

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, SEPTEMBER 2, 2010 (RP)

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 Thursday, September 16, 2010 at 10:00 A.M.

Minutes of the Meeting of Thursday, July 29, 2010 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, SEPTEMBER 16, 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 HELD AN EXECUTIVE SESSION ON THURSDAY, SEPTEMBER 2, 2010, AT 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

September 2, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2050862-TAS Vote 5-0	A-2008-2050862	CARBON COUNTY - Application for approval of conversion of a private crossing in Carbon County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2095387-TAS Vote 5-0	A-2009-2095387 A-00096209	PENNDOT - Application for approval of the construction of a crossing in Philadelphia County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2109332-TAS Vote 5-0	C-2010-2109332	BUR OF TRANSPORTATION & SAFETY VS ALFREDO MARCHIO - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. Reading, Berks County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2160973-TAS Withdrawn	R-2010-2160973	CRANBERRY TAXI, INC - Rate increase. Allegheny County. RECOMMENDATION: That the Commission deny the Call or Demand Pa. PUC No. 2.
2167108-TAS Vote 5-0	A-2010-2167108	HENRY L GRIFFIN - 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. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2170272-TAS Vote 5-0	C-2010-2170272 A-00123996 C-2009-2070804	BUR OF TRANSPORTATION & SAFETY VS EDUARD BELIK - 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.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2171404-TAS Vote 5-0	C-2010-2171404 A-00121518	BUR OF TRANSPORTATION & SAFETY VS TAM DEVELOPMENT, LLC T/A CITY LIMO - Complaint alleging failure to pay outstanding assessments. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, the certificate be canceled, and Respondent be fined \$100.
2171409-TAS Vote 5-0	C-2010-2171409 A-00107156	BUR OF TRANSPORTATION & SAFETY VS UNITED SALES & LEASING CO, INC - 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.
2172261-TAS Vote 5-0	C-2010-2172261 A-00115139	BUR OF TRANSPORTATION & SAFETY VS ALPHA MOVING & STORAGE (PA), INC - Complaint alleging failure to pay outstanding assessments. Philadelphia, Philadelphia County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, the certificate be canceled, and Respondent be fined \$100.
2172634-TAS Vote 5-0	A-2010-2172634	FARM FOLK, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in airport transfer service. Denver, Lancaster County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2176097-TAS Vote 5-0	A-2010-2176097	ACE TRANSIT MANAGEMENT, 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 Order approving the application.
2176448-TAS Vote 5-0	A-2010-2176448	ROBERT LEE RINEER, JR - 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. 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>
2179338-TAS Vote 5-0	A-2010-2179338	AAA WORLDWIDE TRANSPORTATION, INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Clinton, New Jersey. RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2179620-TAS Vote 5-0	A-2010-2179620	EAGLE CHAUFFEURED SERVICES, INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2183872-TAS Vote 5-0	A-2010-2183872 A-00115862	MICHAEL LEE & TRUDY KAY BENNETT T/A BENNETT'S LIMOUSINE COMPANY - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. Danville, Columbia County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2183889-TAS Vote 5-0	A-2010-2183889 A-00122810	WILLIAM F MARCH T/A EAGLE VALLEY TRANSPORTATION - 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.
2183905-TAS Vote 5-0	A-2010-2183905 A-00122422	ROBERT WEIR - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Coatesville, Chester County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2184889-TAS Vote 5-0	A-2010-2184889 A-00108285	ALLEGHENY VALLEY TRANSFER CO - Application for transfer of stock. Pittsburgh, Allegheny 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>
2185213-TAS Vote 5-0	A-2010-2185213	DANIEL D PAUGH - 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.
2185984-TAS Postponed until 9/23/2010 meeting	C-2010-2185984 A-0034907 A-2009-2114789	BUR OF TRANSPORTATION & SAFETY VS CARL R BIEBER, INC - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. Kutztown, Berks County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2189992-TAS Vote 5-0	A-2010-2189992	LARRY KITCHEN, INC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Tentative Order denying the application.

BUREAU OF ADMINISTRATIVE SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2193725-BAS Vote 5-0		OFFICE OF CONSUMER ADVOCATE - General Assessment upon Public Utilities for Fiscal Year July 1, 2010 to June 30, 2011. RECOMMENDATION: That the Commission approve the Assessments computation in accordance with the Public Utility Code.
2193726-BAS Vote 5-0		OFFICE OF SMALL BUSINESS ADVOCATE - General Assessment upon Public Utilities for Fiscal Year July 1, 2010 to June 30, 2011. RECOMMENDATION: That the Commission approve the Assessments computation in accordance with the Public Utility Code.
2193727-BAS Vote 5-0		PUBLIC UTILITY COMMISSION - General Assessment upon Public Utilities for Fiscal Year July 1, 2010 to June 30, 2011. RECOMMENDATION: That the Commission approve the Assessment computation in accordance with the Public Utility Code.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1087149-OSA Vote 5-0	A-00111016 C-00913256	CONSOLIDATED RAIL CORP - This proceeding involves two consolidated proceedings. The Commission, per Opinion and Order entered on 10/9/97, adopted the Recommended Decision of ALJ Cocheres, as modified. The 1997 Order was modified by several other orders, the most recent being entered on 10/31/07. On 11/17/09, Providence Township filed a Petition to Modify with reference to the 1997 Order. By Order entered 2/16/10, the Petition to Modify was held in abeyance, pending the outcome of proceedings and the matter was assigned to the OALJ. On 6/11/10, the Township filed a Petition to Withdraw Request to Modify Opinion and Order. The Prosecutory Staff filed a Statement with respect to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Township's Petition to Withdraw.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1156151-OSA Vote 5-0	C-00004204	<p>WHITE HAVEN BOROUGH VS READING, BLUE MTN & NORTHERN RAILROAD</p> <p>- Complaint filed on 9/18/00, concerning two areas along the Railroad's tracks. ALJ Jandebaur issued a Recommended Decision on 11/8/07, in which she recommended that the Railroad do the necessary work for the replacement of the pertinent retaining wall. By Order of 2/19/08, the Commission adopted the ALJ's Recommended Decision, as modified. The deadline for completion of the work was subsequently extended until 2/26/10. On 11/12/09, the Railroad filed a Petition seeking further extension of time. Per Opinion and Order of 1/14/10, that Petition was granted, in part, and denied, in part. On 6/8/10, the Railroad submitted its plan for repair/replacement of the wall. On 6/28/10, the Borough filed the instant Objections to Plan. No response has been filed to the Objection.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt a proposed Opinion and Order which: (1) denies the Objection; and (2) directs the Railroad to proceed with the project.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1175923-OSA Vote 5-0	I-00030095	<p>INVESTIGATION OF CROSSINGS AND TRACKS OF NORFOLK SOUTHERN RAILWAY - Two people were critically injured and two people were killed on 5/30/02, when their car was struck by a train operated by Norfolk Southern Railway at the Railroad Street crossing (T-580). On 7/2/02, the Township closed the crossing temporarily. On 3/27/03, the Commission entered an Order instituting an investigation regarding the crossing and directed the Township to close the crossing until further Order. On 5/14/10, Norfolk, BTS, PennDOT, the Township and Westmoreland County submitted a Petition for Settlement to ALJ Corbett. On 6/16/10, the ALJ issued a Recommended Decision recommending approval of the proposed Settlement. PennDOT and BTS filed Exceptions on 6/18/10 and 6/23/10, respectively. The Township filed Reply Exceptions on 6/22/10.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions of PennDOT and BTS, and modifies the Recommended Decision.</p>
1200182-OSA (PP from 08/18/2010) Vote 5-0	A-00124168	<p>GULFSTREAM TRANSPORT, INC - Application filed on 10/23/07, to provide contract carrier service for the Medical Assistance Transportation Program. A hearing was held on 7/2/09, at which one Protestant, Germantown Cab, appeared. In his Initial Decision, issued on 4/20/10, ALJ Rainey recommended that the Application be denied. On 5/6/10, the Applicant filed Exceptions to the Initial Decision. No Reply Exceptions have been filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) denies the Applicant's Exceptions; and (2) adopts the Initial Decision, consistent with the Opinion and Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1332812-OSA Vote 5-0	P-00072342	<p>WEST PENN POWER D/B/A ALLEGHENY POWER - Petition for Approval to Modify its Retail Electric Default Service Plan filed on 7/29/10, which was previously approved by Commission Order entered 7/25/08. Allegheny is requesting that the Commission approve its: (1) request to procure a portion of its Solar Photovoltaic Alternative Energy Credits and Tier 1 Non-Solar Alternative Energy Credits (AECs) obligation over a long-term delivery period; (2) revised Request for Proposal Process and Rules: Solar Photovoltaic Alternative Energy Credits and Tier 1 Non-Solar AECs; and (3) Revised Solar Renewable Energy Credit Supply Master Agreements. No Answers to the Petition were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition.</p>
2053309-OSA (PP from 08/18/2010) Motion by Vice Chairman Christy Vote 5-0	C-2009-2053309	<p>BUREAU OF TRANSPORTATION & SAFETY VS WGM TRANSPORTATION, INC - Complaint instituted on 3/6/09, alleging that taxicab service was refused to Mr. Steven Woodward. BTS requested that a civil penalty of \$500 be imposed. On 3/24/09, the Respondent filed an Answer to the Complaint. On 5/4/10, the Respondent and LBPS filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$500 is reduced to \$150. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which rejects the Settlement Agreement as filed, increases the penalty, and provides the Parties with a 20-day comment period.</p>

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

**2075240-OSA
(PP from 08/18/2010)**

C-2008-2075240

**Joint dissenting statement by
Commissioners Powelson and
Coleman
Vote 3-2**

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: (corrected at Public Meeting)
That the Commission adopt the proposed Opinion and Order that grants PECO's Petition for Reconsideration and directs PECO to file a report with the Commission.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2106030-OSA Vote 5-0	C-2010-2106030	BUR OF TRANSPORTATION & SAFETY VS LAURIN FEGLEY T/A SIMPLY SMOOTH - Complaint instituted on 2/1/10, alleging violations of the Public Utility Code and Commission Regulations when it: (1) failed to have a complete driver log sheet in its vehicle; (2) failed to display a currently valid inspection sticker on its vehicle; and (3) transported 12 passengers when its vehicle had a seating capacity for 10 passengers. The Complaint asked for a civil penalty of \$800. In its Answer dated 2/15/10, the Respondent denied that it had exceeded the capacity of its vehicle and asserted that the other violations had been corrected. Based on the results of the ensuing settlement discussions, the Respondent and BTS filed a proposed Settlement on 7/2/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that approves the Settlement Agreement.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2108186-OSA (PP from 08/18/2010) Vote 5-0	C-2009-2108186 C-2009-2108239	CORE COMMUNICATIONS VS AT&T COMM OF PA, AND TCG PITTSBURGH, INC - Two Formal Complaints filed on or about 5/19/09, alleging non-payment by AT&T for terminating AT&T transmissions from Verizon tandem switches to Core end-user customers. On 12/8/09, AT&T filed a Motion to Dismiss this proceeding suggesting that the Commission lacked subject matter jurisdiction or, in the alternative, the relief sought has been preempted by the FCC. On 2/26/10, the ALJ issued Order No. 6 that granted in part and denied in part the Motion to Dismiss filed by AT&T. On 3/5/10, both Core and AT&T filed separate Petitions for Interlocutory Review and Answer to Material Questions with respect to Order No. 6. On 3/15/10, Choice One Communications of PA, CTC Communications Corp., and XO Communications, submitted a Joint Brief as amicus curiae pursuant to 52 Pa. Code § 5.502(e). On 3/18/10, a Secretarial Letter was issued advising the Parties of waiver of the 30-day period for consideration set forth in 52 Pa. Code § 5.303. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Petitions for Interlocutory Review and Answer to Material Questions with respect to Order No. 6., and which answers both Material Questions in the AFFIRMATIVE.
2183671-OSA Vote 5-0	A-2010-2183671	INTELLIFIBER NETWORKS and VERIZON PENNSYLVANIA, INC - Joint Petition filed on 6/24/10, seeking approval of adoption of an existing Interconnection Agreement of VZ PA and US LEC of PA, Inc., which was approved by the Commission on 6/5/08. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1220758-FUS Vote 5-0	A-121850F2042	NATIONAL FUEL GAS DISTRIBUTION - Application originally filed on 11/13/07, for approval of the abandonment of a portion of its natural gas pipeline service affecting 13 customers located in the township of Greene, Forest County. Notice was published in the Forest Press. A Protest was filed by one customer and the case referred to the OALJ. A hearing was set, but a tentative settlement of the dispute was announced prior to it taking place. On 2/18/09, a Certified Statement of Satisfaction was filed with a copy served on the complainant. Subsequently no further protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2120213-FUS Vote 5-0	A-2009-2120213	COMMERCIAL UTILITY CONSULTANTS, INC - License approved on 7/6/10, to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for all commercial, industrial, and governmental customers in the electric distribution company service territories throughout PA. On 7/14/10, CUC filed a request to amend its existing license to include the residential customer class. RECOMMENDATION: That the Commission adopt the proposed Order which approves this amendment.
2137003-FUS Vote 5-0	A-2009-2137003	PARAGON ADVISORS, LLC - Request to amend its electric generation supplier license filed on 7/26/10, for approval to serve large commercial (greater than 25 kW), industrial, and governmental customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2156173-FUS (PP from 08/18/2010) Vote 5-0	A-2010-2156173	PENNSYLVANIA ELECTRIC CO - Letter of Notification filed on 2/2/10, pursuant to 52 Pa. Code Chapter 57.72 for the Hooversville-Statler Hill 115 kV HV Transmission Line relocation project, situated in Shade Township, Somerset County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2164501-FUS Vote 5-0	A-2010-2164501	RAPID POWER MANAGEMENT, LLC - Application filed on 1/12/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker engaged in the business of brokering electric supply agreements for large commercial companies with loads greater than 25 kW, and industrial companies in the electric distribution company service territories of West Penn Power, Penn Power, Duquesne Light, and Penelec. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2168978-FUS Vote 5-0	A-2010-2168978	PROSPECT RESOURCES, INC - Application filed on 4/6/10, to offer, render, furnish, or supply natural gas as a broker/marketer 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 Columbia Gas, Equitable Gas, NFG, PECO, UGI Central Penn Gas, UGI Penn Natural Gas, Peoples Natural Gas, PGW, T.W. Phillips Gas & Oil, UGI Utilities, Inc., and Valley Energy, throughout PA, 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.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2170869-FUS Vote 5-0	A-2010-2170869	PROSPECT RESOURCES, INC - Application filed on 4/6/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer acting on behalf of small commercial (25 kw and under demand), large commercial (over 25 kw), industrial, and governmental customers in the sale and purchase of electricity in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2172678-FUS Vote 5-0	A-2010-2172678	GLOBAL CROSSING TELECOMMUNICATIONS, INC - Application filed on 4/15/10, for approval to offer, render, furnish or supply telecommunication services as a detariffed Facilities-Based Interexchange Carrier (IXC-FB) throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2181492-FUS Vote 5-0	A-2010-2181492 A-2010-2181491	TW TELECOM DATA SERVICES, LLC - Application filed on 4/21/10, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service area of VZ PA and Reseller Interexchange Carrier throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2183838-FUS Vote 5-0	S-2010-2183838	ZAYO BANDWIDTH, LLC - Securities Certificate to support, as guarantors, the debt financing of its parent, Zayo Group, LLC. RECOMMENDATION: That the Commission adopt the proposed Order approving the debt financing as described in the order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2184288-FUS Vote 5-0	A-2010-2184288	ENERGY SERVICES MANAGEMENT OF PENNSYLVANIA, LLC D/B/A PENNSYLVANIA ENERGY CONSORTIUM - Application filed on 6/18/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for retail electric small (25 kw and under demand) and large (over 25 kw) commercial, industrial and governmental customers throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2186315-FUS Vote 5-0	R-2010-2186315	PENNSYLVANIA AMERICAN WATER COMPANY - Supplement No. 242 to Tariff Water-Pa. P.U.C. No. 4, filed on 6/30/10, to become effective 8/29/10, and voluntarily postponed to 9/3/10. This filing requests Commission approval to remove Rule 16.3, Toilet Leak Repair Pilot Program, from the Company's tariff. RECOMMENDATION: That the Commission adopt the proposed Order which recommends approval of the tariff supplement.
2186710-FUS Vote 5-0	R-2010-2186710	PECO ENERGY COMPANY-ELECTRIC - Request for a Change in the Methodology for Implementing Monthly Transition Charge (CTC) Rate Changes. RECOMMENDATION: That the Commission adopt the proposed Order approving the Petition.
2187969-FUS Vote 5-0	A-2010-2187969	TEXZON UTILITIES, LTD - Application filed on 6/25/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for retail electric supply for small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, governmental, and residential customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2161324-FUS Vote 5-0	R-2010-2161324	BORO OF SMETHPORT - Tariff Electric – Pa. P.U.C. No. 2, filed on 4/30/10, proposing an annual increase in rates of \$239,876 (16.1%) to become effective 7/1/10, voluntarily postponed until 9/6/10. RECOMMENDATION: That the Commission adopt the proposed Order that approves the rate increase as filed.
2161324-OTS Adopted 5-0 to the extent that it is consistent with 2161324-FUS	R-2010-2161324	BORO OF SMETHPORT - Tariff Electric - Pa. P.U.C. No. 2, filed on 5/1/10, to become effective 9/6/10, proposing an increase of \$239,876 representing an increase in annual revenues of 16.1%. RECOMMENDATION: That the Commission approve the rates, rules and regulations contained in Tariff Electric - Pa. P.U.C. No 2 to be permitted to become effective 9/6/10 in their entirety.
2182693-FUS Vote 5-0	R-2010-2182693	WONDERVIEW WATER COMPANY - Supplement No. 13 to Tariff Water-Pa. P.U.C. No. 1, filed on 6/18/10, proposing an annual increase in revenues of \$21,025 (32.5%) to become effective 8/17/10, and voluntarily postponed to 9/3/10. RECOMMENDATION: That the Commission adopt the proposed Order that approves this tariff supplement.
2182693-OTS Adopted 5-0 to the extent that it is consistent with 2182693-FUS	R-2010-2182693	WONDERVIEW WATER COMPANY - Supplement No. 13 to Tariff Water-Pa. P.U.C. No. 1, filed on 6/18/10, to become effective 9/3/10, proposing an increase of \$21,025 representing an increase in annual revenues of 32.5%. RECOMMENDATION: That the Commission approve the rates, rules and regulations contained in Tariff Water - Pa. P.U.C. No. 1 to be permitted to become effective 9/3/10 in their entirety.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2184465-FUS Vote 5-0	R-2010-2184465	ACORN WATER COMPANY, LLC - Supplement No. 1 to Tariff Water-Pa. P.U.C. No. 1, filed on 6/28/10, proposing an annual increase in revenues of \$6,500 (215.6%) to become effective 8/29/10, and voluntarily postponed to 9/3/10. The Commission Staff has recalculated this proposed increase to be \$7,413 (245.9%). RECOMMENDATION: That the Commission adopt the proposed Order that approves this tariff supplement.
2184465-OTS Adopted 5-0 to the extent that it is consistent with 2184465-FUS	R-2010-2184465	ACORN WATER COMPANY, LLC - Supplement No. 1 to Tariff-Water - Pa. P.U.C. No. 1, filed on 6/28/10, to become effective 9/3/10, proposing an increase of \$6,500 representing an increase in annual revenues of 215%. RECOMMENDATION: That the Commission approve the rates, rules and regulations contained in Supplement No. 1 to Tariff-Water - Pa. P.U.C. No. 1 to be permitted to become effective 9/3/10 in their entirety.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2145774-LAW (PP from 08/18/2010) Motion by Chairman Cawley Vote 5-0	P-2009-2145774	UGI CENTRAL PENN GAS, INC - Petition to Voluntarily Reduce Base Rates Following Federal Energy Regulatory Commission Approval of the Transfer of Existing Natural Gas Storage Facilities in Interstate Commerce. RECOMMENDATION: That the Commission approve the Stipulation.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2035820-ALJ (PP from 08/18/2010) Vote 5-0 Commissioner Gardner concurs in the result only	C-2008-2035820	AKEEM BULLOCK & MARIE MARSHALL VS GLOBAL TEL*LINK CORPORATION - Formal complaint filed on 3/26/08, alleging a billing and service dispute. On 5/5/08, Global filed its answer. A hearing was held on 12/8/08. COMMISSION REVIEW: That the Commission adopt ALJ Rainey's Initial Decision dismissing the complaint.
2079979-ALJ Vote 5-0	A-2008-2079979	WHIZ KIDZ SHUTTLE, LLC - Application filed on 10/14/08, for the right to begin 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, from points in the Counties of Chester, Delaware, Montgomery and Philadelphia to points in PA, and return, excluding areas under the jurisdiction of the Phila. Parking Authority. The notice was published in the Pa. Bulletin. Protests were filed. Numerous hearings were scheduled and cancelled due to the Applicant's attorney being ill. Applicant requested continuances so she could retain a new attorney. On 1/29/10, a prehearing conference was held; neither the Applicant nor an attorney to represent her appeared. COMMISSION REVIEW: That the Commission adopt ALJ Fordham's Initial Decision dismissing the application.
2095550-ALJ Vote 3-2 Dissenting statement by Vice Chairman Christy Dissent by Chairman Cawley	C-2009-2095550	GERALD MURPHY VS PPL ELECTRIC UTILITIES - Formal Complaint filed on 3/12/09, alleging that PPL was charging him the wrong rate or alternatively, that PPL could have left the service in the landlord's name thus allowing the Complainant to pay a lower rate. A hearing was held on 7/7/09. COMMISSION REVIEW: That the Commission adopts ALJ Jandebour's Initial Decision dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2099333-ALJ Vote 5-0 Statement by Commissioner Coleman Statement by Chairman Cawley	P-2009-2099333	COLUMBIA GAS OF PA, INC - Petition for Approval to Voluntarily Implement a Modified Purchase of Receivables Program filed on 3/31/09. In its Petition proposal of certain changes to its existing, established Purchase of Receivables program, including the right to terminate for the full amount of unpaid purchased receivables and to require full payment of unpaid purchased receivables prior to service restoration. A Joint Petition for Settlement of All Issues was filed on 4/19/10. COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Recommended Decision approving the Settlement.
2155613-ALJ Vote 5-0 Statement by Vice Chairman Christy	R-2010-2155613	EQUITABLE GAS CO - Proposed tariff supplement filed on 4/1/10, containing changes in the Purchased Gas Cost included in tariff rates resulting from Equitable's projected cost of gas purchased for the 12-month period from 10/1/10 to 9/30/11. The PA Independent Oil and Gas Assn., was permitted to intervene. A hearing was held on 6/8/10. On 7/2/10, a Joint Settlement Agreement and supporting statements were filed. The OSBA does not oppose the Settlement. COMMISSION REVIEW: That the Commission adopt ALJs Corbett and Long's Recommended Decision approving the Settlement.
2161920-ALJ Vote 5-0 Statement by Vice Chairman Christy	R-2010-2161920	COLUMBIA GAS OF PA, INC - Section 1307(f) Statement filed on 4/1/10. A Partial Joint Petition for Settlement of Rate Investigation Pursuant to 66 Pa. C.S. § 1307(f) was filed on 6/27/10. The Columbia Industrial Intervenors were not signatories to the Partial Settlement, but filed a letter indicating that they did not oppose the Partial Settlement. COMMISSION REVIEW: That the Commission adopt ALJ Jandebour's Recommended Decision approving the Partial Settlement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

September 2, 2010

DIRECTOR OF OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2195286-DIR	M-2010-2195286	RENEWAL NOTICE GUIDELINES - Proposed interim guidelines applicable to the contract renewal notices EGSs are to provide their residential and small commercial customers prior to the expiration of a contract. These proposed interim guidelines were developed by the OCMO as a result of conference calls held with the CHARGE. The Tentative Order is to be issued for public comment of the proposed interim guidelines. RECOMMENDATION: That the Commission adopt the attached Proposed Tentative Order.

Motion by Commissioner Gardner
Vote 5-0

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2094922-OSA Vote 5-0	C-2009-2094922	<p>PENNDOT VS CANADIAN PACIFIC RAILROAD (DELAWARE & HUDSON RAIL) - Formal Complaint filed on 3/5/09. Luzerne County and Avoca Borough were included in the Complaint pursuant to statute. The Complaint alleged the improper raising of a railway crossing to greater than one inch, causing a safety hazard. A Stipulation of Settlement was filed on 4/22/10. On 5/7/10, ALJ Jandebour's Recommended Decision was that the Settlement be adopted with suggested changes. The Settlement required, inter alia, Canadian Pacific to perform all work necessary to lower the McAlpine Street at-grade crossing by eight inches. The work was to be performed by 8/31/10. On 6/8/10, the Commission adopted the ALJ's Decision. On 8/5/10, Canadian Pacific filed a Petition for a Time Extension to 9/7/10. No answers were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants Canadian Pacific's Petition for an Extension of Time until 9/7/10.</p>
2142052-OSA Vote 5-0	C-2009-2142052	<p>BRIAN M RUDNICK VS VERIZON PA - Formal Complaint filed 11/16/09. On 3/30/10, the Initial Decision of ALJ Chestnut was issued, dismissing the Complaint. On 4/6/10, the Complainant filed Exceptions. Verizon filed Reply Exceptions on 4/29/10. By Opinion and Order entered 8/3/10, the Commission denied the Complainant's Exceptions and adopted ALJ Chestnut's Initial Decision. On 8/9/10, the Complainant filed a Petition for Reconsideration. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants Reconsideration pending review of, and consideration on, the merits.</p>

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2172710-FUS Vote 5-0	A-2010-2172710 A-2010-2172711	GLOBAL CROSSING NORTH AMERICAN NETWORKS and GLOBAL CROSSING TELECOM - Joint application filed on 4/16/10, seeking approval of a pro forma merger whereby Global Crossing North America Networks, Inc., will merge with and into Global Crossing Telecommunications, Inc. Additionally, Global Crossing North American Networks, Inc., has applied to abandon its certification. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2181867-FUS Vote 5-0	A-2010-2181867	STREAM ENERGY PENNSYLVANIA, LLC - Application filed on 6/15/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power to residential, small commercial (25 kW and under demand) and large commercial (over 25 kW demand) customers in electric distribution company service territories. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.