

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**WEDNESDAY, AUGUST 18, 2010 (TC)**

**10:00 A.M.**

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

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**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:**

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
<b>Wayne E. Gardner</b>	<b>Tyrone J. Christy</b>	<b>James H. Cawley</b>	<b>John F. Coleman, Jr.</b>	<b>Robert F. Powelson</b>

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

**The Next Public Meeting is Tentatively Scheduled for Thursday, September 2, 2010 at 10:00 A.M.**

**Minutes of the Meeting of Thursday, July 15, 2010 (WG)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, SEPTEMBER 2, 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 WEDNESDAY, AUGUST 18, 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.**

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**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

August 18, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2113303-TAS Vote 5-0.	C-2010-2113303	BUREAU OF TRANSPORTATION & SAFETY VS JOSEPH D VEROSKY T/A VEROSKY DELIVERY SERVICES - 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.
2123676-TAS Vote 5-0.	C-2010-2123676	BUREAU OF TRANSPORTATION & SAFETY VS JOSEPH WEBB YOUNG T/A YOUNG TRANSPORTATION & HAULING - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2126367-TAS Vote 5-0.	A-2009-2126367	SANTOS E PINEDA T/A PINEDA DRIVING SERVICES - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Quakertown, Bucks County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2134507-TAS Vote 5-0.	C-2010-2134507	BUREAU OF TRANSPORTATION & SAFETY VS P C WRIGHT TRUCKING LLC - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. York, York County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2162036-TAS Vote 5-0.	A-2010-2162036	WESTMORELAND COUNTY - Application for approval of the relocation of a grade separated crossing structure where First Street crosses above one track of Norfolk Southern Railroad located in Vandergrift. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2163372-TAS Vote 5-0.	A-2010-2163372 A-00120024	RAMSEY'S MOVING SYSTEMS, LLC - Application for amendment to its certificate which grants the right to transport as a common carrier by motor vehicle, household goods in use. Media, Delaware County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2170274-TAS Vote 5-0.	C-2010-2170274 A-2008-2014103 C-2009-2058845	BUREAU OF TRANSPORTATION & SAFETY VS HOSIE HAULERS, INC - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2171402-TAS Vote 5-0.	C-2010-2171402 A-00120143	BUREAU OF TRANSPORTATION & SAFETY VS PERRYOPOLIS AREA AMBULANCE SERVICE, INC - Complaint alleging failure to pay outstanding assessments. Perryopolis, Fayette County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, the certificate be canceled, and Respondent be fined \$100.
2171406-TAS Vote 5-0.	C-2010-2171406 A-00121679	BUREAU OF TRANSPORTATION & SAFETY VS GOOD SAMARITAN LIMOUSINE SERVICE, INC - Complaint alleging failure to pay outstanding assessments. New Freedom, York County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled and Respondent be fined \$100.

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2171407-TAS  Vote 5-0.	C-2010-2171407 A-00121889	BUREAU OF TRANSPORTATION & SAFETY VS B&D TRANSPORTATION, INC - Complaint alleging failure to pay outstanding assessments. Gordonville, Lancaster County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled and Respondent be fined \$100.
2171410-TAS  Vote 5-0.	C-2010-2171410 A-00109798	BUREAU OF TRANSPORTATION & SAFETY VS FLOYD C MATTHEWS T/A F C MATTHEWS TRUCKING - Complaint alleging failure to pay outstanding assessments. Stoneboro, Mercer County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2172404-TAS  Vote 5-0.	A-2010-2172404	CENTRAL PENNSYLVANIA COMMUNITY ACTION, INC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Clearfield, Clearfield County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2176690-TAS  Vote 5-0.	A-2010-2176690	ALFRED TAYLOR - 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. Bloomsburg, Columbia County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2178545-TAS  Vote 5-0.	A-2010-2178545	DEPARTMENT OF TRANSPORTATION - Application for approval to replace bridges that cross over tracks of Lehigh Valley Rail Management & Norfolk Southern Railway in Franklin & East Conemaugh Borough, Cambria County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2181829-TAS</b>  Vote 5-0.	<b>A-2010-2181829</b> <b>C-2009-2102713</b>	WOODROW WILSON KIRKWOOD JR - 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.
<b>2183833-TAS</b>  Vote 5-0.	<b>R-2010-2183833</b>	SOUTH HILLS MOVERS, INC - Rate increase order. Bethel Park, Allegheny County. RECOMMENDATION: That the Commission approve the 15th Revised Page 2 and 10th Revised page 12 of Tariff Freight Pa. PUC No. 1.

**BUREAU OF AUDITS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2186795-AUD</b> Vote 5-0.	<b>M-2010-2186795</b>	DUQUESNE LIGHT COMPANY - Energy Efficiency and Conservation and Demand Response Surcharge Rates. RECOMMENDATION: That the Commission approve the proposed rates to become effective 9/1/10.
<b>2190553-AUD</b> Vote 5-0.	<b>M-2010-2190553</b>	VALLEY ENERGY, INC - Gas Cost Rate. RECOMMENDATION: That the Commission approve the proposed rates and proposed Supplement No. 21 to Gas - Pa. PUC No. 2 effective 9/1/10.
<b>2191548-AUD</b> Vote 5-0.	<b>M-2010-2191548</b>	NRG ENERGY CENTER HARRISBURG, LLC - Steam Cost Rates. RECOMMENDATION: That the Commission approve the SCR statement and SCR rates effective 9/1/10.
<b>2191730-AUD</b> Vote 5-0.	<b>M-2010-2191730</b>	PIKE COUNTY LIGHT & POWER CO-GAS - Gas Cost Rate. RECOMMENDATION: That the Commission approve the proposed rate effective 9/1/10.
<b>2191963-AUD</b> Vote 5-0.	<b>M-2010-2191963</b>	TRIGEN-PHILADELPHIA ENERGY CORP - Steam Cost Rates. RECOMMENDATION: That the Commission approve the SCR statement effective 9/1/10, subject to adjustment each month to reflect the actual cost of steam of the prior month.

**BUREAU OF CONSUMER SERVICES**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

**2094394-BCS**

**M-2009-2094394**

**Vote 5-0.**

PECO ENERGY COMPANY-ELECTRIC  
- Universal Service and Energy Conservation Plan for  
2010-2012 filed on 12/15/09, in accordance with the  
Commission's regulations at 52 Pa. Code  
Sections 54.71-54.78 and 62.1-62.8.  
RECOMMENDATION:  
That the Commission adopt the proposed Final Order.



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
1121115-OSA  Vote 5-0.	M-00900239	PA TELECOMMUNICATIONS RELAY SERVICE ADVISORY BOARD - TRS Advisory Board was established by Order of 5/29/90. The Commission then appointed members to the TRS Advisory Board for two-year terms. RECOMMENDATION: That the Commission adopt the Opinion and Order appointing the two nominees to serve on the TRS Board for a two-year term, terminating 8/18/12.
1189452-OSA  Statement by Commissioner Gardner. Vote 5-0.	A-00121227	LEROY MICKENS, III T/A BIG TIME'S NIGHT TRAIN - Complaint instituted on 4/2/10, alleging that Petitioner failed to pay an outstanding civil penalty of \$250, imposed on Petitioner due to failure to file an acceptable tariff. Petitioner did not file an answer to the Complaint. By Order entered 6/3/10, the Commission cancelled Petitioner's Certificate of Public Convenience. On 6/16/10, Petitioner filed a Petition for Reinstatement. BTS filed an Answer to the Petition on 7/15/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which conditionally grants the Petition, consistent with the discussion therein.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1203702-OSA (PP from 07/29/2010)</b>	<b>P-00072246 A-00009329 A-00009329C0701</b>	<b>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.</b>

**Motion by Chairman Cawley.  
Vote 4-1 with Commissioner Coleman  
Dissenting.**

**OFFICE OF SPECIAL ASSISTANTS**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

2037210-OSA

M-2010-2037210

Vote 5-0.

T W PHILLIPS GAS & OIL CO

- Gas explosion occurred on 2/17/08 @ 5:36 PM in Ringgold that resulted in much property damage to a residence but no injuries. TWP was notified of the explosion at 7:45 PM on 2/17/08. The first TWP emergency responder arrived at the scene at 8:15 PM. Substructure gas readings revealed concentrations of 17% gas in the ground. The gas mains involved were 3-inch diameter bare steel pipes with a distribution system pressure of 0.5 psi. Five leaks were discovered. TWP notified the Commission of the incident at 8:20 AM on 2/18/08. A Gas Safety Inspector arrived at the scene at 11:55 AM. The leaks were classified as grade one leaks requiring immediate repair. Based on the results of the ensuing investigation of the Commission's Gas Safety Division and settlement discussions, TWP and the Commission's Law Bureau Prosecutory Staff filed a proposed Settlement on 1/19/10. The Commission issued the the Settlement for Comment by Order entered 6/7/10. No comments were filed.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order that adopts the Joint Settlement.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2051267-OSA</b>  Vote 5-0.	<b>C-2008-2051267</b>	JOHN NORBECK DIRECTOR, DCNR VS PECO - Formal Complaint filed on 7/11/08, alleging, inter alia, that the underground cable that serves Ridley State Park is part of PECO's distribution system. DCNR requested, inter alia, that the Commission find that PECO's actions to locate breaks in the cable exacerbated damage to the cable and that PECO is liable for the cost of replacing the underground cable and the cost of a temporary generator. By Initial Decision issued on 4/11/10, ALJ Fordham recommended that the Complaint be dismissed because DCNR did not meet its burden of proof. DCNR filed Exceptions on 5/12/10. PECO filed Reply Exceptions on 5/24/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Recommended Decision.
<b>2063047-OSA</b>  Statement by Commissioner Coleman. Vote 5-0.	<b>C-2008-2063047</b>	CHET AND MICHELE DUFFY VS PENN POWER - Formal Complaint filed on 9/8/08, alleging an unexplained drastic increase in usage charges and billing over-charges to their residential electric service account. By Initial Decision issued on 6/17/10, ALJ Dunderdale denied the complaint. The Complainants filed Exceptions on 7/8/10. Respondent filed Reply Exceptions on 7/19/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainants' Exceptions and adopts the ALJ's Initial Decision.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2105240-OSA</b> <b>Statement by Commissioner Coleman.</b> <b>Vote 5-0.</b>	<b>C-2009-2105240</b>	<b>ROGER MCCALL VS PENELEC</b> - Initial Decision issued 3/15/10, ALJ Corbett inter alia, sustained the instant Complaint to the extent that it raised an issue concerning excessive trimming of Complainant's tree. In all other respects, the Complaint was denied. The ALJ further directed that Penelec, having agreed to do so, at its sole cost and expense, should remove the subject tree on Complainant's property and replace it with another tree. The Commission adopted the ALJ's Initial Decision by Opinion and Order entered 6/7/10. On 6/22/10, Penelec filed a Petition for Reconsideration requesting that the Commission's Order entered 6/7/10 be amended to permit Penelec to plant a deciduous tree on Mr. McCall's property at a mutually agreeable location without first removing the tree that is the subject of the Complaint. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that grants Penelec's Petition.
<b>2115020-OSA</b> <b>Vote 5-0.</b>	<b>C-2009-2115020</b>	<b>SUKHENDU BHATTACHARYYA VS PA AMERICAN WATER COMPANY</b> - Formal Complaint filed on 6/19/09, alleging that his water service was improperly terminated on two occasions. On 7/13/09, PAWC filed an Answer denying the material allegations of the Complaint and filed New Matter. No response to the New Matter was filed. By an Initial Decision issued 4/13/10, ALJ Jandebour dismissed the Complaint after finding that the Complainant had failed to meet his burden of proving that PAWC had failed to provide adequate and reasonable service. The Complainant filed Exceptions on 6/8/10 and PAWC filed Reply Exceptions on 6/18/10. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that adopts the Initial Decision and denies the Exceptions.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2120781-OSA</b>  <b>Vote 5-0.</b>	<b>A-2009-2120781</b>	<b>JET SEDAN SERVICES LLC</b> - Application filed on 6/26/09, seeking to provide limousine service. Notice was published in the PA Bulletin. Airport Limousine Services and Airlines Acquisition Company filed Protests to the Application. After hearing, ALJ Corbett issued his Initial Decision on 6/2/10, in which he recommended that the application be granted. On 6/22/10, the Protestants filed Exceptions to the Initial Decision. On 7/2/10, the Applicant filed Reply Exceptions. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which: (1) denies the Protestants' Exceptions; and (2) adopts the Initial Decision, consistent with the Opinion and Order.
<b>2122686-OSA</b> <b>(PP from 07/29/2010)</b>  <b>Vote 5-0.</b>	<b>C-2009-2122686</b>	<b>GWENDOLYN PARHAM VS ALLEGHENY POWER</b> - 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. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2138591-OSA  Statement by Vice Chairman Christy. Vote 5-0.	M-2010-2138591	LAW BUR PROSECUTORY STAFF VS UGI UTILITIES - Farmington Way residential subdivision, in Lititz, Lancaster County, experienced a gas service outage on 9/6/09, when the propane tanks serving the subdivision contained insufficient supplies to pressurize the system. UGI owned and operated this propane gas distribution system. The tanks were filled by UGI's affiliate, AmeriGas Partners, L.P. The Commission's Gas Safety Division inspected the propane gas tanks and UGI's procedures regarding the tanks. An informal investigation was initiated to determine whether UGI violated its tariff or the Public Utility Code. It was concluded that UGI had violated provisions of the Code and the Code of Federal Regulations. The Commission's Law Bureau, the Gas Safety Division and UGI engaged in negotiations and a Settlement Agreement was executed. It was filed with the Commission on 7/7/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order issuing the Settlement Agreement for comment.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2140062-OSA  Vote 5-0.	C-2010-2140062	<p>BUREAU OF TRANSPORTATION &amp; SAFETY VS HARRISBURG CITY CAB SERVICE, INC - Settlement Agreement filed on 6/18/10, in order to satisfy the Complaint. In the Complaint, BTS averred that Respondent failed to carry a copy of a lease agreement on board a leased vehicle and also utilized a vehicle older than eight model years. BTS requested a total civil penalty of \$300, \$250 for use of the over-aged vehicle and \$50 for failure to carry a copy of the lease. BTS subsequently agreed that there was no violation of the Regulation as to use of an over-aged vehicle. As part of the Settlement, Respondent agreed to comply with the Code and the Commission's Regulations in the future. BTS agreed to reduce the civil penalty to \$50.</p> <p><b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the Settlement Agreement as filed.</p>



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2143607-OSA  Vote 4-0 with Vice Chairman Christy Abstaining.	P-2009-2143607 M-2008-2068982	PECO ENERGY COMPANY-ELECTRIC - Petition for Approval of its Revised Electric Purchase of Receivables Program filed on 11/20/09. On 3/22/10, a Joint Petition for Partial Settlement, which resolved all but two issues in the proceeding, was filed by PECO, the OCA, the OSBA, Constellation, RESA, Direct Energy and Dominion Retail. PAIEUG did not sign or oppose the Joint Petition. The OTS opposed the Joint Petition. On 4/29/10, the Commission issued the Recommended Decision of ALJ Fordham in which she recommended that the Partial Settlement be approved. Exceptions and Reply Exceptions were filed. On 6/18/10, the Commission entered an Order adopting the ALJ's recommendation with modifications. On 7/2/10, the OSBA filed a Petition for Clarification of the 6/18/10 Opinion and Order. Answers to the Petition were filed on 7/12/10, by PECO and Dominion Retail Inc. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the OSBA's Petition.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2149960-OSA</b> <b>(PP from 07/29/2010)</b>  <b>Vote 5-0.</b>	<b>C-2009-2149960</b>	<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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the Initial Decision.</p>
<b>2151048-OSA</b>  <b>Vote 5-0.</b>	<b>F-2010-2151048</b>	<p>PETER OUELLETTE VS PECO ENERGY COMPANY - Formal Complaint filed on 1/6/10, alleging the wrongfully charge of a revenue protection fee. By Initial Decision issued on 6/2/10, ALJ Nguyen denied the Complaint. The Complainant filed Exceptions, with no indication of service to the Parties, to the Initial Decision on 6/17/10. On 6/17/10, Respondent was served the Complainant's Exceptions. The Respondent filed Reply Exceptions on 6/23/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions, in part, and adopts the ALJ's Initial Decision without modification.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2160161-OSA  Vote 5-0.	A-2010-2160161 A-00115313	CSX TRANSPORTATION, INC and CITY OF PHILA - Joint Application filed on 2/19/10. A Field Conference was held at the site on 3/29/10, where the City, inter alia, agreed to perform the work and bear the cost of construction and maintenance for portions of the pedestrian and vehicular roadways. CSX agreed to perform the work and bear the cost of construction of, inter alia, the track circuitry. By Secretarial Letter of 4/20/10, the Commission stated that it had concluded that the proposed construction was in the public interest, and the instant Application was approved. On 5/13/10, the City and CSX filed the instant Joint Petition to Appeal Secretarial Letter for Purposes of Clarification and Amendment with reference to the Secretarial Letter of 4/20/10. No response has been filed to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants, in part, and denies, in part, the Joint Petition, consistent with the Opinion and Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2125048-FUS</b>  Vote 5-0.	<b>A-2009-2125048</b>	ENERGY COOPERATIVE OF AMERICA, INC - Request to modify its license filed on 7/9/10, to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to small (25kw and under demand) and large (over 25kw) commercial, industrial and governmental customers to include the additional EDC service territories of Allegheny Power, Met Ed, Penelec, Penn Power and PECO. RECOMMENDATION: That the Commission adopt the proposed Order which approves the license modification.
<b>2125683-FUS</b>  Vote 5-0.	<b>A-2009-2125683</b>	FAMILY ENERGY INC d/b/a FAMILY ENERGY SERVICES - Application filed on 8/5/09, for the approval to operate as an aggregator engaged in the business of supplying natural gas services in the service territory of Columbia Gas. RECOMMENDATION: That the Commission adopt the proposed Order that denies the application.
<b>2138725-FUS</b>  Vote 5-0.	<b>A-2009-2138725</b>	GATEWAY ENERGY SERVICES CORPORATION - Request filed on 6/21/10, to amend its license to add the NGS service territories of PECO and NFG. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2161198-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2161198</b>	GLACIAL NATURAL GAS, INC - Application filed on 2/22/10, for approval to offer, render, furnish, or supply natural gas supply services to small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial, and governmental customers in the service territories of UGI Penn Natural Gas and UGI Utilities, Inc., as a supplier of natural gas services and a broker/marketer engaged in the business of supplying natural gas services. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2163898-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2163898</b>	RESPOND POWER, LLC - Application filed on 3/16/10, for approval to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity for residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2170071-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2170071</b>	WEST PENN POWER CO - Letter of Notification filed on 4/13/10, pursuant to 52 Pa. Code Chapter 57 Subchapter G, for the construction of Nyswaner Loop 138 kV Transmission Line in Chartiers Township, Washington County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2171075-FUS</b> Vote 5-0.	<b>P-2010-2171075</b>	UGI UTILITIES, INC and UGI PENN NATURAL GAS - Petition for Authority to Establish a Regulatory Asset for the Unfunded Balance of a Defined Benefit Pension Plan. RECOMMENDATION: That the Commission adopt the proposed Order approving the petition.
<b>2172213-FUS</b> Vote 5-0.	<b>A-2010-2172213</b>	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 4/26/10, pursuant to 52 Pa. Code Chapter 57 Subchapter G, with respect to the Hawley #1 and #2 138/69 kV Transmission Tap Line in Palmyra Township, Wayne County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
<b>2176743-FUS</b> Vote 5-0.	<b>A-2010-2176743</b>	NORTH AMERICAN POWER AND GAS, LLC - Application filed on 5/11/10, for approval to provide electric generation supplier services as a supplier to residential, large (over 25 kw demand) and small (25 kw and under) commercial, industrial and governmental customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2178098-FUS</b> Vote 5-0.	<b>M-2010-2178098</b> <b>M-00910303</b>	ERIE COUNTY'S 911 - System Renewal Plan filed on 5/25/10, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.25 per access line per month and make a recommendation to PEMA within 90 days. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2179136-FUS</b>  <b>Vote 5-0.</b>	<b>M-2010-2179136</b>	BEDFORD COUNTY'S 911 - System Renewal Plan filed on 5/27/10, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and make a recommendation to PEMA within 90 days. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
<b>2180376-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2180376</b>	TRIEAGLE ENERGY, LP - Application filed on 5/14/10, for approval to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity for residential, small (25 kw and under demand) and large (over 25 kw) commercial, industrial and governmental customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order, which approves the application.
<b>2180439-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2180439</b>	TRITIUM ENERGY CONSULTING, LLC - Application filed on 6/1/10, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25 kW demand) and industrial customers in the service territory of PECO. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2183912-FUS</b>  <b>Vote 5-0.</b>	<b>S-2010-2183912</b>	PPL ELECTRIC UTILITIES, CORP - Securities certificate in respect of certain bank loans evidenced by unsecured promissory notes or other obligations incurred pursuant to one or more credit facilities in an aggregate amount not in excess of \$300 million to be outstanding at any one time. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2184503-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2184503</b>	INSITE SOLUTIONS, LLC - Application filed on 6/29/10, seeking approval of the Company's Discontinuance and Abandonment of Competitive Access Provider Services. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2184556-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2184556</b> <b>A-2010-2184558</b>	GLOBAL CROSSING LOCAL SERVICES and GLOBAL CROSSING TELEMAGEMENT - Joint Application filed on 4/16/10, for approval of a pro forma merger and authorization for Global Crossing Telemagement, Inc for abandonment of certification. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
<b>2188003-FUS</b>  <b>Vote 5-0.</b>	<b>S-2010-2188003</b>	AUDUBON WATER COMPANY - Securities certificate for approval to assume securities in a principal amount not to exceed \$75,000. RECOMMENDATION: That the Commission adopt the proposed Order for the registration of the securities certificate for approval to assume securities in a principal amount not to exceed \$75,000.



**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2171339-FUS</b>  Vote 5-0.	<b>R-2010-2171339</b>	REYNOLDS DISPOSAL CO - Supplement No. 1 to Tariff Wastewater -Pa. P.U.C. No. 4 filed on 6/30/10, proposing an annual increase in revenues of \$77,167 (20.5%) to become effective 8/29/10. By letter dated 4/22/10, company was granted an extension of time to file until 6/30/10. On 7/30/10, OCA filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
<b>2171339-OTS</b>  Adopt 5-0 to the extent it is consistent with 2171339-FUS.	<b>R-2010-2171339</b>	REYNOLDS DISPOSAL CO - Supplement No. 1 to Tariff Wastewater - Pa. P.U.C. No. 4, filed on 6/30/10, to become effective 8/29/10, proposing an increase of \$77,167 representing an increase in annual revenues of 20.5%. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of 7 months or through 3/29/11.
<b>2171918-FUS</b>  Vote 5-0.	<b>R-2010-2171918</b>	TOTAL ENVIRONMENTAL SOLUTIONS - Supplement No. 4 to Tariff Water - Pa. P.U.C. No. 4, filed on 6/30/10, proposing an annual increase in rates of \$376,120 (62.15%) to become effective 8/29/10. By letter dated 4/28/10, the company was granted an extension of time, until 6/30/10, to file using a historic test year ending 12/31/09 and a future test year ending 12/31/10. Formal complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
<b>2171918-OTS</b>  Adopt 5-0 to the extent it is consistent with 2171918-FUS.	<b>R-2010-2171918</b>	TOTAL ENVIRONMENTAL SOLUTIONS - Supplement No. 4 to Tariff Water - Pa. P.U.C. No. 4, filed on 6/30/10, to become effective 8/29/10, proposing an increase of \$376,120 representing an increase in annual revenues of 62.15%. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of 7 months or through 3/29/11.

**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2171924-FUS</b>  <b>Vote 5-0.</b>	<b>R-2010-2171924</b>	TOTAL ENVIRONMENTAL SOLUTIONS - Supplement No. 6 to Tariff Wastewater - Pa. P.U.C. No. 4, filed on 6/30/10, proposing an annual increase in rates of \$268,140 (25.6%) to become effective 8/29/10. By letter dated 4/27/10, an extension was granted until 6/30/10, to file using a historic test year ending 12/31/09 and a future test year ending 12/31/10. Formal complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
<b>2171924-OTS</b>  <b>Adopt 5-0 to the extent it is consistent with 2171924-FUS.</b>	<b>R-2010-2171924</b>	TOTAL ENVIRONMENTAL SOLUTIONS - Supplement No. 6 to Tariff Wastewater - Pa. P.U.C. No. 4, filed on 6/30/10, to become effective 8/29/10, proposing an increase of \$268,140 representing an increase in annual revenues of 25.57%. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of 7 months or through 3/29/11.
<b>2172596-FUS</b>  <b>Vote 5-0.</b>	<b>R-2010-2172596</b>	CORNER WATER SUPPLY & SERVICE CORP - Supplement No. 56 to Tariff Water-Pa. P.U.C. No. 1, filed on 5/10/10, proposing an annual increase in rates of \$42,771 (13.24%) to become effective 8/1/10, and voluntarily postponed until 9/1/10. By letter dated 4/29/10, an extension was granted until 5/31/10, to file using a historic test year ending 12/31/09. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2172596-OTS</b>  <b>Reject 5-0.</b>	<b>R-2010-2172596</b>	CORNER WATER SUPPLY & SERVICE CORP - Supplement No. 56 to Tariff Water - Pa. P.U.C. No. 1, filed on 5/12/10, to become effective 9/1/10, proposing an increase of \$42,771 representing an increase in annual revenues of 13.2%. RECOMMENDATION: That the Commission approve the rates, rules and regulations contained in Supplement No. 56 to Tariff-Water Pa. P.U.C. No. 1 to be permitted to become effective 9/1/10 in their entirety.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
<b>2168786-LAW</b> <b>(PP from 07/29/2010)</b>	<b>P-2010-2168786</b>	<b>PPL ELECTRIC UTILITIES CORP</b> - Petition filed on 4/4/10, requesting a declaratory order to remove uncertainty in the application of 52 Pa. Code §56.97(a) to PPL's proposed pilot program. As an alternative to declaratory relief, PPL requested a two-year waiver of 52 Pa. Code §56.97(a) for its proposed pilot. PPL's Petition was served initially on OCA, OTS, and OSBA. At the request of the Law Bureau, a copy of the Petition was served on all parties of record in the rulemaking proceeding at Docket No. L-00060182. On 5/12/10, OCA filed an Answer opposing the Petition and requesting that declaratory relief be denied. Also, on 5/17/10, the PULP filed a Petition for Intervention and Answer on behalf of Maryellen Nentwig, a low income customer of PPL, opposing PPL's request for declaratory relief. <b>RECOMMENDATION:</b> That the Commission adopt the Order.
<b>2184287-LAW</b>	<b>P-2010-2184287</b> <b>P-2010-2184286</b>	<b>UGI UTILITIES, INC-ELECTRIC DIVISION</b> - Order entered 7/20/10 at P-2010-2184286, the Commission granted OSBA's petition for reconsideration. On 8/2/10, UGI filed an answer to OSBA's petition for reconsideration, requesting that all of the interested parties concentrate on reaching resolution to its petition at P-2010-2184287, rather than spending resources on filing and granting interim petitions at P-2010-2184286. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order consolidating UGI's petitions and referring the matter to OALJ for hearing
<b>2190493-LAW</b>	<b>P-2010-2190493</b>	<b>VERIZON NORTH RETAIN COMPANY</b> - Petitions for a bona fide retail request deployment extension relating to its Wesley CSA 1102 pursuant to 66 Pa.C.S. 3014(c)(5). Verizon North asserts that the delay was attributable to factors beyond its control. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order granting the petition.

Joint Motion by Commissioner Gardner and Commissioner Powelson.  
Vote 4-1 with Vice Chairman Christy Dissenting.

Vote 5-0.

Vote 5-0.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2060168-ALJ</b> <b>Motion by Commissioner Gardner.</b> <b>Vote 4-1 with Vice Chairman Christy</b> <b>Dissenting.</b>	<b>C-2008-2060168</b>	ANDRE OVERTON VS NATIONAL FUEL GAS - Formal Complaint filed on 8/27/08, alleging an inability to pay for gas service. On 9/17/08, NFG filed its answer. A hearing was held on 1/13/09. COMMISSION REVIEW: That the Commission adopt Special Agents Alexander's Initial Decision sustaining the complaint.
<b>2145498-ALJ</b> <b>Statement by Commissioner Coleman.</b> <b>Vote 5-0.</b>	<b>P-2009-2145498</b>	UGI UTILITIES, INC - GAS DIVISION - Petition filed 12/4/09, requesting approval of plan to implement a POR program and MFC and to approve a potential Affiliated Interest Agreement between UGI and affiliated entities. On 12/18/09, OSBA filed an Answer and on 12/23/09, OCA filed an Answer. On 12/24/09, OTS filed a response to UGI's Petition. On 01/11/10, Shipley Energy Company filed a Petition to Intervene. On 1/27/10, OTS filed an Entry of Appearance. On 2/1/10, Direct Energy Services LLC filed a Petition to Intervene. On 7/6/10, UGI filed a Joint Petition for Settlement signed by counsel for UGI, OTS, OCA, Direct and Shipley. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision approving the Settlement.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2149262-ALJ</b> <b>Statement by Commissioner Coleman.</b> <b>Vote 5-0.</b>	<b>R-2009-2149262</b>	<b>COLUMBIA GAS OF PA, INC</b> - Supplement No. 144 to Tariff Gas-Pa, P.U.C. No. 9, filed on 1/28/10, proposing changes in rates, rules, and regulations calculated to produce additional annual revenues, representing an increase of 6.97%, with a proposed effective date of 3/29/10. Columbia's proposed general rate increase was based on a historic test year ending 9/30/09, and would produce an increase in annual gas distribution revenues. Under the proposal, the average total bill for a residential customer who purchases approximately 7.2 thousand cubic feet of gas per month would increase. By Order adopted and entered 3/25/10, the Commission, among other things, suspended the filing until 10/29/10. A Joint Petition For Settlement was filed with the Commission on 6/25/10. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Weisman's Recommended Decision approving the Joint Petition For Settlement.
<b>2167670-ALJ</b> <b>Vote 5-0.</b>	<b>M-2010-2167670</b>	<b>DUQUESNE LIGHT COMPANY</b> - Section 1307(e) Transmission Service Charge reconciliation statement filed on 3/31/10, setting forth the over/under collections for the twelve-month period of 3/1/09 through 2/28/10. A hearing was held on 6/17/10. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Salapa's Recommended Decision accepting the Transmission Service Charge reconciliation statement, insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

August 18, 2010

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2044561-OSA Vote 5-0.	P-2008-2044561	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - Order entered on 7/26/10 which resolved the litigated issue in the default service plan. On 8/10/10, OSBA filed a Petition for Reconsideration seeking reconsideration of the Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants reconsideration pending further consideration on the merits.
2153657-OSA Vote 5-0.	P-2010-2153657	CONSTELLATION NEWENERGY INC - Petition filed on 1/19/10 asking the Commission to withdraw or modify a notice dated and received electronically on 1/4/10, indicating noncompliance with the requirements of the AEPS Act, 73 P.S. §§ 1648.1-8. Constellation alleges that it had certified the incorrect alternative energy credits due to an administrative error. Constellation averred that the correct AECs remain available for substitution to meet the requirements. On 2/8/10, the LBPS and CEEP filed an Answer to the Petition. ALJ Colwell's Initial Decision was issued on 7/12/10, recommending that the Petition be granted. On 7/19/10, LBPS filed Exceptions and on 7/26/10 Constellation filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.