

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

OCTOBER 22, 2004 (RB)

10:30 A. M.

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

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:

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

BUREAU DIRECTORS AND MEMBERS OF THE LEGAL, TECHNICAL AND ADMINISTRATIVE STAFF OF THE COMMISSION
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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 4, 2004 at 10:00 a.m.

Minutes of the Meeting of September 10, 2004 (GT)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY NOVEMBER 4, 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 FRIDAY, OCTOBER 22, 2004 AT 1:00 P.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.

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

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
TSM-0191* 4-0	A-00118970C0401 ET AL	NINE Commission Orders defaulting BUREAU OF TRANSPORTATION AND SAFETY instituted complaints alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION that the Commission adopt the orders directing that the complaints be sustained and that the certificates be cancelled, and that some be fined \$100.
TSM-0195* 4-0	A-00120378	Application of ALFONZO M. LOGAN, t/a WE ARE BLESSED LIMOUSINE SERVICE , Philadelphia County, to transport as a common carrier, persons in paratransit service. RECOMMENDATION that the Commission adopt the proposed order approving the application.
TSM-0197* 4-0	A-00120858	Application of SOUTH MOUNTAIN VOLUNTEER FIRE CO. , South Mountain, Franklin County, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service. RECOMMENDATION that the Commission adopt the proposed order approving the application.
TSM-0198* 4-0	S.P. 28208	Investigation of the merits of continuation of the FUEL COST RECOVERY SURCHARGE for call or demand, paratransit and airport transfer carriers. RECOMMENDATION that the Commission allow call or demand, paratransit and airport transfer carriers to continue utilizing the Fuel Cost Recovery Surcharge.
TSM-0199* 4-0	A-00120037, F.2	Application of JOANNA OVIEDO , Harrisburg, Dauphin County, to transport as a common carrier, persons in airport transfer service. RECOMMENDATION that the Commission adopt the proposed order dismissing the application for lack of prosecution.

BUREAU OF TRANSPORTATION AND SAFETY

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
TSM-0200* 4-0	A-00086705, F.2, F.2 AMA R-00049891	POSTEN TAXI, INC. , Wilkes-Barre, Luzerne County. Increase in Rates. RECOMMENDATION that Tariff Call or Demand Pa. PUC No. 14, be suspended, and that the carrier be offered the alternative of adopting a tariff reflecting a 13.68% increase in rates as recommended by the Bureau of Transportation and Safety.
TSM-0201* 4-0	A-00111371C0301 A-00111371	Rescission of the \$100 fine in the Order at Docket No. A-00111371C0301, ANTHONY FARDA, t/d/b/a FARDA LANDSCAPING & EXCAVATING , Monroe County. RECOMMENDATION that the Commission rescind the one hundred dollar (\$100) fine assessed to Anthony Farda, t/d/b/a Farda Landscaping & Excavating at Docket No. A-00111371C0301 on November 13, 2003.
TSM-0202* Commissioner Pizzigrilli motion passed 4-0	A-00121116, F.6000(ETA)	Application of L & L TRANSPORTATION COMPANY, LLC , Mt. Holly Springs, Cumberland County, for emergency temporary authority: <u>SO AS TO PERMIT</u> the transportation of work release inmates for Cumberland County from the facilities of Cumberland County Prison, Middlesex Township, Cumberland County. RECOMMENDATION that the Commission adopt the proposed tentative decision denying the emergency temporary authority exceptions to be filed within twenty (20) days of the entry of the order.
TSR-0020* 4-0	A-00120162	Application of the DEPARTMENT OF TRANSPORTATION for approval of the crossing (DOT 504 621 P) where S. R. 4087 crosses, at grade, the tracks of Allegheny Valley Railroad, located in New Kensington, in Westmoreland County; and the allocation of costs incident thereto. RECOMMENDATION that the Commission adopt an Order approving the right-of-way plan and appropriate property.

BUREAU OF AUDITS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
AUD-0028	D-02CTC055	PECO ENERGY COMPANY Philadelphia, PA Auditor's Report on the Competitive Transition Charge and the Intangible Transition Charge for the twelve months ended January 31, 2003, which contained no findings. RECOMMENDATION to release the Audit Report.
4-0		

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0228* 4-0	C-20030668	JOHN PRIATKO v. WEST PENN POWER COMPANY An Initial Decision was issued by ALJ Larry Gesoff on December 15, 2003. On January 5, 2004, the Complainant filed Exceptions to the Initial Decision. On September 29, 2004, West Penn filed Reply Exceptions. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which denies the Complainant's Exceptions, and adopts the Initial Decision to the extent that it is consistent with the Opinion and Order.
OSA-0233* (PP from 9/30/04) Vice Chairman Bloom motion passed 4-0	Z-01417035	EDWARD DUGAS v. PECO ENERGY COMPANY On June 30, 2004, an Initial Decision was issued by ALJ Ky Van Nguyen. On July 19, 2004, the Respondent filed Exceptions to the Initial Decision. The Complainant did not file Reply Exceptions. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which denies the Respondent's Exceptions and adopts the ALJ's Initial Decision to the extent consistent with the proposed Opinion and Order.
OSA-0237* 4-0	C-20015825	WANDA AUSTIN v. VERIZON PENNSYLVANIA INC. On July 31, 2003, the Recommended Decision of ALJ James D. Porterfield was issued. Exceptions were filed by the Complainant on August 30, 2003 and Reply Exceptions were filed by Verizon PA on September 30, 2003. Also, on September 30, 2003, Verizon PA filed a Motion to Strike the Exceptions of Wanda Austin. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which denies the Complainant's Exceptions, grants Verizon PA's Motion to Strike and adopts the ALJ's Initial Decision, consistent with the proposed Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
<p>OSA-0242* (PP from 9/30/04)</p> <p>Vice Chairman Bloom motion passed 4-0</p>	P-00042088	<p>Petition of VERIZON PENNSYLVANIA INC. for Resolution of a Dispute With CTSI, LLC Pursuant to the Abbreviated Dispute Resolution Procedures. Petition for Reconsideration of the Commission's July 9, 2004 Order, filed by CTSI, LLC. Verizon filed an Answer in opposition.</p> <p>RECOMMENDATION that the Commission deny the Petition, consistent with the proposed Opinion and Order.</p>
<p>OSA-0245*</p> <p>Vice Chairman Bloom motion passed 4-0</p>	C-20032015	<p>DONALD J. DAVIS v. THE PEOPLES NATURAL GAS COMPANY, D/B/A DOMINION PEOPLES</p> <p>An Initial Decision was issued on August 3, 2004, by ALJ Meehan. On August 20, 2004, the Complainant filed Exceptions.</p> <p>RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order granting the Exceptions and REMAND this matter to the OALJ for further proceedings.</p>
<p>OSA-0246*</p> <p>Postponed by Vice Chairman Bloom until PM 11-4-04</p>	C-20030684	<p>CYNTHIA LEWIS v. PECO ENERGY COMPANY</p> <p>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.</p> <p>RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which denies the Petition, consistent with the Opinion and Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0250* 4-0	F-01305342	<p>GARY BENNETT v. PECO ENERGY COMPANY</p> <p>On March 16, 2004, ALJ Debra Paist issued an Initial Decision. On April 4, 2004, Gary Bennett filed Exceptions, but did not serve a copy of the Exceptions on PECO Energy Company. By Secretarial Letter dated April 23, 2004, the Respondent was served a copy of the Exceptions. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision, consistent with the Opinion and Order.</p>
OSA-0251* Postponed by Commissioner Pizzingrilli to PM 11-4-04	C-00004009	<p>RONALD WICKIZER v. LUZERNE COUNTY REDEVELOPMENT AUTHORITY, ET AL.</p> <p>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. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order denying the Petition.</p>
OSA-0254* 4-0	C-00003242	<p>ROBERT S.J. NIGRO v. PPL ELECTRIC UTILITIES CORPORATION</p> <p>Petition for Reconsideration of the Commission's April 16, 2004 Opinion and Order, filed by Complainant on June 1, 2004. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Petition for Reconsideration.</p>
OSA-0255* 4-0	A-311080F7002	<p>Joint Petition of the United Telephone Company of Pennsylvania, d/b/a SPRINT, and CRICKET COMMUNICATIONS, INC. for Approval of a Commercial Mobile Radio Services Agreement Under §§251 and 252 of the Telecommunications Act of 1996. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order approving the Agreement.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0256 2 nd R* 4-0	A-311328F7000	Joint Petition of VERIZON PENNSYLVANIA INC. and INTERGLOBE COMMUNICATIONS INC. for Approval of an Interconnection Agreement and Amendment No. thereto Under Section 252(e) of the Telecommunications Act of 1996 RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition thereby approving the Agreement and Amendment.
OSA-0257* 4-0	A-311314F7000	Joint Petition of VERIZON PENNSYLVANIA INC. and OLCR, INC. for Approval of the Adoption of an Interconnection Agreement Under Section 252(i) of the Telecommunications Act of 1996 RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.
OSA-0258* 4-0	A-311314F7001	Joint Petition of VERIZON NORTH INC. and OLCR, INC. for Approval of the Adoption of an Interconnection Agreement Under Section 252(i) of the Telecommunications Act of 1996. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.
OSA-0259* 4-0	A-311315F7000	Joint Petition of VERIZON PENNSYLVANIA INC. and ENDLESS MOUNTAINS WIRELESS, LLC for Approval of an Interconnection and Traffic Interchange Agreement for Commercial Mobile Radio Services Under Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0260* 4-0	A-311315F7001	Joint Petition of VERIZON NORTH INC. and ENDLESS MOUNTAINS WIRELESS, LLC for Approval of an Interconnection and Traffic Interchange Agreement for Commercial Mobile Radio Services Under Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.
OSA-0263* 4-0	F-01324116	SABRINA WILLIAMS v. PHILADELPHIA GAS WORKS On May 25, 2004, ALJ Herbert Smolen's Initial Decision was issued. On June 14, 2004, Ms. Williams filed Exceptions to the Initial Decision. On July 8, 2004, PGW filed Reply Exceptions. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order, which grants in part and denies in part, the Exceptions of the Complainant.
OSA-0264* 4-0	C-00970252 A-211945F0002	Petition of MILL CREEK WATER COMPANY for Amendment of a Commission Order to Reduce a Civil Penalty. On August 6, 2004, Mill Creek filed a Petition to Amend our Opinion and Order entered July 10, 1997 to reduce the civil penalty imposed from \$1,000 per day for the period August 29, 1995, to July 14, 1997, or approximately \$685,000 to \$1,000. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which grants the Petition.
OSA-0267* 4-0	C-20030777	MAURICE BURWELL v. PHILADELPHIA GAS WORKS On August 1, 2004, the Complainant filed a Petition for Reconsideration of the Order, but did not serve a copy upon PGW. The Petition was served upon PGW by Secretarial Letter dated September 24, 2004. RECOMMENDATION that the Commission adopt the proposed Opinion and Order which denies the Complainant's Petition

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0268* 4-0	P-00032071	<p>Petition of DUQUESNE LIGHT COMPANY for Approval of Plan for Post-Transition Provider of Last Resort Service; Petition for Clarification of Direct Energy.</p> <p>On September 7, 2004, Direct Energy filed a Petition for Clarification of the Order entered on August 23, 2004. Duquesne filed an Answer to the Petition on September 17, 2004. On October 5, 2004, the Commission entered an Opinion and Order which granted, in part, reconsideration of the August 23rd Order. That grant of reconsideration did not resolve or otherwise impact Direct Energy's Petition for Clarification</p> <p>RECOMMENDATION that the Commission deny Direct Energy's Petition for Clarification, consistent with the proposed Opinion and Order.</p>
OSA-0270* Joint motion of Chairman Holland and Vice Chairman Bloom approved 3-1 with Commissioner Thomas dissenting and issuing statement.	A-140001F2001	<p>In re: Application of SUNOCO PIPELINE L.P. for Issuance of a Certificate of Public Convenience and such other approvals, evidencing approval of the abandonment of a portion of its pipeline along the Montello to Kingston line from Montello to Hunlock Junction</p> <p>On July 23, 2004, the Commission issued the Recommended Decision of ALJ Turner. On August 12, 2004, Sunoco filed Exceptions to the Recommended Decision. On August 19, 2004, Artex filed Reply Exceptions.</p> <p>RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order denying the Exceptions.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0271*	C-20032257	PINTO'S 5500, INC. C/O MARY ANN PINTO V. PECO ENERGY COMPANY On July 15, 2004, ALJ Herbert Smolen issued an Initial Decision. On August 3, 2004, the Complainant filed Exceptions, but failed to serve a copy upon PECO. Exceptions were served upon PECO by Secretarial Letter dated August 26, 2004. PECO filed Reply Exceptions on September 7, 2004. RECOMMENDATION that the Commission adopt the proposed draft Opinion and Order which denies the Complainant's Exceptions, and adopts the Initial Decision to the extent consistent with the proposed draft Opinion and Order
4-0		

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-0448 R* 4-0	P-00981430 M-311050F2003 ADR	DENVER & EPHRATA TELEPHONE & TELEGRAPH COMPANY Ephrata, PA Biennial Update to the Network Modernization Plan and 2003 Annual Depreciation Report Filing, submitted July 30, 2003. RECOMMENDATION that the Commission approve the filing, consistent with the proposed Order.
FUS-0467* 4-0	A-311287	Application filed on October 14, 2003, by AMERICAN TELECHARGE, INC. for approval to offer, render, furnish or supply telecommunications services as a Competitive Local Exchange Carrier to the public in the Commonwealth of Pennsylvania. RECOMMENDATION that the Commission adopt the proposed draft Order.
FUS-0468 R* 4-0	A-311133 A-311133 F0002 A-311133 F0003 A-311133 F0004	Applications filed August 8, 2001 by UNITED SYSTEMS ACCESS TELECOM, INC. , for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services, a Competitive Local Exchange Carrier, a Switched Access Provider and a Facilities-based Interexchange Toll Carrier. RECOMMENDATION that the Commission adopt the proposed Order.
FUS-0482* 4-0	A-310999 F2000	IDS TELECOM LLC Miami, Florida Application filed on September 3, 2004 seeking Commission approval of the company's Discontinuance and Abandonment of Interexchange Telecommunications Resale Services to the public in the Commonwealth of Pennsylvania, and Competitive Local Exchange Carrier services within the service territories of Verizon Pennsylvania, Inc., Verizon North, Inc., and United/Sprint Telephone of Pennsylvania. RECOMMENDATION that the Commission adopt the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-0486 R* 4-0	P-00032047 P-00981423	ALLTEL PENNSYLVANIA, INC. Kittanning, PA On May 30, 2003, ALLTEL filed a Petition for recognition of an exogenous event under its Alternative Regulation Plan along with its annual Price Stability Index/Service Price Index report for the year 2003. On June 6, 2003, the Office of Trial Staff and the Office of Consumer Advocate, respectively, filed Formal Complaints. The Office of Small Business Advocate filed a Notice of Intervention on June 11, 2003. A Settlement Agreement was filed on July 22, 2004. RECOMMENDATION that the Commission adopt the proposed Tentative Order.
FUS-0487 R* 4-0	P-00032032 P-00981428	BUFFALO VALLEY TELEPHONE COMPANY Ephrata, PA On April 30, 2003, Buffalo Valley filed a Petition for recognition of an exogenous event under its Alternative Regulation Plan along with its annual Price Stability Index/Service Price Index report for the year 2003. On May 9, 2003 and May 13, 2003, the Office of Trial Staff and the Office of Consumer Advocate, respectively, filed Formal Complaints. The Office of Small Business Advocate filed a Notice of Intervention on May 19, 2003. A Settlement Agreement was filed on July 22, 2004. RECOMMENDATION that the Commission adopt the proposed Tentative Order.

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-0488 R* 4-0	P-00032033 P-00981429	CONESTOGA TELEPHONE AND TELEGRAPH COMPANY Ephrata, PA On April 30, 2003, Conestoga filed a Petition for recognition of an exogenous event under its Alternative Regulation Plan along with its annual Price Stability Index/Service Price Index report for the year 2003. On May 9, 2003 and May 13, 2003, the Office of Trial Staff and the Office of Consumer Advocate, respectively, filed Formal Complaints. The Office of Small Business Advocate filed a Notice of Intervention on May 19, 2003. A Settlement Agreement was filed on July 22, 2004. RECOMMENDATION that the Commission adopt the proposed Tentative Order.
FUS-0489 R* 4-0	P-00032034 P-00981430	DENVER AND EPHRATA TELEPHONE AND TELEGRAPH COMPANY Ephrata, PA On April 30, 2003, Denver & Ephrata filed a Petition for recognition of an exogenous event under its Alternative Regulation Plan along with its annual Price Stability Index/Service Price Index report for the year 2003. On May 9, 2003 and May 13, 2003, the Office of Trial Staff and the Office of Consumer Advocate, respectively, filed Formal Complaints. The Office of Small Business Advocate filed a Notice of Intervention on May 19, 2003. A Settlement Agreement was filed on July 22, 2004. RECOMMENDATION that the Commission adopt the proposed Tentative Order.

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-0490 R* 4-0	P-00032038 P-00981437	<p>NORTH PITTSBURGH TELEPHONE COMPANY Gibsonia, PA</p> <p>On April 30, 2003, North Pittsburgh filed a Petition for recognition of an exogenous event under its Alternative Regulation Plan along with its annual Price Stability Index/Service Price Index report for the year 2003. On May 9, 2003 and May 13, 2003, the Office of Trial Staff and the Office of Consumer Advocate, respectively, filed Formal Complaints. The Office of Small Business Advocate filed a Notice of Intervention on May 19, 2003. A Settlement Agreement was filed on July 22, 2004. RECOMMENDATION that the Commission adopt the proposed Tentative Order.</p>
FUS-0852* 4-0	A-212285 F0117	<p>Application filed August 18, 2004 by PENNSYLVANIA-AMERICAN WATER COMPANY and SNOWSHOE at MT. POCONO CONDOMINIUM ASSOCIATION for approval of 1) the transfer, by sale of the water works and rights of Snowshoe to PA American and 2) the commencement by PA American of water service to the public in an additional portion of Mount Pocono Borough, Monroe County, PA. No Protests or Motions were received, no Hearings were held. Proofs of publication and service to appropriate entities were filed. RECOMMENDATION that the Commission adopt the proposed Order.</p>
FUS-1368* 4-0	A-311330	<p>Application filed August 3, 2004 by COGNIGEN NETWORKS INC., for approval to offer, render, furnish or supply telecommunication services as a reseller of Interexchange Telecommunications Services to residential and business customers in the Commonwealth of Pennsylvania. RECOMMENDATION that the Commission adopt the proposed Order.</p>

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-1369 R* 4-0	S-00041013	Securities Certificate filed on May 17, 2004 by VERIZON PENNSYLVANIA INC. for the issuance of private placement notes or debentures in a principal amount not to exceed \$2.0 billion. RECOMMENDATION that the Commission adopt the proposed Order.
FUS-1370* 4-0	A-310200 F0010	Application filed on August 9, 2004 by VERIZON PENNSYLVANIA, INC. , for approval of the transfer by sale, of vehicles to Verizon Delaware, Inc., and Verizon Maryland, Inc. RECOMMENDATION that the Commission adopt the proposed Order.
FUS-1374* 4-0	A-311332	Application filed on August 10, 2004 by ABS-CBN for approval to offer, render, furnish or supply telecommunications services as a reseller of interexchange telecommunications services to residential and business customers in the Commonwealth of Pennsylvania. RECOMMENDATION that the Commission adopt the proposed Order.
FUS-1380* 4-0	A-311331 A-310751 F2000 A-310758 F2000	Joint Application filed on July 23, 2004 by XO COMMUNICATIONS SERVICES, INC. , to provide telecommunications services in PA, and approval of a corporate change in which XO Pennsylvania, Inc., and Allegiance Telecom of Pennsylvania, Inc., merge into XO Communications Services Inc., RECOMMENDATION that the Commission adopt the proposed Order.
FUS-1381 4-0	M-00041856	The Bureau of Fixed Utility Services has completed the QUARTERLY EARNINGS REPORT to the Commission regarding Quarterly Earnings of Pennsylvania Utilities for the Quarter Ended June 30, 2004. RECOMMENDATION that the Commission make the Earnings Report public.

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-1383* 4-0	A-310630 F2000 A-311258 F0002 A-311258 F0003	Joint Application of CORVIS CORPORATION, BROADWING COMMUNICATIONS, LLC and FOCAL COMMUNICATION CORPORATION OF PA for transfer of all customers and assets of Focal-PA to Broadwing, the subsequent abandonment of service by Focal-PA and the entrance of Broadwing as a CLEC and a CAP. RECOMMENDATION that the Commission adopt the proposed Order.
FUS-1384* 4-0	A-311335	Application filed August 23, 2004 by EXPEDIENT CARRIER SERVICES, LLC for approval to offer, render, furnish or supply telecommunication services as a reseller of interexchange telecommunication services to residential and business customers in the Commonwealth of Pennsylvania. RECOMMENDATION that the Commission adopt
FUS-1386* 4-0	R-00049811	On September 20, 2004, INDIAN SPRINGS WATER COMPANY filed Supplement No. 13 to Tariff Water-Pa. PUC No 6 proposing an increase in rates of \$1,787 to become effective September 30, 2004. This rate increase is solely a consequence of an increase in the Public Utility Rate Tax Adjustment (PURTA) rate, which increases the STAS by 13.51% from 48.25% to 61.76%. RECOMMENDATION that the Commission adopt the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-1387* 4-0	R-00049367	<p>On September 11, 2004, EMPORIUM WATER COMPANY filed Supplement No. 18 to Tariff Water-Pa. PUC No. 5 pursuant to the Commission's August 5, 2004 Tentative Order. This filing replaces Supplement No. 17 to Tariff Water-Pa PUC No 5 and proposes an increase in rates of \$9,119 to become effective September 21, 2004. The rate increase is solely a consequence of changes reflected in the 2003 Public Utility Realty Tax Adjustment (PURTA) rate, which increases the STAS by 0.72% from 18.29% to 19.01%.</p> <p>RECOMMENDATION that the Commission adopt the proposed Order.</p>

COMBINED BUREAU AGENDA

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
FUS-1049* 4-0 Statement Chairman Holland	R-00049656	NATIONAL FUEL GAS DISTRIBUTION CORP. Supplement No. 44 to Tariff Gas-Pa. P.U.C. No. 9, filed September 15, 2004, to become effective November 14, 2004, proposing an annual increase in rates of \$22.78 million. RECOMMENDATION that the Commission institute an Investigation of the Tariff and suspend the filing until June 14, 2005; and that the case be assigned to the OALJ, consistent with the proposed Order.
OTS-19 4-0 Statement Chairman Holland	R-00049656	NATIONAL FUEL GAS DISTRIBUTION CORP. Supplement No. 44 to Tariff Gas-Pa. P.U.C. No. 9, to become effective November 14, 2004, proposing an annual increase in rates of \$22.78 million. RECOMMENDATION that the Commission institute an Investigation and allow the filing to be suspended by operation of law for a period of seven months.
FUS-1052* 4-0 recommendation rejected	R-00049757	NATIONAL FUEL GAS DISTR. CORP. Supplement No. 43 to Gas-Pa. P.U.C. No. 9, filed August 26, 2004, to become effective November 1, 2004, proposing to modify NFG's Low Income Residential Assistance Service. RECOMMENDATION that the Commission approve the Supplement as filed, consistent with the proposed Order.
OTS-18 4-0 recommendation adopted	R-00049757	NATIONAL FUEL GAS DISTR. CORP. Supplement No. 43 to Tariff Gas-Pa. P.U.C. No. 9, to become effective November 1, 2004, proposing an annual increase in residential customer rates of \$416,161, representing changes in the discount percentage and an increase in the number of Low Income Residential Assistance customers. RECOMMENDATION that the Commission suspend the filing for up to six months or through May 1, 2005 and consolidate the filing with the Investigation of the proposed rates, rules and regulations contained in Supplement No. 44 to Tariff Gas-Pa. P.U.C. No. 9.

LAW BUREAU

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
L-0083 R* 4-0	M-00900239F0007	Recalculation of the PENNSYLVANIA TELEPHONE RELAY SYSTEM SURCHARGE RECOMMENDATION that the Commission allow the TRS surcharge to float from year to year, consistent with the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
ALJ-0408* 4-0	A-00119103	APPLICATION OF PENNDOT... PLYMOUTH TOWNSHIP, MONTGOMERY COUNTY ... On July 10, 2002, an application was filed requesting that the costs of the project be allocated and that it be exempt from the minimum overhead clearance requirement. On November 20, 2003, a Stipulation of Settlement was signed. REVIEW of ALJ Fordham's Recommended Decision granting the application and approving the Settlement.
ALJ-0410* 4-0 Statement Vice Chairman Bloom	C-20030546	SPECIALTY ENGINE REBUILDING, INC. v. PECO ENERGY COMPANY On June 23, 2003, a complaint was filed. On July 21, 2003, an answer was filed. A hearing was held on March 17, 2004. COMMISSION REVIEW of ALJ Rainey's Initial Decision dismissing the complaint with prejudice.
ALJ-0411* Motion by Commissioner Pizzingrilli passed 4-0	C-20030612	ARNOLD E. STANLEY v. MCI WORLDCOM COMMUNICATIONS, INC. On June 30, 2003, a complaint was filed alleging a service dispute. On August 5, 2003, a Motion for Enforcement of Automatic Stay was filed by MCI. COMMISSION REVIEW of ALJ Smolen's Initial Decision granting the Motion and dismissing the complaint without prejudice.
ALJ-0413* 4-0	C-20042642	SHIRLEY MILLER v. AQUA PENNSYLVANIA, INC. On March 1, 2004, a complaint was filed alleging a service dispute. On April 8, 2004, an Answer and a Motion to Dismiss were filed. On June 11, 2004, the ALJ served an Order denying the Motion. On June 25, 2004, Aqua filed a Motion to Amend Answer or in the Alternative, for Reconsideration of the June 11, 2004 Order. COMMISSION REVIEW of ALJ Turner's Initial Decision granting the Motion and dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

BUREAU NO.

DOCKET NO.

NAME AND SUBJECT

ALJ-0414*

H-00003504M3192

PA PUC v. HASAN A. GHANEM

Motion by Vice Chairman Bloom
passed 4-0

On October 4, 2003, a complaint was filed alleging a dress code violation. On October 23, 2003, a letter in lieu of an answer was filed. A hearing was held on March 8, 2004

COMMISSION REVIEW of ALJ Rainey's Initial Decision sustaining the complaint.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

OCTOBER 22, 2004

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0253* 4-0	C-20043018	Complaint of MCI METRO ACCESS TRANSMISSION SERVICES, LLC for Approval to Opt Into a Commission Approved Interconnection Agreement. Exceptions filed by Verizon North, and Reply Exceptions filed by MCI, to ALJ Chestnut's July 1, 2004 Initial Decision. Interim Order released by FCC on August 20, 2004. RECOMMENDATION that the Commission direct the filing of Supplemental Briefs and Authorities within 20 days of service of the proposed Opinion and Order.
OSA-0280* 4-0	R-00049524 R-00049525	PA PUC v. VERIZON PA INC. Petition for Interlocutory Review and Stay of Proceedings. RECOMMENDATION that the Commission deny the Petition, consistent with the proposed Opinion and Order.