pileggi requests a legislative leave for Senator Brubaker. Without objection, the leave will be granted.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

SB 295 CALLED UP OUT OF ORDER

SB 295 (Pr. No. 2485) -- Without objection, the bill was called up out of order, from page 1 of Supplemental Calendar No. 2, by Senator PILEGGI, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 295 (Pr. No. 2485) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 295?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 295.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 100 (Pr. No. 2484) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 100?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 100.

On the question,
Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, on behalf of Senator Brubaker, I offer remarks for the record in connection with Senate Bill No. 100.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Delaware, Senator PILEGGI, on behalf of the gentleman from Lancaster, Senator BRUBAKER.)

I am going to support this bill, but I note the Pennsylvania Landscape and Nursery Association's opposition to Senate Bill No. 100. This important industry generates \$5.6 billion per year in economic activity, employing nearly 100,000 Pennsylvanians.

Pennsylvania is one of the top producers of nursery and floriculture in the nation. The green industry is the fastest growing agricultural sector in Pennsylvania, and as chairman of the Senate Committee on Agriculture and Rural Affairs, I feel it is important to reflect their concerns.

Member companies of the PLNA specialize in the installation and maintenance of plant material but are subject to the provisions of Senate Bill No. 100 because they may also install walkways, irrigation, retaining walls, and other hardscape features in conjunction with the installation of plant material.

Under this legislation, our landscapers will fall under sometimes duplicate, paperwork-heavy regulatory systems. As I said, I will support this bill, as I believe it is a strong bill that will improve consumer protection. But I look forward to working with my colleagues to address this issue in the next legislative Session so that Pennsylvania's important and growing landscape and nursery industry can follow one set of reasonable rules. Thank you.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-39

Baker	Gordner	Musto	Stout
Boscola	Greenleaf	Orie	Tartaglione
Browne	Hughes	Pileggi	Tomlinson
Brubaker	Kasunic	Pippy	Washington
Corman	Kitchen	Punt	Waugh
Costa	LaValle	Rafferty	Williams, Anthony H.

Dinniman	Logan	Rhoades	Williams, Constance
Erickson	Madigan	Robbins	Wonderling
Fontana	McIlhinney	Scarnati	Wozniak
Fumo	Mellow	Stack	

NAY-11

Armstrong	Ferlo	Piccola	White, Donald
Earl	Folmer	Regola	White, Mary Jo
Eichelberger	O'Pake	Vance	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SB 1258 CALLED UP OUT OF ORDER

SB 1258 (Pr. No. 2487) -- Without objection, the bill was called up out of order, from page 2 of Supplemental Calendar No. 2, by Senator PILEGGI, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1258 (Pr. No. 2487) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1258?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1258.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-38

Armstrong	Fontana	Musto	Robbins
Baker	Fumo	O'Pake	Scarnati
Boscola	Greenleaf	Orie	Stout
Browne	Hughes	Piccola	Tomlinson
Corman	Kasunic	Pileggi	Washington
Costa	LaValle	Pippy	Waugh
Dinniman	Logan	Punt	White, Donald
Earl	Madigan	Rafferty	Wozniak
Erickson	McIlhinney	Regola	
Folmer	Mellow	Rhoades	

NAY-12

Brubaker	Gordner	Tartaglione	Williams, Anthony H.
Eichelberger	Kitchen	Vance	Williams, Constance
Ferlo	Stack	White, Mary Jo	Wonderling

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 763 (Pr. No. 2500) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 763?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 763.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1028 (Pr. No. 2471) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for public roads.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1028?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1028.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE RESOLUTIONS ADOPTED

Senator TOMLINSON, by unanimous consent, offered **Senate Resolution No. 414**, entitled:

A Resolution designating the week of October 6 through 12, 2008, as "Learn and Serve Challenge Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators C. WILLIAMS, WONDERLING, PILEGGI, COSTA, FUMO, PIPPY, FONTANA, STACK, BOSCOLA, STOUT, BAKER, TARTAGLIONE, ERICKSON, EARLL, KASUNIC, HUGHES, BROWNE, MUSTO, LAVALLE, FERLO, BRUBAKER and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 415**, entitled:

A Resolution designating November 19, 2008, as "Pennsylvania Geographic Information System Day."

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I offer the following remarks for the record on behalf of Senator Connie Williams.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Berks, Senator O'PAKE, on behalf of the gentlewoman from Montgomery, Senator CONNIE WILLIAMS:)

I ask for your support in declaring November 19, 2008, as "Pennsylvania GIS Day." GIS, or Geographic Information System, is a progressive technology that has transformed the way we live and work.

Have you ever wondered how the navigation system in your car actually knows where to go? How can a tiny iPod store 25,000 songs? How do soldiers know every inch of their surroundings when they are at the base of huge mountain ranges? The answer, ladies and gentlemen, is GIS technology.

Geospatial technologies, like GIS, global positioning systems (GPS), and digital mapping, have become everyday tools that we rely on to deliver public safety and emergency response. It is used in medicine, economic development, homeland security, education, workforce analysis, transportation, agriculture, historical preservation, and even for travel and advertising.

If you would like to see some good examples of GIS technology, you should take a few minutes to visit some of the GIS exhibits in the Capitol Rotunda on November 19. You will be amazed at how this type of technology has changed daily living.

The United States Department of Labor has identified geospatial technology, biotechnology, and nanotechnology as the three technologies with the greatest potential for growth and job creation. Employment in the geospatial technology industry is growing by 10 percent to 13 percent per year, and the demand for geospatial technology services is creating new jobs in a wide range of fields. Pennsylvania is a leader in research and training in geospatial technology and is home to many of the nation's leading geospatial technology firms.

I hope you will join me in drawing attention to GIS by declaring November 19, 2008, as "Pennsylvania GIS Day."

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators ORIE, PILEGGI, RAFFERTY, FERLO, FONTANA, COSTA, KASUNIC, TARTAGLIONE, BOSCOLA, GREENLEAF, ERICKSON, STOUT, STACK, WONDERLING, PIPPY, A. WILLIAMS, EARLL, MUSTO, LAVALLE, FUMO and VANCE, by unanimous consent, offered **Senate Resolution No. 416**, entitled:

A Resolution designating October 30, 2008, as "Cogan's Syndrome Awareness Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I offer my remarks for the record.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)

Cogan's Syndrome is thought to be an autoimmune disorder. At the onset of Cogan's Syndrome, patients experience red, painful and light-sensitive eyes and blurred vision. Shortly following the eye symptoms, patients develop dizziness, balance problems, ringing in the ears, and hearing loss. The symptoms of Cogan's Syndrome can progress rapidly to bilateral deafness that can become permanent within 2 years.

Cogan's Syndrome primarily targets children and young adults 20 to 30 years of age. Many people with Cogan's Syndrome have permanent visual or hearing damage. However, most patients are able to manage their symptoms and limit complications of the disease with treatment.

Those of you who have served in the House within the past 11 years may recall John Stouffer, who was a messenger. He is one individual whom I personally know who has been afflicted with Cogan's Syndrome, and it has taken a toll on him.

I offer this resolution to have the Senate designate October 30, 2008, as "Cogan's Syndrome Awareness Day" in Pennsylvania.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators ARMSTRONG and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 417**, entitled:

A Resolution designating November 8, 2008, as "Charles Demuth Day" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators GORDNER and STACK, by unanimous consent, offered **Senate Resolution No. 418**, entitled:

A Resolution designating the month of November 2008 as "Lung Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, just very briefly, this designates the month of November as "Lung Cancer Awareness Month."

I was contacted by a constituent who is a little younger than I am, and she recently found out that she has stage IV lung cancer. She has two young children, and she has never smoked in her life. She had been under care for 2 years, and they had looked at a variety of different types of ailments, including breast cancer, until they finally diagnosed lung cancer. Again, because she had never been a smoker, they frankly did not look at that immediately, and then, unfortunately, once they did discover the true reason for her ailments, they realized that she was in stage IV.

It is hard to believe, but lung cancer is the leading cause of cancer deaths in the world, this nation, and this Commonwealth. In 2007, over 160,000 people died of lung cancer. There are an estimated 213,000 new cases of lung cancer and 439 deaths from lung cancer each day in this nation. Very frankly, the doctors have given her a limited amount of time to live. She is living each day as if it could be her last. She felt very strongly, when contacting my office, that she wanted to have this resolution introduced so she could do everything she could to make sure that people are aware of the significance of lung cancer, whether they smoke or not, and lead to efforts to try to eradicate this ailment.

Thank you, Mr. President, for allowing me to say these words, and I ask the Senate for its adoption.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, I am happy to rise with my colleague, Senator Gordner, on this important issue.

Interestingly enough, I also-- it was a different constituent who had contacted me with regard to lung cancer, and as Senator Gordner pointed out, it is a terrible disease, with 160,000 people passing away from lung cancer in 2007. Among the leading causes of lung cancer are smoking, secondhand smoke, which this body has dealt with intimately, radon, and on-the-job exposure to carcinogens.

So, too many people contract this terrible disease, and far too many people pass away from lung cancer. As Senator Gordner pointed out, it is great that constituents contact us to talk about how important is the issue of awareness, whether it is in the medical community or our community at large, awareness and education about lung cancer and prevention is necessary to reduce the incidence of this disease.

So it is my hope, along with my colleague, Senator Gordner, that we will help raise awareness of the disease of lung cancer and unanimously pass this resolution.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

UNFINISHED BUSINESS PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, last night, this Chamber, I think, struck a decisive blow against violence against police officers in Philadelphia and across this State. I want to take this opportunity to thank all my colleagues in this Chamber for helping us attach my amendment, which placed a 20-year mandatory minimum sentence on offenders who would shoot a firearm at police officers.

We had a great team effort here in the State Senate, not only my colleagues from Philadelphia, but also Senator Pileggi and his tremendous staff and, of course, my friends and colleagues, Senator Orié and Senator Rafferty, with whom I have worked on many law enforcement issues. I was proud that we were able to adopt the language, which is so important in my Senate district,

for one, because the last four Philadelphia police officers who have been killed by guns in the line of duty have all been from my Senate district. But it is not confined to Philadelphia. In fact, in Pennsylvania, gun violence against police officers is up 83 percent. In the rest of the country, it is up as well, only 13 percent. I am glad that we were able to take some action.

I have been notified that the House unanimously passed our legislation with our strong 20-year mandatory minimum language, and now we are just waiting for the Governor to sign it. In fact, we call on him to sign that legislation to take a decisive blow against violence against our police officers. After all, they are the ones who keep us safe, and we all owe them a debt of gratitude.

So, I want to thank the Senate on behalf of police officers, and once again, I would like to thank my colleagues, Senator Rafferty, Senator Pileggi, and Senator Orié.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, I am proud to stand here today with Senator Stack to congratulate the Members of the Senate and the House for passage of this bill.

Unfortunately, we are seeing a growing trend in this country of disrespect for authority. We today, in the Commonwealth of Pennsylvania, sent a strong statement to the criminal element that if you so much as attempt to harm one of our police officers, you will serve a 20-year mandatory sentence. There is no discretion. If you have a gun in your hand, and you discharge it in the direction of a police officer, 20 years in prison. We owe that to our police officers, who day in and day out put their lives on the line, and we need to send that message to the criminal element to say it is not going to happen here in Pennsylvania. It is not going to be tolerated here in Pennsylvania.

Mr. President, with my friends and colleagues, Senator Stack from Philadelphia County, Senator Orié from Allegheny County, and our staffs, in particular Mike, Matt, and Mark, we were able to fashion this amendment and put it into the bill, which will go to enhance criminal penalties and, at the same time, let our police officers know of our support for them. I do want to thank, as well, Senator Pileggi and his staff and Senator Mellow and his staff for working with us on this amendment.

There are a number of people who will run around now and take credit for it. It originated in the Senate of Pennsylvania, in this Chamber. The Senate of Pennsylvania is the one that said we need to take action, and we did so with this amendment. I am proud today to see that it passed both Chambers.

May God continue to bless the men and women who serve us in the law enforcement community here in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

JOURNALS APPROVED

The PRESIDENT pro tempore. The Journals of the Sessions of September 23, 2008, and September 24, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of September 23, 2008, and September 24, 2008, when, on motion of Senator PILEGGI, and agreed to by voice vote, further reading was dispensed with and the Journals were approved.

CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Mr. and Mrs. George Krause, Chaplain Grover George DeVault, Ethan Andrew Wentworth and to Manheim Township Middle School by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Gasper, Mr. and Mrs. Robert D. Moore, Mr. and Mrs. Albert Schickner, Mr. and Mrs. Samuel Bosch, Mr. and Mrs. Leo Beilman, Mr. and Mrs. Joseph B. Gries, Mr. and Mrs. Anthony Adamitis, Mr. and Mrs. Donald Stanton, Ryan S. Williams, Kyle Piazza, Alexander Barbolish, Anna Tensa Bauer, Rachael Scarpa, Mae Sylvia, Sabino Picarello, Kendra M. Hubert, Charlotte Montross Hadsall, Andrew J. Bergey, Rudy Schemitz, Jr., Robert John Michael Knash, Allied Services Foundation of Clarks Summit and to the Oakdale United Methodist Church of Hunlock Creek by Senator Baker.

Congratulations of the Senate were extended to John P. Moses by Senators Baker, Mellow, and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Toby Bell, Reverend Clyde R. McRae, Jeffrey A. Parks, Albert William Hoppes, Timothy Woodbridge, Marilyn Muniz, David Thomas Harrington, Brian Witmer, James Policelli, Kenneth Shook, Joseph Oblick, citizens of the Borough of Fountain Hill and St. Luke's Hospital and Health Network, Pinebrook Services for Children and Youth of Allentown, Liberty Fire Company No. 2 of Bangor and to Wegmans of Allentown by Senator Boscola.

Congratulations of the Senate were extended to Rocco Fiorentino, Visual Impairment and Blindness Services of Bethlehem and to the Holy Family Parish by Senators Boscola and Browne.

Congratulations of the Senate were extended to Vincent Vicari and to Frank Oieni by Senators Boscola and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Scott MacLaren, Dr. Kimberly S. Filipkowski, Charles Kirkwood, Connie Roberts, Michael J. Baxter and to Sharon Taylor by Senator Boscola and others.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Hamm, Mr. and Mrs. Arthur W. Laudenslager, Mr. and Mrs. Wilbur Diehl, Dr. Bruce Basch, Scott Stevenson, Judith Kaminski, Cetrionia Ambulance Corps of Allentown, Housing Association and Development Corporation of Allentown, Trexler Library at Muhlenberg College of Allentown and to ProtoCAM of Northampton by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. William Grube, Dr. Alan S. Brau, Dr. Rajeev Rohatgi, Dr. Jay S. Talsania, Air Products and to the Wildlands Conservancy by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. William F. Becker, Mr. and Mrs. Michael Leininger, Mr. and Mrs. Leon Stoltzfus, Mr. and Mrs. Stephen P. Meier, Esther Kass, Adam Joseph Kilp, David Denlinger, Rachelle Hinerman, Dana Elizabeth Sensenig, Warwick High School Marching Band, St. Luke's Episcopal Church of Mount Joy, New Holland Manufacturing Center, St. Luke's United Church of Christ of Lititz and

to Lancaster Farmland Trust and the Lancaster County Agricultural Preserve Board by Senator Brubaker.

Congratulations of the Senate were extended to Dr. Michael K. Curley by Senators Brubaker and Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Burton Henry, Mr. and Mrs. Larry L. Harshbarger, Mr. and Mrs. John J. Hayward, Mr. and Mrs. Harold D. Penepacker, Mr. and Mrs. Michael W. Barner, Mr. and Mrs. George E. Hackenberry, Jr., Mr. and Mrs. William R. Frazee, Mr. and Mrs. Robert E. Beatty, Mr. and Mrs. Melvin Shrock, Mr. and Mrs. Forrest Clay Erdley, Mr. and Mrs. James P. Fritz, Mr. and Mrs. Mike Ammon, Mr. and Mrs. Dennis M. King, the Reverend James Bramer, Dr. David M. Rice, Julianna G. Miller, Stewart Kirk, Kyle Joseph Krisch, Chalmer Kline, Beth A. Rocco, Stanley Forrest Stewart, Lucien Ryan, Colin Morella, Dennis L. Campbell, Andrew Gary Parzanese, Ethan R. Lucas, Mountain View Elementary School of Mifflin, Penn State Cooperative Extension in Juniata County, Fike Brothers Carpet One Floor and Home of Yeagertown, citizens of the Village of Boalsburg, Bellefonte Family YMCA, McVeytown Presbyterian Church, Animal Hospital of Rye and to the Mount Nittany Medical Center of State College by Senator Corman.

Congratulations of the Senate were extended to the Honorable William Peduto, Dr. Lynn C. Yanyo, Josh Baker, Scott Feher, Martha W. Isler, Richard K. Rubinoff, University of Pittsburgh College of General Studies and to St. Michael's the Archangel Orthodox Church of Rankin by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Rider, the Reverend Carl A. Turner, Sr., Dr. Dorothy H.L. Carroll, Dr. Levi Wingard, Andy Wilson, Lucy C. Lanza, Richard A. Kunsch, Sr., Samuel J. McMaster, Dallas Krapf, Dale Krapf, Joanne Campbell Brown, Dolly Wideman-Scott, Ismael Ishaka, Sittina Anghuindine, Jarrett Clary, Maurice J. Comeau, Krishanth Paramjothy, Frank Milliman, James Stormer, Margaret Gusz, Mary Lou Amole, Robert Lee Kirkner III, Kevin Charles Helm, John Richard Jengo, Evan S. Kroboth, Dallas E. Matthews, Steven J. Plaughter, Joseph R. Polito, Jr., Kathleen P. Shields, Sean O'Brien, Gene Williams, Joseph P. Brennan, Paoli Village Shoppes, All4 of Kimberton, Barclay Friends Nursing Home of West Chester, citizens of Tredyffrin Township, West Chester Railroad Heritage Association, Crime Victims' Center of Chester County, Inc., Epsilon Omega Zeta Chapter of Zeta Phi Beta Sorority, Inc., of West Chester, and to the School at Church Farm of Exton by Senator Dinniman.

Congratulations of the Senate were extended to Calvin M. Books by Senators Dinniman and O'Pake.

Congratulations of the Senate were extended to John A. Ciccarone and to Dansko, Inc., of West Grove, by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Rhoda Mavromanolis, Jarad Stephen Winget and to Joseph Padraic McGroarty by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Dr. Zane H. Gates, Vera Athella Foster Jay, Shirley Pechter, Donald Joseph Gallace, Brian C. Isenberg, Peter B. Hart, Mount Union VFW 13- and 14-Year-Old All-Star Baseball Team and to the Mount Union VFW 15- and 16-Year-Old All-Star Baseball Team by Senator Eichelberger.

Congratulations of the Senate were extended to Colonel Roger R. Ullman, Nancy C. Derby, Thomas Joseph Dugan and to Christine Olinger Toy by Senator Erickson.

Congratulations of the Senate were extended to the Honorable Luke Robert Ravenstahl, Dr. Karol L. Galcik, Justin Daniel Jankowski and to Kyle Sarver by Senator Ferlo.

Congratulations of the Senate were extended to Senior Master Sergeant Richard S. Rettew, Alexander Moffitt, Spencer D. Kenley, Lebanon Family Health Services and to the Pennsylvania National Guard at Fort Indiantown Gap by Senator Folmer.

Congratulations of the Senate were extended to Davis James Baratta and to Brandon Wolfe by Senator Fontana.

Congratulations of the Senate were extended to Jason Tarap by Senators Fontana and Pippy.

Congratulations of the Senate were extended to Fred Druding, Sr., Kelly McGuire and to Philadelphia Mennonite High School by Senator Fumo.

Congratulations of the Senate were extended to the Reverend and Mrs. Charles Hess, Mr. and Mrs. Robert J. Forcheskie, Mr. and Mrs. Melvin Reed, Mr. and Mrs. Edward Burket, Mr. and Mrs. Blake Snyder, Mr. and Mrs. Wayne Laidacker, Mr. and Mrs. Francis Callahan, Sr., the Honorable Donna J. Coombe, Andrew Robert Dorion, Jonathan Michael Benkovic, Kevin T. Hower, Herbert Eugene Wiand, Donald N. Rishe, Paul D. Metrocavage, Jordan Tyler Dunkelberger, Tucker Alan Swigart, Murray Holdren, Nathaniel D. Linn, First United Methodist Church of Mount Carmel and to Durdach Bros., Inc., of Paxinos, by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Ringer, Mr. and Mrs. Louis Wagenheiser, the Honorable R. Sam Valenza, Chief Rocco Wack, Agnes M. Judge, Matthew D. Craig, Chad Mueller, Kyle R. McCarney, Matt Burns, Thomas E. Parsons, Christopher Magni, William B. Eagan, Clifton McFatrige, Viola E. Keller, John T. Acton, Jacqueline Litzenberger, Samuel B. Kenney, Patricia Levenberg, Joseph Fuchs, John Mahon, Mark J. Roberts, Jr., Fort Washington Fire Company No. 1, Greater Willow Grove Golf Open and to the Willow Grove Foundation by Senator Greenleaf.

Congratulations of the Senate were extended to Bruce Goodman by Senators Greenleaf and Rafferty.

Congratulations of the Senate were extended to the Reverend Dr. La Verne Adams, Bishop Felix F. Poser, the Reverend Jeffrey N. Leath, the Reverend Ralph Ciampa and to Chaplain Christopher Brown by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Leister, the Honorable Bob Bastian, Sarah Bell McDonald, James T. Pruss, North Star High School Girls' Volleyball Team of Boswell, World War II Veterans and to the Laurel Highland Telephone Company of Stahlstown by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend Paul R. Lee, Dr. Traci Lynn, Willie J. Daniels, Jr., Denise Wright, Hattie M. Johnson, Deloris Holloway James, Alvin Fink, Kathleen Goodwin and to Alpha J. Jordan by Senator Kitchen.

Congratulations of the Senate were extended to the Honorable Frank L. Oliver by Senator Kitchen and others.

Congratulations of the Senate were extended to Mark Wallace, Daniel L. Lesnick, Matthew J. Uhring, Joshua T.

Schumacher and to the citizens of the City of Lower Burrell by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Charles DeWalt, Mr. and Mrs. James Hulslander, Mr. and Mrs. Richard Rockefeller, Mr. and Mrs. Craig W. Griffis, Mr. and Mrs. Harry Jones, Chief Francis Lindsey, Marie Martha Wygrala, Robert Waltz, Quinn Michael Yeager, Joyce A. Grant, Eric R. Warner, Joshua Allan Harris, Nicholas E. Weisbrod and to Jonathon Charles Harris by Senator Madigan.

Congratulations of the Senate were extended to the Honorable Kathy Babb, Jacob Thomas Cinciripini, Tatjana Skokna, Mac Mackenzie, Christopher B. Chandor, Charles McHenry, Barbara Clark, Erik Phillip Payn and to the Yardley-Makefield Fire Company by Senator McIlhinney.

Congratulations of the Senate were extended to Dr. Norman L. Loux by Senators McIlhinney and Greenleaf.

Congratulations of the Senate were extended to Anastasiya Koziyshuk, Nikolaj Folmer, Sarah Scott and to Maryann Molishus by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Kyle Patrick Haab, Lillian Goldstein, Louis A. Nivert, Sara Worley and to Catholic Social Services of Lackawanna County by Senator Melow.

Congratulations of the Senate were extended to Jillian Layaou, Sheryl Ann Klus and to Joseph J. Rymar by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. William Matthews, Rose M. Caltagirone, Eric Thomas Houghton, Anthony J. Perate, Michael F. Perate, Richard J. Kline, Stephen L. Bonino, Samuel Quinn Dieffenbach, Christian W. Jones, David J.P. Tobias, Ryan T. Dzojko, Alexander P. Moffitt, members of the Rotary Club of Reading, members of Christ Delong's United Church of Christ of Topton, management and employees of the Bally Block Company and to the members of Washington Presbyterian Church of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Dr. James C. Manley, Robert T. Stehle, Nick Petar Jovonovich, Steven Francis Comer, Philip Joseph Marchetti, Megan McLaughlin, Bruno Sammartino, Saint Ursula Parish of Allison Park, Mars Area High School Boys' Soccer Team, Parental Stress Center of Pittsburgh and to the Mediation Council of Western Pennsylvania by Senator Orié.

Congratulations of the Senate were extended to Carlow University of Pittsburgh by Senators Orié and Ferlo.

Congratulations of the Senate were extended to the Butler County Symphony Association by Senators Orié, D. White, and Robbins.

Congratulations of the Senate were extended to the Allegheny Valley Association of Churches by Senator Orié and others.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Kelly, Mr. and Mrs. Richard Miller, Mr. and Mrs. Leroy Hoover, Mr. and Mrs. Darrell Carlson, Mr. and Mrs. Steve Heinbaugh, Mr. and Mrs. Rickie Yeager, Mr. and Mrs. Kendall Hanna, Mr. and Mrs. Gary DeFlorentis, Mr. and Mrs. Timothy Neher, Mr. and Mrs. Earl Black, Mr. and Mrs. Kevin Noll, Mr. and Mrs. Mike Rothermel, Dr. Deborah L. Wortham, Jennifer Fetter, Miranda Crotsley, Skip Becker, William Lehr, Jr., Roberta K. Davis, Lynne R. Ravas, David F. Scott, Isom Mobley

III, Adam Feeser, Fritz Fire Protection, Inc., of Penbrook, Gilbert L. Dailey Funeral Home of Penbrook, Penbrook Church of God, Pennsylvania Properties of Penbrook and to St. Stephen's Episcopal School of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to the Reverend Dr. Ronnie B. Tucker, Sr., by Senators Piccola and Punt.

Congratulations of the Senate were extended to the Senator John J. Shumaker Public Safety Center at Harrisburg Area Community College by Senators Piccola and Vance.

Congratulations of the Senate were extended to the Robert J. Dietz 2008 Class of Eagles by Senator Piccola and others.

Congratulations of the Senate were extended to Chief David D. Houser, Jr., Carol Shireen Kelly Petersen, Jered Benjamin Hook and to Nathan Alan Iler by Senator Pileggi.

Congratulations of the Senate were extended to Albie Mercer, Andy J. Gallagher, David J. Vaglia, Shaun Michael Corrigan, Edward M. Doychak, Jr., Katie Bradford, Erik Nathaniel Hess, Joseph F. Mort, Andrew J. Hinch, Noah Wenzel, Ken Wagner, Nancy B. Smith, Susan Gold, Carlie McGinty, Joe Ravita, Jay Weaver, Lorraine Wagner, Carrie A. Hahn and to Peters Township Veterans of Foreign Wars Post 764 Ambulance Service by Senator Pippy.

Congratulations of the Senate were extended to J. Christopher Donahue by Senators Pippy and Costa.

Congratulations of the Senate were extended to the Reverend Timothy J. Kielley, Patrick Naugle, Jerry J. Warnement and to the Landis McCleaf Detachment of the Marine Corps League of Chambersburg by Senator Punt.

Congratulations of the Senate were extended to Chief Noel A. Roy, David Mendenko, Daniel Scott Melville, Howard Michael Kelly II, Brian Patrick Dix, Community Health and Dental Care of Pottstown, Methacton 16 and Under Girls' Softball Team, Friendship Hook, Ladder, Hose and Ambulance Company of Royersford and to the Audubon Recreation Association 12-Year-Old All-Star Baseball Team by Senator Rafferty.

Congratulations of the Senate were extended to Elizabeth L. Haines by Senators Rafferty and Wonderling.

Congratulations of the Senate were extended to Montgomery County Community College by Senator Rafferty and others.

Congratulations of the Senate were extended to Joseph Garchar, Christopher John Lukas, Rebecca Snyder, Michael Barlock and to the West Newton Community Festival Committee by Senator Regola.

Congratulations of the Senate were extended to Jarrod Nathan Kunkel and to Esther Roberts by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Paul W. Gerasimek, Mr. and Mrs. O. Leon Watson, Mr. and Mrs. Willis Fry, Cadet Lieutenant Colonel Nichole L. McCandless, Captain Sandra M. Fleming, Captain Daniel R. Wilson, Dr. Bernie Hoyt, Andrew Michael Bullman, Dale W. Deist, Helen Bradford Gallant, Steve Gurgovits, Christopher Gallick, Kelsy Daugherty, Domenic Andolina, Elizabeth H. George, Bruce W. Stainbrook, Ellen M. Aurand, Earle F. Bogacki, Titusville Council on the Arts, Greenville Business and Professional Women, Crawford County Farm Bureau, Farrell Moose Lodge 55 and to the Bloomfield Township Volunteer Fire Department by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. James D. McCarrier, Mr. and Mrs. Robert F. Bish, Mr. and Mrs. Paul Johnson, Mr. and Mrs. Myles Shipling, Mr. and Mrs. Carl McKinley, Mr. and Mrs. Donald W. Himes, Mr. and Mrs. E. DeRoy Tubbs, Mr. and Mrs. Irvin Grinnen, Dr. Warren H. Riegel, Aaron L. Haag, Caleb McGarvey, Zacharey James Vancise, BFG Manufacturing Services of Punxsutawney, Hitachi Metals Automotive Components USA, LLC, of Lawrenceville, Cliffe's and The Prescription Center of Ridgway, Ridgway YMCA, Ward Manufacturing, LLC, of Blossburg, Emery Towers of Bradford and to the Ridgway Trinity United Methodist Church by Senator Scarnati.

Congratulations of the Senate were extended to Minna Wolf, Richard Bowes, Shanin Specter, Joseph Dietrich and to Saint Leo Council No. 1294 of the Knights of Columbus by Senator Stack.

Congratulations of the Senate were extended to Dr. and Mrs. Thomas C. Wilkinson, Mr. and Mrs. Louis Allen Boissin, Mr. and Mrs. Harry Cope, Sr., Mr. and Mrs. Charles Bishop, Mr. and Mrs. James Skoda, Mr. and Mrs. Eugene Brumage, Mr. and Mrs. Stanley R. Kazarick, Mr. and Mrs. William P. Guy, Mr. and Mrs. David Vaglia, Mr. and Mrs. James R. Church, Mr. and Mrs. Stanley Warco, Mr. and Mrs. Frank Cargiene, Mr. and Mrs. George R. Brown, Mr. and Mrs. Peter Lucas, Mr. and Mrs. James Speck, Thomas P. Fuller, Sandy Seybold and to the Donora Smog Museum by Senator Stout.

Congratulations of the Senate were extended to the Honorable Michael A. Nutter, Angel Ortiz, Michael Cardone, Jr., Charity Reed, Gwen Adams, Nina Reid, Teresa Carter, Minnie Farrell, Tia Scott, Dorothy Purvis, Doris Lanier, Josephine Smith, Nancy Cherone, Matt Pappajohn, Marchelle Bailey, Thomas K. Gilhool, Kendra Davis, Ashley Vasquez, Enrique Richardson, Aida Rosado, Mary Jackson, Cardinal Bevilacqua Community Center of Philadelphia and to the Mann Older Adult Center of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Michael Cardone, Jr., by Senators Tartaglione, Kitchen, and Stack.

Congratulations of the Senate were extended to Lieutenant General Ronald S. Coleman, Rear Admiral (Select) Kenneth J. Braithwaite II, Colonel Harris H. Brooks, Colonel Philip M. DeHennis, Rudy Young, Joseph Farrell, Stephen J. Harmelin, Gayle Benjamin, Melissa Wallace, Marina Salvatore, Audrey Rubanich, Dorothy Vosik, Alexandra Myers, Corey Pinkas, Stephanie Andreoli, Shane Britton, Alyssa Booth and to George Daka by Senator Tomlinson.

Congratulations of the Senate were extended to Bucks County Technical High School and to the Ancient Order of Hibernians, Michael Dougherty Division 1 Bucks County, by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Dr. Sister Francesca Onley by Senators Tomlinson, Stack, and McIlhinney.

Congratulations of the Senate were extended to the Reverend Dr. Robert B. Ives, Jason Wesley Smith II, Andrew Frohm, E. Raymond Dumas, Jacob P. Hilliard, Sean Kunst, Karen F. Snider, Harold W. Fry, Dylan Michael Wright, Thomas Marcucci, Cumberland Valley High School Boys' Water Polo Team of Mechanicsburg and to the West Shore Chamber of Commerce of Camp Hill by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Martin B. McCann, Jr., the Honorable Harold James, Michael Joseph Phillips, Lane Michael Ackerman, Brendan Michael Williams, Richard Duncan, Kenneth G. Hoffman, Jan Marino, Omari R. Bingham, Leandra Rae Poole, Erica Chandler, Carl George and to Janes Memorial United Methodist Church of Philadelphia by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Ritter, Kagen T. Shue, Ritchie P. Blymier, Michael J. Schiffhauer, Patrick J. Walker, Christopher Thomas Nielson Olson, Margaret Manifold Lanius Schuman, David Walker, Joseph Yahnke, Julie Yahnke, Dylan Oliver and to Anne Marie Scheeler by Senator Waugh.

Congratulations of the Senate were extended to the Reverend and Mrs. James McCaulley, the Reverend and Mrs. Richard Molgaard, Mr. and Mrs. Dale Sleppy, Mr. and Mrs. John Alois, Mr. and Mrs. John Graham, Mr. and Mrs. Charles Brocious, Mr. and Mrs. William Smith, Mr. and Mrs. Joseph C. Lydic, Mr. and Mrs. Harold G. Behm, Mr. and Mrs. Ronald Hawkins, Mr. and Mrs. Alfred J. Novak, Mr. and Mrs. Don Santillo, Vincent Joseph Gray, David James Clawson II, Brett McCracken, Mary Beth Renze, Homer-Center High School of Homer City, 422 Homes of Indiana, Union Township Fire Company and to the Brady Township Fire, Rescue and Ambulance Company by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Cecil Gourley, Mr. and Mrs. William McKissick, Mr. and Mrs. Bill Krepp, Mr. and Mrs. James Hanna, Travis John Campbell, Bradley J. Maher, Evan John Huff, Hillary Moore, Eric Williams, Seventh Street Elementary School of Franklin and to the Erie Street Church of God of Franklin by Senator M.J. White.

Congratulations of the Senate were extended to Doloris S. Miller, Donald C. Miller, Sr., Ruth Arlyne Price-Campbell and to Mercy Fitzgerald Hospital of Darby by Senator A.H. Williams.

Congratulations of the Senate were extended to Madaline Maria Glenn Dunn by Senators A.H. Williams and Hughes.

Congratulations of the Senate were extended to bench2BUSINESS by Senators A.H. Williams, C. Williams, and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Cecile Bean, Beth McGowen, Anthony J. Carli, Matthew Denis Kavanagh, Marianne Volandt, Kyle M. McClure, Robert John Masciantonio, Sharon Hyland Keyser, Michael Tachau Anderson, Susan Tachau, Rachael Jones, David DeStefano, Abby Silverman, Christopher Parisi, Karisa Nelson, Dan Kelly, Genevieve Jordan, employees of the Home Depot of Plymouth Meeting, employees of the Home Depot of King of Prussia, members of Washington Fire Company No. 1 of Conshohocken, members of Conshohocken Fire Company No. 2, Norristown Area High School Marching Band, the third grade class at Plymouth Meeting Friends School and to Troop Bala One of the Boy Scouts of America of Bala Cynwyd by Senator C. Williams.

Congratulations of the Senate were extended to Superintendent of Police Joseph J. Daly by Senators C. Williams and Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Miller, Mr. and Mrs. Bob Byers, Mr. and Mrs. Charles

Habecker, the Honorable John J. Horner, Jr., Chief Scott C. McElree, Howard Campbell, James Van Horn, Joseph Anthony Marlin, Frank W. Hawk, Andrew Rockwell Carter, Ryan Stephen Hassick, James Smith, Quakertown Veterinary Clinic, Children's Developmental Program, Inc., of Quakertown, Family YMCA of Easton, Phillipsburg and Vicinity, Williams Restaurant of Easton, Tender Care Pediatrics of Easton and to Rhetech, Inc., of Coopersburg, by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Giacomo Famularo, Chief Richard Nace and to Raymond J. DeRaymond by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Margaret Walson and to Edward Walson by Senators Wonderling and Browne.

Congratulations of the Senate were extended to Mr. and Mrs. William Grube, the Reverend Daniel G. Gambet, Dale Remaley, Donald Battle, Connie J. Deemer, Kim W. Snyder, Mary Kositz, Phyllis Bindics, Frederick W. Rentschler, Brett Morrow, Joe Lennert, Bob Gilly, Robert P. Daday, Kevin Cassese and the Lehigh University Lacrosse Team, Saucon Creek Watershed Association of Hellertown, Friends of Hall Square of Nazareth, Air Products and Chemicals, Inc., of Allentown, Lehigh Valley Hospital and Health Network of Allentown, Roxy Theatre of Northampton, Penn Treaty Network of America of Allentown, OraSure Technologies, Inc., of Bethlehem, Just Born, Inc., of Bethlehem, Dunn and Bradstreet Center Valley WISE Group of Bethlehem, Highmark Blue Shield of Allentown, Two Rivers Health and Wellness Foundation of Easton and to the Bethlehem Area Vocational School, Northampton Campus, by Senator Wonderling and others.

Congratulations of the Senate were extended to Mr. and Mrs. Edward H. Summerson, Mr. and Mrs. Franklin R. Gentyzel, Mr. and Mrs. Collis Smeal, Mr. and Mrs. Fred Arnold, Mr. and Mrs. William Housley, Mr. and Mrs. R. Charles Louder, Mr. and Mrs. Boyd Lehman, Mr. and Mrs. Richard Boxler, Mr. and Mrs. Edwin Causer, Michael Daniel Sexton, Zack Higgins, Alison Temdrup, Vanessa Ashurst, Alivia Lucas, Colleen Long, Chelsea Seeley, Luke M. Ingraham, Chris Whiting, Elizabeth Jeanne Gleason, Harriet Goff, Christian Home of Johnstown, Inc., Memorial Medical Center, Ricker Brothers Florist and Gifts of Lock Haven and to the citizens of the City of Lock Haven by Senator Wozniak.

CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Carole Lucille Salvi by Senator Washington.

POSTHUMOUS CITATIONS

The PRESIDENT pro tempore laid before the Senate the following citations, which were read, considered, and adopted by voice vote:

A posthumous citation honoring the late Alton W. Knappenberger was extended to the family by Senators Dinniman and O'Pake.

A posthumous citation honoring the late Helen Richey was extended to the family by Senator Logan.

A posthumous citation honoring the late William Basilone was extended to the family by Senator Robbins.

A posthumous citation honoring the late James C. Ebbert was extended to the family by Senator Wonderling.

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 100, SB 263, SB 295, SB 740, SB 763, SB 768, SB 1028, SB 1107, SB 1258, SB 1504, HB 44, HB 647, HB 747, HB 834, HB 949, HB 1027, HB 1044, HB 1511, HB 1664, HB 1723, HB 1845, HB 2034, HB 2499 and HB 2722.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 301, HB 1096, HB 2200, HB 2289, HB 2294, HB 2525 and HB 2629.**

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

HB 301, HB 1096, HB 2200, HB 2289, HB 2294, HB 2525, HB 2629 and HB 2644.

SENATE CONCURRENT RESOLUTION ADOPTED

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, October 8, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene at the call of the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene at the call of the Speaker of the House of Representatives.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

REMAINING BILLS ON CALENDAR LAID ON THE TABLE

Senator PILEGGI. Mr. President, I move that the remaining items on today's Calendar be laid upon the table.

The PRESIDENT pro tempore. Senator Pileggi requests that the remaining items on today's Calendar be laid upon the table. The motion was agreed to by voice vote.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 8, 2008

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 100, 263, 295, 763, 768, 1028, 1107, 1114, 1258 and 1504; and certain executive nominations)	Rules Cmte. Conf. Rm.
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Off the Floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider certain Environmental Quality Board regulations, including diesel truck idling and triennial review of water quality standards)	Rules Cmte. Conf. Rm.
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TUESDAY, OCTOBER 14, 2008

11:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 1255)	Room 8E-A East Wing
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RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Thursday, November 20, 2008, at 3:30 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:51 p.m., Eastern Daylight Saving Time.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**METROPOLITAN EDISON COMPANY
DOCKET NO. M-2013-2341990**

**PENNSYLVANIA ELECTRIC COMPANY
DOCKET NO. M-2013-2341994**

**PENNSYLVANIA POWER COMPANY
DOCKET NO. M-2013-2341993**

**WEST PENN POWER COMPANY
DOCKET NO. M-2013-2341991**

SMART METER DEPLOYMENT PLAN

**ORIGINAL DECEMBER 31, 2012
REVISED MARCH 19, 2014
REVISED JUNE 16, 2014**



TABLE OF CONTENTS

CHAPTER 1.	EXECUTIVE SUMMARY.....	1
1.1	Overview	1
1.2	About the Companies.....	4
1.3	Objectives and Assumptions	6
1.4	The Deployment Plan Development	7
1.5	The Recommended Solution.....	8
1.6	The Deployment Schedule and Functionality.....	9
1.7	Financial Implications	11
1.8	Cost Recovery and Bill Impacts	12
CHAPTER 2.	DEPLOYMENT PLAN DEVELOPMENT	14
2.1	Overview	14
2.2	Selection of Consultants.....	15
2.3	Assessment of Needs	15
CHAPTER 3.	SMART METER SOLUTION AND DEPLOYMENT STRATEGY	36
3.1	Overview	36
3.2	Smart Meter Vendor, Functionality and Solution Architecture	37
3.3	Deployment Strategy.....	42
CHAPTER 4.	FINANCIAL ANALYSIS	49
4.1	Scope and Assumptions.....	51
4.2	Overall Program Costs	54
4.3	Operational Cost Savings.....	59
4.4	Analysis of the Revised Deployment Plan From a Customer's Perspective.....	67
CHAPTER 5.	COST RECOVERY AND SELECTED REGULATORY ISSUES	70
5.1	Riders and Costs.....	70
5.2	SMT-C Rates.....	72
5.3	Customer Impacts and Other Regulatory Issues	74

CHAPTER 6. COMMUNICATIONS CHANGE MANAGEMENT AND TRAINING 77

CHAPTER 1. EXECUTIVE SUMMARY

1.1 Overview

1.1.1 History

On October 15, 2008, former Governor Edward G. Rendell signed House Bill 2200 into law as Act 129 of 2008 ("Act 129"). Among other things, Act 129 directed each electric distribution company ("EDC") with more than 100,000 customers to file a Smart Meter Technology Procurement and Implementation Plan ("SMIP") with the Pennsylvania Public Utility Commission ("Commission") by August 14, 2009. On June 24, 2009, the Commission entered an Implementation Order in which it provided general guidance as to the information to be included in the SMIP. On August 14, 2009, Metropolitan Edison Company ("Met Ed"), Pennsylvania Electric Company ("Penelec"), and Pennsylvania Power Company ("Penn Power") (collectively "PA Companies") submitted their SMIP, which was approved with minor modifications in an Order entered on June 9, 2010 ("SMIP Order"). As part of their SMIP, the PA Companies presented both a short term and long term plan, indicating that they would use the first 24 months of the 30-month Grace Period provided for by the Commission in its Implementation Order (the "Assessment Period") to assess their needs, select the necessary technology, secure vendors, train personnel, install and test support equipment, and establish a detailed meter deployment schedule consistent with the statutory requirements.¹ The PA Companies indicated that at the end of the Assessment Period they would submit to the Commission a Smart Meter Deployment Plan that included: (i) a detailed long term timeline, with key milestones; (ii) a smart meter solution; (iii) the estimated costs of such a solution, along with an assessment of benefits; (iv) a network design solution; (v) a communications architecture design solution; (vi) a training assessment and proposed curriculum; (vii) a cost recovery forecast; (viii) a transition plan including communications plan for employees and consumers; and (ix) a detailed, tiered roll-out plan.²

Subsequent to the filing of the PA Companies' SMIP, FirstEnergy Corp. ("FirstEnergy"), the PA Companies' parent company, announced its intent to merge with Allegheny Energy Inc. ("Allegheny"). Allegheny owned West Penn Power ("West Penn") which submitted its own smart meter implementation plan to the Commission on August 14, 2009 in Docket No. M-2009-2123951 ("WPP SMIP"). Subsequent to making its filing, West Penn and interested parties, entered

¹ SMIP Order at 13-14.

² SMIP Order at 6-7. Upon receiving the SMIP Order, the PA Companies commenced their Assessment Period which, based upon the PA Companies' representations, would make their Deployment Plan due in June 2012.

into an Amended Joint Petition for Settlement ("Joint Settlement") in which West Penn made several commitments that significantly changed its original SMIP filing. Among them was a commitment to decelerate its proposed deployment of smart meters and to submit a Revised SMIP (which is the equivalent of the PA Companies' Deployment Plan) no sooner than June 30, 2012.³ The Commission approved the Joint Settlement on June 30, 2011 ("WPP Order").

Upon completion of the merger between FirstEnergy and Allegheny, and approval of the Joint Settlement, the smart meter needs of West Penn, along with West Penn's commitments made through the Joint Settlement, were incorporated into the analyses and other work being done by the PA Companies' Smart Meter Implementation Plan team ("SMIP Team") – a core team comprised of employees of the PA Companies (supplemented by Allegheny employees post merger), representing a variety of interests and skill sets, subject matter experts from the consulting firms of IBM, Inc. ("IBM") and Black & Veatch Corp. ("Black & Veatch"), and various technology vendor representatives knowledgeable in areas involving key components and process designs of the core smart meter infrastructure solution. Work performed by West Penn when preparing the WPP SMIP was incorporated into the overall development of this Deployment Plan, thus reducing the amount of work that otherwise would have been necessary to complete such development.

While the SMIP Team was in the process of finalizing the Deployment Plan for filing in June 2012, several smart meter vendor finalists independently indicated their intent to release improved smart meter system technology in the late spring of 2012. It was expected that this improved technology would provide enhanced two-way communication capability and flexibility throughout the footprint of the PA Companies and West Penn (together, the "Companies"), and would provide expanded interface capabilities with potential Smart Grid applications in the future. Because of its imminent release, the SMIP Team felt compelled to assess the improved technology before making its final smart meter recommendations. Therefore, in June 2012, the Companies requested and received an extension of their Assessment Period through December 31, 2012 -- the end of the PA Companies' Grace Period -- so that the team could test this then soon-to-be-released technology in order to determine if (i) it properly interfaced with other smart meter infrastructure equipment being considered; and (ii) it indeed had the improvements promised by the vendors. Testing of this improved technology occurred during the second half of 2012 and the results were assessed as part of the technology selection process, which is more fully discussed in Chapter 2.

³ For a complete list of the commitments made by West Penn, see West Penn's 2011 SMIP Status Report, filed with the Commission on August 31, 2011 in Docket No. M-2009-2123951.

In the interim between the completion of the evidentiary hearing in May 2013 and the release of the Administrative Law Judge's Recommended Decision in November 2013, the Companies continued testing the selected end-to-end smart meter solution. Based upon these test results the Companies believe that it is now possible to accelerate the deployment of Smart Meters beyond that originally proposed in the deployment plan ("Original Deployment Plan" or "Deployment Plan"). This Deployment Plan has been revised to reflect this accelerated schedule ("Revised Deployment Plan").

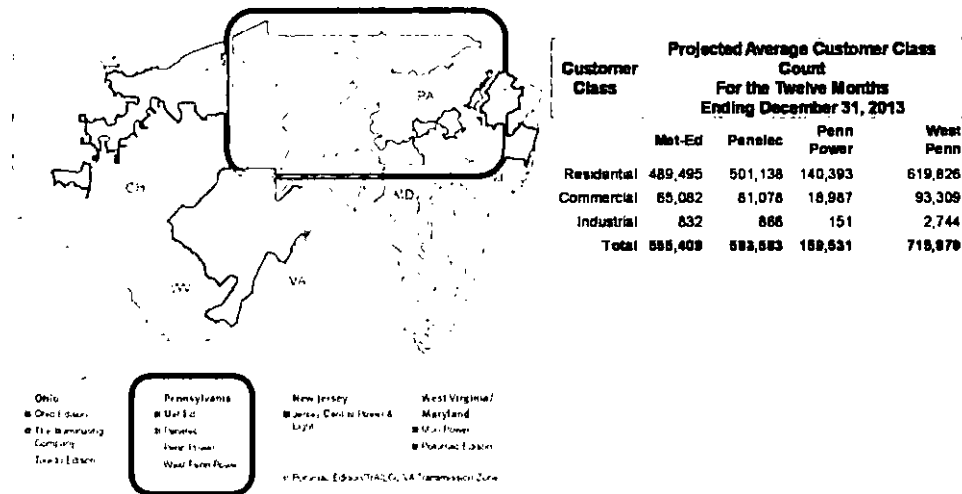
This Revised Deployment Plan is based upon the most current available information and sets forth a plan that will accelerate the installation of smart meters, with all of Penn Power's customers receiving smart meters by the end of 2015, and approximately 98.5 percent of all customers within the FirstEnergy Pennsylvania footprint receiving smart meters no later than mid-2019, with the remaining remote customers receiving meters no later than 2022. The projected cost of this Revised Deployment Plan is still approximately \$1.258 billion over a 20 year life cycle of the project on a nominal dollar basis, and approximately \$608 million on a net present value ("NPV") basis after netting estimated potential operational cost savings of approximately \$142 million (NPV). Approximately \$815 million (nominal) will be spent during the six year construction and meter deployment period that is expected to start on July 1, 2014 and conclude prior to the end of 2019 ("Deployment Period"), assuming the Commission approves this Plan by June 30, 2014.

Chapter 2 explains in more detail the work performed to develop the Original and Revised Deployment Plans. Chapter 3 describes the recommended solution and its compliance with Act 129 and Commission directives. Chapter 4 addresses the cost of implementing the Revised Deployment Plan, the estimated savings that the Companies and their customers may realize during the 20 year life of the plan and how these savings will be tracked. Chapter 5 addresses cost recovery issues and how the amounts to be included in each of the Companies' respective Commission-approved riders will be calculated. It also sets forth the estimated bill impacts for the various customer classes within each of the Companies and addresses several other rate and regulatory issues. Finally, Chapter 6 discusses the other deliverables promised in the PA Companies' SMIP and the West Penn Joint Stipulation.

1.2 About the Companies

Met-Ed, Penelec, Penn Power and West Penn are wholly-owned subsidiaries of FirstEnergy Corp., and make up the FirstEnergy Pennsylvania footprint.⁴ With its ten electric utility operating companies, FirstEnergy operates one of the largest investor-owned electric utilities in the United States, serving approximately 6 million customers over an approximately 65,000 square-mile service territory within Ohio, Pennsylvania, New Jersey, Maryland and West Virginia.

Figure 1.1 FirstEnergy Pennsylvania Service Territories



3

1.2.1 Size and Nature of Each Territory

Below is a brief description of each of the Companies' service territories.

Metropolitan Edison

Met-Ed is a wholly-owned subsidiary of FirstEnergy. It serves approximately 555,000 electric utility customers over 3,570 square miles in southern and southeastern Pennsylvania. Approximately 88% of its customers are residential customers and about 12% are commercial and industrial customers. Meter densities are as follows: 3% with 10 end points or fewer per square mile; 50.1%

⁴ West Penn is a subsidiary of Allegheny Energy Inc., which, along with the PA Companies and other entities, is a first tier subsidiary of FirstEnergy.

with 11-100 end points per square mile; 27.2% with 101-200 end points per square mile; and 19.7% with more than 200 end points per square mile.

Penelec

Penelec is a wholly-owned subsidiary of FirstEnergy. It serves approximately 584,000 customers over approximately 17,600 square miles in northern, northwest, and central Pennsylvania. Approximately 86% of its customers are residential customers and about 14% are commercial and industrial customers. Meter densities are as follows: 15% with 10 end points or fewer per square mile; 45.4% with 11-100 end points per square mile; 25.5% with 101-200 end points per square mile; and 14.1% with greater than 200 end points per square mile.

West Penn Power

West Penn is a wholly-owned subsidiary of Allegheny, which is a wholly-owned subsidiary of FirstEnergy. It serves almost 716,000 customers over approximately 10,300 square miles in southwest, north central, and south central Pennsylvania. Approximately 86% of its customers are residential customers and about 14% are commercial and industrial customers. Meter densities are as follows: 2% with 10 end points or fewer per square mile; 44% with 11-100 end points per square mile; 41% with 101-200 end points per square mile; and 13% with greater than 200 end points per square mile.

Penn Power

Penn Power is a wholly-owned subsidiary of Ohio Edison that is, in turn, a wholly-owned subsidiary of FirstEnergy. Penn Power serves about 160,000 customers over approximately 1,100 square miles in western Pennsylvania. Approximately 88% of its customers are residential customers and about 12% are commercial and industrial customers. Meter densities are as follows: 8.9% with 10 end points or fewer per square mile; 55.3% with 11-100 end points per square mile; 27.7% with 101-200 end points per square mile; and 8.1% with greater than 200 end points per square mile.

The overall diversity of the Companies' service territory terrain creates significant challenges specific to the Companies. Additional challenges, not unique to the Companies, include the need to develop a deployment plan in an environment that continues to change as technology improves, vendors merge, and standards and guidelines are established on a regional and national level. These and many other factors were considered when designing the smart meter solution included in this Deployment Plan.

1.3 Objectives and Assumptions

1.3.1 Objectives

The objectives surrounding the development of this Deployment Plan were as follows:

1. Submit a plan that complies with Act 129, the Implementation Order, and the various commitments made by any of the Companies.
2. Minimize the likelihood of stranded investment through obsolescence by performing robust evaluation and analysis and adhering to evolving national smart metering guidelines and policies.
3. Present a plan that provides the Companies with full cost recovery, including fair returns for any capital employed, while allowing them sufficient financial flexibility to provide for their other not-insubstantial capital requirements and obligations to shareholders.
4. Develop a strategic and cost effective deployment plan that will maximize early benefits taking into account risk and related costs.
5. Develop a workable process to track, measure and verify benefits arising from the implementation of this Deployment Plan.

1.3.2 Assumptions:

The development of this Deployment Plan was based on the following assumptions:

1. Act 129 calls for 100% customer deployment of smart meters with an implementation timeline of up to 15 years from the date of approval of the SMIP Plan. There will be no opt-out for customers.
2. Time-of-Use ("TOU") and Real-Time-Pricing ("RTP") rates will be in place consistent with Pennsylvania law and the Commission's Implementation Order.
3. Full and timely cost recovery of all costs associated with the evaluation, development, deployment and operation of a smart metering system will be approved.
4. After their grace period, the Companies will install smart meters in all new construction and upon customer request, provided that the latter pays for the incremental cost of such meters and related installation.

5. None of the functionality provided through a smart meter installed in new construction will be available until the infrastructure needed for two-way communication is built in the area.
6. The smart meter solution is designed to integrate with legacy systems such as SAP to the practical degree possible.
7. All smart meters must be working no later than 2025.

1.4 The Deployment Plan Development

Upon approval of the PA Companies' SMIP, the SMIP Team commenced work on this Deployment Plan. The team was subdivided into nine substantive subgroups, or workstreams: (i) Solution Framework; (ii) Current State; (iii) Vendor Strategy; (iv) Technology Evaluation and Test Lab; (v) Future State; (vi) Network Communications; (vii) External Communications and Consumer Awareness Strategies; (viii) Change Management and Training; and (ix) a Project Management Office. The PA Companies included in their Status Report filed with the Commission on July 27, 2011 at Docket No. M-2009-2123950 an outline of the major tasks and timelines during which each of the tasks for each of the workstreams was to be performed.

During the Assessment Period, the SMIP team reviewed numerous documents, including the PA Companies' SMIP, the Commission's Implementation Order, the Pa Companies' SMIP Order, Act 129, and the West Penn Joint Settlement documents and related Commission Orders, so as to ensure that this Deployment Plan complies with Act 129, Commission directives, and all of the commitments made by any of the Companies. The SMIP Team also held stakeholder meetings, including several with those interested in data access and sub-hourly metering, and others with parties interested in low income and other vulnerable customer issues. The SMIP Team held discussions with employees and management of the Companies from all affected business groups, and with employees of other Pennsylvania EDCs who were responsible for those EDCs' smart meter projects. They participated in several utility site visits both within and outside of Pennsylvania, and held numerous discussions with out-of-state utilities that have smart meter programs in various forms and stages. The team sought Requests for Information ("RFIs") from major system and equipment vendors and then Requests for Proposals ("RFPs") from vendors resulting from the RFIs and subsequent testing. Details surrounding both the development of this Deployment Plan and the vendor selection process are set forth in Chapter 2. During the period between the filing of the Original Deployment Plan and the issuance of the Administrative Law Judge's Recommended Decision, the Companies continued testing the selected end-to-end solution. Based upon the results of this testing,

the Companies now believe that, absent unforeseen events, the deployment schedule as originally proposed (“Original Deployment Schedule”), can be modified to (i) build out the entire Penn Power end-to-end solution, instead of only installing 60,000 meters; and (ii) accelerate the completion of the Solution Validation Stage and the commencement of the Full-Scale Deployment Stage by one year (“Accelerated Deployment Schedule”). This schedule is further summarized in Section 1.6.

1.5 The Recommended Solution

The recommended solution includes the following major components:

Smart meters – The meters collect, store, and transmit total consumption data, interval data, and meter events to core applications after configuration, and communicate with Home Area Networks (HANs).

Meter Data Management System (MDMS) – The meter data management system provides for storage of meter data from smart meters, including interval meter reads, and processes raw meter data with Validate, Edit and Estimate (“VEE”) algorithms for utilization in corporate systems, such as billing and customer service. An MDMS may be integrated with utility billing and customer care software (such as SAP’s solution for utilities which is used by the PA Companies).

Head End/collection engine – The Head End/collection software collects and delivers information from the meters via the collectors to the MDMS. A proprietary local area network (“LAN”) is often used for communications between the meters and the collectors.

“Backhaul” communications network (external) – This network (typically a “wide area network”) is the communication system between the collectors and the Head End and includes data center equipment and control software.

Home Area Network (“HAN”) – The HAN is a network contained within a user’s home that communicates information to in-home devices (IHDs) such as in-home displays.

A more detailed discussion of the recommended solution can be found in Chapter 3.

1.6 The Deployment Schedule and Functionality

The Companies are recommending a phased deployment strategy which anticipates three distinct stages: (i) the Post Grace Period (“PGP”) Stage; (ii) the Solution Validation Stage; and (iii) the Full-Scale Deployment Stage.

The PGP Stage, which commences on January 1, 2013 and concludes with the completion of deployment, currently scheduled by December 31, 2022, addresses not only the need to provide smart meters for all new service requests received on or after January 1, 2013 (“New Construction”) and for all customers requesting a smart meter prior to their scheduled installation date (“Early Adopters”), but also addresses contract negotiations, final RFPs and other pre-deployment activities.

New Construction/Early Adopters: For new construction for which a temporary or permanent service application is received on or after January 1, 2013, the customer will be provided with a RF smart meter included in the recommended technology solution, which will eventually be able to communicate with the smart meter network infrastructure. Customers will not be billed additional fees for the meter or other installation costs beyond those charged to all metered customers through the Smart Meter Technologies Charge Rider. During the period between smart meter installation and the build-out of the smart meter network in the area where a New Construction smart meter installation occurs, neither the communication functions of the meter nor smart meter functionality will be available and meter reads will be done manually using existing meter reading and billing procedures.

For Early Adopters, once the customer pays the incremental costs for the meter and related installation,⁵ a Point-To-Point (“PTP”) smart meter that meets the basic Act 129 functionality requirements will be installed. This smart meter will communicate via a public cellular network and will provide on-line access to validated meter data within 24-48 hours and access to unvalidated meter data via a direct access interface to a device that is part of the Home Area Network.⁶ Meter reads for billing purposes will continue to be done manually using existing meter reading and billing procedures until the smart meter network infrastructure becomes available at the customer’s location and the PTP meter is replaced with the smart meter selected as part of the smart meter technological solution.

⁵ Tariff provisions implementing the Companies’ proposals for Early Adopters were filed with the Commission on October 31, 2012 and approved on December 21, 2012. See Docket Nos. R-2012-2332803; R-2012-2332776; R-2012-2332785; R-2012-2332790.

⁶ In the event public cellular coverage is unavailable for a requesting customer, the Companies will investigate alternative solutions on a case-by-case basis.

Contract Negotiation/RFPs: During the period between the filing of the Original Deployment Plan with the Commission on December 31, 2012 and the submission of this Revised Deployment Plan, the SMIP Team selected a Systems Integrator (“SI”) and Project Management Office (“PMO”) consultant through the RFP process described in Chapter 2, and negotiated final terms and conditions with all key vendors. Further the SMIP Team worked with consultants and selected vendors to develop construction schedules, all with the goal to have everything in place to start construction of the infrastructure upon approval of this Revised Deployment Plan.

The Solution Validation Stage incorporates two activities: the build-out of the infrastructure needed to install smart meters and a testing period in which a “Penn Power end-to-end version” of the Companies’ comprehensive Pennsylvania end-to-end smart meter solution will be constructed and tested prior to full scale deployment. Specifically, this stage is expected to start in mid-2014 and continue until the end of 2015. Instead of installing 60,000 meters during this stage, as was originally contemplated, the Revised Deployment Plan anticipates the complete build out of Penn Power (approximately 170,000 smart meters and supporting end-to-end infrastructure) during this period.

- *Build-Out Activities.* This period begins upon Commission approval of this Revised Deployment Plan and will continue for approximately 18 months. During this period, the Companies will commence construction of the smart meter solution infrastructure, or “backbone” for the Penn Power “mini system”. This will involve the installation of meters, collectors, range extenders, network communications, and meter data management systems for testing.
- *Solution Testing Activities.* As the infrastructure is built out, the Companies will install meters in Penn Power’s service territory. This territory was selected because it includes the types of challenges the SMIP Team anticipates encountering during full deployment. Approximately 50,000 meters will be installed in 2014 and another 120,000 in 2015, in order to allow for the testing of scalability and the resolution of communication, functionality and installation problems encountered in a contained and controlled environment, thus minimizing costs of overall deployment and customer frustration. Only after all such problems are resolved will the Companies commence the final Full-Scale Deployment Stage, which is currently anticipated to commence in early 2016.

The Full-Scale Deployment Stage will commence upon resolution of all problems encountered during the Solution Validation Stage and will continue until all meters are installed on or before December 31, 2022. During this stage, the remainder of

the smart meter infrastructure will be concurrently built in each of the Companies respective service territories, starting with the most populated areas first. All remaining smart meters will be installed during this Stage, initially at an average rate of 1,900 meters per day, five days per week, with the potential to accelerate deployment to as many as 3,000 meters per day, should circumstances and conditions warrant. At this pace, the Companies expect to install approximately 98.5% of all meters between January 1, 2016 and mid-2019, with the remaining 1.5% of the meters being installed thereafter through December 31, 2022⁷. This 1.5 % of the installations represent those installations that may require alternative communication solutions or difficult to reach locations such as remote hunting cabins. Any similar situations discovered in Penn Power's service territory are included in this estimate of 1.5% and will be addressed in the time frame discussed above.

While the meters upon installation will be *capable* of providing all meter functionality required by Act 129 and the Commission's Implementation Order, *actual* functionality will become available upon completion of the communication network in the area, currently expected to lag installation by approximately 3 months.

1.7 Financial Implications

The Companies' financial assessment is based on a 20 year life cycle and a financial model that was designed to estimate the costs of implementing the Original Deployment Plan as well as the potential verifiable savings that may be realized through the installation of smart meter technology. Thus, certain inputs have been modified to reflect the Accelerated Deployment Schedule, the results of which are set forth in this Revised Deployment Plan. There are potentially other benefits that may accrue directly to customers that have not been taken into account in this analysis. These customer benefits are addressed in Chapter 4.

⁷ While the Companies originally anticipated an average installation rate of 3,000 meters per day, based upon subsequent discussions with meter installation vendors, it was recommended that installation be paced at 1,900 meter per day and ramped up over time if appropriate.

Below is a summary of both the estimated costs and estimated potential savings by Company in nominal dollars over the 20 year life of the project:

**Figure 1.2 Estimated Costs and Potential Savings
(\$ Millions, Nominal, 20 Years)**

	Total PA	Met-Ed	Penelec	Penn Power	WPP
Capital Costs	\$ 667,390,350	\$ 181,338,201	\$ 192,354,386	\$ 60,847,753	\$ 232,850,010
O&M Costs	\$ 590,204,938	\$ 162,940,051	\$ 172,612,059	\$ 46,040,407	\$ 208,612,421
Total Costs	\$ 1,257,595,288	\$ 344,278,252	\$ 364,966,445	\$ 106,888,160	\$ 441,462,431
Total Savings	\$ 417,023,753	\$ 102,911,556	\$ 124,772,459	\$ 34,358,311	\$ 154,981,427

Key assumptions and calculation drivers for each of the cost and operational savings components are discussed in detail in Chapter 4.

1.8 Cost Recovery and Bill Impacts

1.8.1 Cost Recovery

Like the Original Deployment Plan, costs associated with this Revised Deployment Plan will be recovered through existing Commission-approved SMT-C Riders. The SMT-C Riders contain SMT-C rates calculated separately for the residential, commercial, and industrial customer classes, and are expressed as a non-bypassable monthly customer charge to all metered customer accounts except for West Penn's residential customer class, which is billed on a dollar per kilowatt-hour basis. The SMT-C Riders are a reconcilable automatic adjustment clause under Section 1307 of the Pennsylvania Public Utility Code and recover capital and O&M costs and provide a return on capital investments.

Details on the cost recovery riders and other rate related issues are discussed in Chapter 5.

1.8.2 Estimated Customer Bill Impacts

Below is an estimate of monthly customer bill impacts by Company while the Revised Deployment Plan is in effect:

Figure 1.3 Monthly Bill Impacts (Nominal)⁸

Op Co	Residential		Commercial		Industrial	
	Range	Average	Range	Average	Range	Average
Met-Ed	\$0.91 - \$4.59	\$2.36	\$0.96 - \$5.27	\$2.89	\$1.05 - \$6.24	\$3.52
Penn Power	\$0.44 - \$5.30	\$2.56	\$0.47 - \$6.35	\$3.09	\$0.78 - \$8.15	\$4.13
Penelec	\$0.76 - \$4.50	\$2.26	\$0.76 - \$4.50	\$2.72	\$0.95 - \$6.10	\$3.35
West Penn	\$0.70 - \$4.92	\$2.64	\$1.09 - \$5.73	\$3.27	\$2.03 - \$6.73	\$4.30

Additional details are set forth in Chapter 5.

⁸ West Penn residential rates (indicated by an asterisk) are proposed on a kWh basis to be consistent with the West Penn June 30, 2011 Commission-approved Joint Petition for Settlement.

CHAPTER 2. DEPLOYMENT PLAN DEVELOPMENT

2.1 Overview

The PA Companies, later joined by West Penn, developed the Deployment Plan during the thirty month Grace Period following Commission approval of their SMIP in June 2010. In order to address the full scope of the Deployment Plan requirements, the PA Companies, in 2010, supplemented their then-existing SMIP team by adding more FirstEnergy employees (including some from West Penn post-merger) with a variety of skill sets, and additional subject matter experts from IBM, Black & Veatch and various technology vendor representatives knowledgeable in areas involving key components and process designs of smart meter infrastructure solutions ("SMIP Team").

The SMIP Team was subdivided into nine substantive subgroups, or workstreams:

- (i) Solution Framework;
- (ii) Current State;
- (iii) Vendor Strategy;
- (iv) Technology Evaluation and Test Lab;
- (v) Future State;
- (vi) Network Communications;
- (vii) External Communications and Consumer Awareness Strategies;
- (viii) Change Management and Training; and
- (ix) Program Management Office ("PMO").

Each workstream was tasked with assessing the Companies' current state of smart meter infrastructure, technology "baselines" within the Companies, and available technologies and vendors. The workstream subgroups were then tasked with developing future state requirements for an initial design for a transition to smart meter technology by the Companies.

Upon completion of this assessment and initial design work, the Companies, with assistance from IBM consultants, developed a set of RFIs to a variety of vendors, which in turn led to RFPs from a shorter list of vendors identified through the RFI process. The various technologies offered by these vendors were tested both in the Companies' test labs and in the field to ensure that each piece of equipment

selected would operate properly with the other infrastructure components and provide the functionality necessary to comply with Act 129 and Commission requirements. Following visits to utilities which had implemented the different vendor technologies, the SMIP team selected the smart meter infrastructure that is described in Chapter 3.

2.2 Selection of Consultants

In order to develop their SMIP, the PA Companies implemented a competitive procurement process in 2009-2010 for experienced consultants. Black and Veatch was selected through this process and assisted with the PA Companies' development of their SMIP. Subsequently, the Companies conducted a second procurement process and selected IBM (with Black & Veatch as a sub-partner) to design and implement the work plan for the Assessment Period and to develop this Deployment Plan as part of the SMIP Team. The decision to select IBM with Black & Veatch was based on their extensive experience in planning for and implementing smart metering projects for other utilities. In addition to IBM and Black & Veatch, the SMIP Team worked with SAP America, Inc. (SAP), Itron, Inc. (Itron), eMeter Corporation (eMeter), Sensus USA Inc. (Sensus), and Landis+Gyr Technology, Inc. (Landis+Gyr) in the Solution Framework.

Following the FirstEnergy-Allegheny merger in 2011, the scope of IBM's role expanded to support the assessment, analysis and integration of West Penn's smart meter needs into the Deployment Plan and to assist in the related analyses of costs and potential savings for all four of the Companies.

2.3 Assessment of Needs

2.3.1 Background

The integration of smart meters and supporting technologies is known as Advanced Metering Infrastructure ("AMI"). AMI enables bidirectional communication, records customer consumption hourly (or more frequently), and provides for transmittal of meter readings over a communication network to a central collection point and supporting commercial systems. As described in Chapter 1, the components of an AMI system typically include smart meters, a MDMS, a Head End/collection engine, and a backhaul communications network.

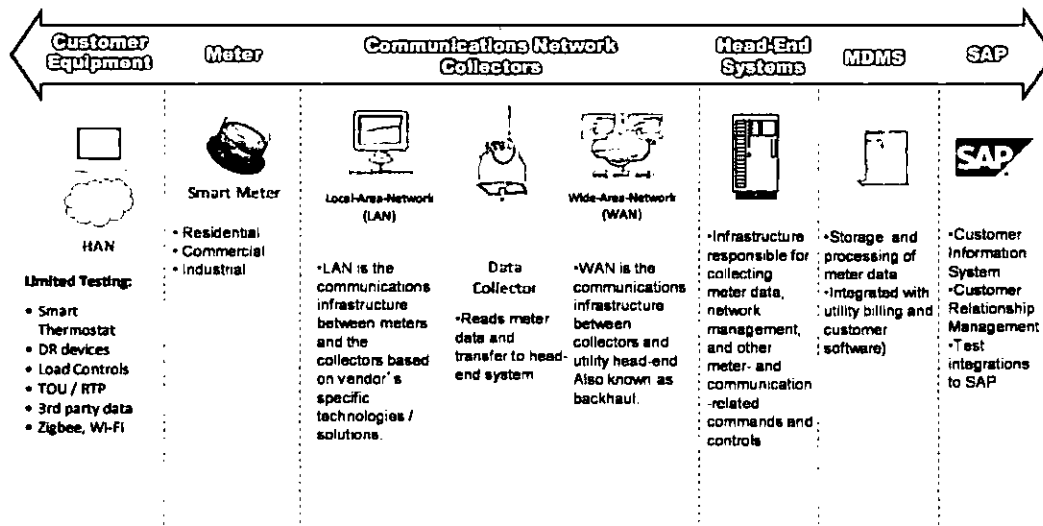
The technology needs assessment addressed each of these AMI components and vendors and equipment capable of supplying the functionality needed to meet the Commission's requirements. The outcome of this assessment was a solutions architecture that detailed the systems environment needed to install smart meters and the associated infrastructure. The architecture formed the basis of the vendor

evaluation process and served as a key input to the financial analysis surrounding the recommended solution and this Deployment Plan.

The technology needs assessment was led by a team consisting of the Companies' IT professionals, representatives from business units and consultants from IBM. The consulting team brought specific knowledge, experience and a well-coordinated, planned approach gained from developing similar AMI solutions with other utilities across the United States and internationally. The team also defined a structured process for assessing requirements, identifying potential solutions, soliciting information from vendors, testing potential technologies in a lab and under field conditions and evaluating the costs and benefits of alternatives. In addition, both Current and Future State workshops were held, focusing on the technical implications of smart meters vis-à-vis the impacts on the Companies' business processes.

Figure 2.1 illustrates the interdependent chain of components considered in the smart meter solutions architecture, starting at the customer and ending with the Companies' billing and financial systems. Each of these components was addressed within the scope of the solutions architecture analysis and definition. Each component was also part of the end-to-end testing in both the test lab and in the field.

Figure 2.1 AMI High Level Scope Overview



2.3.2 Current State of Company Technologies

In order to evaluate the variety of possible smart meter solutions, the SMIP team undertook an extensive current state technology environment assessment focused on the Companies' existing IT applications and infrastructure that would be affected by smart metering, including metering and core applications for data gathering, processing, billing, reporting, and customer contact. The current state of both of these areas is summarized below.

Metering Environment

In Pennsylvania, the Companies serve approximately 2.0 million customers over approximately 33,000 square miles, primarily using manual meter reading along with a limited amount of interval meters. FieldNet is the Companies' system for manually reading meters. The Companies have approximately 4,000 interval meters in Pennsylvania that serve commercial and industrial ("C&I") customers.

The following table shows the breakdown of meters by operating company:

Figure 2.2 Meter Quantities and Types by Company

	Penn Power	Met-Ed	Penelec	WPP	Total
Residential	148,144	486,799	501,205	614,107	1,750,255
Commercial	20,356	64,712	82,081	92,414	259,563
Industrial	150	857	863	2,668	4,538
Public Street and Highway	86	671	860	558	2,175
Total Customers:	159,531	555,409	583,082	715,879	2,013,901
Total Meters:	168,650	552,368	584,149	709,189	2,014,356
*Total Square Miles:	1,588	3,570	17,768	10,364	33,290
Meters/Square Mile:	106	154	33	70	61

* Total Number of Meters are higher than the Total Number of Customers since some customers have multiple meters

The service territories are unique, with diverse terrains that have varying degrees of customer density which distinguish them from other peer utilities. For example, the territories include both metropolitan and rural areas and terrains of mountains and valleys. In some instances, there are fewer than 10 meters per square mile and in other instances meters may be found underground or in block cement structures. Figure 2.3 shows the actual density distribution across the Companies' service territories:

Figure 2.3 Service Territory Definition and Meter Density Distribution

Category	Area	Meters
High ≥ 200 end points / square mile	0.4%	15.7%
Medium 101 < 200 end points / square mile	1.7%	26.5%
Low 11 < 100 end points / square mile	21.4%	48.6%
Very Low ≤ 10 end points / square mile	76.5%	9.2%
Total	100%	100%

West Penn's metering systems have been migrated to system platforms shared by the PA Companies. In accordance with its obligations under various settlements approved by the Commission, West Penn has an additional 25,000 smart meters already installed in its territory, which help it achieve its goals under its current Energy Efficiency and Conservation ("EE&C") Plan. These meters are manufactured by Itron and utilize a Smartsynch point-to-point solution, communicating data over a public cellular network. While these meters will be replaced as part of the Companies' smart meter solution, significant benefits accrued to the development of the Companies' selected solution as a result of West Penn's early smart meter deployment.

Core Applications

The Companies' core application processes that will be impacted by AMI are executed and managed by multiple systems and applications that fall into these major groups:

- **Billing, Revenue, and Settlement Operations-Related Systems** – These systems perform billing functions and provide data to various billing peripheral applications. The Companies utilize the SAP solution for billing and customer management. In addition, these systems provide settlement information to reconcile load and generation reporting to PJM, the Regional Transmission Organization ("RTO") for the Companies.
- **Meter Data Collection Systems** – These applications are tasked with collecting customer meter readings used for billing.
- **Meter Management Systems** – These applications primarily manage meter asset information including meter record creation, meter

installation/removal, meter equipment specifications, and meter inventory tracking.

- Customer Contact Systems – These applications provide multiple contact points for customer communications and notifications. Applications include a web portal for C&I customers to view their interval data. Web presentment capabilities also include access to account and billing information, as well as a series of self-service transactions such as requests to move-in/move-out, upgrade service, report outages, and pay bills. Other capabilities include enrollment in budget billing and paperless billing, the ability to submit meter reads, and online access to education and safety information, the Companies' consumer product store, and a home energy analyzer allowing customers to receive personal energy profile information with graphs and downloadable data.

2.3.3 Assessment of Smart Meter and AMI Technologies

Smart metering and AMI technologies continue to evolve rapidly as utilities gain more experience, new requirements are identified, and technologies are tested under production conditions and improved upon. An unbiased review of the AMI/smart metering industry would best describe the industry as in its infancy, in flux and emerging. Of concern to the Companies is the constantly changing landscape of smart metering and AMI vendors. Financial stability, ability to meet production requirements, mergers and acquisitions, and intellectual property disputes were among the many types of vendor risks the Companies had to consider. These, as well as the following technical and vendor specific considerations, were factored into the AMI solution evaluation process.

Technical considerations include:

- Determining the correct technologies for the communications network best suited for a utility's service area topography and population
- Ensuring proper end-to-end bandwidth throughout the network, from HAN to back office
- Mitigating future risks by planning ahead to allow for flexibility
- Version management across multiple vendors and technologies, meter forms, program releases, Head Ends, MDMS, and corporate systems (e.g., SAP)
- Ensuring there is a prudent and defensible amount of testing for every version, release, and component
- Adhering to industry standards, including information security

Vendor-specific considerations include ensuring:

- Vendor's component functionality meets or exceeds identified business requirements
- Proper scale and performance testing by Vendor is conducted
- Vendor roadmaps align with the Companies' implementation plans
- Adequate management of technology upgrades
- Meter accuracy
- Deployment history/experience

The recommendations included in this Deployment Plan are dependent upon numerous vendors that will supply components (hardware, software, communications, services, system integration, and maintenance) of the solution. The vendor evaluation and procurement process, therefore, was crucial in selecting the right combination of vendors to meet the Companies' technical, functional, and business specifications. These activities drove the vendor and technology recommendations, based on validation in the test lab and field assessment.

Approach

The Companies have an extensive vendor selection process, managed and coordinated by FirstEnergy's procurement organization. In order to complement that process for this project, the Companies teamed with consultants from IBM who leveraged their experience with a number of AMI vendors and other utilities involved in various stages of smart meter deployment.

Through joint working sessions, an approach specific to AMI solutions was defined to methodically and deliberately move through the technology assessment, vendor evaluation and selection process. This approach ensured that key stakeholders within the Companies' business units were engaged in the selection process. The methodology and framework also ensured a disciplined, fair, and consistent vendor RFP and evaluation process that was fully documented.

The method undertaken for technology selection emphasized both tactical and strategic objectives and included:

- Ensuring that the ultimate AMI system meets tactical, strategic, and regulatory requirements
- Mitigating risk by allowing time for thorough testing and more informed decisions

- Ensuring on-going commercial flexibility and leverage until the full range of options is thoroughly explored, understood and evaluated
- Staging decisions so that they are made on a timely basis to meet overall project objectives, yet permitting additional critical information to flow into the decision process on the most critical decisions

The vendor evaluation process used an iterative process to evaluate and refine vendor options. This approach included the following components:

- Development of business, functional and technical requirements
- Identification of vendors and gathering data through an RFI process
- Assembly of a vendor short list
- Test lab and field assessment of technologies
- Execution of an RFP

Results and deliverables produced through this process were passed through gating reviews that involved detailed review, revision and approval by members of the SMIP Team.

Vendor Short List

The purpose of the Vendor Short List was to provide an assessment of the leading AMI solution vendors and meter manufacturers based on the experience of IBM and the knowledge of subject matter experts within the Companies. This team developed a Vendor Short List to determine those vendors that offered the most viable solutions for the Companies based on key priorities of this Deployment Plan. The priorities included:

- A range of technologies that could be considered for deployment as part of the Companies' smart meter solution
- Compatibility of vendor products with the Companies' overall solution architecture (including the ability to integrate with SAP)
- Commercial flexibility to use multiple vendors to support the Companies' smart meter program objectives

The Vendor Short List evaluated vendors for five components of the smart meter solution:

- Metering
- Head End
- Backhaul

- MDMS
- Meter Deployment

The AMI solution vendors and meter manufacturers were assessed using a comprehensive set of considerations, including:

- Functionality
- Technical features
- Network/communications
- Environment
- Security
- Alignment with the Companies' solution architecture
- Corporate stability and market presence
- Pricing

Business, functional and technical requirements were developed based on the results of a high-level requirements workshop with the Companies' leadership and IBM, followed by a series of requirement gathering workshops with the Companies' managers and subject matter experts. In addition to the internal work, IBM also reached out to other utilities across the country involved in AMI projects in order to determine if there were any evolving issues identified from their projects/experiences.

The requirements identified formed the basis for the development of the evaluation matrix and weighting criteria and were used in the development of the RFP. The following groups of requirements and specifications were defined:

- Mandatory smart meter requirements of Act 129:
 1. The ability to provide bidirectional data communications;
 2. The ability to record usage data on at least an hourly basis once per day;
 3. The ability to provide customers with direct access to and use of price and consumption information;
 4. The ability to provide customers with information on their hourly consumption;

5. The ability to enable Time-Of-Use ("TOU") rates and Real-Time Pricing ("RTP") program; and
 6. The ability to support the automatic control of the customer's electric consumption.
- Additional functionality identified by the Commission in its Implementation Order for consideration, subject to deployment requirements:
 1. The ability to remotely disconnect and reconnect;
 2. The ability to provide 15 minute or shorter interval data to customers, EGSs, third parties and a regional transmission organization ("RTO") on a daily basis, consistent with the data availability, transfer and security standards adopted by the RTO;
 3. On-board meter storage of meter data that complies with nationally recognized non-proprietary standards such as ANSI C12.19 and C12.22 tables;
 4. Open standards and protocols that comply with nationally recognized non-proprietary standards such as IEEE 802.15.4;
 5. The ability to upgrade these minimum capabilities as technology advances and becomes economically feasible;
 6. The ability to monitor voltage at each meter and report data in a manner that allows an electric utility to react to the information;
 7. The ability to remotely reprogram the meter;
 8. The ability to communicate outages and restorations; and
 9. The ability to support net metering of customer generators.
 - Additional suggested business requirements developed across different areas of the Companies (including Meter Reading, Meter Services, Revenue Operations, Billing, Rates, Customer Account Services, Customer Contact Center, T&D Planning, etc.) to support the above requirements. These requirements included:
 1. Cyber security standards, internal security controls, physical environmental protections, etc.;

2. Additional functional specifications such as daily delivery of data, on-demand reads, outage flags, tamper flags, etc.;
3. Additional system specifications such as communications infrastructure, components specifications, storage, system accuracy, performance, etc.;
4. Implementation service requirements to support meter installation, configuration, reprogramming, etc.; and
5. Maintenance and support requirements, including testing and disaster recovery.

The Companies also identified the following requirements deemed essential for successful implementation:

- The functionality to integrate data from the meter to the Companies' SAP systems through the back-end system must be supported
- Multiple communication types (Head End to meter) over public network must be supported
- Multiple meter vendors must be supported by the AMI network
- The network must be robust in both high and low density environments

Using these requirements as the starting point, a business, functional and technical assessment was conducted to identify the requirements and specifications for smart meters.

The RFI Process

The SMIP Team issued its smart meter RFI in 2010, followed by RFPs in 2011. The RFI helped to establish/confirm information about the various vendors; provided more guidance during the development of the RFPs; provided input into the field assessment; and provided indicative pricing for use in the financial assessment of the smart meter solution and this Deployment Plan.

For the RFI, the business/technical requirements were developed with the understanding that the different product vendors would provide answers for the relevant deployment activity (i.e., meter vendors answer deployment/installation questions; Head End and MDMS vendors provide answers regarding software implementation). Requirements were also developed with the intent of supporting one RFI document, with vendors being given the option to propose one or more components in their response (e.g., meter, Head End, and/or MDMS).

The scope of the RFI was limited to the meters, Head End, and MDMS. RFI responses were evaluated using the following criteria:

- Act 129 requirements
- Commission Implementation Order requirements
- Extent of multiple communication offerings
- Robustness of communications network in all types of terrain environments
- Meter form support
- AMI solution security/privacy
- Solution maturity
- Solution scalability and performance
- Solution reliability
- Meter reliability
- Interoperability and open standards/compliance
- Corporate and financial stability
- Other North American deployments
- Solution pricing
- Support

MDMS systems were also required to be SAP-certified for integration with the Companies' SAP system used for billing and customer management.

Once RFI responses were received in Q1 2011, the team used a detailed evaluation plan and scoring template to assess results. RFI features were divided into two parts: those with objective responses and those with subjective responses. Preliminary testing of various vendors' technologies took place in the Companies' test labs. This was done to ensure that the various technologies performed as described by the vendors.

As a result of the RFI, a number of refinements and clarifications were made to the RFP before it was issued to vendors. The RFI also helped eliminate several vendors whose solutions did not align with the Companies' requirements or pass preliminary testing.

The RFP Process

The development of the RFPs occurred during Q2 & Q3 of 2011. Generally a format similar to that used for the RFI was employed to ensure that a high

percentage of the content would be transferable. Although similar, there were several distinct differences between the RFI and the RFP processes, including:

- The single comprehensive RFI was broken out into five separate RFPs (adding backhaul deployment)
- Restated requirements (for clarity)
- Responses to clarifying questions raised during the RFI process were incorporated
- Performance requirements were incorporated
- Vendors were solicited for specific components, rather than allowing vendors to pick and choose on which of the components they desired to bid

RFP Requirements

Each of the five RFPs (smart meters, Head end system, MDMS, backhaul and meter deployment) required that the following information be provided:

- Concise description of overall experience/capabilities
- Detailed description of specific, by topic, experience/capabilities
- Identification of instances where subcontractors were used/leveraged to achieve success
- List of clients where similar efforts and/or solutions were performed
- A description of each solution, including the duration of each effort
- Examples of actual deliverables produced (redacted where required)
- Identification of responsible resources actively engaged in solution/deliverable
- Understanding of PA Act 129 objectives, deliverables and requirements
- A summary of solutions with timelines, key milestones, resource requirements, costs-to-achieve, used successfully at an EDC
- Experiences with electric utilities in North America with over 1,000,000 customers
- Vendor views on potential savings, reliability improvements, efficiency improvements and consumer benefits
- Regulatory experiences in PA or other jurisdictions
- Relevant experience with SAP systems and/or interfaces
- Documentation materials

Finally, each component RFP had specific selection criteria for vendors to meet as listed below.

Smart Meter RFP

The smart meter RFP sought to gain information about a vendor, its product(s) and its ability to demonstrate experience in the installation and implementation of smart meter technology. The specific criteria for the smart meter vendor were:

- Demonstrated understanding of remote service switches, service limiting, and pre-paid technologies including the management of regulatory challenges in implementation
- Demonstrated knowledge of theft and tampering strategies and solutions
- Demonstrated strategies for low-income and high-risk customers
- Knowledge and experience regarding security and privacy issues related to meter data
- Knowledge of smart meter rules/standards (NIST, IEEE, ANSI, NERC, CIP)
- Knowledge of enabling components (ZigBee, remote service switch)
- Knowledge of meter reading with automation
- Experience with smart meter supporting communications infrastructure assessment and analysis
- Knowledge of smart meter system operating life
- Knowledge of linkage between network and meters
- Meter manufacturer industry knowledge

Head End System RFP

The Companies define a Head End to include the Head End unit and the wireless communications (LAN) from and to the meter, excluding the backhaul. Below is a list of information that this RFP sought:

- Demonstrated understanding of remote service switch, service limiting, and pre-paid technologies including the management of regulatory challenges in implementation
- Demonstrated knowledge of theft and tampering strategies and solutions
- Demonstrated strategies for low-income and high-risk customers

- Knowledge and experience regarding security and privacy issues related to meter data
- Knowledge of smart meter rules/standards (NIST, IEEE)
- Knowledge of enabling components (ZigBee, remote service switch)
- Experience with smart meter supporting communications infrastructure assessment and analysis
- Knowledge of linkage between network and meters
- Experience with various communication components available today and how they natively work with meters
- Meter manufacturer industry knowledge

Meter Data Management RFP

The MDMS is designed to manage and retain the volumes of information that will be gathered from meters. In addition to the general requirements, the MDMS RFP inquired into the following:

- Knowledge of business unit implementation impacts
- In-depth knowledge of Itron MV-90 system, including system interface for measuring and recording customer demand, load and kWh usage, interval metering relative strengths regarding infrastructure
- Criteria / metrics for vendor's system performance
- Knowledge of data management and reporting practices and solutions
- Experience with Energy Efficiency ("EE") / Demand Response ("DR") programs based on customer class
- Assessing demand-side management impacts on PA smart meter plan
- DR savings metrics and measures
- Understanding of how EE/DR ties back to Act 129 filing
- Vendor deliverables acceptance sign-off / Criteria

Backhaul RFP

The Companies define backhaul as all service between the AMI LAN takeout points and the Head End. Below is the information that the backhaul RFP asked for:

- Experience with smart meter system communication backhaul
- Experience with public networks

- Experience with communication network challenges
- Experience deploying on commercial and private networks
- Experience on sonnet, routing switching, IPv4 versus 6
- Experience with message modeling and traffic on public and private networks
- Overall understanding of network performance
- Experience with network management and security
- Knowledge of network requirements and network capacity
- Experience with distribution automation communications

Deployment RFP

In addition to the above criteria, the Deployment RFP also included:

- Field experience in deployment and implementation and workforce management systems
- Meter field services technician work in scheduling and planning
- Customer requests, service orders and exceptions management

RFP Evaluation and Assessment

Upon receipt of the responses to the RFPs, each response underwent the following process:

- Initial Evaluation
- Objective evaluation
- Subjective evaluation
- Oral presentation by vendors

This process resulted in the recommended solution set forth in Chapter 3.

Initial Evaluation

Based upon the results of the RFIs, the preliminary testing and the RFPs, three Head End vendors were selected for further consideration; two for meters; eight for backhaul; two for MDMS; and four for meter deployment.

Some vendors who received an invitation chose not to respond. In the case of the MDMS RFP, this immediately led to the final two vendors. However, the entire RFP

evaluation process was still undertaken so that the evaluators had an objective analysis of the solution being offered.

Objective and Subjective Evaluation

The objective evaluation consisted of compiling the responses received from the vendors and ensuring that their proposals were relevant, met the functionality needs of the Companies' intended AMI system, and provided answers to clarifying questions. The subjective evaluation consisted of eight to twelve people (depending on component) reading the vendor responses.

Oral Presentations

The oral presentations were designed to provide the evaluation team with an opportunity to seek further clarification on responses to requirements and clarifying questions, validate and confirm the short list, and get any updates on pricing that might be available.

Once the evaluation process was completed, the SMIP Team selected the technologies that met the business, technical and functional requirements and commenced testing in an effort to determine if in fact the various technology components actually performed as described by the various vendors.

Lab and Field Testing Process

Each major component was tested in both a test lab and in the field, with the results incorporated into the overall vendor/technology evaluations. The smart meter test lab was designed to provide a controlled "under the roof" environment to test smart meter technologies and related supporting infrastructure and perform vendor evaluation for smart meter products as input to selecting technologies for the field assessment. The test lab environment was built to house multiple meter forms from several meter vendors, as well as the smart metering solution including Head End systems and MDMS systems. Integration to SAP occurred in the test lab environment. The end-state production environment was mirrored as closely as possible, taking into account cost and time.

The Reading, Pennsylvania test lab was set up in Q4 2010 with two MDMS systems, three Head End systems and primary and secondary meters. As a result of the merger with Allegheny, the SMIP Team developed a test lab at West Penn's facilities in Connellsville, Pennsylvania. Approximately one hundred meters were tested in each of the labs.

Lab Testing

Figure 2.4 shows the types of testing that were performed in the test labs:

Figure 2.4 Types of Testing

Testing type	Description
Smart Meter Component Testing	Verified that meter, head-end, MDMS & SAP components met the Companies' requirements and satisfied usability, compatibility with other components, communication, and reliability criteria.
Functional Testing	Verified that the integrated smart meter system supported the necessary functionality as defined in the Companies' test requirements.
Integration Testing	Verified that the integration between applications and systems functioned correctly.
Communication Testing	Verified that all components communicated through the network from the meter to head-end in both directions.
Security Testing	Verified that the application provided an adequate level of protection for confidential information and data belonging to other systems.
Error Handling Testing	Verified that the system properly detected and responded to exception conditions. The completeness of error handling determines the usability of a system and ensures that incorrect transactions and data are properly handled.

Test Activities Matrix/Test Phases

Figure 2.5 illustrates the testing activities within each phase. Each stage represents a known level of physical integration and quality. Even though the test lab is shown as a first step, it is expected that some test scenarios (e.g. component, network testing and verification of environments) will continue throughout the entire test life cycle and beyond. The testing activities executed include:

Figure 2.5 Test Activities Mapping to Test Phases

	Test Lab Initial Test	Field Preparation	Test Lab "Business Process" Testing	Field Test	Ongoing Testing
TYPE OF TEST					
Component Testing	■			■	
Network Testing	■			■	
Verify environments	■	■		■	
Integration		■	■	■	
Deployment verification	■			■	
Execute test scripts	■	■	■	■	■
Record results	■	■	■	■	■
Document defects	■	■	■	■	■
Regression	■	■	■	■	■
Reporting	■	■	■	■	■

Tests were prioritized into one of three ratings to further assist entry/exit activities. The three ratings are as follows:

- HIGH – These are “must pass” tests and are absolutely critical to the success of the smart meter implementation project.
- MEDIUM – These tests are run once high priority tests have been completed and passed.
- LOW – These tests are considered optional or “nice to have” and were conducted after all high/medium tests have been completed, should time permit.

Risk Assessment and Contingencies

The following risk assessment and contingency procedures were driven by the technical requirements of the solution and business functions related specifically to testing. Risks were prioritized into one of three classes to further assist their assessment and mitigation. The three classes were:

- HIGH – execution of the mitigation unlikely at present time, increasing probability that risk will occur and result in stated impact to Lab and Field Test

- MEDIUM – execution of mitigation not confirmed, though feasible at present time. Risk considered moderate until mitigation in place
- LOW – unlikely event will occur or workarounds currently in place, and therefore poses minimal risk

Test Lab Business Process Test Criteria Requirements

The following subsystems were tested during the Business Process Testing Phase:

- SAP – MDMS subsystem
- AMI network subsystem
- Smart meter infrastructure subsystem

Smart meter technology testing was executed by subsystem to reduce the complexity of the testing process and to provide a baseline of solution components that passed a specific set of tests. The testing in the lab was executed to validate the business functionality of the integration touch points between the meter to Head End, Head End to MDMS and MDMS to SAP, and overall end-to-end business processes in the smart meter integration chain.

The following functional categories were tested in the Business Process Test Phase:

- Meter installation & registration
- Meter reading
- Billing
- Critical alarms and events
- Remote service switch
- Security
- Outage detection (including security)
- Other business processes

At the conclusion of the test lab business process testing, vendors and technologies were identified to participate in the field assessment.

Field Tests

The smart meter field assessment added an additional dimension to testing and began to further explore and validate the network and communications

infrastructure. The investigation and assessment had to occur in actual field conditions that resembled typical operating conditions for the Companies. The field assessment afforded the Companies the opportunity to test the network under conditions of increased distance, data demands and topographical conditions beyond the test lab.

Field assessment preparation work began in Q4 2010 with actual testing beginning in Q2 2011. The field trial focused on testing the throughput and coverage of the network communications solutions(s) and initially included installing meters in the Fox Gap and York/Pleasureville, Pennsylvania areas. Both of these locations are within Met-Ed's service territory. Met-Ed was chosen as the test region due to its proximity to the test lab in Reading.

Participation in the initial trial was voluntary, and the Companies selected approximately 350 customers who agreed to participate. The initial trial helped the Companies understand firsthand how smart metering will impact customers, and what the Companies can do to improve the customer experience, including additional communications to consumers and "best practices" for addressing resolution of technical issues.

In 2012, the Companies also conducted lab and field testing in of enhanced functionality offered by an Itron/Cisco solution. This test involved approximately an additional 350 meters and took place in Connellsville, Pennsylvania, located in West Penn's service territory.

Field Assessment

The field assessment vendor scorecard provided a process to capture field assessment test results. The vendor solution was scored based on test results, defects, issues and risks identified during the testing in order to validate that the solution in fact met all of the business requirements as specified by the Companies.

Using the same methodology that was employed in the test lab, the team identified specific criteria applicable to the Field Assessment Test Phase and developed the vendor scorecard to compare vendors against each other. Vendor scoring was performed on both quantitative and qualitative criteria and took into account the resolutions of any open issues from the field assessment execution

Between the completion of the evidentiary hearing in May 2013 and the release of the Administrative Law Judge's Recommended Decision in November 2013, the Companies continued testing the end-to-end solution that was to be implemented during the Solution Validation Stage. Based on the results of this testing, the Companies now believe they can accelerate the deployment of smart meters in

Penn Power's service territory and completely build out Penn Power by the end of 2015, rather than only install 60,000 smart meters as originally proposed.

Consistent with the Deployment Plan, the Companies also began negotiations with all major vendors during the period between the close of the evidentiary hearing and the end of 2013. Based on these negotiations, the Companies have in place the contracts necessary to complete this accelerated build out as described in this Revised Deployment Plan.

CHAPTER 3. SMART METER SOLUTION AND DEPLOYMENT STRATEGY

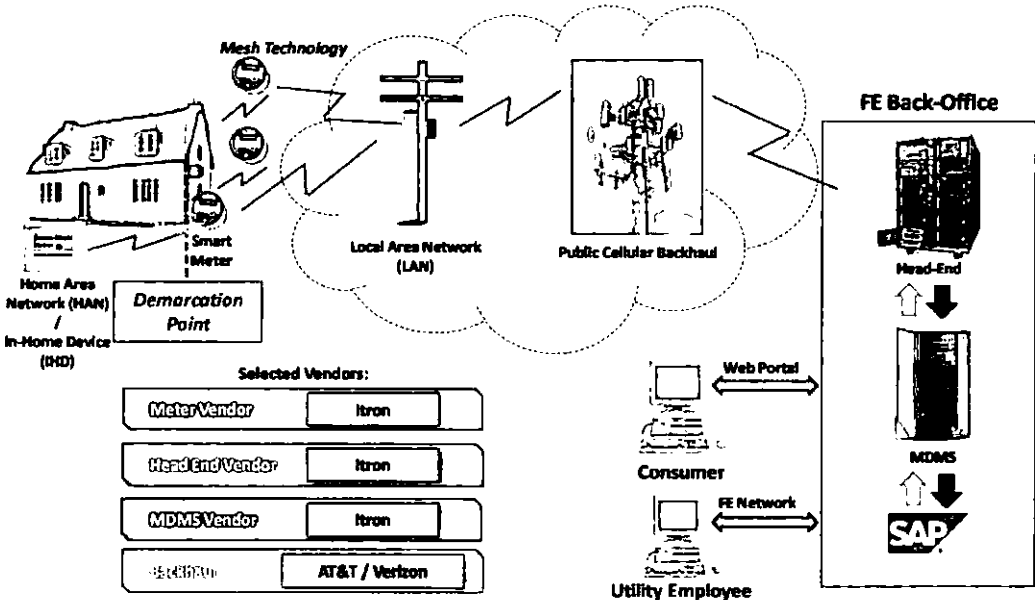
3.1 Overview

This chapter presents recommendations for the smart meter technology solution, the vendors to provide that solution, and the build-out/meter deployment/meter functionality schedules.

As discussed in Chapter 2, the recommended architecture and infrastructure solution is based upon an extensive technology needs assessment that addressed both the “current state” of each of the Companies and the vendors and equipment capable of supplying the functionality needed to meet Commission requirements. The outcome of this assessment is a technological solution that details the systems environment needed to implement smart meters and the identification of the vendors who can provide the key solution components to deliver all of the functionality specified in Act 129 and the Implementation Order.

The following chart provides a graphical representation of the smart meter solution, which is detailed in Section 3.2 below.

Figure 3.1 PA Companies Smart Meter Solution



The Companies are recommending a phased deployment strategy that anticipates three distinct stages: (i) the Post Grace Period (“PGP”) Stage; (ii) the Solution Validation Stage; and (iii) the Full-Scale Deployment Stage. Under this strategy, the Companies expect to install approximately 98.5% of all smart meters between January 1, 2014 and mid-2019 (“Deployment Period”), with the remaining 1.5% of the meters being installed thereafter through December 31, 2022. The Companies will build out Penn Power’s system (approximately 170,000 meters) during the Solution Validation Stage. Thereafter, Full-Scale Deployment will commence and continue until all smart meters are installed.

The Original Deployment Plan contemplated an average of 3,000 meters per day, five days per week. After discussions with installation vendors, the initial average installation rate will be paced at approximately 1,900 meters per day, five days per week, with the potential to accelerate such deployment to as many as 3,000 meters per day, five days per week should circumstances and conditions warrant⁹. And, while the meters being installed will have the capability to provide the functionality required by Act 129 and requested by the Commission, the actual functionality of the smart meter will not be available until the communication network is constructed in the area. It is currently anticipated that this will lag installation by approximately three months. The entire deployment strategy is described in detail in Section 3.3.

3.2 Smart Meter Vendor, Functionality and Solution Architecture

3.2.1 Meter Vendor

Itron is the recommended meter vendor based on the vendor selection process described in Chapter 2. The Itron smart meters selected by the Companies are capable of providing all of the functionality required by Act 129 and the Commission’s Implementation Order as the Companies’ network is deployed as described in Section 3.3, including the following specific features.

Remote Service Switches

The smart meters will be able to remotely connect and disconnect customers. The Companies intend to implement the reconnect function and will implement the remote disconnect function only upon request by the customer and in compliance with Chapter 56 of the Commission’s regulations.

⁹ Savings and cost estimates are conservatively based upon a constant installation rate of 1,900 meters per day, five days per week.

Read Intervals

Meter reading will be an automated, scheduled process through which meters read, record, and send interval meter readings and other data on a regular frequency. Initially, interval meter readings will be taken at hourly intervals, while register readings which, in essence, accumulate the interval reads, will be done on a daily basis. While the meters are capable of obtaining 15-minute (or shorter) interval data, this functionality will not be made available upon installation because significant issues, such as how the storage of such data should be paid for and by whom, have not been resolved. Because these issues are common among all of the Pennsylvania EDCs, the Companies will await further guidance from the Commission before pursuing the implementation of shorter interval reads.

Meter Storage, Open Standards, Upgradability and Remote Programming Capability

The smart meters are capable of storing data and have open standards consistent with nationally recognized standards. The meters are also upgradable and reprogrammable.

Voltage Monitoring/Outages and Restoration

The smart meters can measure and record voltage information at the meter, and transmit it to the Head End. The proposed architecture allows for the creation of reports that can be utilized by the Companies, in conjunction with existing capabilities, to analyze and assess the overall health of power distribution to the meter. Voltage monitoring alone, however, does not provide the level of accuracy and insight at the transmission and distribution level needed to support predictive, proactive outage management prevention and resolution. Rather, this new functionality will supply additional information to support the existing outage management capabilities. In order to automate outage reporting and restoration, the smart meter infrastructure must be in place and then interfaced with the Companies' current outage management system. Therefore, this functionality will not be available at the time of installation. Given that full-scale deployment will not begin until 2017, the Companies have not prepared a cost benefit analysis of this functionality for purposes of this Plan, but will be doing so during the later stages of the Deployment Schedule.

Net Metering

The smart meters will support the ability to provide net metering. Itron meters support energy received and delivered as well as profile loads where customers have existing generation sources such as wind and solar.

Solution Architecture

In order to provide the requisite functionality, an entire network of hardware and communication systems must be integrated. The main components of this network includes (i) the Smart Meter; (ii) the Head End; (iii) the Meter Data Management System (“MDMS”); (iv) the Companies’ Legacy systems; (v) a Communication Network; and, while not part of the Companies’ network, (vi) the customer’s HAN. Components (ii) through (vi) and recommended vendors, where applicable, are discussed below.

Head End

In the proposed architecture, the Head End serves primarily as the gateway for all communications to the meters and other connected devices, such as collectors. It collects unvalidated meter data (e.g. consumption, interval, event data, power status, etc) and transmits it to the MDMS. Based on the RFP responses and test results, the Companies have selected Itron as the Head End vendor.

MDMS

Itron was also selected as the MDMS vendor. The MDMS will receive, store, validate, estimate, and aggregate data from the Head End, and processes meter data in three steps: Validation, Estimation, and Editing (“VEE”). The MDMS serves as the primary repository of all measurement, status, and event data collected by the smart meters. The MDMS is also the gateway for communication with the smart meters supporting data requests, commands, and alert messages from/to the Companies’ other information systems, such as Customer Care & Billing, Work & Asset Management, and Work Force Management.

In the validation step, the MDMS reviews the unvalidated data from the smart meters and compares it to expected values. Meter reads that fall outside the high/low range or exceed the variance of expected values, fail validation and are flagged. Subsequently, invalid, incomplete, or missing reads are estimated along with reads that fail validation. The VEE process ensures that the Companies have validated smart meter data available for customer billing and operations.

Additional functions of the MDMS include the processing of remote service orders, status data, and event data on significant changes in the state of system or network resource, network application, data flow or security.

3.2.2 Other Existing Legacy Systems

As a result of the additional smart meter functionality, the Companies anticipate the need to upgrade certain legacy systems:

Operational Data Store (“ODS”)

The ODS is the repository for interval data. The current ODS will need to be upgraded to support the proposed smart meter solution and future smart meter technology developments.

SAP

The successful integration of the smart meter components, the MDMS, and the Companies' core applications is crucial to the success of the SMIP Project. SAP will remain in place as the Companies' primary system for customer and billing information, but it will be upgraded to support the proposed smart meter solution and future smart meter technology developments.

3.2.3 Communications Network

Network communications is not a single solution, but consists of a series of components that enable meters to communicate with collectors and a backhaul, in which collectors communicate with the Head End. Based on the results of the RFP process, the Companies propose to construct a smart meter network as shown in more detail in Figure 3.1.

In the proposed network, Itron meters will use radio frequency (for which a license is not required) to dynamically discover each other and form a mesh network that connect them to communication devices known as collectors, creating a LAN.¹⁰

The LAN connection between an individual meter and the collector in the Companies' proposed architecture will use a proprietary communications protocol that is unique to the meter vendor. The collector will then link to a Wide Area Network (“WAN”) which uses a standard protocol for “backhaul” services to connect the meter to the Head End.

¹⁰ The diverse geographic and urban density nature of the Companies' service territories makes it unlikely that a single meter network vendor technology will be capable of servicing 100% of the smart meters, and a small population of meters will require alternative solutions. The Companies have determined that less than 5% of customers across the Companies are located in areas where RF meters may not be able to form an RF mesh or join a neighboring mesh due to the distance from the nearest meter, terrain, subterranean location, etc. (“RF Challenged” meters). In such cases, the Companies will utilize a point-to-point (“PTP”) solution, e.g., cellular communication. In some cases where the location is not RF Challenged, a PTP solution might also be utilized if it is considered more cost-effective than building an RF mesh in the local area.

During the design and RFP processes, the risks and rewards of public versus private backhaul WAN network options were considered. Generally, the use of public cellular networks is preferable for the following reasons:

- Public carrier networks already exist and are available for immediate implementation to facilitate deployment timelines.
- The Companies have ongoing relationships with public carriers, which are large, established companies.
- The three primary public carriers (Verizon, AT&T and Sprint) participate in industry standards organizations to ensure that their network supports directives from NERC, NIST, etc.

In comparison, private network options carry greater risk:

- The construction of a private network would challenge the Companies' ability to achieve timely deployment.
- The Companies would have to invest significant resources for the private network in order to comply with international standards.
- Private carriers are smaller companies, introducing additional risk.

As a result of this consideration and the RFP responses, the Companies concluded that the public carrier option is generally able to meet more of the necessary criteria for a well-developed smart metering environment that would comply with legislation and open standards. The Companies therefore propose to use a blend of AT&T and Verizon network services in their territories.

In order to address the fact that these networks include equipment outside of the Companies' physical control, network intrusion prevention systems will be inserted between internal systems (including Head Ends) and the meter network for inbound traffic monitoring. This will add an independent security control between key points in the network.

3.2.4 Home Area Network ("HAN")/Internet

The HAN is a data network contained within a user's home that is expected to communicate from the smart meter to in-home devices ("IHDs"). The purpose of the HAN will be for the enablement of direct access data to the customer's premise. IHDs may include in-home displays, smart thermostats, power switches, and other load control devices. While the smart meters will have the capability of supporting data transmission to and from these IHDs, the functionality is only available should the customer elect to purchase the devices. As explained in Chapter 2, the Companies will not be providing IHDs or HAN technologies to customers, instead

leaving them to the competitive market. The Companies also anticipate that the HANs and IHDs will utilize the public internet for two major roles in the smart meter technical solution:

- Connecting the Companies' customers and authorized third parties to resources that are made available by the Companies, such as a customer web portal; and
- Connecting authorized third parties to the customer home networks, allowing the authorized third party to retrieve information from the customer's home network and IHDs, including the non-validated interval data from the Companies' smart meters.

3.2.5 Data Exchange Standards

By Order entered December 6, 2012 at Docket No. M-2009-2092655, the Commission established data exchange standards for current business processes. Specifically, the Commission directed that all EDCs subject to the smart meter provisions of Act 129 address standards for attaining RTP and TOU pricing capabilities, provide the EDC's current capability to provide a minimum of 12-months of historical interval usage data via electronic data interchange ("EDI"), and to incorporate meter-level interval usage data capabilities. Because the Companies' enrollment and billing system is currently programmed to accept dual billing and bill ready EDC-consolidated billing (i.e., the functions the Commission has already said present the best options for attaining RTP and TOU pricing capability), the Companies currently have the capability to provide 12-months of historical interval usage data via EDI, and the Companies currently incorporate meter-level interval usage data as directed by the Commission. Therefore, the Companies are already meeting these Commission directives.

3.3 Deployment Strategy

3.3.1 Deployment Schedule

As noted previously, the Companies are recommending a phased deployment strategy which anticipates three distinct stages: (i) the PGP Stage; (ii) the Solution Validation Stage; and (iii) the Full-Scale Deployment Stage.

The PGP Stage, which commences on January 1, 2013 and concludes with the completion of deployment, currently scheduled by December 31, 2022, addresses not only the need to provide smart meters for all new service requests received on or after January 1, 2013 ("New Construction") and for all customers requesting a smart meter prior to their scheduled installation date ("Early Adopters"), but also addresses contract negotiations, final RFPs and other pre-deployment activities.

New Construction/Early Adopters: In order to provide the functionality required by Act 129 during the PGP Stage, the Companies will implement the following process for all New Construction and Early Adopter installations:

- For new construction for which a temporary or permanent service application is received on or after January 1, 2013, the customer will be provided with the RF smart meter included in the recommended technology solution, which will eventually be able to communicate with the smart meter network infrastructure. The recovery of both the meter and related installation costs will be through the Companies' applicable standard Smart Meter Technologies Charge Rider, which is more fully discussed in Chapter 5. Customers will not be billed additional fees for the meter or other installation costs beyond that charged to all metered customers through the Smart Meter Technologies Charge Rider. During the period between smart meter installation and the build-out of the smart meter network in the area where a New Construction smart meter installation occurs, neither the communication functions of the meter nor smart meter functionality will be available and meter reads will be done manually using existing meter reading and billing procedures.
- For Early Adopters, once the customer pays the incremental costs for the meter and related installation,¹¹ a Point-To-Point ("PTP") smart meter that meets the basic Act 129 functionality requirements will be installed. This smart meter will communicate via a public cellular network and will provide on-line access to validated meter data within 24-48 hours and access to unvalidated meter data via a direct access interface to a device that is part of the Home Area Network.¹² Meter reads for billing purposes will continue to be done manually using existing meter reading and billing procedures until the smart meter network infrastructure becomes available at the customer's location and the PTP meter is replaced with the RF smart meter selected as part of the smart meter technological solution.

Contract Negotiation/RFPs: During the period between the filing of the Deployment Plan with the Commission and approval of the plan by the Commission, the SMIP Team negotiated final terms and conditions with the selected vendors, selected a systems integrator ("SI") and project management office ("PMO") through the RFP process described in Chapter 2, finalized contracts with the SI and PMO and worked with consultants and selected vendors to develop

¹¹ Tariff provisions implementing the Companies' proposals for Early Adopters were filed with the Commission on October 31, 2012 and approved on December 21, 2012. See Docket Nos. R-2012-2332803; R-2012-2332776; R-2012-2332785; R-2012-2332790.

¹² In the event public cellular coverage is unavailable for a requesting customer, the Companies will investigate alternative solutions on a case-by-case basis.

construction schedules, all with the goal to have everything in place to start construction of the smart meter infrastructure upon approval of this Revised Deployment Plan.

The Solution Validation Stage incorporates two activities: the build out of the infrastructure needed to install smart meters and a testing period in which a “mini version” of the end to end smart meter solution is constructed and tested prior to full scale deployment. This stage will begin with the installation of all smart meters and supporting infrastructure in the Penn Power service territory. This stage is expected to start in mid-2014 and continue until late 2015.

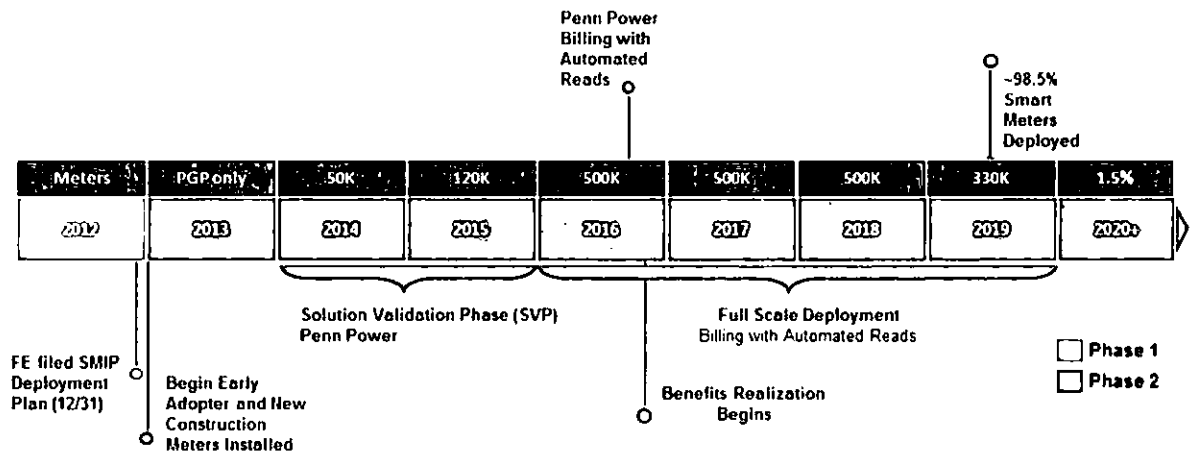
- *Build-Out Activities.* This period begins upon Commission approval of this Deployment Plan and will continue for approximately 18 months. During this period, the Companies will commence and complete construction of the smart meter solution infrastructure, or “backbone” for the Penn Power service territory. This will involve the installation of meters, collectors, range extenders, network communications, and meter data management systems for testing.
- *Solution Testing Activities.* As the infrastructure is built, the Companies will install meters in Penn Power’s service territory. This territory was selected because it includes the wide range of challenges the SMIP Team anticipates encountering during full deployment across all of the Companies. Approximately 50,000 meters will be installed in the second half of 2014 and the remaining 120,000 will be installed in 2015, so as to allow for testing of scalability and resolution of communication, functionality and installation problems encountered in a contained and controlled environment, thus minimizing costs of deployment and customer frustration. Only after all such problems are resolved will the Companies commence the final Full-Scale Deployment Stage, currently anticipated to commence in early 2016.

The Full-Scale Deployment Stage will commence upon resolution of all problems encountered during the Solution Validation Stage and will continue until all meters are installed on or before December 31, 2022. During this stage, the remainder of the smart meter infrastructure will be concurrently built in each of the Companies’ respective service territories, starting with the most populated areas first. All remaining smart meters will be installed during this Stage at an anticipated meter installation rate of 1,900 meters per day, five days per week, and potentially ramping up to 3,000 meters per day if circumstances and conditions warrant. At this pace, the Companies expect to install approximately 98.5% of all meters by mid-2019, with the remaining 1.5% of the meters being installed thereafter through December 31, 2022. The 1.5 % of the installations represent those installations

that may require alternative communication solutions or difficult to reach locations such as remote hunting cabins. Any similar situations discovered in Penn Power's service territory are included in the 1.5% estimate and will be addressed in the time frame discussed above.

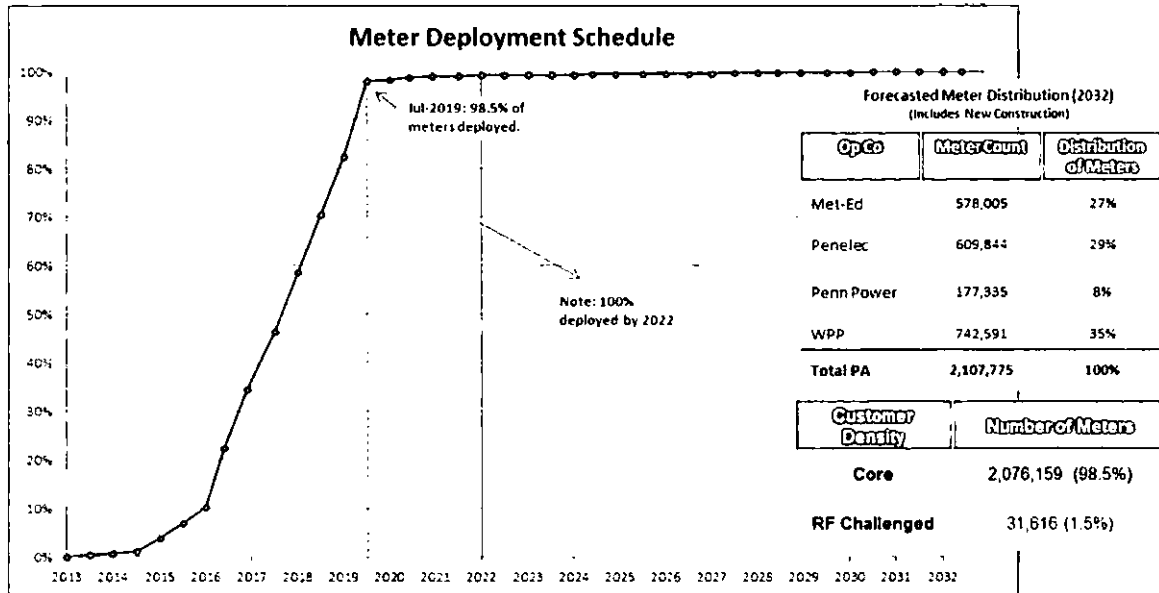
Figure 3.2 illustrates the anticipated implementation schedule while Figure 3.3 illustrates the meter deployment schedule, assuming that the Accelerated Deployment Schedule is adopted:

Figure 3.2 – Smart Meter Deployment Plan Timeframe*



* Estimated schedule for planning purposes

Figure 3.3 – Smart Meter Deployment Timeline – 2014 to 2019

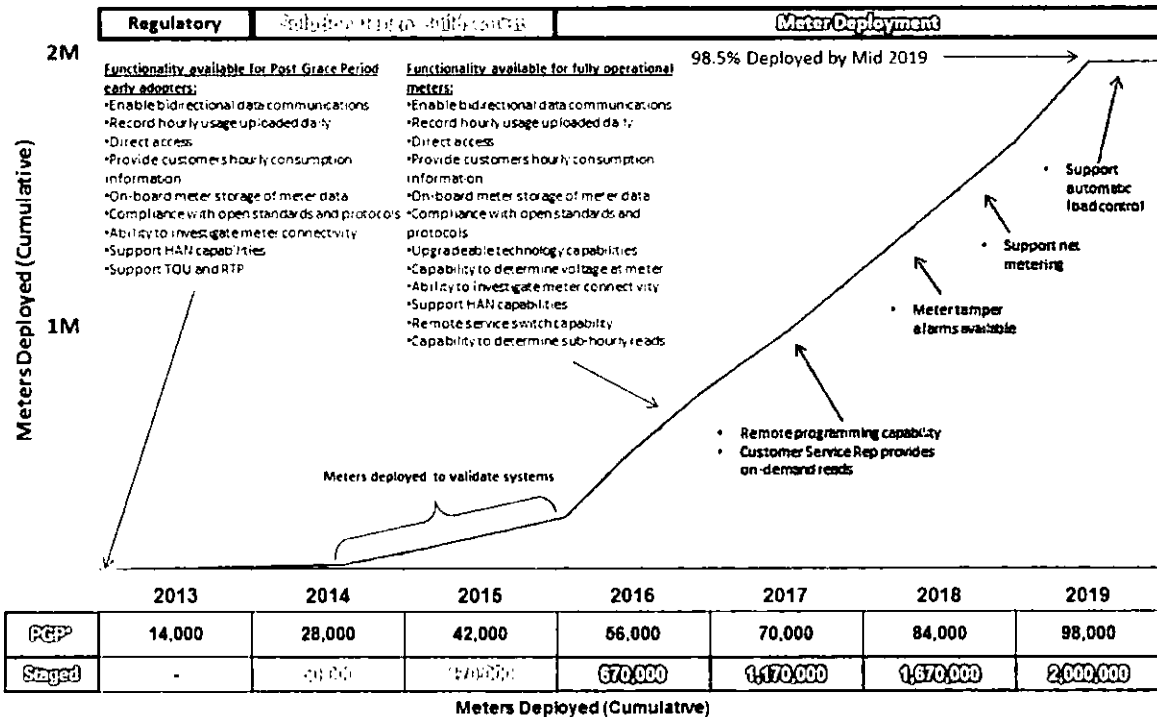


3.3.2 Meter Functionality

The meters being recommended as part of the Companies' smart meter solution all comply with open standards and protocols, can be remotely programmed and can be upgraded as technology advances. They are also capable of providing all of the functionality required by Act 129 and requested by the Commission in its Implementation Order. However, not all of this functionality will be available immediately upon installation. As Figure 3.4 depicts, basic functionality required by Act 129, plus the ability to investigate meter connectivity will be available to Early Adopters upon installation of their meters during the PGP Stage. This is because a different meter will be installed with cellular communication capabilities in order to meet Act 129 requirements while the smart meter infrastructure is being built. However, the RF meters being installed as part of the smart meter mesh network solution will not have this functionality until the communication network is in place in the area. It is currently anticipated that there will be a lag of approximately three months between installation of the meters and when such functionality is available to the customer. As Figure 3.4 indicates, once this occurs, the RF meter will provide all of the functionality offered during the PGP Stage, as well as voltage monitoring capability, remote switch capability and the ability to determine sub-hourly reads remotely. The Companies currently anticipate that remote programming capability and the ability for customer service representatives to make on-demand reads will be available in late 2017, while meter tamper alarms and automated net metering support will be available sometime in 2018.

Advanced automatic load control is expected to be available sometime during 2019, however, these timeframes are projections based on information as known today. Events may occur which could affect these timelines, both positively and negatively.

Figure 3.4 – Deployment Timeline with Estimated Functionality



* Includes early adopters and new construction. Functionality for new construction will not be available until network is available in the area.

3.3.3 Meter Installation

The Companies anticipate that approximately 90% of the meter installations will be standard and will be performed by both Company personnel and qualified contractors. Should the installer encounter a hazardous condition or another situation involving the meter box on the Companies' side of the meter that would normally be left to the customer to repair, the necessary repairs will be made and the installation completed at no cost to the customer. Based on discussions with other utilities, as well as the Companies' past history, the Companies estimate that up to 5% of the installations will require such additional work and have included the costs of such work in the overall plan budget.

The Companies anticipate that the remaining 10% of the installations will involve non-standard, more complex installations and will utilize internal resources for these installations. Such complexities may include installations for large C&I

customers, new construction sites, hard-to-access locations, and cases with special meter forms or electrical requirements.

CHAPTER 4. FINANCIAL ANALYSIS

In response to Act 129 and subsequent Commission Orders, the Companies initiated a detailed assessment and planning effort in preparation for the implementation of smart meters and AMI technologies. A central part of planning was the creation of a detailed SMIP financial analysis model ("Financial Model") to estimate and analyze the future costs and potential operational savings associated with this Deployment Plan. Implementation and ongoing operational costs were projected over a 20-year period.

The data underlying the financial analysis were produced through a highly interactive assessment process originally involving consultants from IBM and Black & Veatch in 2011 and 2012. This analysis was refined and updated by Accenture, Inc., and Harbourfront Group, along with professionals from the impacted business units of the Companies, the FirstEnergy finance department and its rate department in 2013 and 2014. The data were reviewed and updated in an iterative process throughout 2011, 2012 and again in 2013. The original analytics quantified estimated costs and potential operational savings based on information known as of August, 2012. This analysis was supplemented with additional information, analytics and experiences through 2013 and modified to reflect the Accelerated Deployment Schedule. Activities performed in the development of the Financial Model included:

- Defining the scope and components of the smart meter program
- Gathering relevant operational data and smart meter project projections
- Evaluating and validating data
- Identifying key smart meter project financial analysis modeling variables and assumptions
- Developing the analytical modeling structure
- Constructing a detailed view of the smart meter project financial analysis
- Evaluating the reasonableness of the Financial Model results based on comparisons with other utility smart meter program results
- Reviewing the Financial Model results with affected business units, the FirstEnergy financial analytics group and FirstEnergy management

Numerous scenarios were considered, with three initially being selected for more in-depth analysis:

- 6-year Two-stage Deployment Scenario ("Original Recommended Deployment Schedule"): Assumes 98.5 percent of all meters are installed

by the end of 2019. Net cost: \$852 million (nominal) and \$560 million (NPV).

- 6-year Accelerated Scenario (West Penn Joint Settlement Scenario): Assumes 90 percent of all meters installed by the end of 2018, with remainder installed by the end of 2019. Net cost: \$844 million (nominal) and \$562 million (NPV).
- 7-year Deployment Scenario: Assumes 98.5 percent of all meters are installed by the end of 2020. Net cost: \$865 million (nominal) and \$557 million (NPV).

The financial analyses included in this chapter were originally based on the 6-year Recommended Deployment Schedule which anticipated all smart meter infrastructure being built and 98.5 percent of all smart meters being installed between January 1, 2014 and December 31, 2019. Based on these analyses, the estimated cost of implementing this Deployment Plan over 20 years is \$1.258 billion in nominal dollars, \$667.4 million of which are for capital expenditures ("Capex") and \$590 million for Operations and Maintenance ("O&M") costs. Approximately \$816 million will be spent during the six year Deployment Period. The estimated total operational cost savings over the 20 year period that the Companies believed might be realized under the Original Deployment Plan was \$406 million in nominal dollars.

Assuming the Accelerated Deployment Schedule is adopted, the estimated cost of implementing the Revised Deployment Plan over 20 years is still \$1.258 billion in nominal dollars, \$668 million of which will be for CAPEX and \$590 million for O&M costs. Approximately \$815 million will be spent during the Deployment Period. The estimated total potential operational cost savings over the 20 year period is estimated to be \$417 million.

In addition to this analysis, which focuses on the project from the Companies' perspective, the Companies further analyzed the Revised Deployment Plan from the customer's perspective. This analysis is discussed in Chapter 4.

Below is a breakdown of the Revised Deployment Plan costs by Company, as generated by the Financial Model:

**Figure 4.1 Estimated Costs and Potential Savings
(\$ Millions, Nominal, 20 Years)**

	Total PA	Met-Ed	Penelec	Penn Power	WPP
Capital Costs	\$ 667,390,350	\$ 181,338,201	\$ 192,354,386	\$ 60,847,753	\$ 232,850,010
O&M Costs	\$ 590,204,938	\$ 162,940,051	\$ 172,612,059	\$ 46,040,407	\$ 208,612,421
Total Costs	\$ 1,257,595,288	\$ 344,278,252	\$ 364,966,445	\$ 106,888,160	\$ 441,462,431
Total Savings	\$ 417,023,753	\$ 102,911,556	\$ 124,772,459	\$ 34,358,311	\$ 154,981,427

4.1 Scope and Assumptions

The financial analysis assumes a 20 year life cycle, starting with the beginning of the Post-Grace Period Stage on January 1, 2013, and continuing through 2032. The Financial Model used to perform the financial analysis assumes that the Accelerated Deployment Schedule is adopted and that deployment will commence in mid-2014.

General Financial Inputs and Assumptions

- The combined state and federal FirstEnergy marginal tax rate is 41%.
- No Allowance for Funds Used During Construction ("AFUDC") is expected because the capital that will be invested in systems, network and meters will be used and useful in the year in which those costs are incurred.
- No costs are included for stranded assets, and any stranded assets will continue to be recovered in the base rates.
- Potential operational savings could be realized beginning in 2016 and lag meter deployment by one year.
- Base line costs, employee levels and other factors will be based on actual employee, cost and other metric levels as of December 31, 2013. For purposes of estimating savings, budgeted levels for 2013 were assumed.
- Equipment and outside vendor service costs were derived from pricing received through the RFP process.
- Labor related costs are fully loaded and include annual growth and human resources factors.
- Costs incurred prior to January 1, 2013 are not included in the analyses.

Book and Tax Depreciation

Each of the cost categories were assessed to determine if they were capital or O&M related costs. For Capex, the estimated book lives used for depreciation purposes were 15 year for smart meters and communications equipment, 5 years for hardware and 7 years for software. Book lives were determined based on input from external resources and internal subject matter experts while tax lives were based on IRS guidelines.

Escalation Rate

The Financial Model assumes an escalation rate of 2.56% for labor.¹³ A zero percent escalation rate was assumed for equipment and material costs in recognition that material costs may increase over time while technology costs may decrease over time.

Weighted Average Cost of Capital ("WACC")

The Financial Model assumes the following Weighted Average Cost of Capital rates:

Figure 4.2. Weighted Average Cost of Capital by Company

8.17% 8.68% 9.14% 11.29%

The weighted average cost of capital for Met-Ed, Penelec and Penn Power is calculated in accordance with the Commission order entered June 9, 2010 at Docket No. M-2009-2123950 approving the Joint Petition for Approval of Smart Meter Technology Procurement and Installation Plan. The weighted average cost of capital for West Penn is calculated in accordance with Commission order entered June 30, 2011 at Docket No. M-2009-2123951 approving the Amended Joint Petition for Settlement of All Issues.

The Companies also assessed the project from the residential customer's perspective utilizing a discount rate of .37%, which represents a current typical interest rate for a one-year Certificate of Deposit (CD)¹⁴. This analysis is discussed in Chapter 4.

¹³ Provided by the Companies Business Analytics department based on the average 12 month (Mar 2011 - Mar 2012) escalation index for the Utility industry being 2.56% from U.S. Bureau of Labor Statistics (<http://data.bls.gov/cgi-bin/print.pl/news.release/eci.t09.htm>)

¹⁴ Based upon the average of the initial Local Results Range for one year certificates of deposit for the Reading, Pennsylvania area as of March 10, 2014.

Deployment Inputs and Assumptions

- No costs are included for in-home customer devices. It is assumed that this is a competitive service, the costs of which will not be paid for by the Companies.
- Meter-related repairs on the Companies' side of the meter will be necessary prior to the installation of some of the smart meters. Based on discussions with other utilities involved in smart meter projects, the Financial Model assumes such repairs will be needed for 5% of all installations at an estimated cost of \$500 per installation. These costs have been capitalized as part of the meter cost.
- Based on discussions with other utilities involved in smart meter projects, the Financial Model assumes a meter failure/replacement rate of 1% through 2023 and 2% thereafter, with a manufacturer's warranty covering the first five years of each smart meter's operational life. The cost of the warranty has been capitalized as part of the meter cost.
- Radio Frequency network devices are assumed to have an annual failure rate of 1%
- The Financial Model assumes 100% full deployment, with no provision made for customer opt out.
- The Financial Model assumes that the Accelerated Deployment Schedule will be followed and that all meters will be installed no later than 2022.
- 100% of the required field network devices will be deployed.
- The Companies will perform all complex meter installations which are estimated to be 10% of all installations.

Geographic Density Inputs

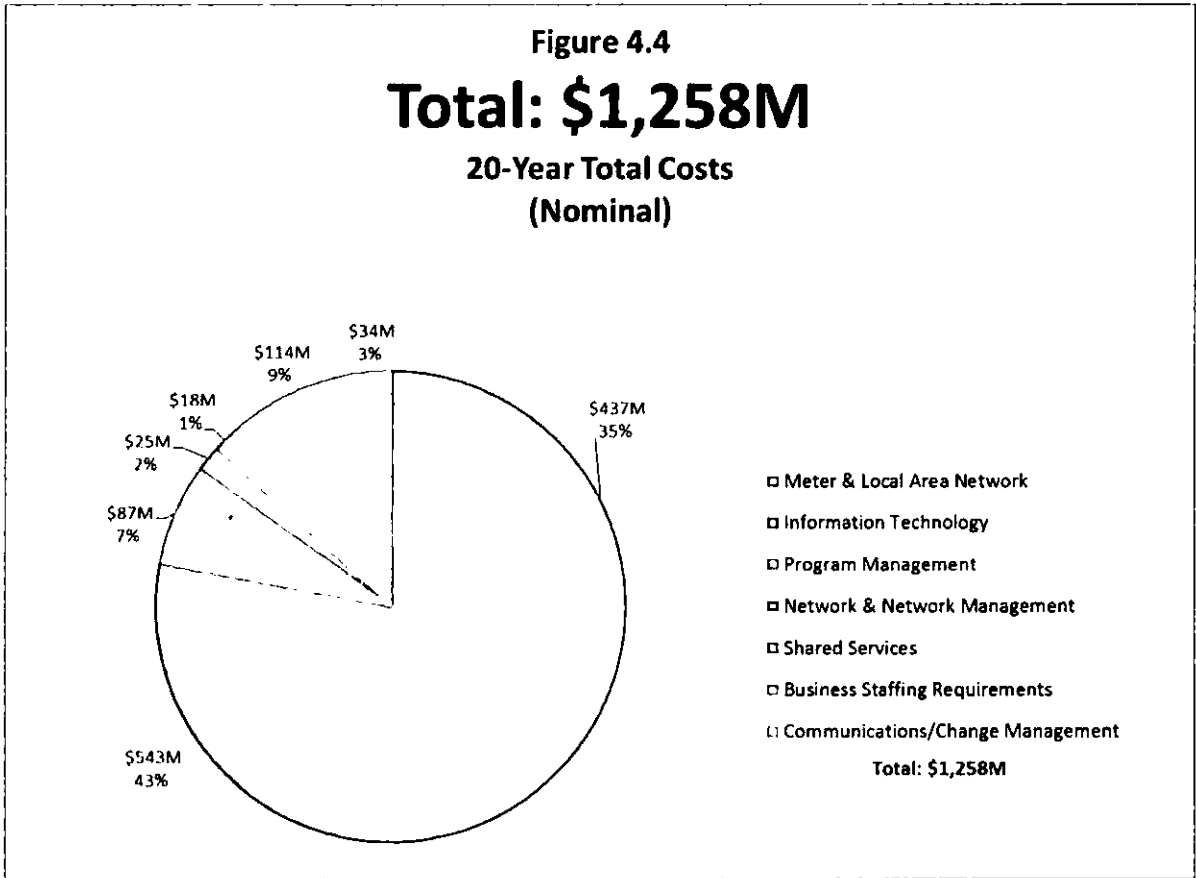
The Financial Model assumes four different cost profiles for the installation of meters across different geographies that were derived from pricing received through the RFP process:

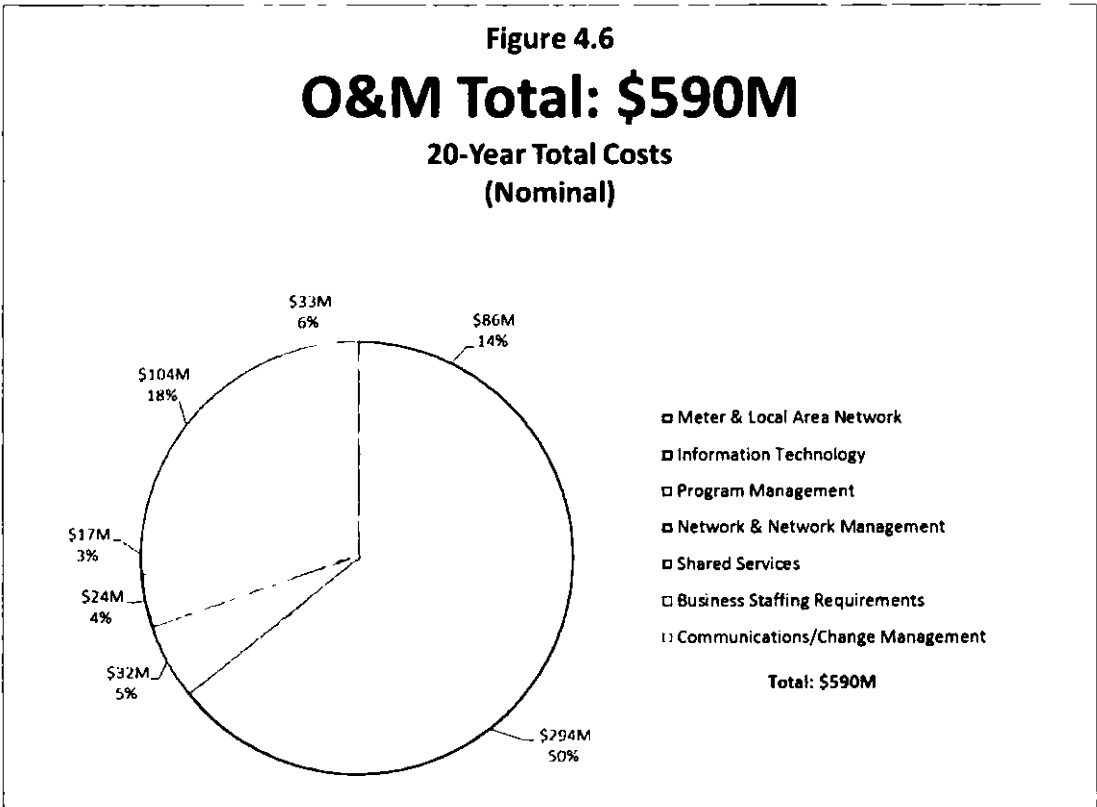
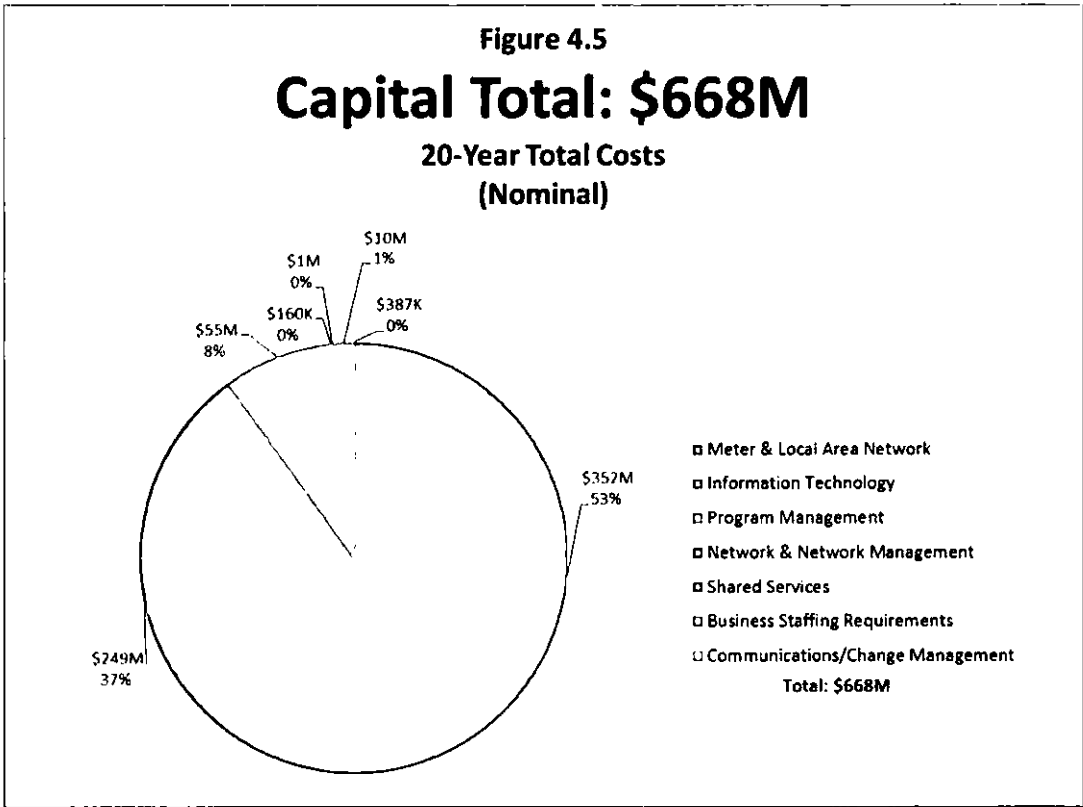
Figure 4.3 Cost Profiles by Customer Class and Density

Customer Class	High Density	Medium Density	Low Density	Very Low Density
Residential	\$8	\$9	\$11	\$17
Commercial	\$11	\$12	\$15	\$24
Industrial	\$33	\$37	\$43	\$65

4.2 Overall Program Costs

The costs incurred to implement this Deployment Plan have been grouped into the following cost categories: (i) Meter and LAN; (ii) Information Technology ("IT"); (iii) Systems Integration; (iv) Network and Network Management; (v) Program Management; (vi) Business Staffing; and (vii) Communications/Change Management. Costs within each of these components were further broken down as either capital or O&M within the year(s) in which these costs would be incurred. The costs have been presented on both a nominal and net present value basis, using a 20 year analysis period. The NPV analysis has been included in order to provide a more consistent way in which to evaluate the total net costs of competing scenarios taking into account the time value of money from the Companies' perspective. The costs have been adjusted throughout this 20 year period for escalation and growth of the smart meter system based on the six year Accelerated Deployment Schedule. Below is a breakdown of total costs, Capex and O&M:





The cost estimates for each of the above cost categories were based on the following sources:

Figure 4.7 Cost Estimate Sources

Cost Category	Source of Cost Estimate
Meters & Local Area Network	Vendor RFP responses and internal and consulting resources based on previous experience
Network & Network Management	Vendor RFP responses and IBM resources based on past experience with Oncor, CenterPoint, SCE, Sempra, Pepco, FPL and Duke
Information Technology	Vendor RFP responses and IBM/FE resources based on past experience
Systems Integration	Vendor RFP responses and IBM resources based on past experience
Business Staffing Requirements	Workshop on future state and IBM/FE resources based on past experience
Communications/Change Management	Workshop on future state and IBM/FE resources based on past experience
Program Management	Workshop on future state and IBM/FE resources based on past experience with Oncor, CenterPoint, SCE, Sempra, Pepco, FPL and Duke

4.2.1 Costs by Program Component

The estimated costs presented in this section are cumulative over the 20-year evaluation period and are presented in nominal dollars. All vendor labor during the Deployment Period has been capitalized and the Companies' labor costs are considered to be O&M.

Meter and Local Area Network

Total Estimated Cost: \$437.5 million (35% of total project costs).

Meters (Capex): \$328.1 million

Meters (O&M): \$58.4 million

LAN (Capital): \$23.7 million

LAN (O&M): \$27.3 million

Approximately \$351 million will be spent during the Deployment Period. The meter Capex costs include a 60 month warranty, initial installation costs, and shipping and handling. Meter O&M is predominantly for the labor needed over 20 years to replace failed meters. The local area network Capex costs are for collectors and repeaters, as well as installation and testing costs. All of these cost estimates were derived from the vendor pricing received through the RFP process.

Network and Network Management

Total Estimated Cost: \$24.6 million (2% of total project costs).

Public Backhaul (Capex): \$0.2 million

Public Backhaul (O&M): \$24.4 million

Approximately \$5.0 million is expected to be spent during the Deployment Period. Capex costs for the public backhaul represent a one-time installation and set-up fee plus a refresh cost every ten years. The O&M costs include 20 years of annual service fees. All of these cost estimates were derived from the vendor pricing received through the RFP process.

Information Technology

Total Estimated Costs: \$542.7 million (43% of total project costs).

Infrastructure (Capex): \$126.7 million

Infrastructure (O&M) costs: \$41.3 million

Software Applications (Capex): \$38.0 million

Software Applications (O&M): \$88.3 million

Resources (Capex): \$84.3 million

Resources (O&M): \$164.1 million

Approximately \$277 million is expected to be spent during the Deployment Period. Infrastructure Capex costs are for the various components, such as MDUS, ODS, and Head End, that comprise the smart meter infrastructure. Vendor costs to install infrastructure components are capitalized and therefore no O&M costs are attributed to the infrastructure cost subcategory. Capital costs for software applications include software for the web portal, data warehouse, MDUS, Head End, security applications, and SAP. O&M costs for the software applications subcategory are resource and maintenance costs associated with software applications. Resources include internal and contractor IT resources who will be responsible for implementation of the IT technologies needed to support a Smart

Meter rollout. All information technology costs were derived from the vendor pricing received through the RFP process.

Systems Integration

Total Estimated Costs: \$87.3 million¹⁵ (7% of total project costs).

Systems Integration (Capex): \$54.9 million

Systems Integration (O&M): \$32.4 million

Approximately \$83.4 million is expected to be spent during the Revised Deployment Plan period.

Systems Integration Capex costs includes all the costs required to integrate the Companies' enterprise systems, including the Head End, MDUS, and SAP applications, in order to enable the sharing of data across applications. O&M costs include requirements identification and business processes definition and development. IBM's past experience serving as systems integrator for other similar implementation projects was used to estimate the cost inputs for this category. The estimate assumes that one systems integrator will handle business process design, architecture design, operational design, building and testing for the integrated system, vendor management, security and portal development in order to realize synergies associated with methodologies and staffing.

Business Staffing and Change Management Requirements

Total Estimated Costs: \$147.3 million (12% of total project costs).

Business Staffing (Capex) \$9.6 million

Business Staffing (O&M): \$103.9 million

Change Management (Capex): \$0.4 million

Change Management (O&M): \$33.4 million

Approximately \$81 million is expected to be spent during the Deployment Period.

Business staffing costs include the labor and other related costs for incremental internal resources in various departments that support smart metering, including

¹⁵ These costs do not include costs for the systems integrator's Project Management Office ("PMO"). Those costs are included as part of the program management cost category.

those departments needed to achieve the projected operational savings.¹⁶ Change Management costs include the Companies' labor costs for training and internal and external communications, including support for any regulatory matters. These costs were estimated based upon Black and Veatch's experience with other communications plans, as well as through discussions with the Companies' communications department personnel and media cost information provided by those individuals.

Program Management

Total Estimated costs: \$18.2 million (1% of total project costs).

PMO (Capex): \$1.5 million

PMO (O&M): 16.7 \$million

Approximately \$15.3 million is expected to be spent during the Revised Deployment Plan period.

The systems integrator's Program Management Office ("PMO") is considered a capital cost and was derived from vendor pricing received through the RFP process. The systems integrator's PMO will be responsible for activities such as developing periodic scope, schedule and budgets for tasks to be performed through the Deployment Plan. It will also be responsible for quality control of the smart meter deployment plan, driving the installation schedule, managing external stakeholders, and developing project sub-plans. The costs of the Companies' PMO, which will be responsible for overseeing the daily activities of the systems integrator's PMO, represent internal labor and related costs. These costs are classified as O&M expenses. These costs were estimated by IBM based upon its experience in being involved in such activities for other utility clients.

4.3 Operational Cost Savings

The Financial Model also projected potential cost savings that may be realized by the Companies through the installation of smart meter technology. These savings categories include (i) Meter Reading; (ii) Meter Services; (iii) Back Office; and (iv) Contact Center. All of the potential operational savings would be avoided costs. The potential savings projections were derived from an assessment of the impacts of business process changes that will occur as a result of the installation of smart meter technology. For each avoided cost, a determination was made as to whether it is categorized as an O&M cost or a Capex cost. A 20-year analysis

¹⁶ For example, the Companies anticipate having to initially increase call center personnel before reducing staffing levels because of anticipated increases in call volume during the installation of the smart meters.

period is used, with assumptions made based on information as currently known. The savings are cumulative over the 20 year period and are presented in nominal dollars. The estimated potential cost savings that the Companies believe may be quantifiable and verifiable are summarized below.

**Figure 4.8
Estimated Potential Operational Savings Summary (Update)**

Operational Savings	20-year Cumulative (Nominal Value)	
Meter Reading		
Meter Reading O&M	\$	378,684,741
Meter Reading Handhelds O&M	\$	889,996
Meter Reading Handhelds Capital	\$	2,654,060
Claims	\$	45,406
Meter Services		
Meter Services O&M	\$	12,142,190
Meter Services Handhelds O&M	\$	37,387
Meter Services Handhelds Capital	\$	990,219
Back-Office		
Back-Office/Cust Accounting O&M	\$	19,243,257
Contact Center		
Contact Center O&M	\$	2,336,497
Total	\$	417,023,753

4.3.1 Meter Reading

Estimated Potential Realizable Savings: \$382.3 million (Approximately 92% of the total projected program operational savings)

Reduction in work force: Approximately \$378.7 million (O&M)

Reduction in hand held: Approximately \$3.5million (\$2.7 million Capex)

Claims: Approximately \$0.05 million

Meter reading savings accrue through the elimination of the meter reading function, thus eliminating the need for manual meter readers and their handheld devices, and a reduction in related employee injuries and customer property claims. As a result of this reduction in work force, costs such as direct labor, overtime, fully loaded pension and benefits, and incentives are eliminated. Similarly, costs associated with employee uniforms, supplies, personal mileage

and company cars can also be eliminated. Meter readers' handheld devices will no longer be needed and therefore capital costs associated with these devices, as well as the associated O&M maintenance costs can be eliminated over time. Finally, because there will be fewer customer site visits, there should be fewer OSHA and/or customer property damage claims.

The savings estimates are aligned with the smart meter deployment schedule and are based on the following assumptions:

- 100% of the meter reading positions will be eliminated by the end of 2022.
- The reduction in non-labor costs are proportional to the reduction in meter reading positions.
- Cost reductions are taken based on the percentage of meters installed, but lagged by one year.
- Annual retirement and attrition is estimated at a rate of three percent combined.
- Severance costs are estimated based on average current levels and will be subtracted from the calculated operational savings.
- Any necessary manual reads post-deployment will be executed by meter services staff.
- The average life of a handheld device is 10 years.
- The reduction in handheld devices is proportional to the reduction in meter reading positions and is aligned with the existing handheld replacement maintenance schedule and the proposed deployment schedule.
- Reduction in property damage and OSHA claims is proportional to the reduction in manual meter reading positions.
- No retraining of meter readers is assumed.
- Labor related budgets are escalated beginning in 2014 by 2.56% per year.
- There are no new projects/initiatives in 2013-2019 which may impact costs or staffing levels.
- Savings estimate assumes an acceleration of potential operational cost savings in Penn Power service territory consistent with the Accelerated Deployment Schedule.

Tracking of Savings: In order to track meter reading savings, the Companies will track the actual reductions in the meter reader headcount as well as the number

of meter readers moved to other smart meter related positions. Only those meter readers that move to new smart meter related positions (if any) will be excluded from the savings calculation. The Companies will also track average Full Time Equivalent ("FTE") labor costs including wages, benefits and payroll taxes for the meter reading personnel. These costs, net of any severance costs, would be compared against the baseline meter reading labor costs as of December 31, 2013. Apart from labor costs, the Companies will also track all changes in fleet costs, claims, personal mileage expense, equipment, materials and supplies expense related to meter reading. The Companies will track other applicable metrics, such as number of meter reading handhelds in service, number of handhelds retired and those moved to other uses. Actual costs in each of the above cost centers during each year of the Deployment Plan will be compared against the 2013 baseline levels.

4.3.2 Meter Services

Estimated Potential Realizable Savings: Approximately \$13 million (Approximately 3% of total projected program operational savings).

Reduction in work force: Approximately \$12 million

Reduction in employee field tablets: Approximately \$1 million (virtually all Capex)

Meter services activities include meter service personnel making customer visits for meter related issues and customer inquiries that need more technical explanations than can be provided by the customer contact center. Much of the potential cost savings is expected to arise as a result of reduction in work force and reduction in truck rolls. The installation of smart meters will reduce the need to dispatch a meter technician for activities such as (i) restoration of service upon receipt of customer payment (when service was disconnected for non-payment¹⁷); (ii) disconnection upon customer request or move out; and (iii) initiation of service upon customer request or move-in. The Companies will also be able to remotely "ping" the meters to determine if the meter is working. Customers will have access to more detailed information and it is assumed that many of the calls that required a technician to visit a customer will be able to be addressed by customer contact center personnel. With this automation and more detailed information being provided to customers, fewer Meter and Technical Support Services technicians will be needed, thus reducing workforce levels. Costs such as direct labor, overtime, fully loaded pension and benefits, and incentives will be reduced proportionately to the workforce reduction levels. Similarly, costs associated with

¹⁷ The Companies will not implement this functionality for remote disconnect for non-pay partly due to Commission regulations and partly due to commitments made by West Penn in the Joint Settlement.

employee uniforms, supplies, personal mileage and company cars can also be eliminated. Fewer technician computerized tablets will be needed and therefore capital costs associated with these devices, as well as the O&M maintenance costs can be reduced over time.

While, overall, there is a reduction in resource requirements, some of the existing personnel, or new personnel, will be needed to support new types of field service orders associated with smart meters, such as repairing communication collectors. The possibility also exists that meter swaps could take longer due to more complex technology. Additional costs are expected in order to meet additional training requirements but cannot be estimated at this time. These costs would be netted against any realized savings.

The savings estimates are aligned with the smart meter deployment schedule and are based on the following assumptions:

- There will be a 99.5% reduction in tickets related to high bills, check readings, final reads for move outs, initial reads for move ins, and unblock dunnings
- Cost reductions are taken based on the percentage of meters installed, but lagged by one year.
- Labor savings are based on the average FTE labor rates by Company
- Training will be provided for personnel working with smart meters
- Current severance cost levels were assumed and will be netted against any cost savings.
- The reduction in tablets is proportional to the reduction in meter services positions
- The average life of a meter service tablet is 10 years.
- The Companies will continue to comply with Chapter 56 regulatory requirements prohibiting remote disconnect of service for non-paying customers without a site visit. Therefore, no savings associated with this function are included in the analysis.
- Non-labor operational savings are estimated to be proportional to the reduction of labor costs.
- Savings estimate assumes an acceleration of potential operational cost savings in Penn Power service territory consistent with the Accelerated Deployment Schedule.

Tracking of Savings: The Companies will track meter services related expense in a way similar to meter reading expenses. In addition, the Companies will also track

other metrics related to Meter Services that are relevant to the determination of savings associated with the meter service calls discussed above and compare them to 2013 baselines.

4.3.3 Back Office

Estimated Potential Realizable Savings: Approximately \$19 million, all O&M (Approximately 5% of total projected operational savings).

Back office activities involve resolution of high bill complaints and other billing related issues such as misreads, estimated reads, and move-in / move out reads. With the installation of smart meters the Companies anticipate a significant decline in the number of estimated bills and read errors. Also the Companies currently receive postcard reads from some customers that require manual entry by an accounting clerk. Smart meters will eliminate this task. More accurate and up-to-date information available through the online portal should drive customers to validate information online rather than requesting a bill investigation. As a result of the reduction or elimination of these tasks, fewer employees will be needed in the back office for meter related activities, thus reducing labor and labor related costs, as well as equipment and supply costs currently incurred to support these employees.

Because customers are not familiar with smart meters and the information that will be provided through smart meters, the Companies anticipate that customer inquiries will increase before reaching a reduced steady state. Therefore, increases in costs may occur before net savings are achieved.

The savings estimates are aligned with the Accelerated Deployment Schedule and are based on the following assumptions:

- A 99.5% reduction in manual re-bills will occur during steady-state, after deployment is complete, due to a reduction in estimation, manual reads, move in/move out errors, and stopped meters.
- There will be a 50% reduction in customer complaints requesting re-bills.
- A reduction in bill investigations is expected due to customer education and adoption of the online portal.
- Severance costs are based on current levels and will be netted against any savings.
- Average current labor rates by Company are assumed, with an escalation rate of 2.56%.

- Savings estimate assumes an acceleration of potential operational cost savings in Penn Power service territory consistent with the Accelerated Deployment Schedule.

Tracking of Savings: The Companies will track the actual reductions in the back office headcount as well as the number of back office personnel moved to other smart meter related positions. The Companies will also track average Full Time Equivalent ("FTE") labor costs including wages, benefits and payroll taxes for back office personnel. These costs, net of any severance costs, would be compared against the baseline back office labor costs as of December 31, 2013. In addition to costs, the Companies will also measure other back office metrics that are relevant to determining back office savings and compare them against a 2013 baseline.

4.3.4 Contact Center

Estimated Potential Realizable Savings: Approximately \$2 million, all of which is O&M (Approximately 1% of total projected program operational savings).

The Contact Center is responsible for addressing all customer inquiries received through the Contact Center. More complex issues raised by the customer are forwarded to the Companies' back office for resolution. It is expected that there will initially be cost increases due to increased call volume arising from the installation of smart meters. The Companies intend to supplement current staffing levels through contract employees. Once smart meters are installed and customers become more familiar with the information that is being provided, it is expected that the call volume related to meter related customer inquiries will be reduced. Call volumes should be further reduced as customers become familiar with the use of the Companies' web portal that will include more detailed billing information, which can be verified on line. As a result, the Companies anticipate an eventual reduction in the number of employees needed to address meter related calls.

The savings estimates are aligned with the Accelerated Deployment Schedule and are based on the following assumptions:

- Calls will increase annually during deployment, as customers are educated about their smart meters, new rate structures, and new capabilities available to them; calls will peak in 2018 and decrease thereafter. This assumes a 10% increase in calls resulting in a net increase in personnel in 2018 but a net decrease in personnel by 2022.

- During deployment, the Contact Center expects to see an initial increase in call handling times and volumes caused by both the learning curve for customer service representatives, and increased customer questions due to new smart meter system functionality and increased data volumes.
- Billing call volumes are assumed to decrease by 25% by 2020 due to customer education and customer adoption of the online portal.
- Basic calls will be addressed by contractors, while more complicated issues will be addressed by either the Companies' Contact Center or back office personnel.
- Savings estimate assumes an acceleration of potential operational cost savings in Penn Power service territory consistent with the Accelerated Deployment Schedule.

Tracking of Savings: The Companies will track the actual back office headcount as well as the number of back office personnel moved to other smart meters related positions. The Companies will also track average Full Time Equivalent ("FTE") labor costs including wages, benefits and payroll taxes for the contact center personnel. These costs, net of any severance costs, would be compared against the baseline contact center labor costs as of December 31, 2013. In addition to costs, the Companies will also track other related metrics, such as contact center contractor costs, number of contact center calls, and the average duration of calls and compare them against a 2013 baseline.

4.4 Analysis of the Revised Deployment Plan From a Customer's Perspective

4.4.1 Background

The Original Deployment Plan incorporated the scenario with the overall lowest, risk adjusted cost from the Companies' perspective, based upon information known at the time the Original Deployment Plan was filed. For purposes of these comparisons, the Companies used their individual WACC as the discount factor for determining the NPV of each of the evaluated scenarios. This approach was appropriate when selecting the best scenario from those competing scenarios, given limited capital resources. However, because the Companies are now proposing to accelerate the original deployment schedule, the proposed modification must also be analyzed from the customer's perspective to determine if the Accelerated Deployment Schedule is financially superior for the customer. The analysis described below indicates that it is.

4.4.2 Analysis

- The model and modeling techniques used to develop the Original Deployment Plan were used to analyze the Revised Deployment Plan.
- All variable model inputs (e.g., the timing of costs and operational cost savings) were updated to reflect the construction of the entire Penn Power system between mid-2014 and the end of 2015, and the commencement of the Full-Scale Deployment Stage in early 2016.
- The net present value analysis used a discount factor reflective of the residential/small business customer, which, for purposes of the analysis was .37%. This rate represents the average of the initial Local Results Range for one year certificates of deposit for the Reading, Pennsylvania area as of March 10, 2014.

4.4.3 Results

Based upon the analysis described above, the total estimated cost of the Revised Deployment Plan on a nominal cost basis does not change. However, with the expansion of the Penn Power build out by approximately 110,000 meters, the acceleration of the completion of the Solution Validation Stage and the commencement of the Full-Scale Deployment Stage by one year, costs will be incurred sooner than originally contemplated. However, potential operational cost savings in Penn Power's service territory will be possible earlier than originally contemplated by virtue of the expanded and accelerated Solution Validation Stage and Full-Scale Deployment Stage operational cost savings will be similarly accelerated due to the earlier commencement of this stage. Therefore, the net projected operational cost savings is estimated to increase by approximately \$11 million on a nominal dollar basis, and by \$8 million on a NPV basis.

This analysis does not reflect any customer-specific benefits, such as integrated volt-var control, revenue assurance or time varying rates that may accrue to customers sooner than they otherwise would under the Original Deployment Plan.

Figure 4.9 summarizes the estimated costs and estimated operational cost savings under both the Original Deployment Plan and the Revised Deployment Plan:

**FIGURE 4.9 - ESTIMATED COSTS AND ESTIMATED OPERATIONAL COST SAVINGS
UNDER BOTH THE ORIGINAL DEPLOYMENT PLAN AND THE REVISED DEPLOYMENT PLAN
Output from SMIP Business Case Model**

	Capital Cost (A)	O&M Cost (B)	Total Cost (C) = (A) + (B)	Cost Savings (D)	Net Cost (E) = (C) - (D)
Scenario: Original Deployment Plan with Companies' Discount Rates					
Nominal	\$ 675,545,057	\$ 582,050,231	\$ 1,257,595,288	\$ 405,518,837	\$ 852,076,451
NPV	\$ 393,662,712	\$ 299,897,997	\$ 693,560,709	\$ 133,876,123	\$ 559,684,586
Scenario: Revised Deployment with Companies' Discount Rates					
Nominal	\$ 667,390,350	\$ 590,204,938	\$ 1,257,595,288	\$ 417,023,753	\$ 840,571,535
NPV	\$ 438,406,700	\$ 311,618,189	\$ 750,024,888	\$ 142,228,284	\$ 607,796,604
Scenario: Original Deployment Plan with Customer Discount Rate					
Nominal	\$ 675,545,057	\$ 582,050,231	\$ 1,257,595,288	\$ 405,518,837	\$ 852,076,451
NPV	\$ 658,920,060	\$ 563,621,001	\$ 1,222,541,061	\$ 386,459,773	\$ 836,081,288
Scenario: Revised Deployment Plan with Customer Discount Rate					
Nominal	\$ 667,390,350	\$ 590,204,938	\$ 1,257,595,288	\$ 417,023,753	\$ 840,571,535
NPV	\$ 654,414,560	\$ 572,022,644	\$ 1,226,437,204	\$ 397,924,450	\$ 828,512,754

CHAPTER 5. COST RECOVERY AND SELECTED REGULATORY ISSUES

This Chapter addresses cost recovery, bill impacts and other regulatory matters.

5.1 Riders and Costs

Consistent with provisions of Act 129, all four of the Companies have elected to recover smart meter technology costs on a full and current basis through a reconcilable automatic adjustment clause mechanism under Section 1307 of the Pennsylvania Public Utility Code.¹⁸ By order entered June 9, 2010 at Docket No. M-2009-2123950, Met-Ed, Penelec and Penn Power received Commission approval to recover smart meter technology costs through a reconcilable adjustment tariff rider called the Smart Meter Technologies Charge (“SMT-C”) Rider, which became effective August 1, 2010. By order entered June 30, 2011 at Docket No. M-2009-2123951, West Penn received Commission approval to recover smart meter technology costs through SMT-C Riders, which became effective September 1, 2011.¹⁹

Aside from a compliance tariff update to the text of the West Penn SMT-C Riders to include the remaining collection of \$5.1 million of costs incurred in 2009 and 2010 associated with the development of a smart meter plan, the Companies are not proposing any changes to the SMT-C Riders and intend to continue to recover through these riders the costs associated with this Revised Deployment Plan. The Companies anticipate this Revised Deployment Plan will be approved by the Commission by June 4, 2014.²⁰ Once this Plan is approved, the increased costs outlined in Chapter 4, along with the amount being collected in current SMT-C rates effective January 1, 2014 and the proposed SMT-C Rates proposed to be effective from July 1, 2014 through December 31, 2014, will be collected through the SMT-C Riders. As noted previously, Incremental costs of providing smart meters upon request to Early Adopters were addressed through a separate filing and have been approved by Commission Secretarial Letter dated December 21,

¹⁸ Pa.C.S. § 2807(f)(7).

¹⁹ As provided for in the July 29, 2010 Commission Order, at Docket No. M-2009-2123950, the Companies may seek to roll smart meter costs into base rates in the next distribution base rate case and the Commission will determine then whether to allow it. The Companies contended in their Petition for Reconsideration seeking reconsideration of the June 9, 2010 Order that, in the future, it may be desirable to roll existing smart meter costs into base rates while continuing to recover new smart meter costs through their reconcilable SMT-C Rider. If the Companies seek, and the Commission allows, smart meter costs to be rolled into base rates, the smart meter recovery surcharge would be reset to reflect the amount included in base rates so that the Companies are not recovering the same costs both through base rates and the surcharge.

²⁰ In its March 6, 2014 Order, the Commission indicated that it would rule on this revised deployment plan within 90 days of the date of the Order.

2012 at Docket Nos. R-2012-2332803, R-2012-2332776, R-2012-2332785, and R-2012-2332790.

The Companies' Commission-approved SMT-C Riders consist of non-bypassable SMT-C rates designed to collect smart meter technology costs projected to be incurred during each calendar year, as well as recoup or refund, as applicable, under- or over-collections of actual smart meter technology costs from prior periods. The SMT-C rates are calculated separately for the residential, commercial, and industrial customer classes, and are expressed as a monthly customer charge to all metered customer accounts except for the rate applicable to West Penn's residential customer class, which is expressed as a dollar per kilowatt-hour charge.

The SMT-C Rider has two components. One is the current cost of smart meter technology projected to be incurred during each calendar year (referred to as the "Computational Year"). The second component is the reconciliation or "E-factor".

The types of projected smart meter technology costs recoverable under the SMT-C Rider include O&M expenses expected to be incurred during the Computational Year, an allocated portion of projected indirect costs during the same period that benefit all customer classes, and capital revenue requirements for assets placed in service. These costs are reduced by measurable and sustainable reductions in O&M and avoided capital costs attributable to the implementation of smart meter technology. Costs specific to a customer class are allocated to each customer class based upon direct assignment, and prospective general costs are allocated to each of the Companies' respective customer classes based on the annual average number of meters in each class as of June 30th immediately preceding the Computational Year.

The E-factor component of the SMT-C Rider reconciles actual smart meter technology costs incurred by customer class to actual SMT-C revenues (excluding Gross Receipts Tax). The reconciliation is calculated monthly for each of the Companies and results in an over- or under-collection by customer class. The cumulative net balance per customer class, including interest, is included for recovery or refund.

SMT-C rates for all of the Companies are filed with the Commission by August 1st of each year, to be effective the following January 1st. Each of the Companies files with the Commission an annual report of collections under their respective SMT-C Rider within 30 days after June 30th.

5.2 SMT-C Rates

Met-Ed, Penelec and Penn Power. The SMT-C rates are flat rates that are calculated and stated separately for the residential, commercial and industrial customer classes. The rates are monthly, non-bypassable customer charges and are billed on that basis. Consistent with Commission Order entered June 9, 2010 at Docket No. M-2009-2123950, all customers eligible for the installation of a smart meter are charged a SMT-C, regardless of whether or not they currently have a smart meter installed at their premises.

The 2013 monthly SMT-C rates for these Companies' customers were as follows:

Med-Ed:

- Residential - \$0.96 per customer
- Commercial - \$0.96 per customer
- Industrial - \$1.05 per customer

Penelec:

- Residential - \$0.95 per customer
- Commercial - \$0.97 per customer
- Industrial - \$0.95 per customer

Penn Power:

- Residential - \$0.91 per customer
- Commercial - \$1.01 per customer
- Industrial - \$0.95 per customer

The 2014 monthly SMT-C rates for these Companies' customers currently are as follows:

Med-Ed:

- Residential - \$1.79 per customer
- Commercial - \$1.86 per customer
- Industrial - \$1.79 per customer

Penelec:

- Residential - \$1.74 per customer
- Commercial - \$1.82 per customer
- Industrial - \$1.74 per customer

Penn Power:

- Residential - \$1.61 per customer
- Commercial - \$1.72 per customer
- Industrial - \$1.62 per customer

As a result of the revised deployment schedule included in this plan, which increases the number of meters and related equipment and infrastructure to be built in Penn Power's service territory between mid-2014 and the end of 2015, the estimated costs to be incurred are understated. Therefore, the amounts to be recovered are being revised for the last half of 2014 to reflect this increase in spending. The proposed updated 2014 monthly SMT-C rates for these Companies' customers proposed to be effective from July 1, 2014 through December 31, 2014 are as follows:

Med-Ed:

- Residential - \$2.40 per customer
- Commercial - \$2.36 per customer
- Industrial - \$2.33 per customer

Penelec:

- Residential - \$2.39 per customer
- Commercial - \$2.39 per customer
- Industrial - \$2.31 per customer

Penn Power:

- Residential - \$2.99 per customer
- Commercial - \$3.08 per customer
- Industrial - \$2.98 per customer

West Penn. West Penn is also utilizing a SMT-C Rider and charging a SMT-C rate to metered customers during each billing month. Although commercial and industrial customers pay a flat monthly SMT-C rate, residential customers are charged a SMT-C rate based on the amount of electricity consumed. West Penn's SMT-C Rider recovers capital and O&M costs, provides West Penn with a return on capital investments, and collects costs and interest incurred in 2009 and 2010 associated with the development of a smart meter plan.

The 2013 monthly SMT-C rates for West Penn's customers were as follows:

- Residential - \$0.00276 per kWh charged on each customer's monthly bill
- Commercial - \$2.43 per customer per month

- Industrial - \$2.03 per customer per month

The 2014 monthly SMT-C rates for West Penn's customers currently are as follows:

- Residential - \$0.00303 per kWh charged on each customer's monthly bill
- Commercial - \$2.89 per customer per month
- Industrial - \$2.48 per customer per month

The proposed updated 2014 monthly SMT-C rates for West Penn's customers proposed to be effective from July 1, 2014 through December 31, 2014 are as follows:

- Residential - \$0.00438 per kWh charged on each customer's monthly bill
- Commercial - \$3.78 per customer per month
- Industrial - \$3.44 per customer per month

5.3 Customer Impacts and Other Regulatory Issues

Bill Impacts and Bill Presentment

The percentage impact on a typical customer's monthly bill for each of Met-Ed, Penelec, Penn Power, and West Penn's commercial and industrial customers is expected to be minimal since the rates are flat charges and are not based on kWh usage. The percentage impact to residential customers will vary based upon the magnitude of generation charges, but is expected to be minimal in comparison to total electric charges.

The Companies have analyzed and estimated the costs of this Deployment Plan over a 20 year period. The chart set forth below summarizes the estimated bill impacts by customer class over this period.

**Figure 5.1
Monthly Bill Impacts (Nominal)**

Op Co	Residential		Commercial		Industrial	
	Range	Average	Range	Average	Range	Average
Met-Ed	\$0.91 - \$4.59	\$2.36	\$0.96 - \$5.27	\$2.89	\$1.05 - \$6.24	\$3.52
Penn Power	\$0.44 - \$5.30	\$2.56	\$0.47 - \$6.35	\$3.09	\$0.78 - \$8.15	\$4.13
Penelec	\$0.76 - \$4.50	\$2.26	\$0.76 - \$4.50	\$2.72	\$0.95 - \$6.10	\$3.35
West Penn	\$0.70 - \$4.92	\$2.64	\$1.09 - \$5.73	\$3.27	\$2.03 - \$6.73	\$4.30

**Reflects charges on a kWh basis rather than a flat charge.*

Consistent with the Commission's March 6, 2014 Order, SMT-C charges will no longer be displayed as a separate line item on the customer's bill. For all metered customers, the Companies will eliminate that presentation and fold the SMT-C charge into the overall distribution rate effective July 1, 2014.

True-ups and Contingency

The return earned by the Companies through the SMT-C and SMT riders is only on capital investments associated with the smart meter solution included in this Deployment Plan. The return varies year to year and is based on the capital structure, with approximately half the weight on the return on equity and half the weight on the cost of debt. The capital structure, return on equity, preferred stock, and cost of debt utilized in the SMT-C Riders are calculated in accordance with Commission Order entered June 9, 2010 at Docket No. M-2009-2123950 for Met-Ed, Penelec and Penn Power; and the Commission Order entered June 30, 2011 at Docket No. M-2009-2123951 for West Penn.

To calculate each year's SMT-C rates, the Companies project the costs of implementing the Deployment Plan that are expected to be incurred during the Computational Year for each customer class. If the Companies spend more than they recover through the SMT-C Rider, the under-collection is collected through a customer class-specific reconciliation E-factor. If the Companies spend less than they recover through the SMT-C Rider, the over-collection is refunded through a customer class-specific reconciliation E-factor. Because the SMT-C Riders include a provision for an annual true-up to actual costs, the Companies do not incorporate any contingency into the yearly capital and O&M expenditure estimates.

West Penn Settlement Issues

In 2009 and 2010, West Penn incurred approximately \$45.1 million of costs associated with the development of a smart meter plan. As part of its 2009 SMIP case, West Penn was authorized to collect \$40 million of such costs through its SMT-C Rider. The remaining \$5.1 million was challenged by some of the parties involved in that proceeding, who questioned whether it was appropriate to recover the \$5.1 million through the SMT-C Rider. As part of the Joint Settlement, West Penn was permitted to file for and request recovery of these remaining costs in either its next distribution rate case and/or when it filed its smart meter deployment plan. West Penn elected the latter. Based on the Commission's March 6, 2014 Order in which recovery of these costs was authorized, the remaining \$5.1 million is included for recovery through the SMT-C Rider over the remaining 5.5 year amortization period (through February 28, 2017) previously approved by the Commission for recovery of the other \$40 million.

Legacy Meters

For meters that are removed or become obsolete due to the installation of smart meters ("Legacy Meters"), the Companies propose to retire the meters out of stock, continue their existing depreciation schedule unaltered over their remaining lives as a regulatory asset, and continue cost recovery through base rates. The rate base equivalent of the regulatory asset for Legacy Meters plus the Cost of removal net of Salvage will continue to be included in the respective Company's rate base. This protocol would have no current impact on customer rates. For accounting purposes, the Companies are asking the Commission to approve an accounting treatment that would allow them to create a "regulatory asset" for the Legacy Meters with a recovery schedule equal to the remaining depreciable lives of the assets per the Companies' depreciation records.

CHAPTER 6. COMMUNICATIONS CHANGE MANAGEMENT AND TRAINING

During the Assessment Period, the SMIP Team was divided into nine workstreams, including two that involved “External Communications and Consumer Awareness Strategies” and “Change Management and Training”. These teams combined efforts and developed an Internal and External Education and Communications Plan (“Comm Plan”), a Change Management Plan and a Training Plan. At the time of filing the Original Deployment Plan, vendors and technology were just recently selected, and construction of the smart meter infrastructure was not expected to begin until late 2013. As a result, the Companies indicated in the Original Deployment Plan their intent to complete these plans prior to such construction commencing. During the period between the close of the evidentiary hearing in May, 2013 and the end of 2013, the Companies developed a draft Comm Plan. It has been provided to all parties to the case and comments received to date have been incorporated. Consistent with the Commission’s March 6, 2014 Order, the Companies will host a stakeholder meeting during the second quarter of 2014 so as to provide interested parties the opportunity to provide input on the Comm Plan prior to it being filed with the Commission shortly thereafter.