

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

APRIL 9, 2008 (JC)

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	James H Cawley	Wendell F Holland	Tyrone J. Christy	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, May 1, 2008 at 10:00 a.m.

Minutes of the Meeting of March 13, 2008 (TC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 1, 2008, 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 WEDNESDAY, APRIL 9, 2008, FOLLOWING PUBLIC MEETING AT APPROXIMATELY 10:30 A. M., IN THE CHAIRMAN'S OFFICE, 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.

**COPIES OF CHAIRMAN AND COMMISSIONERS'
MOTIONS AND STATEMENTS WILL BE
AVAILABLE FOR PICK-UP
IMMEDIATELY AFTER PUBLIC MEETING
IN JR. EXECUTIVE CHAMBERS
3rd FLOOR KEYSTONE BUILDING**

CASES OF SPECIAL INTEREST

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0118	P-2008-2021776	<p>Petition of PPL ELECTRIC CORPORATION for Approval of a Rate Stabilization Plan. On February 27, 2008, the Parties filed a Joint Petition for Settlement resolving all issues in the proceeding. ALJ Salapa's Recommended Decision was issued March 6, 2008 which recommended that the Settlement be adopted. By Secretarial Letter dated March 27, 2008, the record was reopened for the purpose of a Public Input Hearing on an expedited basis, which was held April 2, 2008. The record has been certified to the Commission for adjudication. RECOMMENDATION that the Commission adopt the proposed Opinion and Order addressing the issues involved in this case.</p>

BUREAU OF TRANSPORTATION AND SAFETY

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
TSM-0035*	A-00124154	Application of JOSÉ FRANCISCO JOSÉ , West Hazleton, Luzerne 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-0037*	A-00124189	Application of JAMES & BUFFY IMMEL, t/a IMMEL'S DESTINATION SERVICES , Leola, Lancaster County, for the right to begin to transport as a common carrier by motor vehicle, persons in group and party service. RECOMMENDATION that the Commission adopt the proposed order approving the application.
TSM-0039*	A-00123377, F.3	Application of AMERICAN LIMOUSINE, INC., t/a AMERICAN LIMOUSINE OF PA , Mahwah, New Jersey, for the additional right to transport as a common carrier by motor vehicle, persons in group and party service. RECOMMENDATION that the Commission adopt the proposed order approving the application, as amended.
TSM-0053*	SP-28207	EXTENSION OF FUEL COST RECOVERY SURCHARGE Special Permission 28207. RECOMMENDATION that the Commission adopt the proposed Extension Order permitting the Fuel Cost Recovery Surcharge to become effective April 18, 2008 for an additional one (1) year unless changed, cancelled or further extended by the Commission.

BUREAU OF CONSERVATION, ECONOMICS AND ENERGY PLANNING

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184240-CEP-0003	M-00031715F0005	Letter/Petition filed on March 17, 2008, by the WEST PENN POWER SUSTAINABLE ENERGY FUND for Approval of the appointment of Mr. John Walliser to its Board of Directors. RECOMMENDATION that the Commission approve the proposed Order naming Mr. Walliser to the Board of Directors.

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0009 (PP from 3/27/08)	C-20065798	PENNSYLVANIA CARRIERS' COALITION v. VERIZON PENNSYLVANIA INC. Exceptions to ALJ Chestnut's October 26, 2006 Initial Decision filed by PCC. RECOMMENDATION that the Commission grant the Exceptions in part and deny them in part; and adopt the ALJ's Initial Decision, consistent with the proposed Opinion and Order.
OSA-0088 R	F-02126762	MAUREEN CHRISTIAN v. DUQUESNE LIGHT COMPANY (Service Dispute) Complainant alleged that, after she requested a discontinuation of service due to a change of residence, Duquesne improperly treated her as a new applicant and rejected reinstatement of her electric service at her new residence. By Initial Decision re-issued March 27, 2007, ALJ Meehan dismissed the Complaint concluding that Complainant failed to satisfy her burden of proof. Complainant filed Exceptions on April 14, 2007. RECOMMENDATION that the Commission adopt the proposed Opinion and Order which grants the Complainant's Exceptions and reverses the ALJ's Initial Decision.
OSA-0116	C-20055547	SUSAN AFSHARI v. PPL ELECTRIC UTILITIES CORPORATION (Billing Dispute) By Initial Decision issued November 14, 2006, ALJ Jandebeur denied in part the formal Complaint and imposed a civil penalty on PPL. On December 4, 2006, PPL filed Exceptions. By Tentative Order entered August 15, 2007, the Commission granted PPL's Exceptions and reversed the Initial Decision. On August 31, 2007, PPL filed Exceptions. RECOMMENDATION that the Commission adopt the proposed Opinion and Order granting PPL's August 31, 2007 Exceptions and adopting the Commission's August 15, 2007 Order, as modified.

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0122	M-00061945	<p>PECO ENERGY COMPANY'S UNIVERSAL SERVICES THREE-YEAR PLAN 2007-2009 By Recommended Decision issued on January 16, 2008, ALJ Rainey recommended granting PECO's Motion and denying Mr. Epstein's Petition to Intervene. Mr. Epstein filed Exceptions on February 2, 2008, and PECO filed Reply Exceptions. RECOMMENDATION that the Commission adopt the proposed Opinion and Order denying Mr. Epstein's Exceptions and adopting the ALJ's Recommended Decision.</p>

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1121214-FUS-0007	M-00920327	On January 28, 2008, the Commission received INDIANA COUNTY'S 911 SYSTEM RENEWAL PLAN , 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. RECOMMENDATION that the Commission adopt the proposed Order.
1220011-FUS-0002	A-311388F2000	Application filed September 10, 2007, by PAC-WEST TELECOMM, INC. , for approval of the Company's Discontinuance and Abandonment as a Reseller of Interexchange Toll Services, as a Competitive Local Exchange Carrier, and as a Facilities-Based Interexchange Toll Services. RECOMMENDATION that the Commission adopt the proposed Order.
1400302-FUS-0002 (PP from 3/27/08)	P-00930715F1000, et al.	Petition filed August 16, 2007, by VERIZON PENNSYLVANIA INC. , for approval of an Alternative Form of Regulation under Chapter 30 and Act 183. RECOMMENDATION that the Commission adopt the proposed Order.
1400303-FUS-0002 (PP from 3/27/08)	P-00001854F1000, et al.	Petition filed August 16, 2007, by VERIZON NORTH , for approval of an Alternative Form of Regulation under Chapter 30 and Act 183. RECOMMENDATION that the Commission adopt the proposed Order.
2018741-FUS-0005	A-2008-2018741	Application filed December 20, 2007, by SBC LONG DISTANCE, LLC d/b/a AT&T LONG DISTANCE , for approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier services to business customers. RECOMMENDATION that the Commission adopt the proposed

BUREAU OF FIXED UTILITY SERVICES

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2019256-FUS-0004	A-2008-2019256	Application filed January 14, 2008, by COGNIGEN NETWORKS, INCORPORATED , for approval of the Company's Discontinuance and Abandonment of Interexchange Reseller services. RECOMMENDATION that the Commission adopt the proposed Order.
2019752-FUS-0004	A-2008-2019752	Application filed January 18, 2008, by REMI RETAIL COMMUNICATIONS, LLC , for approval of the Company's Discontinuance and Abandonment as a Reseller of Interexchange Toll services and as a Competitive Local Exchange Carrier. RECOMMENDATION that the Commission adopt the proposed Order.
1199691-FUS-0002	A-110174	Application filed July 24, 2007, by LIBERTY POWER DELAWARE LLC , for a license to offer, render, furnish, or supply electricity or electric generation services as a generator and supplier of electric power to commercial, industrial and governmental customers in the service territories throughout the Commonwealth of Pennsylvania. RECOMMENDATION that the Commission adopt the proposed Order.
1199692-FUS-0002	A-110175	Application filed July 24, 2007, by LIBERTY POWER HOLDINGS LLC , for a license to offer, render, furnish, or supply electricity or electric generation services as a generator and supplier of electric power to residential, commercial, industrial and governmental customers in the service territories throughout the Commonwealth 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>
2019822-FUS-0004	A-2008-2019822	Letter of Notification filed January 16, 2008, by WEST PENN POWER COMPANY , pursuant to 52 Pa. Code Chapter 57.72 (d), for the construction of the Lardin-Hatfield Reserve 138 kV Transmission Line in German Township, Fayette County, Pennsylvania. RECOMMENDATION that the Commission adopt the proposed Order.
1206065-FUS-0003	M-00072023 R-00072437	PENNSYLVANIA POWER COMPANY Home Office – New Castle, PA Universal Service filed June 12, 2007. Also, Supplement No. 50 to Electric Pa. P.U.C. No. 35 filed February 8, 2008, proposing to eliminate both the Universal Service Charge Rider and the Universal Service Charge rider, replacing both with a Universal Service Cost rider, to be effective June 1, 2008. RECOMMENDATION that the Commission adopt the proposed Order.
2027563-FUS-0005	A-2008-2027563	Joint Application filed February 15, 2008, by IBFA ACQUISITION COMPANY, LLC and TELAVA ACQUISITIONS, INC. , for approval of the transfer of ownership of IBFA Acquisition Company, LLC from its members to Telava Acquisitions, Inc. RECOMMENDATION that the Commission adopt the proposed Order.
2028418-FUS-0003	S-2008-2028418	Securities Certificate filed March 3, 2008, by THE YORK WATER COMPANY , for amendments to its Optional Dividend Reinvestment Plan. RECOMMENDATION that the Commission register the Securities Certificate consistent with the proposed Order.
2030048-FUS-0004	S-2008-2030048	Securities Certificate filed March 6, 2008, by THE COLUMBIA WATER COMPANY , to issue a commercial promissory note of \$700,000. RECOMMENDATION that the Commission adopt the proposed Order.

COMBINED BUREAU AGENDA

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0097 (PP from 3/27/08)	I-00040105, et al	<p>Investigation Regarding Intrastate Access Charges 2006 PSI/SPI OF BUFFALO VALLEY TELEPHONE CO., CONESTOGA TELEPHONE AND TELEGRAPH CO., and DENVER AND EPHRATA TELEPHONE AND TELEGRAPH CO.</p> <p>Petition for Reconsideration filed by the OCA. RECOMMENDATION that the Commission 1) deny the OCA's Petition; 2) grant in part and deny in part Verizon's Motion to enforce Compliance with Refund Obligation and for Payment of Interest and 3) render the D & E Companies' Motion to Strike Verizon's Answer moot, consistent with the proposed Opinion and Order.</p>
L-0002 (PP from 3/27/08)	I-00040105, et al	<p>Joint Motion of the RURAL TELEPHONE COMPANY COALITION, OCA, OTS, and UNITED TELEPHONE CO. OF PA d/b/a EMBARQ PA requesting the Commission grant a further stay of the Investigation at I-00040105.</p> <p>RECOMMENDATION that the Commission grant the Joint Petition and grant a third 1-year stay of the Investigation, consistent with the proposed Order.</p>

LAW BUREAU

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
L-0029*	P-2007-2001828	Petition of PENNSYLVANIA STATE UNIVERSITY for a Declaratory Order. RECOMMENDATION that the Commission adopt the proposed draft order that (1) denies the Petition, and (2) dismisses WPPII's Petition to Intervene as moot.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
ALJ-0012* (PP from 3/27/08)	C-20078223	ROBERT KUNIEGEL v. PENNSYLVANIA-AMERICAN WATER COMPANY On September 10, 2007, a complaint was filed alleging a service dispute. On October 3, 2007, PAWC filed its Preliminary Objections. On October 11, 2007, Complainant filed a Response to PAWC's Preliminary Objections. COMMISSION REVIEW of ALJ Colwell's Initial Decision granting the Preliminary Objections filed by PAWC, and dismissing the complaint.
ALJ-0015*	M-2008-2012856	PPL ELECTRIC UTILITIES CORPORATION 2007 COMPETITIVE TRANSITION CHARGE RECONCILIATION FILING On December 13, 2007, PPL filed its 2007 CTC Reconciliation Statement pursuant to Sections 1307(e) and 2808(f), setting forth their over/under collections for the twelve-month period ended December 31, 2008. A public hearing was held on January 30, 2008. REVIEW of ALJ Colwell's Recommended Decision that, <i>inter alia</i> , approves the Statement, insofar as it is undisputed.
ALJ-0016*	R-2008-2013780	PPL ELECTRIC UTILITIES CORPORATION FINAL 2007 REMAND RIDER - 1 RECONCILIATION FILING On December 13, 2007, PPL filed its 2007 Remand Rider – 1 Reconciliation pursuant to Sections 1307(e) and 2808(f), to reassign transmission service charge costs billed for the period of August 1, 2007 through November 2007, as well as a true-up of over/under collections. A Petition to Intervene was filed by PP&L Industrial Customer Alliance and was not opposed. A public hearing was held on January 30, 2008. REVIEW of ALJ Colwell's Recommended Decision that, <i>inter alia</i> , approves the Reconciliation, insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
ALJ-0017*	R-00061906	<p>PPL ELECTRIC UTILITIES CORPORATION PROPOSED FINAL TRANSMISSION SERVICE CHARGE RECONCILIATION</p> <p>On December 13, 2007, PPL filed its Proposed Final Transmission Service Charge Reconciliation for over/under collections pursuant to Section 1307(e) in the period of August 1, 2007 through November 30, 2007. A Petition to Intervene was filed by PP&L Industrial Customer Alliance and was not opposed. A public hearing was held on January 30, 2008.</p> <p>REVIEW of ALJ Colwell's Recommended Decision that, <i>inter alia</i>, approves the Reconciliation, insofar as it is undisputed.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

APRIL 9, 2008

OFFICE OF SPECIAL ASSISTANTS

<u>BUREAU NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
OSA-0120	A-00112997C0703	PA PUC BTS v. FAMILY CONNECTION TRANSPORTATION SERVICES, INC. Petition for Reinstatement of Certificate of Public Convenience and for Rehearing on Assessment of Fines, dated March 24, 2008, filed by Family Connection. RECOMMENDATION that the Commission approve the Petition for Reinstatement but deny the Rehearing on Assessment of Fines, consistent with the proposed Opinion and Order.

LAW BUREAU

L-0034	P-00981423F1000	Request for 30-day Extension by WINDSTREAM PENNSYLVANIA LLC to file their PSI/SPI Report to the Commission. RECOMMENDATION that the Request for an Extension be denied, consistent with the proposed Order.
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