

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JULY 29, 2010 (JFC)

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
Wayne E. Gardner	Tyrone J. Christy	James H. Cawley	John F. Coleman, Jr.	Robert F. Powelson

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

The Next Public Meeting is Tentatively Scheduled for Wednesday, August 18, 2010 at 10:00 A.M.

Minutes of the Meeting of Wednesday, June 16, 2010 (RP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR WEDNESDAY, AUGUST 18, 2010 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, JULY 29, 2010, 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.

**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**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

July 29, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1199096-TAS Vote 5-0.	A-00122618	TOWNSHIP OF SHALER - Application for approval of crossing alteration over tracks of CSX Transportation, Inc., in the Township of Shaler, Allegheny County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2083271-TAS (PP from 07/15/2010) Dissenting Statement by Vice Chairman Christy. Vote 4-1 with Vice Chairman Christy Dissenting.	A-2009-2083271	ADVANCED MEDICAL EXPRESS AMBULANCE LLC T/A AMEX AMBULANCE LLC - Application 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 Tentative Order approving the application.
2102692-TAS Vote 5-0.	A-2009-2102692	J & D'S, INC - Application for amendment to its common carrier certificate granting the right to transport as a common carrier, persons in paratransit service. Lewistown, Mifflin County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2115693-TAS Vote 5-0.	C-2010-2115693	BUREAU OF TRANSPORTATION & SAFETY VS KEVIN S CONROY - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2127742-TAS Vote 5-0.	C-2010-2127742	BUREAU OF TRANSPORTATION & SAFETY VS STYLIN' LIMOUSINE, INC - Complaint alleging respondent permitted its vehicle to be operated while under suspension. Somerset. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, the certificate be canceled, and the respondent be fined \$1,050.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2140177-TAS (PP from 07/15/2010) Vote 5-0.	A-2009-2140177	SCOTT R RICE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Pittsburgh, Allegheny County. RECOMMENDATION: That the Commission adopt the proposed Tentative Order approving the application.
2150228-TAS Vote 5-0.	A-2009-2150228	4 WAY TRAFFIC LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Delaware. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2152513-TAS Vote 5-0.	A-2010-2152513	WILLIAM ROSE T/A PACK RATS PACKING - Application for the additional right to transport as a common carrier by motor vehicle, household goods in use. Wyncote, Montgomery County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2161923-TAS Vote 5-0.	A-2010-2161923	JAVY ENTERPRISES, INC T/A ADONIS LIMOUSINES - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application.
2162998-TAS Vote 5-0.	A-2010-2162998	DUNCANNON EMERGENCY MEDICAL SERVICES, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Duncannon, Perry County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2163671-TAS Vote 5-0.	C-2010-2163671 A-00120433 C-2009-2126004	BUREAU OF TRANSPORTATION & SAFETY VS ACCURATE TRANSPORTATION, LLC - Rescission of Cancellation Order entered 6/21/10. RECOMMENDATION: That the Commission rescind the Order cancelling Respondent's Certificate and fining the Respondent \$100.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2170240-TAS Vote 5-0.	A-2010-2170240	ROBERT F LONG D/B/A LONG'S VAN SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service limited to those persons whose personal convictions prevent them from owning or operating motor vehicles. Shamokin, Northumberland County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2170250-TAS Vote 5-0.	A-2010-2170250	BIG CITY LIMOUSINE SERVICE, LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Easton, Northumberland County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2171408-TAS Vote 5-0.	C-2010-2171408 A-00108539	BUREAU OF TRANSPORTATION & SAFETY VS NEMO'S AUTO BODY, INC - Complaint alleging failure to pay outstanding assessments. Rayville, Ohio. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2171411-TAS Vote 5-0.	C-2010-2171411 A-00111509	BUREAU OF TRANSPORTATION & SAFETY VS WELLTECH, INC - Complaint alleging failure to pay outstanding assessments. Indiana, Indiana County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2172229-TAS Vote 5-0.	A-2010-2172229	SUSON ELIZABETH AKAKPO-MARTIN - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2172252-TAS Vote 5-0.	C-2010-2172252 A-00111671	BUREAU OF TRANSPORTATION & SAFETY VS DAVID M YOWLER T/A YOWLER'S MOBILE HOME TRANSPORTING - Complaint alleging failure to pay outstanding assessments. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2172253-TAS Vote 5-0.	C-2010-2172253 A-00111776	BUREAU OF TRANSPORTATION & SAFETY VS DALLAS & MAVIS SPECIALIZED CARRIER CO - Complaint alleging failure to pay outstanding assessments. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2172256-TAS Vote 5-0.	C-2010-2172256 A-00112428	BUREAU OF TRANSPORTATION & SAFETY VS DELAWARE VALLEY RECOVERY SYSTEM - Complaint alleging failure to pay outstanding assessments. Feasterville, Bucks County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2172258-TAS Vote 5-0.	C-2010-2172258 A-00113208	BUREAU OF TRANSPORTATION & SAFETY VS CHARLES NOCELLA T/A NOCELLA PROPERTY MAINTENANCE - Complaint alleging failure to pay outstanding assessments. Broomall, Delaware County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2172262-TAS Vote 5-0.	C-2010-2172262 A-00115543	BUREAU OF TRANSPORTATION & SAFETY VS C M WELLS CONSTRUCTION CO, INC T/A EASTERN SECURED DATA - Complaint alleging failure to pay outstanding assessments. Allentown, Lehigh County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2176648-TAS Vote 5-0.	A-2010-2176648	TAYLOR MADE TRANSPORTATION, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Hershey, Dauphin County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2176785-TAS Vote 5-0.	A-2010-2176785	FEEL GOOD LIMO, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2186464-TAS Vote 5-0.	A-2010-2186464	ATLANTIC LOGISTICS AGENCY, INC - Petition to waive the requirement to place identification markings on both sides of the vehicles. RECOMMENDATION: That the Commission adopt the proposed Order approving the petition.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2128070-AUD Vote 5-0.	D-2009-2128070	PECO ENERGY - Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the August 2007 Focused Management and Operations Audit. RECOMMENDATION: That the Commission makes the MEI Report and the Implementation Plan public.
2163032-AUD Vote 5-0.	D-2010-2163032 D-2010-2163033	MET ED and PENELEC - Audit of Non-Utility Generation Related Stranded Cost Recovery through the Competitive Transition Charge for the Year ended 12/31/09. RECOMMENDATION: That the Commission release the Audit Reports.
2176107-AUD Vote 5-0.	M-2010-2176107	PECO ENERGY COMPANY-ELECTRIC - Intangible Transition Charge and Securitization Rate Reduction. RECOMMENDATION: That the Commission approve PECO's proposed Supplement No. 108 to Tariff Electric - PA PUC No. 3, to become effective 8/12/10.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1190251-OSA Vote 5-0.	A-00121329	BUFFALO & PITTSBURGH RAILROAD, INC - Application filed to abolish all public crossings on its Brockway to Brookville line. After a settlement on the other crossings, the abolition of the remaining two crossings was addressed in the Recommended Decision of ALJ Nene, issued on 12/28/09. BPRR and Kovalchick Corp., filed Exceptions and PennDOT filed Reply Exceptions. By Opinion and Order entered 4/20/10, the Commission directed that PennDOT and Snyder Township, with the cost divided equally between them, do all work necessary to remove Crossing No. 1. PennDOT filed a Petition for Reconsideration and Rehearing on 5/10/10 and Snyder Township filed a Petition for Reconsideration on 5/5/10. Kovalchick filed a Reply to PennDOT's Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) denies PennDOT's Petition; and (2) denies Snyder's Petition.
1203702-OSA (PP from 07/15/2010) Postponed until the Public Meeting of August 18, 2010.	P-00072246 A-00009329 A-00009329C0701	FULLINGTON TRAILWAYS, LLC - ALJ Melillo's Recommended Decision of 3/17/10 disposed of several consolidated dockets in this proceeding. ALJ Melillo recommended that the Commission: 1) rescind its 1/31/07 Emergency Order and its 2/8/07 Ratification Order at P-00072246 and A-00009329; 2) dismiss the two pending Formal Complaints at P-00072246 and A-00009329 and at A-00009329C0701; and 3) grant the pending Abandonment Applications at A-00009329, F.32, Am-A and Am-B, and cancel the corresponding Certificates. Fullington filed Exceptions to the Recommended Decision on 4/6/10. BTS filed Reply Exceptions on 4/8/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies Fullington's Exceptions, and adopts the Recommended Decision, consistent with the Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1505396-OSA (PP from 07/15/2010) Dissenting in Part Statement of Vice Chairman Christy. Dissenting Statement of Commissioner Gardner. Vote 4-1 with Commissioner Gardner Dissenting and Vice Chairman Christy Dissenting in Part.	M-2009-1505396	COLUMBIA GAS OF PA, INC - An excavation contractor at a property in German Township, Fayette County, on 8/7/07 struck an unmarked two-inch plastic gas service line owned by Columbia Gas. On 8/24/07, the Commission's Gas Safety Division evaluated Columbia's pipeline facility damage records for the property. The evaluation found that Columbia's facility locator contractor failed to locate the idle service line. The Commission's Law Bureau Prosecutory Staff (LBPS) alleged that Columbia had violated 49 CFR Part 192.614(5) regarding damage prevention and 52 Pa. Code § 59.37 regarding maps, plans and records. LBPS and Columbia Gas engaged in negotiations and a Joint Petition for Settlement was filed with the Commission on 8/26/09. By Order entered 12/4/09, the Commission solicited comments on the Joint Settlement Agreement from interested parties. On 12/16/09, LBPS filed comments. No other parties filed comments. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition for Settlement.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2057952-OSA (PP from 07/15/2010)	C-2008-2057952	BERNARD WANNINGER VS DUQUESNE LIGHT COMPANY - Formal Complaint filed 8/6/08, alleging a reliability, safety or quality problem with service to his residence. Hearings were held on 1/21/09, and 10/29/09, before ALJ Dunderdale. By Initial Decision issued on 3/30/10, the ALJ denied the Complaint. The Complainant filed Exceptions to the Initial Decision on 4/15/10. Respondent filed Reply Exceptions on 4/26/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.
2067766-OSA	M-2009-2067766	LAW BUR PROSECUTORY STAFF VS COVISTA, INC - By Opinion and Order entered on 5/27/08, the Commission dismissed the Formal Complaint of Mr. Steve Atuhne against Covista, but directed the Law Bureau Prosecutory Staff (LBPS) to investigate whether Covista's billing and service termination practices and charges conform to its filed tariff, the Public Utility Code and the Commission's Rules and Regulations. LBPS conducted an informal Investigation of Covista's practices, including a review of the information and documents provided by Covista. The Investigation led to a Settlement, which was filed by LBPS on 8/13/09. On 4/21/10, Covista filed a Statement of Compliance which was attached to the Settlement as "Exhibit B." RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that issues the Settlement Agreement for comments.

Statement by Vice Chairman Christy.
Vote 5-0.

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2075240-OSA Postponed until the Public Meeting of August 18, 2010.	C-2008-2075240	CHARLES GALLAGHER JR VS PECO ENERGY COMPANY - Formal Complaint filed on 11/6/08, alleging that his electric and gas service was erroneously transferred to an individual, based on a phone call, and his account was closed. When the error was discovered, his old account could not be reinstated. The Initial Decision, issued 8/20/09, by ALJ Nguyen sustained the Complaint and ordered PECO to cease and desist from further violations. PECO filed Exceptions on 9/10/09. In its Order entered 12/4/09, the Commission granted the Exceptions, in part, but affirmed the Initial Decision with regard to PECO's violation of Section 1501. On 12/21/09, PECO filed a Petition for Reconsideration of the Commission's 12/4/09 Order. Mr. Gallagher filed a Response. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies PECO's Petition for Reconsideration.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2093336-OSA Vote 5-0.	C-2009-2093336	<p>PALMERTON TELEPHONE COMPANY VS GLOBAL NAPS, INC, et al - Multi-Count Formal Complaint filed on 3/4/09. On 8/7/09, the ALJ issued his Initial Decision: 1) dismissing Palmerton's Complaint except as applicable to Global NAPs South, Inc; 2) imposing a civil penalty of \$750 on Global NAPs South, Inc., for 3 violations; 3) imposing a civil penalty of \$1,000 per day commencing 5/29/09, through and including the date of a final Commission Order in this case; and, 4) issuing a directive that Global NAPs South, Inc., cease and desist from further violations of the Code, regulations and Orders. On 3/16/10, the Commission entered an Opinion and Order modifying the Initial Decision and sustaining, in part, the Complaint of Palmerton. On 3/30/10, Global NAPs filed a Petition for Reconsideration of the Commission's 3/16/10 Opinion and Order. On 4/23/10, Palmerton filed an Answer to the Petition for Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition for Reconsideration.</p>
2109584-OSA Vote 5-0.	F-2009-2109584	<p>BOZENA DZIADAS VS PPL ELECTRIC UTILITIES - Formal Complaint filed on 5/20/09, alleging that her household is using less electricity than her meter and the graphs of her hourly energy use on the PPL website indicate. By Initial Decision issued 4/20/10, ALJ Colwell dismissed the Complaint because Mrs. Dziadas had not met her burden of proof that PPL has improperly billed her for electric service. Mrs. Dziadas filed Exceptions on 5/12/10. Reply Exceptions were filed by PPL on 5/24/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2122686-OSA Postponed until the Public Meeting of August 18, 2010.	C-2009-2122686	GWENDOLYN PARHAM VS WEST PENN POWER - Formal Complaint filed on 7/27/09, alleging that she received a bill that was too high to be accurate. A hearing was held on 3/18/10, before ALJ Colwell. By Initial Decision issued on 4/28/10, the ALJ denied the Complaint. The Complainant filed Exceptions to the Initial Decision on 5/12/10. The Respondent filed Reply Exceptions on 5/24/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.
2123950-OSA Vote 5-0.	M-2009-2123950	MET-ED, PENELEC, and PENN POWER - Smart Meter Technology Procurement and Installation Plan plan filed on 8/14/09. A technical conference was held on 10/20/09, and an evidentiary hearing was held on 11/19/09. On 1/28/10, ALJ Colwell's Initial Decision, was adopted which approved the plan with modifications. Exceptions and Reply Exceptions were filed. By Opinion and Order entered 6/9/10, the Commission adopted the Initial Decision, with modifications. On 6/24/10, the Companies filed a Joint Petition for Reconsideration. On 7/6/10, OCA filed an Answer. By Secretarial Letter dated 7/7/10, the Commission granted reconsideration, pending review of and consideration on the merits. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants in part and denies in part the Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2135500-OSA Vote 5-0.	P-2009-2135500	DUQUESNE LIGHT COMPANY - Petition filed 10/9/09, seeking approval of a Default Service Plan. By Opinion and Order entered 6/21/10, the Commission approved the proposed Settlement of the Parties and solicited comments with respect to whether Duquesne should be required to provide a customer list such as was required in the Commission's PPL Order, entered 10/22/09 at M-2009-2104271. On 7/1/10, comments were filed by Duquesne, OCA, and the Duquesne Light Industrial Intervenors. On 7/6/10, the Retail Energy Supply Association (RESA) filed Comments along with a Motion For Leave to File Comments Out-Of-Time. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants RESAs Motion; directs Duquesne to update its customer data base; and permits customers to opt out of providing historical billing data and telephone numbers.
2135893-OSA Vote 5-0.	F-2009-2135893	JAMES COPPEDGE VS PECO ENERGY COMPANY - Formal Complaint filed on 9/30/09, alleging that PECO was refusing to accept the payment he made on his electric bill and was threatening to shut off his service and that there were incorrect charges on his bill. On 11/6/09, PECO filed an Answer and New Matter and Preliminary Objections averring that the Commission lacks subject matter jurisdiction over the Complaint. By an Initial Decision issued 3/18/10, ALJ Cocheres granted PECO's Preliminary Objections. Mr. Coppedge's Exceptions were received on 3/27/10. PECO did not file Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2139884-OSA	R-2009-2139884 P-2009-2097639	PHILADELPHIA GAS WORKS - Supplement No. 36 to Tariff Gas – Pa. P.U.C. No. 2 filed on 12/18/09, containing proposed changes in rates, rules, and regulations calculated to produce \$42.5 million (4.8%) in additional annual revenues. Also on 12/18/09, PGW filed a Motion to consolidate its petition for approval of its DSM Plan with its request to increase base rates. By Order entered 2/11/10, the Commission granted the Motion and instituted an investigation into the filings. The matter was assigned to the OALJ for the scheduling of hearings culminating in the issuance of a Recommended Decision. On 6/21/10, the Commission issued ALJ Rainey's decision which recommended approval of a Joint Petition for Settlement without modification. On 6/29/10, Exceptions to the RD were filed by Denise Devlin. Reply Exceptions were filed by PGW on 7/6/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions, adopts the Recommended Decision and grants the Joint Petition for Settlement.

Statement by Commissioner Powelson.
Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2140196-OSA Vote 5-0.	C-2009-2140196	ROOSEVELT TAYLOR VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 11/6/09, alleging that his gas service had been cut off since 2003 and that PGW had informed him that he had a gas bill of over \$23,000. He asked that the Commission investigate his bill and that his service be restored. The Respondent filed an Answer which averred that the Complainant's service had been terminated for non-payment. In his Initial Decision, issued on 4/30/10, ALJ Nguyen recommended that the Complaint be restored due to the Complainant's failure to carry his burden of proof. On 5/20/10, the Complainant filed Exceptions. The Respondent filed Reply Exceptions on 6/1/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Complainant's Exceptions; (2) vacates the Initial Decision; and (3) returns this proceeding to the OALJ for further action as deemed appropriate.
2142052-OSA Vote 5-0.	C-2009-2142052	BRIAN M RUDNICK VS VERIZON PA - Formal Complaint filed on 11/16/09, alleging that Verizon's billing information on international calling plans was deficient, vague and non-specific, and that Verizon unnecessarily delayed the online posting of charges of his international calls. On 3/30/10, the Initial Decision of ALJ Chestnut was issued, in which she dismissed the Complaint. On 4/6/10, the Complainant filed Exceptions. Verizon filed Reply Exceptions on 4/29/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2149960-OSA (PP from 07/15/2010) Postponed until the Public Meeting of August 18, 2010.	C-2009-2149960	<p>AGRON VATA VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 12/21/09, alleging that PGW had placed a lien against his rental property for service incurred by his tenant. Mr. Vata alleged that PGW should have done more to collect from the tenant and asked that the lien be removed. Mr. Vata also complained that PGW never assisted him in registering for PGW's Landlord Cooperation Program or answered his emails. On 1/19/10, PGW filed an Answer stating that the lien had been filed by the City of Philadelphia to collect the unpaid balance from the tenant due to PGW. PGW also filed Preliminary Objections on 1/19/10 averring that the Commission lacks subject matter jurisdiction over the Complaint. By an Initial Decision issued 3/17/10, ALJ Weismandel granted PGW's Preliminary Objections. Mr. Vata filed Exceptions on 3/30/10. PGW filed Reply Exceptions on 4/20/10.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions, vacates the Initial Decision and remands the proceeding to the Office of ALJ.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2150861-OSA Motion by Chairman Cawley. Statement by Vice Chairman Christy. Statement by Commissioner Gardner. Vote 4-1 with Commissioner Gardner Dissenting in Part.	R-2010-2150861	NATIONAL FUEL GAS DISTRIBUTION - Pre-filing data submitted on 1/4/10, as required. Supplement to Tariff Gas-Pa. P.U.C. No. 9 and a tariff addendum filed on 2/1/10, to become effective on 8/1/10. Appearances and/or Complaints were filed by OTS, OSBA, OCA and Richard Q. Hart. On 5/6/10, a Stipulation in Partial Settlement was filed. A Recommended Decision was issued on 6/7/10, wherein ALJs Johnson and Hoyer recommended that the proposed Partial Settlement which resolved all but one issue in NFG's 2010 PGC filing be approved. Exceptions were filed by NFG on 6/17/10. Reply Exceptions were filed by the OTS on 6/23/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies NFG's Exceptions, and adopts the ALJs' Recommended Decision to the extent consistent with the Opinion and Order.
2180146-OSA Vote 5-0.	A-2010-2180146 A-310555F7000	VERIZON PA and RCN TELECOM SVCS OF PHILA - Joint Petition filed on 6/4/10, seeking approval of Amendment No. 8 to an Interconnection Agreement under Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.
2180157-OSA Vote 5-0.	A-2010-2180157 A-310554F0002	VERIZON PA and RCN TELECOM SVCS - Joint Petition filed on 6/4/10, seeking approval of Amendment No. 8 to an Interconnection Agreement under Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin on 6/19/10. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1093465-FUS Vote 5-0.	A-110092	WORLEY & OBETZ, INC - Request to amend its electric generation supplier license filed on 7/6/10, to serve small commercial (25 kW and under), large commercial (greater than 25 kW), industrial, and governmental customers as a broker/marketer and aggregator throughout all of the electric service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.
2138283-FUS Vote 5-0.	A-2009-2138283	AMERICA APPROVED.COM, LLC - Request to amend its electric generation supplier license filed on 6/11/10, to serve small commercial (25 kW and under), large commercial (greater than 25 kW), industrial, and governmental customers throughout all of the electric service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.
2148518-FUS Vote 5-0.	A-2009-2148518	KEYTEX ENERGY SOLUTIONS, LLC - Request to amend its electric generation supplier license filed on 6/18/10, to serve residential, small commercial (25 kW and under), and governmental customers throughout all of the electric service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.
2158382-FUS Vote 5-0.	A-2010-2158382	U.S. SUN ENERGY, INC - Application filed 12/7/09, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial customers (over 25kW), specifically hotels, in the electric service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2159610-FUS (PP from 07/15/2010) Dissenting Statement by Vice Chairman Christy. Statement by Commissioner Gardner. Vote 4-1 with Vice Chairman Christy Dissenting.	P-2010-2159610	PPL ELECTRIC UTILITIES CORP - Petition filed on 2/12/10, for a finding that a building to shelter control equipment at the proposed Copperstone 230-69 kV Substation in South Hanover Township, Dauphin County, is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance. RECOMMENDATION: That the Commission adopt the proposed Order that approves the petition.
2161788-FUS Vote 5-0.	A-2010-2161788	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 2/25/10, with respect to the Schoeneck #1 and #2 138/69 kV Transmission Tap Line in Lower Macungie Township, Lehigh County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2161805-FUS Vote 4-1 with Vice Chairman Christy Dissenting.	P-2010-2161805	PPL ELECTRIC UTILITIES CORP - Petition filed on 2/25/10, for a finding that a building to shelter control equipment at the proposed Schoeneck 69-12 kV Substation in Lower Macungie Township, Lehigh County, is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance. No protests were filed. A hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that grants the Petition.
2164476-FUS Vote 4-1 with Vice Chairman Christy Dissenting.	A-2010-2164476 P-2010-2163925	PPL ELECTRIC UTILITIES CORP - Application filed on 3/10/10, for approval of the siting and construction of the Appenzell #1 & #2 138 kV Taps in Jackson Township, Monroe County. No protests were filed. A hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application and grants the petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2177163-FUS Vote 5-0.	M-2010-2177163	MONTOUR COUNTY'S 911 - System Renewal Plan filed on 5/19/10, from PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and a recommendation within 90 days. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
2179372-FUS Vote 5-0.	A-2010-2179372	GLOBAL ENERGY SOLUTIONS, CORP - Application filed on 5/28/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of analyzing electricity loads and negotiating and/or re-negotiating third-party supply agreements for the purchase of electricity for residential, large and small commercial (over and under 25 kw demand), industrial and governmental customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order.
2179791-FUS Vote 5-0.	A-2010-2179791	TATKATEL, INC - Application filed on 5/24/10, for approval to offer, render, furnish or supply telecommunication services as a detariffed Interexchange Toll Reseller. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2183423-FUS Vote 5-0.	A-2010-2183423	BIRCH COMMUNICATIONS, INC - Application filed on 6/17/10, for approval of a corporate reorganization whereby all the stock of Birch Communications, Inc., is transferred to Birch Communications Holdings, Inc. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2184449-FUS Vote 5-0.	S-2010-2184449	COLUMBIA WATER CO - Securities certificate with respect to the issuance of debt in a principal amount not to exceed \$500,000. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2187741-FUS Vote 5-0.	M-2010-2187741	BUREAU OF FIXED UTILITY SERVICES' QUARTERLY EARNINGS REPORT - Report representing the earned and adjusted returns on rate base and common equity capital for PA non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups. RECOMMENDATION: That the Commission make the earnings report public.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2172662-FUS Vote 5-0.	R-2010-2172662	WELLSBORO ELECTRIC CO. - Supplement No. 51 to Tariff Electric-Pa. P.U.C. No. 8, filed on 6/2/10, proposing an annual increase in rates calculated to produce approximately \$870,100 (23.7%) in additional annual distribution service revenues, to become effective 8/1/10. Formal complaints were filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed tariff filing by operation of law until 3/1/11, and institutes an investigation.
2172662-OTS Adopt 5-0 to the extent that it is consistent with 2172662-FUS.	R-2010-2172662	WELLSBORO ELECTRIC CO. - Supplement No. 51 to Tariff Electric - Pa. P.U.C. No. 8, filed on 6/2/10, to become effective 8/1/10, proposing an increase of \$870,100 representing an increase in annual revenues of 23.1%. RECOMMENDATION: That the Commission institute an investigation of the proposed rates, rules and regulations and allow the filing to be suspended by operation of law for a period of 7 months, or through 3/1/11.
2172665-FUS Vote 5-0.	R-2010-2172665	CITIZENS ELEC CO. OF LEWISBURG - Supplement No. 52 to Tariff Electric-Pa. P.U.C. No. 14, filed on 6/2/10, proposing an annual increase in rates calculated to produce approximately \$787,276 (21.5%) in additional annual distribution service revenues, to become effective 8/1/10. Formal complaints were filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed tariff filing by operation of law until 3/1/11, and institutes an investigation.
2172665-OTS Adopt 5-0 to the extent that it is consistent with 2172665-FUS.	R-2010-2172665	CITIZENS ELEC CO. OF LEWISBURG - Tariff Electric - Pa. P.U.C. No. 14, filed on 6/2/10, to become effective 8/1/10, proposing an increase of \$787,276 representing an increase in annual revenues of 21.1%. RECOMMENDATION: That the Commission institute an investigation of the proposed rates, rules and regulations and allow the filing to be suspended by operation of law for a period of 7 months, or through 3/1/11.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2069114-LAW (PP from 07/15/2010)	L-2008-2069114 I-00040103F0002	PROPOSED RULEMAKING - 52 PA CODE - Natural Gas Distribution Companies and Competition. On 3/27/09, the Commission initiated a proposed rulemaking regarding its efforts to promote retail competition in the natural gas market. The proposed rulemaking was published in the PA Bulletin. Comments to the rulemaking were filed by interested parties. RECOMMENDATION: That the Commission approve the Final Rulemaking Order and Annex A.
2164741-LAW (PP from 07/15/2010)	M-2010-2164741	POLICY STATEMENT-DESIGNATION OF ETCs - Proceeding initiated by the Commission to adopt uniform PA standards applicable to ETC designation and annual recertification. RECOMMENDATION: That the Commission adopt the Policy Statement formally adopting the federal minimum standards as guidelines on the designation and annual certification of ETCs.
2182341-LAW	P-2010-2182341	COLUMBIA GAS OF PA, INC - Petition filed on 5/26/10, requesting a 3-month extension of time to file its universal service and energy conservation program impact evaluation. The work schedule of the third-party evaluator retained by Columbia, prohibits her from conducting a thorough evaluation of Columbia's programs by the 8/1/10 due date. Accordingly, Columbia requests that its evaluation be due by 11/1/10. RECOMMENDATION: That the Commission adopt the Order to grant the extension.

Motion by Commissioner Coleman.
Statement by Vice Chairman Christy.
Vote 5-0 with Vice Chairman Christy
Concurring In Result Only.

Vote 5-0.

Vote 5-0.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2079774-ALJ Vote 5-0.	R-2008-2079774 R-2008-2079778	DONALD A FIX T/A DON FARR MOVING CO DONALD A FIX JR T/A HINDMAN MOVING & STORAGE - Carriers filed a request for a change in tariff, as well as financial records and supporting data, which were certified for review by the Commission. BTS determined that the proposed increases were disproportionate in that the increased intrastate revenue would subsidize the interstate revenue and recommended that the tariff requests be suspended and that the Carriers be offered an opportunity to submit new tariff requests which reflect the recommendations of the Bureau. The Commission considered the tariff requests as well as the accompanying financial records and other supporting data and by Order dated 1/14/10, ordered that the tariff supplements be suspended. On 3/10/10, the Carriers filed a motion to withdraw the tariff requests. No objections to the withdrawal were filed. COMMISSION REVIEW: That the Commission adopt ALJs Meehan and Long's Initial Decision granting the motion.
2117241-ALJ Vote 5-0.	A-2009-2117241	NORTH HEIDELBERG WATER CO - Application filed on 6/24/09, for a certificate of public convenience to abandon water service to 266 customers and transfer the customers and its water system assets to Reading Area Water Authority, a non-jurisdictional municipal authority. On 4/20/10, an evidentiary hearing was held. OCA and DEP support the Application and four individual customers filed protests. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision granting the application.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2154880-ALJ Vote 5-0.	C-2010-2154880	KELLY HATT VS UGI CORPORATION - Formal Complaint filed on 1/25/10, alleging that UGI switched natural gas suppliers pursuant to receiving literature by mail and that the UGI Migration Rider Surcharge (MRS), which was not included in the literature, effectively negates any cost savings from switching. Complainant asks that the MRS be removed from his bill. On 2/17/10, UGI filed its Answer. A hearing was held on 5/4/10. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Initial Decision dismissing the complaint.
2157062-ALJ Vote 5-0.	R-2010-2157062	PHILADELPHIA GAS WORKS - Petition for Special Permission to Depart from the Requirements of 52 Pa. Code §§ 53.45(b), 53.64(c) and 53.68(a) Concerning the Provision of Public Notice filed on 1/28/10. PGW requested permission to notify individual customers by bill insert during a 1-month billing cycle (3/1/10-3/31/10). Also, PGW requested permission to provide public notice, in company offices that accept payments, of the tariff addendum or tariff supplement concerning PGW's 2010-2011 gas cost rate on 3/1/10. On 2/26/10, PGW submitted Supplement No. 37 to Gas Service Tariff - Pa. P.U.C. No. 2 and Supplement No. 32 to Gas Supplier Tariff- Pa. P.U.C. No. 1 to become effective for services rendered on or after 9/1/10. This annual gas cost rate filing was made pursuant to 66 Pa. C.S. § 1307(f). COMMISSION REVIEW: That the Commission adopt ALJs Fordham and Pell's Recommended Decision approving the Settlement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

July 29, 2010

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2184286-LAW Vote 5-0.	P-2010-2184286	UGI UTILITIES, INC-ELECTRIC DIV - Petition for Reconsideration filed on 7/23/10. OSBA's Petition recites that the Opinion and Order entered on 7/20/10, states that there were no answers filed to UGI's petition; however, answers were timely filed by both OSBA and the OCA on 7/12/10 and 7/13/10, respectively. RECOMMENDATION: That the Commission adopt the Order granting the Petition for Reconsideration of the Opinion and Order entered on 7/20/10.