

**Minutes of the  
Pennsylvania Public Utility Commission's  
Consumer Advisory Council**

**Meeting of July 28, 2015**

P.O. Box 3265

[www.puc.pa.gov](http://www.puc.pa.gov)

Harrisburg, PA 17105-3265

**Call to Order and Introductions**

Ralph Douglass called the meeting to order at 10 a.m. Chairman Tim Hennessey took over the meeting once he arrived.

The Council approved the May 26, 2015, minutes.

**Attendance**

The following members of the Council were present:

Tim Hennessey, Chairman  
Lillian Carpenter (telephone)  
Patrick Cicero  
Ralph Douglass  
Troy Geanopulos  
Rick Hick (telephone)

Bill Sterner (telephone)  
George Silvestri (telephone)  
Joe Toner (telephone)  
Lee Tolbert (telephone)  
Javier Toro

The following members of the Council were unable to be present:

Chad Quinn

Tina Serafini

Public Utility Commission Staff Present:

Joe Witmer, Chairman Brown's Office  
Terri Slocomb, Commissioner Cawley's Office  
Tom Charles, Office of Communications  
Cyndi Page, Office of Communications  
Lori Shumberger, Office of Communications  
Colin Scott, Law Bureau  
Tom Beene, Office of Legislative Affairs  
Paul Metro, Bureau of Investigation and Enforcement

Guests Present:

Nicole Gear, Energy Association of Pennsylvania  
Heather Yoder, Office of Consumer Advocate

## CAC Chairman and Vice Chairman Election

Tim Hennessey said it is customary to do the elections at the beginning of the first meeting of a new two-year Council term. Once the new Chairman and Vice Chairman are elected, the new Chairman will take over and run the meeting.

Ralph Douglass was elected Chairman. Tim Hennessey was elected Vice Chairman for the 2015-17 term.

## PA PowerSwitch Update

Cyndi Page, from the Office of Communications, was asked to give an update on changes to the PA PowerSwitch website.

Cyndi Page said there is a new page that more easily allows consumers to research formal complaints filed with the PUC. This site just went live on Monday, Aug. 27.

At the bottom of the PUC website, under the different utility types, is the “search for consumer complaints” link. Once on that page, consumers can look up a company by Utility Name or by Service Type (such as Electric Distributor or Electric Generator Supplier). Once you find the company, it will list all formal complaints, but does not list informal complaints.

Ralph Douglass said formal complaints are docketed and informal complaints are not. Cyndi Page agreed.

Links to Search for Consumer Complaints page will be on the PA PowerSwitch site soon.

A request was made to receive information on informal complaints for all utilities. Tom Charles said he would have Dan Mumford at a future meeting to cover this topic.

Cyndi Page said the PA PowerSwitch main page was redesigned. Consumers can add their zip code and find their utility company.

A results page will come up that will list how many suppliers are available for your area, how many are fixed, variable and renewable, and the price of the default rate to compare. There also is a “See Results” button that will take the consumer directly to the shopping page.

On the shopping page, the past prices tab is new to site. This tab shows pricing for the past two years by the electric distribution company (EDC). Consumers can review the EDCs past rates and make a better informed decision. There also is a message that states: Under the law, an EDC’s PTC (price to compare) may be adjusted quarterly, but is not seasonal. An EDC develops its PTC based on what the company pays for electricity during auctions held over a two-year period on the wholesale energy market.

Most of the default electric companies have a three-month rate except for PPL and Duquesne Light, which change on a six-month rate schedule.

There are additional Frequently Asked Questions (FAQ) added to the site. Some of the questions that consumers, media or legislators have asked are excellent questions and have been added to the FAQ page.

Cyndi Page said a new PAGasSwitch site will be built to mirror the PAPowerSwitch site and should go live in the first quarter of 2016.

Upcoming additions to the site include sorting by estimated monthly fees by a supplier.

Suppliers must inform consumers if there are any additional monthly fees by checking a box when they input the PTC on the back end of the website. The monthly fees are then calculated into the estimated price per month that shows on the shopping page. We are also adding two new questions on the FAQ page about monthly fees. When you hover over the question mark beside the estimated per month price, information also will appear that it included any additional monthly fees. There also are two notes that will be added to the page for the sort by drop down box:

1. Some suppliers have a monthly fee, which is not included in the kWh cost. Edit the "Monthly Usage" to get the best total estimate.
2. Some suppliers have a monthly fee, which is included in the estimated per month cost.

Ralph Douglass asked if consumers will know to hover over a word or section that leads the consumer to another link. Cyndi Page said yes, it is standard website practice.

Patrick Cicero asked if the monthly fee is included in the estimated price. Cyndi Page said yes, but it is not stated up front. Consumers will need to click on the question button to learn about the monthly fee.

Heather Yoder asked about the past prices and are they only for the EDCs? Cyndi Page said yes. Legislators directed the Commission to do this. This information should be on the suppliers' websites. Suppliers can choose where to put it on their own websites. The Commission chose a chart to easily see the changes in PTC. Also, when a new price goes on, the past prices will shift to keep only two years of information.

Patrick Cicero asked if the dots on the past prices chart mark when the price changed. Cyndi Page said yes. For PPL and Duquesne, their price to compare changes every six months, so there are fewer dots, but still a two year time period. When you hover over the dot, it tells you the date and PTC.

Patrick Cicero noticed the suppliers are listed in alphabetical order instead of lowest to highest prices. Why is this? Cyndi Page said there was a lot of discussion on the best way to list the suppliers. Tom Charles said one reason is, when customers would receive fliers or phone calls, it would be easier to look up the supplier's information.

Ralph Douglass asked if all suppliers are on the website. Cyndi Page said no, and some suppliers do not want to use our website – it's their business decision as to whether they

participate on PAPowerSwitch. The website allows suppliers to list up to three offers for each EDC.

Ralph Douglass asked if all suppliers are licensed. Cyndi Page said yes, all suppliers must be licensed with the Commission.

Cyndi Page said consumers and other suppliers will email the website about incorrect supplier information on PAPowerSwitch. The suppliers then are contacted and asked to check the website to make sure their information is up-to-date and correct.

Ralph Douglass asked if the suppliers must show the Commission their advertisement fliers. Cyndi Page said no, but the EDCs do.

Patrick Cicero said the improvements to the website are great.

Tom Charles said the PAPowerSwitch site has over a million visits a year.

Cyndi Page said the Commission now is on social media and promotes PAPowerSwitch through our Facebook and Twitter accounts.

## **PUC's Pipeline Jurisdiction**

Paul Metro, from the PUC Bureau of Investigation and Enforcement's, Gas Safety Division, was asked to give an update on the PUC's pipeline jurisdiction. In the packets is a copy of the presentation.

The division is responsible for enforcing federal and Commission pipeline safety regulations. Acting as an agent for the federal Office of Pipeline Safety and the U.S. Dept. of Transportation, we enforce the federal pipeline safety regulations as adopted by the PUC.

The division conducts frequent inspections of pipeline facilities and records of regulated gas utilities.

The division will investigate incidents that could include fires, explosions and major outages.

The type of fuels the PUC inspect is: natural gas; propane; hazardous liquids; and landfill gas.

The division has 15 engineers that handle the inspections of 47,561 miles of distribution main; 10,000 miles of transmission; and 26,595 miles of services.

There are 42 distribution operators and 104 gathering line operators/transmission operators the division must review.

Act 127 provides the PUC with legislative authority to enforce the state and federal pipeline safety regulations. Under this legislation, the PUC inspects gathering lines in Class 2, 3 and 4 locations, intra-state transmission lines, landfill pipelines, natural gas co-ops, hazardous liquid pipelines, propane distribution systems and Chambersburg Borough.

There are approximately 106 entities registered with approximately 11,000 total miles of pipeline registered. There are approximately 1,100 miles of jurisdictional pipeline and 64 new jurisdictional operators.

There are four classes to determine the pipeline.

Class 1 is either an offshore area or a location with 10 or fewer buildings intended for human occupancy.

Class 2 is more than 10, but fewer than 46 buildings intended for human occupancy.

Class 3 is 46 or more buildings intended for human occupancy, or where a pipeline lies within 100 yards of either a building or small, well-defined outside area that is occupied by 20 or more persons at least five days a week for 10 weeks in a 12-month period.

Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent. Most cities are a Class 4.

Paul Metro said the Department of Environmental Protection (DEP) has no jurisdiction on pipeline safety. Only the PUC has safety jurisdiction over Class 2, 3 and 4 pipelines. The PUC has jurisdiction on all interstate transmission pipelines for all classes. Pipeline Hazardous and Materials Safety Administration (PHMSA) has jurisdiction on all intrastate pipelines.

Under Act 127, the PUC has the right to inspect hazardous liquid pipelines but chose not to.

The Sunoco pipeline is a utility. The state has jurisdiction over public utilities. Sunoco has filed as a utility since 1952. Back in the 1950s, Sunoco was not sure what to file as and asked the PUC. At that time, the PUC told them to file as a public utility.

Sunoco is trying to get eminent domain for farmland. Since Sunoco is a public utility and a hazard pipeline, the PUC took jurisdiction on them. The PUC shares jurisdiction with PHMSA.

The PUC has met with Sunoco about the pipeline and will inspect the lines when the lines are being built. The pipelines will transport propane and other butane gases into Philadelphia.

Ralph Douglass asked which other agencies have jurisdiction over the Sunoco pipeline. Paul Metro said DEP will handle the environmental permit. The Federal Energy Regulatory Commission (FERC) has all pipeline siting jurisdiction.

How many pipelines are permitted on one right-away? Paul Metro said Sunoco's pipeline is full, so they are now laying pipes over and under their pipeline.

Joe Toner said there are many disgruntled people against Sunoco. With Sunoco trying to get eminent domain and is a utility, who is responsible to oversee the construction and

safety of the pipeline? Paul Metro said both the PUC and PHMSA will oversee the pipeline construction. Most of the disgruntled people are concerned citizens.

Joe Toner said there are people getting paid to be very vocal and fight Sunoco. Paul Metro said he has met with some of these people, and there is one extremely vocal lady. There are grants that are available to educate consumers on upcoming issues, but people are using them to pay people to picket sites.

Joe Toner said yes, it is causing a bigger problem. Paul Metro said he has talked with PHMSA about these grants.

Joe Toner said he would like more information on the Sunoco pipeline. Paul Metro gave his phone number and is willing to come and talk. Joe Toner thanked Paul Metro and said will get some dates.

George Silvestri asked if natural gas is a hazard liquid. Paul Metro said no.

Paul Metro said the Governor just set up a Pipeline Infrastructure Task Force to look into pipeline construction, pipeline siting and right-aways. Paul Metro said the Chairman is on the task force group, and he provides staffing.

## Legislative Update

Tom Beene, from the PUC's Office of Legislative Affairs, was asked to give an update on legislative activities.

The legislators are not in session, but should be back on Aug. 24. The budget was passed, but the Governor veto it. The legislators will be back if the budget gets settled prior to Aug. 24.

Chairman Brown will be testifying on Aug. 24, on House Bill 1417, the PA Universal Service Fund. This bill reviews the rural telephone access and universal service funds.

Andrew Place was nominated by the Governor in May, but has not been confirmed yet.

Tom Beene said Mary Isenhour will become the Governor's new Chief of Staff. She will be replacing Kathleen McGinty.

Tom Beene said PA One Call enforcement authority may be legislatively bestowed on the Commission. At this time, PA One Call is under Labor and Industry jurisdiction. This could be transferred to the PUC. Hopefully, it will be moving out of the House soon.

Ralph Douglass asked, if PA One Call is moved to the PUC, how it would work. Tom Beene said the PUC regulates natural gas and water, so it would be an easy fit. Under the PUC, there would be more enforcement.

Patrick Cicero asked if Commission Cawley could serve through September. Tom Beene said yes.

Patrick Cicero asked if there are other bills in the House or Senate. Tom Beene said he was not sure. Patrick Cicero mentioned House Bill 1349, an Act amending Title 66, which will be on the calendar for Sept. 2.

Patrick Cicero asked about a bill dealing with resorts and water. Tom Beene said municipalities have their own water authorities and can raise rates as needed, but some small towns and small municipalities would like to get out of the utility business. There are concerns about this bill. He is not sure if it will move.

## **Council Responsibilities and Regulations and PUC's Jurisdictions**

Colin Scott, from the PUC's Law Bureau, was asked to give a presentation on the Council's responsibilities and regulations, and what the PUC has jurisdiction over.

In the packet are two handouts on the Council responsibilities and regulations.

Colin Scott said he has been with the Commission since 2012, and has been support staff for the Council since 2014 when Joe Witmer joined Chairman Brown's staff.

Colin Scott said the function of the Council is to represent the public on matters within the Commission's jurisdiction or authority to regulate. The Council can do this by providing information to the Commissioners through meetings, minutes and motions.

The Council was created by Regulations at 52 Pa. Code § 91. The Council exists under the Commission as an advisory body.

The Council can bring consumer inquiries or concerns and ratepayers' recommendations to the Commission.

Colin Scott stated the Council's minutes and agendas are on the PUC's website, and Commissioners staff receives the minutes.

The Commission is governed by Title 66 (the Public Utility Code) of the Pennsylvania Consolidated Statutes, and practice and procedure before the Commission is governed by Title 52 of the Pennsylvania Code. A "public utility" is defined at 66 Pa. C.S. § 102 and the Commission is granted general administrative power and authority to supervise and regulate these entities in Section 501.

The Commission has jurisdiction over electric, natural gas, public water, public wastewater, telephones, passenger transits, taxis, limousines, railroads, railroad bridges and crossings, and pipeline transportation and safety.

The Council also may want to refer to the Commission's mission statement to explain the Commission's responsibilities.

Colin Scott said the question was asked about how the Council could better serve consumers. He said Tom Charles recommended the Council members reach out to their consumers to bring back their concerns.

In 2014, the Council formed a subcommittee to discuss issues that should be brought before the Commission. The Council submitted two comments, one regarding the paper billing fee and the other regarding Chapter 14 medical certifications.

Colin Scott said the Council members are appointed for a two-year term and can be reappointed without limits. There are six members that are executive or legislative appointments, and the rest are Commission "at-large" appointments to ensure geographic diversity.

The Council must appoint a Chairman and Vice Chairman at the beginning of the new term.

There must be a quorum for each meeting. Quorum is half the members plus one.

Ralph Douglass brought up the one vacancy, because the Governor has not appointed anyone yet. What is the total amount that can be on Council? Tom Charles said there is not a set number, but he tries to keep the number to 12 or 13 members.

Colin Scott said all new appointees must be reviewed to verify that they are eligible to serve. An appointee cannot work with a public utility or hold a paid appointive or elective office of the Commonwealth.

The meetings must be held no less than quarterly. Meetings are open to the public.

Council members do not receive a salary for their time, but will be reimbursed for all necessary expenses and travel.

## **Future Agenda Items**

George Silvestri sent an article on mechanic engineering of fracking and non-water substances. There is a lot of heat on this topic. Please read over the article and provide some feedback.

Ralph Douglass said they did talk about this article, and Tom Charles said fracking and water issues are under the jurisdiction of the DEP. Tom Charles said the article is in the packets, and he would rather not bring in other agencies to the meetings particularly on matters not under our jurisdiction.

Patrick Cicero said there is a disconnect with the Commissioners on fracking, economic development and prices. The Council needs to be aware of these issues. The Commissioners are talking about this issue as it relates to economic development. Ralph Douglass asked if the Council can reach out for more information. Tom Charles said he would like to leave it to George Silvestri to keep the Council informed.



Ralph Douglass asked if a Commissioner could attend an upcoming meeting. Tom Charles said he would reach out to Chairman Brown and the new Commissioner once he starts.

Ralph Douglass asked the subcommittee group to be aware of the concerns that your consumers have.

Ralph Douglass asked if there is a PA map that shows where each Council members lives.

George Silvestri suggested sending Harry Geller something for his dedication and long term with the Council. Ralph Douglass said but the Council could do a letter of thanks. Ralph Douglass said, when he reviewed all the Council's actions, he found that Harry Geller had made the most motions over the years.

Tom Charles said Tim Hennessey and Chairman Brown signed a PUC certificate of Thanks that will be sent to both Harry Geller and Michael Bannon.

Patrick Cicero said the Pennsylvania Utility Law Project (PULP) works with clients that are Customer Assistance Program (CAP) customers about shopping for electric suppliers. CAP customers should be able to shop, but need to be under the price to compare. There needs to be a ceiling on the price for CAP customers. The Commission does not have the authority to do it. The Commonwealth Court just made a legal determination on this. The Court could craft a ruling that states the Commission can do this. The final ruling should be known in a couple of days. This may be something the Council should take a view on.

Ralph Douglass asked if there is a document on this. Patrick Cicero said yes, he could send this out to the Council.

The next meeting for the CAC will be held at 10 a.m. Sept. 22, 2015, in the Executive Chambers of the Commonwealth Keystone Building.

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