

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**NOVEMBER 4, 2004 (GT)**

**10:00 A. M.**

**MAIN HEARING ROOM NO. 1  
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

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The Commission will act on various matters at today's meeting, which is open to the public. However, since adequate forums have been made available for public participation in cases before the Commission, there will be no opportunity for the public to address the Commission.

The attached agenda is complete at the time of issuance, but other items may be added and some stricken without further notice.

The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, its decision---except on routine, uncontested tariff filings---will be put in writing and served on the interested parties and made public at the time it is entered and served.

All public documents---such as orders, opinions, hearing transcripts, comments, initial and recommended decisions, and the like---relating to items on the agenda, may be examined in the Commission's File Room located in Room N-201, Second Floor, this Building.

**The Commissioners seated on the bench are:**

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
Kim Pizzigrilli	Robert K. Bloom	Wendell F. Holland	Glen R. Thomas	Vacancy

<b>BUREAU DIRECTORS AND MEMBERS OF THE LEGAL, TECHNICAL AND ADMINISTRATIVE STAFF OF THE COMMISSION</b>
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**THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.**

The Next Public Meeting is Tentatively Scheduled for Thursday, November 18, 2004 at 10:00 a.m.

**Minutes of the Meeting of September 30, 2004 (KP)**

**\*\*\*ANNOUNCEMENTS\*\*\***

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY NOVEMBER 18, 2004, AT 10:00 A.M., IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING, 400 NORTH STREET. AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.**

**THE COMMISSION WILL HOLD AN EXECUTIVE SESSION ON THURSDAY, NOVEMBER 4, 2004, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 10:30 A.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING. THE COMMISSION'S AGENDA WILL BE LIMITED TO:**

- 1. DISCUSSING PERSONNEL MATTERS.**
- 2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF ABOUT ACTIONS WHICH THIS COMMISSION IS LITIGATING BEFORE OTHER ADMINISTRATIVE AGENCIES OR COURTS.**
- 3. DISCUSSING CASES WHICH WILL BE COMMENCED OR ADJUDICATED BY COMMISSION ACTION.**
- 4. REVIEWING LEGALLY PRIVILEGED OR CONFIDENTIAL MATTERS.**
- 5. DISCUSSING COLLECTIVE BARGAINING ISSUES.**
- 6. CONSIDERING THE PURCHASE OR LEASE OF REAL ESTATE.**

**AN AGENDA FOR THE EXECUTIVE SESSION WILL BE DISTRIBUTED TO ALL COMMISSIONERS IN ADVANCE OF THIS SESSION. THIS NOTICE IS PROVIDED IN ACCORDANCE WITH ACT 84 OF 1986, KNOWN AS THE SUNSHINE ACT.**

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**A LISTING OF THE COMPLAINTS INITIATED BY THE COMMISSION'S ENFORCEMENT BUREAUS, DURING THE CURRENT MONTH, IS AVAILABLE FOR PUBLIC INSPECTION IN ROOM N-201, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING.**

**BUREAU OF TRANSPORTATION AND SAFETY**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>TSM-0204*</b>	<b>A-00095640 R-00040027</b>	<b>FRANK DELIVERY SERVICE, INC.,</b> Williamsport, Lycoming County. Increase in Rates. <b>RECOMMENDATION</b> that the 5 <sup>th</sup> Revised Page 39 to Tariff Freight Pa. PUC No. 54, 1 <sup>st</sup> Revised Page 39-A to Tariff Freight Pa. PUC No. 54, and 2 <sup>nd</sup> Revised Page 40 to Tariff Freight Pa. PUC No. 54 be approved to become effective on November 8, 2004.
<b>TSM-0205*</b>	<b>S.P. 28208</b>	Petition of <b>THE BROTHERHOOD OF UNIFIED TAXI DRIVERS/OWNERS</b> , requesting reconsideration Commission's June 10, 2004 Temporary Fuel Cost Recovery Surcharge Order. <b>RECOMMENDATION</b> that the Commission deny the petition.

**BUREAU OF AUDITS**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>AUD-0031</b>	<b>M-00041844 et al.</b>	<b>GAS COST RATES TO BECOME EFFECTIVE NOVEMBER 1, 2004</b> <b>RECOMMENDATION</b> that the Commission approve those rates reflected on Attachment A of AUD-0031 to become effective with service rendered on and after November 1, 2004, and that the respective gas utilities be notified by Secretarial letter.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>OSA-0246*</b> <b>(PP from 10/22/04)</b>	<b>C-20030684</b>	<b>CYNTHIA LEWIS v. PECO ENERGY COMPANY</b> On March 24, 2004, Cynthia Lewis filed a Petition for Reconsideration to the Order entered on March 15, 2004. The Complainant did not serve the Petition on PECO Energy Company. By Secretarial Letter dated September 15, 2004, the Respondent was served with the Complainant's Exceptions. On September 27, 2004, the Respondent filed an Answer. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Petition, consistent with the Opinion and Order.
<b>OSA-0251*</b> <b>(PP from 10/22/04)</b>	<b>C-00004009</b>	<b>RONALD WICKIZER v. LUZERNE COUNTY REDEVELOPMENT AUTHORITY, ET AL.</b> On August 19, 2004, PennDOT filed a Petition to Vacate the May 21, 2004 Secretarial Letter and for Reconsideration of the Commission's March 10, 2003 Opinion and Order. The Luzerne County Redevelopment Authority filed a Response to the Petition on September 20, 2004. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Petition.
<b>OSA-0252*</b>	<b>A-00113277</b>	<b>PA PUC v. OKEY CAB COMPANY</b> On July 10, 2003, BTS instituted a Complaint alleging that the Petitioner permitted its vehicle to operate while under suspension. On September 7, 2004, the Petitioner filed the instant Petition for Reinstatement. BTS did not file an Answer to the Petition. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order granting the Petition.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>OSA-0261*</b> <b>(PP from 10/22/04)</b>	<b>C-20028584</b>	<b>ABINGTON GARDENS CONDOMINIUM ASSOCIATION v. PENNSYLVANIA AMERICAN WATER COMPANY.</b> An Initial Decision was issued by ALJ Ember S. Jandebeur on July 28, 2004. On August 17, 2004, the Association filed Exceptions, with Reply Exceptions filed by PAWC on August 27, 2004. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Association's Exceptions and adopting the ALJ's Initial Decision.
<b>OSA-0262*</b> <b>(PP from 10/22/04)</b>	<b>C-20042867</b>	<b>MARTIN AND LISA HARBAUGH v. VERIZON PENNSYLVANIA INC.</b> An Initial Decision was issued by ALJ Nemeč on August 3, 2004. Exceptions were filed by Complainant on August 12, 2004. Service of the Complainant's Exceptions was effectuated through Commission Secretarial Letter dated September 3, 2004. Verizon PA filed Replies to the Exceptions on October 1, 2004 <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which <b>REMANDS</b> the matter to the ALJ.
<b>OSA-0269*</b>	<b>C-20030597</b>	<b>TAMMY L. PARSON v. PPL ELECTRIC UTILITIES CORPORATION</b> An Initial Decision was issued by ALJ Colwell on May 25, 2004. On June 14, 2004, the Complainant filed Exceptions. The Respondent filed Reply Exceptions on June 23, 2004. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Exceptions.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>OSA-0272*</b>	<b>A-00113582F0003</b>	<b>CONCORD LIMOUSINE, INC. T/A CONCORD COACH TAXI</b> On March 10, 2004, Applicant filed an Application seeking approval of the transfer to it of the rights held under Certificate issued to Airport Taxi Limousine & Courier Service of Lehigh Valley, Inc. On August 4, 2004, the Protestant filed Exceptions. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which <b>REMANDS</b> the matter to the ALJ.
<b>OSA-0277*</b>	<b>C-20030649</b>	<b>THOMAS HERBERT v. PECO ENERGY COMPANY</b> An Initial Decision was issued by ALJ Colwell on June 15, 2004. On July 6, 2004, the Respondent filed Exceptions. No Reply Exceptions were filed. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order granting the Exceptions.
<b>OSA-0281*</b>	<b>F-01061153</b>	<b>ALBERT BUONCRISTIANO v. PHILADELPHIA GAS WORKS</b> An Initial Decision was issued by ALJ Turner on September 8, 2004. On September 28, 2004, PGW filed Exceptions. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order granting the Exceptions and adopting the ALJ's Initial Decision as modified by the Opinion and Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>FUS-0418*</b> <b>(PP from 10/22/04)</b>	<b>A-311172</b> <b>A-311172 F0002</b>	Application filed February 12, 2002 by <b>CORDIA COMMUNICATIONS CORPORATION</b> for approval to offer, render, furnish, or supply telecommunication services as a Reseller of Interexchange Toll Services to the public in the Commonwealth of Pennsylvania and as a Competitive Local Exchange Carrier to in the service areas of Verizon PA and Verizon North. No protests were filed and no hearings were held. The Application was subsequently amended on June 9, 2003 and October 8, 2003. On January 21, 2004, in response to FUS staff requests, the Applicant submitted updated contact and financial data. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Order.
<b>FUS-0483*</b> <b>(PP from 9/30/04)</b>	<b>M-00031703</b>	<b>REPORT AND RECOMMENDATION OF THE EXTENDED AREA SERVICE TASK FORCE</b> By Secretarial Letter of April 3, 2003, the Commission created the EAS Task Force to review the Commission's EAS Regulations at §§63-.71-63.77 for revision; and report its finding to the Commission. <b>RECOMMENDATION</b> that the Commission adopt the proposed Rulemaking.
<b>FUS-0493*</b>	<b>A-310064 F0002</b>	Application filed on December 12, 2004 by <b>WORKING ASSETS FUNDING SERVICE, INC.</b> , for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier. On October 5, 2004, the applicant submitted a corrected page 5 to correct a deficiency. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.



**BUREAU OF FIXED UTILITY SERVICES**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>FUS-1050*</b>	<b>A-125133</b>	<p>Natural Gas Supplier License Application filed on August 26, 2004 by <b>ENERGYUSA-TPC, d/b/a ENERGY USA-TPC</b> for approval to offer, render, furnish or supply natural gas supply services to commercial, industrial and governmental customers in the service territory of Columbia Gas of Pennsylvania, Inc., within the Commonwealth of PA.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed Order.</p>
<b>FUS-1051 R*</b>	<b>R-00049714</b>	<p><b>PECO ENERGY COMPANY</b> Philadelphia, PA</p> <p>Supplement No. 58 to Tariff Electric-Pa PUC No. 3 filed on August 20, 2004, and voluntarily postponed to November 5, 2004 proposing changes to the tariff which add clarity to various tariff provisions as well as correct typographical errors.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed Order.</p>
<b>FUS-1053*</b>	<b>A-125134</b>	<p>Natural Gas Supplier License Application filed on August 26, 2004 by <b>VIRGINIA POWER ENERGY MARKETING INC, d/b/a DOMINION SALES AND MARKETING</b> for approval to offer, render, furnish or supply natural gas supply services to large commercial, industrial and governmental customers in the service territory of Columbia Gas of Pennsylvania, Inc.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed Order.</p>
<b>FUS-1054*</b>	<b>A-120700 F0006</b>	<p>Application filed on August 5, 2004 by <b>COLUMBIA GAS OF PENNSYLVANIA INC.,</b> for a Certificate of Public Convenience to lease property known as Stealth II Technology Center, located at 501 Technology Drive, Canonsburg, PA.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed Order.</p>

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>FUS-1056*</b>	<b>A-110500 F0348</b>	Letter of Notification filed on August 2, 2004 by <b>PPL ELECTRIC UTILITIES CORPORATION</b> pursuant to 52 Pa Code Chapter 57 with respect to the Mount Joy #2 138/69kV Tap Line to be constructed in the Borough of Mount Joy, Lancaster County, Pennsylvania. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1057*</b>	<b>P-00042131</b>	Petition filed October 8, 2004 by <b>COLUMBIA GAS OF PENNSYLVANIA, INC.</b> for Special Permission to file Supplement No. 63 to Tariff Gas-Pa. P.U.C. No. 9, to become effective November 1, 2004, modifying terms of its Choice Program. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1373*</b>	<b>S-00041015</b>	Securities Certificate filed on August 19, 2004 by <b>THE YORK WATER COMPANY</b> for the execution of a loan agreement in support of up to \$12 million of revenue bonds to be issued by the Pennsylvania Economic Development Financing Authority. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1385*</b>	<b>A-311097 F0005</b> <b>A-311270 F2000</b>	Joint Application filed on August 23, 2004 by <b>NETWORK US INC.</b> , d/b/a <b>CA AFFINITY</b> and <b>MOTION TELECOM, INC.</b> , for approval of an asset purchase agreement. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1388*</b>	<b>A-310649 F2000</b> <b>A-310503 F0003</b>	Joint Application filed on August 16, 2004 by <b>BELL SOUTH BSE, INC.</b> , and <b>BELLSOUTH LONG DISTANCE, INC.</b> , for approval of (a) the entry of BSE into service as a facilities-based CLEC, (b) the merger of BSE with and into BellSouth LD and (c) the abandonment of CLEC service by BSE. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>FUS-1389*</b>	<b>S-00041023</b>	Securities Certificates of <b>RCN TELECOM SERVICES OF PHILADELPHIA, INC.</b> for its guarantee of up to \$500 million under a credit facility to be issued by its parent, RCN Corporation. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1390*</b>	<b>A-310781 F0005</b>	Application filed on September 3, 2004 by <b>CHOICE ONE COMMUNICATIONS OF PA.,</b> for approval of transfer of control of ownership of its parent company. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1391*</b>	<b>S-00041024</b>	Application filed on October 8, 2004 by <b>AQUA PENNSYLVANIA, INC.,</b> for registration of Securities Certificate for issuance of First Mortgage Bonds in principal amount not to exceed \$14,000,000. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.

**LAW BUREAU**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>L-0072*</b>	<b>P-00032062; A-110400</b>	<b>FIRST ENERGY'S</b> Petition for a Temporary Waiver of Certain Universal Service Reporting Requirements of 52 Pa. Code §54.75; Joint Petitioners Objections to Tentative Order. <b>RECOMMENDATION</b> that the Commission adopt the draft Final Order overruling the objections and fining each of the <b>three</b> companies \$3,600.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>ALJ-0409*</b> <b>(PP from 10/22/04)</b>	<b>C-20030412</b>	<b>ROBERT HORAN v. PECO ENERGY COMPANY</b> On May 30, 2003, a complaint was filed alleging a service dispute. On July 16, 2003, an answer was filed. A hearing was held on May 27, 2004. <b>COMMISSION REVIEW</b> of ALJ Nguyen's Initial Decision dismissing the complaint.
<b>ALJ-0412*</b> <b>(PP from 10/22/04)</b>	<b>C-20042579</b>	<b>SARAH GUNTRUM v. DUQUESNE LIGHT COMPANY</b> On March 15, 2004, a complaint was filed. On April 2, 2004, an answer was filed. A hearing was held on August 3, 2004. <b>COMMISSION REVIEW</b> of ALJ Nemeč's Initial Decision sustaining the complaint in part.
<b>ALJ-0415*</b>	<b>C-20029153</b>	<b>JUDITH SESKY v. PA-AMERICAN WATER COMPANY</b> On December 21, 2002, a complaint was filed alleging a billing dispute. PAWC filed an answer and new matter on January 15, 2003. A hearing was held on August 1, 2003. <b>COMMISSION REVIEW</b> of ALJ Nemeč's Initial Decision dismissing the complaint with prejudice.
<b>ALJ-0416*</b>	<b>C-20032197</b>	<b>JAMES MADONNA v. COMCAST PHONE OF PENNSYLVANIA LLC</b> On December 12, 2003, a complaint was filed alleging a service dispute. Comcast filed an answer on January 20, 2004. A hearing was held on June 21, 2004. <b>COMMISSION REVIEW</b> of ALJ Nene's Initial Decision dismissing the complaint.
<b>ALJ-0417*</b>	<b>F-01117535</b>	<b>KATRINA MOLYNEAUX v. PPL ELECTRIC UTILITIES CORPORATION</b> On June 13, 2003, a complaint was filed alleging a billing dispute. On July 9, 2003, an answer was filed. A hearing was held on March 5, 2004. <b>COMMISSION REVIEW</b> of ALJ Jandebour's Initial Decision dismissing the complaint.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>ALJ-0418*</b>	<b>I-00040102</b>	<p><b>INVESTIGATION REGARDING THE METROPOLITAN EDISON COMPANY’S, et al. RELIABILITY PERFORMANCE ...</b></p> <p>The Commission, on January 16, 2004, entered an Investigation Order to investigate the reliability of service. Hearings were held. A Joint Petition for Settlement was submitted on September 29, 2004. <b>REVIEW</b> of ALJ Gesoff’s Recommended Decision approving the Settlement.</p>
<b>ALJ-0419*</b>	<b>R-00049424 R-00049424C0001</b>	<p><b>PA PUC, OCA, OSBA, et al. v. PFG GAS, INC. AND NORTH PENN GAS COMPANY</b></p> <p>On June 1, 2004, the Company filed its 1307(f) Statement to become effective December 1, 2004. On September 7, 2004, the parties filed the “Settlement of Rate Proceeding Pursuant to Section 1307(f)”. <b>REVIEW</b> of ALJ Nguyen’s Recommended Decision approving the Settlement.</p>
<b>ALJ-0420*</b>	<b>R-00049425 R-00049425C0001</b>	<p><b>PA PUC, OCA v. PG ENERGY, A DIVISION OF SOUTHERN UNION COMPANY/OCBA, PROCTER &amp; GAMBLE PAPER PRODUCTS CO., PGE INDUSTRIAL INTERVENORS (INTERVENORS)</b></p> <p>On May 28, 2004, the Company filed its 1307(f) Statement to become effective December 1, 2004. On August 27, 2004 a Joint Petition for Approval of Purchased Gas Cost Recovery was submitted. <b>REVIEW</b> of ALJ Smolen’s Recommended Decision approving the Settlement.</p>

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CARRY-IN AGENDA**

**NOVEMBER 4, 2004**

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>FUS-0491*</b>	<b>M-00930418</b>	<b>BEDFORD COUNTY's</b> 911 System Renewal Plan Home Office – Bedford, PA Request, filed August 18, 2004, that the Commission formally review the costs associated with the contribution rate of \$1.50 per access line per month. <b>RECOMMENDATION</b> that the contribution rate remain at \$1.50 for three years, consistent with the proposed Order.