

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

**PUBLIC MEETING**

---

**JANUARY 13, 2005 (KP)**

**10:00 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

<b>BUREAU DIRECTORS AND MEMBERS OF THE LEGAL, TECHNICAL AND ADMINISTRATIVE STAFF OF THE COMMISSION</b>
--

THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.

The Next Public Meeting is Tentatively Scheduled for Thursday, February 3, 2005 at 10:00 a.m.

Minutes of the Meeting of December 2, 2004 (RB)

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY FEBRUARY 3, 2005, 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.**

**ALSO, THE COMMISSION WILL HOLD AN EXECUTIVE SESSION ON THURSDAY, JANUARY 13, 2005, 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.**

**\*\*\*\*\***

**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-0001 R*</b>	<b>A-00102063C0401 ET AL</b>	<b>THIRTY-TWO</b> Commission Orders adjudicating <b>BUREAU OF TRANSPORTATION AND SAFETY</b> instituted complaints alleging respondents abandoned or discontinued service without having submitted an application to discontinue service or a letter containing a statement that the service is no longer being rendered. <b>RECOMMENDATION</b> that the Commission adopt the order directing that the complaints be sustained, and that the certificates be cancelled; and, in some cases, that respondent be fined \$100.
<b>TSM-0005*</b>	<b>A-00118670C0401</b>	<b>VALERIE SIMMONS, t/a MCSIMMS PERSONAL TOUCH TRANSPORTATION</b> , Philadelphia, Philadelphia County. Bureau of Transportation and Safety instituted a complaint against respondent alleging failure to pay an outstanding fine. <b>RECOMMENDATION</b> that the Commission adopt an order directing that the complaint be sustained and that the certificate be cancelled.
<b>TSM-0006*</b>	<b>A-00117747C0402</b>	<b>ALLEGHENY METRO LIMO SERVICES, INC.</b> , Pittsburgh, Allegheny County. Bureau of Transportation and Safety instituted a complaint against respondent alleging failure to pay an outstanding fine. <b>RECOMMENDATION</b> that the Commission adopt an order directing that the complaint be sustained and that the certificate be cancelled.
<b>TSM-0007*</b>	<b>A-00120992</b>	Application of <b>PHANTASY TRANSPORTATION, INC.</b> , Philadelphia, Philadelphia County, for the approval of the transfer to applicant of all of the common carrier limousine right held by Lyman & Lyman, Inc., t/d/b/a Bucks County Limousine at A-00111498, F.2. <b>RECOMMENDATION</b> that the Commission adopt the proposed order approving the transfer application and that a certificate be issued to the applicant.

**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-0008*</b>	<b>A-00119031, F.1, Am-B</b>	Application of <b>PAUL LIBERATI, t/d/b/a AN EXCEPTIONAL LIMOUSINE</b> , Pittsburgh, Allegheny County, for the approval of the transfer to applicant of all of the common carrier limousine right held by System of Service, Inc., t/d/b/a Fantasy Limo Leasing at A-00108826, F.5. <b>RECOMMENDATION</b> that the Commission adopt the proposed order approving the transfer application and that a certificate be issued to the applicant.
<b>TSM-0010*</b>	<b>A-00121043</b>	Application of <b>CORPORATE SEDAN SERVICE, LLC</b> , Pittsburgh, Allegheny County, for the right to transport as a common carrier, by motor vehicle, persons in limousine service subject to the same limitations and conditions, which is a transfer of the rights held at A-00117559 by Stephen J. Malik, Sr., t/d/b/a Corporate Sedan Service. <b>RECOMMENDATION</b> that the Commission adopt the proposed order approving the transfer application.
<b>TSM-0013*</b>	<b>A-00121190</b>	Application of <b>D &amp; B TRANSPORTATION, INC.</b> , Stroudsburg, Monroe County, for the approval of the transfer to applicant of all of the common carrier airport transfer right held by James Danielewicz at A-00108292, F.2. <b>RECOMMENDATION</b> that the Commission adopt the proposed order approving the transfer application and that a certificate be issued to the applicant.
<b>TSM-0014*</b>	<b>S. P. 28208</b>	Investigation of the merits of continuation of the <b>FUEL COST RECOVERY SURCHARGE</b> for call or demand, paratransit and airport transfer carriers. <b>RECOMMENDATION</b> that the Commission allow call or demand, paratransit, and airport transfer carriers to continue utilizing the Fuel Cost Recovery Surcharge. Furthermore, it is recommended that Philadelphia Medallion Taxicabs be permitted to continue utilizing the fuel surcharge amended at the Public Meeting of November 18, 2004.

**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-0015*</b>	<b>A-00112540 R-00050227</b>	<b>CITIZENS' AMBULANCE SERVICE, INC.</b> , Indiana County. Increase in Rates. <b>RECOMMENDATION</b> that the carrier has submitted the documentary justification to support the proposed increase of \$35,211. However, carrier's proposed increase is inequitable and staff proposes an alternative rate structure to be implemented by carrier on or before January 28, 2005.
<b>TSM-0016*</b>	<b>A-00106548 R-00050228</b>	<b>DEBO MOVING &amp; STORAGE, INC.</b> , Beaver County. Increase in Rates. <b>RECOMMENDATION</b> that Tariff Freight Pa. PUC No. 10 be approved to become effective on January 17, 2005.
<b>TSM-0020 R*</b>	<b>A-00113847C0401 ET AL</b>	<b>TWENTY SEVEN</b> Commission Orders adjudicating <b>BUREAU OF TRANSPORTATION AND SAFETY</b> instituted complaints alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. <b>RECOMMENDATION</b> that the Commission adopt the orders directing that the complaints be sustained, that the certificates be cancelled, and that some be fined \$100.
<b>TSV-0001*</b>	<b>A-00120015C0301</b>	<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION v. JLC TRUCKING, INC.</b> , Franklin, Venango County, alleging that on seven (7) different occasions, it transported steel channel sign posts for compensation between points in Pennsylvania, while not then holding a certificate of public convenience issued by this Commission. <b>RECOMMENDATION</b> that the Commission adopt an order directing that the instant complaint be sustained, that respondent be fined a total of five thousand dollars (\$5,000.00) and that respondent cease and desist from further violations.

**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>TSV-0005*</b>	<b>H-00002706M3633</b>	<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION v. BENJAMIN NWANKWO</b> , Philadelphia, Philadelphia County. The Bureau of Transportation and Safety instituted a complaint against Benjamin Nwankwo on August 12, 2004; and, more than thirty (30) days later, no response has been received from respondent. <b>RECOMMENDATION</b> that the Commission enter an order directing that the instant complaint be sustained; that respondent be fined a total of one-hundred dollars (\$100.00); and that respondent's taxi driver's certificate at docket H-00002706 be cancelled; and that respondent cease and desist from further violations.
<b>TSV-0025 R*</b>	<b>A-00049926C0405</b>	<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION v. YELLOW CAB CO OF PITTSBURGH</b> , Pittsburgh, Allegheny County, alleging that on eleven (11) different occasions, it failed to maintain adequate, efficient and reasonable service and facilities for the proper safety of its patrons and public, etc. <b>RECOMMENDATION</b> that the Commission adopt an order directing that the instant complaint be sustained, that respondent be fined a total of two thousand nine hundred fifty dollars (\$2,950.00) and that respondent cease and desist from further violations.

**BUREAU OF AUDITS**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>AUD-00011</b>	<b>D-03DSC024</b>	<b>AQUA PENNSYLVANIA</b> Bryn Mawr, PA Auditor's Report on the Distribution System Improvement Charge for the two years ended December 31, 2003. The report contains two findings. <b>RECOMMENDATION</b> to release the Audit Report.
<b>AUD-0003</b>	<b>D-03CTC036</b>	<b>PENNSYLVANIA POWER COMPANY</b> Akron, OH Auditor's Report on the Competitive Transition Charge for the twelve months ended January 31, 2004, which contained no findings. <b>RECOMMENDATION</b> to release the Audit Report.
<b>AUD-0004</b>	<b>D-03CTC011</b>	<b>PECO ENERGY COMPANY</b> Philadelphia, PA Auditor's Report on the Competitive Transition Charge and the Intangible Transition Charge for the twelve months ended January 31, 2004, which contained no findings. <b>RECOMMENDATION</b> to release the Audit Report.
<b>AUD-0006</b>	<b>M-00041848</b>	<b>PINE ROE NATURAL GAS COMPANY, INC.</b> Clarion, PA Interim Gas Cost Rate Effective January 13, 2005 <b>RECOMMENDATION</b> that the Commission approve the Company proposed total gas billing rate of \$8.1083 per MCF to become effective with service rendered on and after January 13, 2005.

**BUREAU OF CONSUMER SERVICES**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>BCS-0001*</b>	<b>L-00030165</b>	<b>NOTICE OF REVISED FINAL RULEMAKING RE: ESTABLISHING LOCAL SERVICE PROVIDER ABANDONMENT PROCESS FOR JURISDICTIONAL TELECOMMUNICATIONS COMPANIES. RECOMMENDATION</b> that the Commission adopt the revised Final Order and Annex A which sets forth regulations at 52 Pa. Code §§63.301-310 and establishes the LSP Abandonment Process for Jurisdictional Telecommunications Companies.



**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-0001*</b>	<b>A-310633F7000</b>	<p>Joint Petition of <b>VERIZON PENNSYLVANIA INC., AND LEVEL 3 COMMUNICATIONS, LLC</b>. For Approval of Amendment No. 2 to an Interconnection Agreement, filed November 3, 2004. Notice of the Joint Petition was published in the <i>Pennsylvania Bulletin</i> on December 11, 2004. No comments have been received.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.</p>
<b>OSA-0002*</b>	<b>A-310633F7001</b>	<p>Joint Petition of <b>VERIZON NORTH INC. AND LEVEL 3 COMMUNICATIONS, LLC</b>. For Approval of Amendment No. 2 to an Interconnection Agreement was filed on November 3, 2004. Notice of the Joint Petition was published in the <i>Pennsylvania Bulletin</i> on December 11, 2004. No comments have been received.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.</p>
<b>OSA-0003*</b>	<b>F-01458473</b>	<p><b>DREXELBROOK ASSOCIATES v. AQUA PENNSYLVANIA, INC.</b></p> <p>An Initial Decision was issued by ALJ Herbert Smolen on October 20, 2004. On November 8, 2004, the Complainant filed Exceptions and Aqua filed Reply Exceptions on November 22, 2004.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order granting the Exceptions, and <b>REMAND</b> the matter to the OALJ for further proceedings consistent with the Opinion and Order.</p>

**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-0004*</b>	<b>A-00120055F0002</b>	<p><b>CHOICE CAB COMPANY</b></p> <p>An Initial Decision was issued by ALJ Larry Gesoff on October 13, 2004. On November 2, 2004, the Protestant filed Exceptions and the Applicant filed Reply Exceptions on November 10, 2004.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which denies the Exceptions, and adopts the Initial Decision to the extent that it is consistent with the Opinion and Order.</p>
<b>OSA-0006*</b>	<b>H-00008320M3363</b>	<p><b>PENNSYLVANIA PUBLIC UTILITY COMMISSION v. IMAD DAWARA</b></p> <p>By Secretarial Letter, dated September 9, 2004, the Petitioner was directed to pay a penalty of \$100.00. Petitioner filed an instant Petition for Reconsideration on October 4, 2004.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed Opinion and Order which denies the Petition.</p>
<b>OSA-0007*</b>	<b>A-311229F7018</b>	<p>Joint Petition of <b>FRONTIER COMMUNICATIONS OF BREEZEWOOD, LLC AND UNITED STATES CELLULAR CORPORATION</b> for Approval of an Interconnection and Traffic Interchange Agreement for Commercial Mobile Radio Services Under Section 252(e) of the Telecommunications Act of 1996 was filed on November 10, 2004. Notice of the Joint Petition was published in the <i>Pennsylvania Bulletin</i> on December 18, 2004. No Comments have been received.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which grants the Joint Petition.</p>

**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-0008*</b>	<b>A-00118197</b>	<p><b>PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FAMILY CAR SERVICE, INC.</b>            By Order issued on March 11, 2004, the Commission cancelled the Petitioner's Certificate of Public Convenience. On August 9, 2004 the Petitioner filed a Petition for Reinstatement, which was denied by Order entered October 5, 2004. On October 15, 2004, the Petitioner filed a Petition for Reconsideration.  <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Petition.</p>
<b>OSA-0011*</b>	<b>F-01274068</b>	<p><b>BERNADETTE WAITES v. PHILADELPHIA GAS WORKS</b>            An Initial Decision was issued by ALJ Nguyen on October 8, 2004. The Complainant failed to serve the Exceptions upon PGW. Via Secretarial Letter dated November 9, 2004, Exceptions were served on PGW. On November 29, 2004, PGW filed Reply Exceptions.  <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Exceptions, dismissing the Complaint in part, and <b>REMAND</b> the matter to the OALJ for a determination of the current income level of the Complainant and an Initial Decision Upon Remand.</p>
<b>OSA-0012*</b>	<b>C-20032180</b>	<p><b>MRS. OLLIE MARY BENJAMIN v. EQUITABLE GAS COMPANY</b>            An Initial Decision was issued on June 30, 2004, by ALJ Nene. On July 21, 2004, the Complainant filed Exceptions to the Initial Decision. No Reply Exceptions were filed.  <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Exceptions.</p>

**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-0014*</b>	<b>M-00900239</b>	<p><b>PENNSYLVANIA RELAY SERVICE ADVISORY BOARD</b></p> <p>The Commission's Order of May 29, 1990, established a Telecommunications Relay Service Advisory Board. The Commission then appointed members to the TRS Advisory Board for two year terms. Current terms expire January 21, 2005, and there are two vacant positions. The Commission designates a member from its staff to serve on the Board.</p> <p><b>RECOMMENDATION</b> that the individual named be re-appointed to serve as the Commission's designee on the TRS Advisory Board for a term ending December 31, 2006, and that he be notified by Secretarial Letter.</p>
<b>OSA-0015*</b>	<b>C-20027195 P-00930715 P-00001854</b>	<p><b>AT&amp;T COMMUNICATIONS OF PENNSYLVANIA, INC. v. VERIZON PENNSYLVANIA INC., et al.</b></p> <p>On November 22, 2004, AT&amp;T Communications of Pa, LLC, MCI WorldCom Communications, Inc. and Qwest Communications Corp filed a Joint Petition for Clarification of the Commission's July 28, 2004 Order regarding the compliance obligations of Verizon PA Inc. and Verizon North Inc. Answers were filed by the OSBA and OCA on November 29, 2004, and November 30, 2004, respectively, and jointly by Verizon PA and Verizon North on December 1, 2004.</p> <p><b>RECOMMENDATION</b> that the Commission adopt a proposed draft Opinion and Order granting in part and denying in part the Joint Petition.</p>
<b>OSA-0016*</b>	<b>C-20030849</b>	<p><b>ST. ROSE OF LIMA PARISH/RECTORY/HALL v. COLUMBIA GAS OF PA., INC.</b></p> <p>ALJ Porterfield issued an Initial Decision on November 2, 2004. On November 22, 2004, Law Bureau Prosecutory Staff filed Exceptions on behalf of the Complainant, and Respondent filed Reply Exceptions on December 2, 2004.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order granting LBPS Exceptions.</p>

**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-0019*</b>	<b>F-01375865 C-20042666</b>	<b>DEBORAH TAYLOR v. COMCAST PHONE OF PENNSYLVANIA, LLC AND AT&amp;T COMMUNICATIONS OF PENNSYLVANIA, LLC.</b> On September 27, 2004, ALJ Corbett issued an Initial Decision. On October 15, 2004 the Complainant filed Exceptions, but failed to serve a copy upon the parties. Via Secretarial Letter dated October 29, 2004, the Exceptions were served on Comcast and AT&T. On November 8, 2004, Comcast filed Reply Exceptions. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Exceptions and adopting the Initial Decision.
<b>OSA-0020*</b>	<b>P-00021995 thru P-00022015</b>	<b>CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, et al. v. BENTLEYVILLE TELEPHONE COMPANY et al.</b> An Initial Decision Upon Remand was issued June 4, 2004 by ALJ Wayne L. Weismandel. Exceptions were filed by the Rural ILECs. Replies to Exceptions were filed by Nextel Communications, Inc. and Verizon Wireless. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order granting in part and denying in part the Exceptions and modifying the Initial Decision, consistent with the discussion contained therein.
<b>OSA-0021*</b>	<b>C-20039321</b>	<b>ALLTEL PENNSYLVANIA, INC. v. VERIZON PENNSYLVANIA INC. AND CELLCO PARTNERSHIP d/b/a/ VERIZON WIRELESS</b> On April 13, 2004, the Initial Decision of ALJ Paist was issued. Exceptions were filed by ALLTEL on May 3, 2004 and Replies were received individually from Verizon Wireless and Verizon Pennsylvania Inc. on May 13, 2004. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which granting in part and denying in part the Exceptions, and modifying the Initial Decision, consistent with the discussion contained therein.

**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-0022*</b>	<b>A-310489F7004</b>	<p><b>CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS</b></p> <p>On March 24, 2004, the Recommended Decision of ALJ Wesimandel was issued. Exceptions were filed by Verizon Wireless and ALLTEL on April 7, 2004 and April 8, 2004, respectively. By submittal dated April 6, 2004, Verizon Wireless provided Notice of Supplemental Authority.</p> <p><b>RECOMMENDATION</b> that the Commission adopt a proposed draft Opinion and Order which modifies the Recommended Decision, consistent with the discussion contained therein.</p>
<b>OSA-0023*</b>	<b>F-01225783</b>	<p><b>PETITION FOR RECONSIDERATION OF SUSAN BARTHOLOMEW-PALMER</b></p> <p>On January 7, 2004, ALJ Charles E. Rainey Jr. issued an Initial Decision. On January 21, 2004, the Petitioner filed Exceptions, and Verizon PA filed Reply Exceptions on February 6, 2004. On May 20, 2004, the Petitioner filed a Petition for Reconsideration. On November 9, 2004, Verizon PA filed a Reply.</p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order denying the Petition for Reconsideration.</p>
<b>OSA-0024*</b>	<b>A-311341F7001</b>	<p><b>VERIZON NORTH INC. and QUALITY TELEPHONE, INC.</b></p> <p>Joint Petition, filed November 2, 2004, for Approval of a Resale Agreement.</p> <p><b>RECOMMENDATION</b> that the Commission grant the Joint Petition, thereby approving the Agreement.</p>

**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-0265* (PP from 12/02/04)</b>	<b>A-210104F0023 A-210075F2000</b>	<b>PENNSYLVANIA SUBURBAN WATER COMPANY (NOW AQUA) and EAGLE ROCK UTILITY CORPORATION.</b> The Commission approved the acquisition by Aqua Pennsylvania, Inc. of the Oneida water system assets of ERUC by Order entered June 25, 2004. On July 12, 2004, Aqua filed a Petition for Reconsideration. Order entered July 23, 2004 granted the Petition pending review of the merits. We now consider the merits. <b>RECOMMENDATION</b> that the Commission adopt the proposed draft Opinion and Order which denies the Petition for Reconsideration.

**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-0401*</b>	<b>A-310792F2000</b>	Application filed on November 17, 2004, by <b>UNITED STATES ADVANCED NETWORK, INC.</b> seeking approval of the Company's Discontinuance and Abandonment of Interexchange Telecommunications Resale Services to the Public within the Commonwealth of Pennsylvania. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-0403*</b>	<b>M-00920326</b>	On October 22, 2004, the Commission received <b>BETHLEHEM CITY'S 911 SYSTEM RENEWAL PLAN</b> from the Pennsylvania Emergency Management Agency requesting formal review of the costs associated with the contribution rate of \$1.25 per access line per month and a recommendation to PEMA within 90 days of the receipt date. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-0404*</b>	<b>M-00970952</b>	On November 4, 2004, the Commission received <b>HUNTINGDON COUNTY'S 911 SYSTEM RENEWAL PLAN</b> from the Pennsylvania Emergency Management Agency requesting formal review of the costs associated with the contribution rate of \$1.50 per access line per month and a recommendation to PEMA within 90 days of the receipt date. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-0499*</b> <b>(PP from 12/02/04)</b>	<b>P-00971182</b> <b>M-00930441</b>	Biennial update to Network Modernization Plan filed May 6, 2003, by <b>IRONTON TELEPHONE COMPANY.</b> <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-0502*</b> <b>(PP from 12/16/04)</b>	<b>P-00981426</b> <b>M-00930441</b>	<b>ARMSTRONG TELEPHONE COMPANY – NORTH</b> Butler, PA On July 30, 2003, Armstrong-North filed for approval, pursuant to the Company’s Chapter 30 Plan, its first Biennial update to its NMP. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-0505*</b> <b>(PP from 12/16/04)</b>	<b>P-00981425</b> <b>M-00930441</b>	<b>ARMSTRONG TELEPHONE COMPANY – PENNSYLVANIA</b> Butler, PA Biennial update to the Network Modernization Plan filed on July 30, 2003, for approval, pursuant to the Company’s Chapter 30 Plan. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1003*</b>	<b>A-110450F0022</b>	Application filed on August 23, 2004, by <b>PENNSYLVANIA POWER COMPANY</b> to enter into a Facilities Lease and Related Agreements with FirstEnergy Telecom Services, Inc. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1300 R*</b>	<b>A-310932F0005</b> <b>A-311052F0004</b> <b>A-311188F0005</b>	Joint Application filed on October 29, 2004, by <b>BRIDGECOM INTERNATIONAL, INC., BROADVIEW NETWORKS, INC. and BROADVIEW NP ACQUISITION CORP.</b> (the last two together, the <b>BROADVIEW UTILITIES</b> ) for approval of a series of transactions which will result in a transfer of control of each of the applicants. <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-1301*</b>	<b>A-310963F0005</b>	Application filed November 23, 2004, by <b>CYPRESS COMMUNICATIONS OPERATING COMPANY, INC.</b> for approval of the transfer of control of Cypress, whereby TechInvest Holding Company, Inc. will purchase all outstanding capital stock of Cypress Communications Holding Co., Inc. which is the indirect parent of Cypress. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1302 R*</b>	<b>A-310696F0004 A-311072F0004 A-311072F2000</b>	Application filed on April 14, 2004, by <b>DIECA COMMUNICATIONS, INC. d/b/a COVAD COMMUNICATIONS COMPANY AND GOBEAM SERVICES, INC.,</b> for approval of 1) the acquisition and transfer of GoBeam Inc., the parent company of GoBeam Services, Inc., to Covad Communications Group, Inc., the parent company of Covad Communications Company and 2) the abandonment of GoBeam Services, Inc.'s Certificate of Public Convenience. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1303*</b>	<b>A-311183F0002</b>	Joint Application filed on November 24, 2004, by <b>BT GROUP plc and INFONET TELECOMMUNICATIONS CORPORATION</b> for approval of a transfer of control of Infonet Telecommunications Corporation to BT Group plc. <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.
<b>FUS-1304*</b>	<b>M-00051866</b>	<b>BUREAU OF FIXED UTILITY SERVICES</b> Report to the Commission regarding Quarterly Earnings of Pennsylvania Utilities for the Quarter Ended September 30, 2004. <b>RECOMMENDATION</b> that the Commission make the Earnings Report public.

**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-1305*</b>	<b>A-311342 A-311342F0002</b>	Application filed on November 8, 2004, by <b>ADVANCED TELEMAGEMENT GROUP, INC.</b> for approval to offer, render, furnish or supply telecommunications services as a reseller of interexchange (IXC) toll services and as a competitive access provider (CAP). <b>RECOMMENDATION</b> that the Commission adopt the proposed Order.

**COMBINED BUREAU AGENDA**

<b><u>BUREAU NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>FUS-0800*</b>	<b>R-00049862</b>	<b>CITY OF LANCASTER – SEWER FUND</b> Home Office – Lancaster, PA Supplement No. 31 to Tariff Sewer-Pa. P.U.C. No. 7, filed November 15, 2004, to become effective January 17, 2005, proposing an annual increase in rates of \$650,465. A Formal Complaint has been filed. <b>RECOMMENDATION</b> that the Commission institute an Investigation and suspend the Tariff by operation of law until August 17, 2005; and that the case be referred to the OALJ, consistent with the proposed Order.
<b>OTS-01</b>	<b>R-00049862</b>	<b>CITY OF LANCASTER – SEWER FUND</b> Supplement No. 31 to Tariff Sewer-Pa. P.U.C. No. 7, filed November 15, 2004, to become effective January 17, 2005, proposing an annual increase in rates of \$650,465. <b>RECOMMENDATION</b> that the Commission institute an Investigation of the Tariff and allow the filing to be suspended by operation of law for a period of seven months or through August 17, 2005.

LAW BUREAU

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
L-0003*	P-00042129	<p><b>FINAL OMITTED RULEMAKING ORDER</b> to amend 52 Pa. Code §§57.45 and 59.45 for electric and gas utility record retention to include an item, “(12)(a) Journal vouchers and journal entries. 20 years”, that was inadvertently omitted from the amendments to these same regulations which became effective on December 6, 2003.</p> <p><b>RECOMMENDATION</b> that the Commission grant the Petition of <b>ENERGY ASSOCIATION OF PENNSYLVANIA</b> for Amendment, Through Final Form Omitted Rulemaking, of Regulations Annexed to the Final Rulemaking Order, to become effective upon publication in the <i>Pennsylvania Bulletin</i>.</p>
L-0004*	P-00991648 P-00991649 M-00021685	<p>Interim Guidelines for <b>ABBREVIATED DISPUTE RESOLUTION PROCESS</b>.</p> <p><b>RECOMMENDATION</b> that the Commission issue a Tentative Order discontinuing the <b>ABBREVIATED DISPUTE RESOLUTION PROCESS</b> and publishing the Tentative Order in the <i>Pennsylvania Bulletin</i> for public comment within 30 days of publication.</p>
L-0006*	M-00021635F0020 P-00961071F0002	<p>Request of <b>D&amp;E SYSTEMS, INC. D/B/A D&amp;E COMMUNICATIONS, INC.</b> for 1K Block of Telephone Numbers in the 717 Area Code.</p> <p><b>RECOMMENDATION</b> that a 1K block in the 717 NPA be assigned to <b>D&amp;E</b> for use by the specific customer. The Law Bureau also recommends that <b>NEUSTAR POOLING ADMINISTRATION</b> be directed to expedite the assignment process.</p>
L-0008*	C-20015735 A-310907	<p><b>LBPS v. EMPIRE ONE TELECOMMUNICATIONS, INC.</b></p> <p><b>RECOMMENDATION</b> that the Commission adopt the proposed Order rescinding the Default Order, to be published in the <i>Pennsylvania Bulletin</i>.</p>

**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-0001*</b>	<b>A-00119805</b>	<b>APPLICATION OF PITTSBURGH &amp; OHIO RAILROAD COMPANY ... BOROUGH OF ROSSLYN FARMS, ALLEGHENY COUNTY</b> Pittsburgh & Ohio Railroad Company filed an application on May 16, 2003 seeking permission to convert 5 rail-highway crossings in Allegheny County from public to private crossings. A hearing was held on February 20, 2004. <b>REVIEW</b> of ALJ Nemec's Recommended Decision staying the proceeding for 180 days while the Applicant sought action by the two boroughs to vacate the streets in question.
<b>ALJ-0002*</b>	<b>M-FACE0409 M-FACE0410</b>	<b>PECO ENERGY COMPANY 2004 COMPETITIVE TRANSITION CHARGE (CTC) RECONCILIATION STATEMENT; PECO ENERGY COMPANY UNIVERSAL SERVICE FUND CHARGE-SECTION 1307 MECHANISM PRELIMINARY RECONCILIATION FOR 2004</b> On August 30, 2004, PECO filed its 1307(e) Statement. A hearing was held on October 27, 2004. <b>REVIEW</b> of ALJ Jones' Recommended Decision accepting the Statement.
<b>ALJ-0003*</b>	<b>M-FACE0408</b>	<b>WEST PENN POWER COMPANY 2004 COMPETITIVE TRANSITION CHARGE (CTC) RECONCILIATION STATEMENT</b> On August 30, 2004, West Penn filed its 1307(e) Statement. On October 6, 2004, West Penn filed a Petition for Continued Deferral of the CTC Under-recovery as a Regulatory Asset. A hearing was held on October 27, 2004. <b>REVIEW</b> of ALJ Jones' Recommended Decision accepting the Statement.

**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-0005*</b>	<b>R-00049134</b>	<b>PA PUC v. CLARENDON WATER COMPANY</b> On January 13, 2004, Clarendon filed for a base rate increase calculated to produce additional annual revenues based on a future test year ending June 30, 2004. The filing was suspended by operation of law on July 1, 2004, until February 1, 2005. By Order entered July 23, 2004 the Commission instituted an investigation into the proposed rates. On November 17, 2004, a Joint Petition for Settlement was filed. <b>REVIEW</b> of ALJ Gesoff's Recommended Decision approving the Settlement.
<b>ALJ-0006*</b>	<b>C-20042291</b>	<b>OMAR FAROOQ v. BELL ATLANTIC COMMUNICATIONS, INC. D/B/A VERIZON LONG DISTANCE</b> On January 2, 2004, a complaint was filed alleging a billing dispute. On February 17, 2004, an answer was filed. A hearing was held on June 7, 2004. <b>COMMISSION REVIEW</b> of ALJ Nguyen's Initial Decision dismissing the complaint.
<b>ALJ-0007*</b>	<b>C-20042481</b>	<b>DENISE GRESKO v. ALLTEL PA</b> On February 19, 2004, a complaint was filed alleging a billing dispute. On March 19, 2004, an answer was filed. A hearing was held on June 23, 2004. <b>COMMISSION REVIEW</b> of ALJ Jandebeur's Initial Decision dismissing the complaint.
<b>ALJ-0008*</b>	<b>F-01440184</b>	<b>SAMUEL BERNARDINI v. BELL ATLANTIC COMMUNICATIONS, INC. D/B/A VERIZON LONG DISTANCE</b> On December 3, 2003, a complaint was filed alleging a billing dispute. On January 29, 2004, an answer was filed. A hearing was held on June 9, 2004. <b>COMMISSION REVIEW</b> of ALJ Jandebeur's Initial Decision denying the complaint.
<b>ALJ-0009*</b>	<b>C-20042817</b>	<b>JOHN AND VERA DAVIS v. VERIZON PA INC.</b> On April 8, 2004, a complaint was filed. On May 12, 2004, an answer was filed. A hearing was held on October 26, 2004. <b>COMMISSION REVIEW</b> of ALJ Turner's Initial Decision dismissing the complaint with prejudice.

**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-0010*</b>	<b>C-20043478</b>	<b>SAMUEL Y. BOTTS/VIGORWORKS FITNESS CENTER v. VERIZON PA INC.</b> On November 24, 2003, a complaint was filed alleging a billing dispute. On August 30, 2004, Verizon filed its answer and a Motion to Dismiss. <b>COMMISSION REVIEW</b> of ALJ Turner's Initial Decision dismissing the complaint.
<b>ALJ-0011*</b>	<b>C-20042482</b>	<b>CHARMAINE CURRY v. PECO ENERGY COMPANY</b> On February 18, 2004, a complaint was filed. On March 2, 2004, an answer was filed. A hearing was held on October 4, 2004. <b>COMMISSION REVIEW</b> of ALJ Melillo's Initial Decision denying the complaint.



**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CARRY-IN AGENDA**

**JANUARY 13, 2005**

**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-0036*</b>	<b>A-00121022</b>	<b>INTEGRITY TRANSPORTATION SERVICES, LLC., Ashton, Delaware County, seeking the initial right to provide limousine service between points in the counties of Montgomery, Chester, Bucks and Delaware, and the city and county of Philadelphia, etc. Four protests have been withdrawn without restrictive amendment. <b>RECOMMENDATION</b> that the Application be approved, consistent with the proposed Order.</b>

**OFFICE OF SPECIAL ASSISTANTS**

<b>OSA-0039*</b>	<b>R-00049255</b>	<b>Petitions for Reconsideration of the Commission's Opinion and Order, entered December 22, 2004, filed by PPL INDUSTRIAL CUSTOMER ALLIANCE, OFFICE OF TRIAL STAFF and CITIZENS FOR PENNSYLVANIA'S FUTURE. <b>RECOMMENDATION</b> that the Commission grant reconsideration, pending further review of and consideration on the merits of each of the Petitions.</b>
------------------	-------------------	--