

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, SEPTEMBER 16, 2010 (WG)**

**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 23, 2010 at 10:00 A.M.**

**Minutes of the Meeting of Wednesday, August 18, 2010 (TC)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, SEPTEMBER 23, 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, SEPTEMBER 16, 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**

**September 16, 2010**

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2189005-TAS</b>	<b>A-2010-2189005</b>	T M MCDERMOTT & CO, INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. West Chester, Chester County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>Vote 4-0 with Commissioner Powelson Abstaining.</b>		

**OFFICE OF SPECIAL ASSISTANTS**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

**1156774-OSA**

**I-00000088**

**Vote 5-0.**

INVESTIGATION COLEBROOK ROAD/NATIONAL RAILROAD PASSENGER CORP

- This proceeding dates back to 1977. On 4/1/03, ALJ Meehan issued his Recommended Decision, which ordered that the rail-highway crossing at the Bridge be abolished and that also imposed certain obligations on the Parties. By Opinion and Order entered 6/17/03, the Commission adopted the Recommended Decision as its action. In the June 2003 Order, the Township was ordered to remove the Bridge, at its initial cost and expense and the Parties were given the opportunity for a further hearing on the final allocation of costs. An evidentiary hearing was held on 11/18/09. In her Recommended Decision, issued on 6/14/10, ALJ Melillo recommended, inter alia, that the remaining final costs be allocated in certain percentages to East Hempfield Township, Norfolk Southern, Lancaster County and PennDOT. Norfolk Southern, the County and PennDOT filed Exceptions to the Recommended Decision. PennDOT, the County, Norfolk Southern and the Township filed Reply Exceptions.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order which: (1) denies Norfolk Southern's Exceptions; (2) denies the County's Exceptions; (3) denies PennDOT's Exceptions; and (4) adopts the Recommended 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>1505410-OSA</b>  <b>Vote 5-0.</b>	<b>M-2010-1505410</b>	<b>PPL ELECTRIC UTILITIES, CORP</b> - Settlement Agreement filed on 4/22/10, in order to satisfy the informal investigation into PPL's practices and procedures with regard to its LIURP. As part of the Settlement, inter alia, PPL agrees to revise its Winter Relief Assistance Program contract to include a provision that prohibits contractors and subcontractors from using PPL supplied equipment for private or for-profit use and to take appropriate action to ensure compliance. By Order entered 6/17/10, interested parties had 20 days to file Comments. Timely Comments were filed by PULP. Late-filed Comments were filed by Mr. Tom Harrison. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the Settlement and closes the investigation.
<b>2036194-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2036194</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS PA JOY RIDES, INC</b> - Complaint initiated on 3/11/09, alleging violations of the rules and regulations of the Commission. On 7/7/10, the Parties submitted a Settlement Agreement for consideration by the Commission. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the Settlement Agreement and imposes a \$200 civil penalty on the Company.
<b>2088072-OSA</b> <b>(PP from 09/02/2010)</b>  <b>Postponed until the Public Meeting of September 23, 2010.</b>	<b>R-2009-2088072</b> <b>C-2009-2091475</b> <b>C-2009-2098330</b> <b>C-2009-2100312</b>	<b>EQUITABLE GAS CO</b> - Opinion and Order of 12/21/09 remanded the proceeding to the OALJ. The Recommended Decision of ALJs Meehan and Dunderdale was issued on 4/29/10. On 5/19/10, Equitable filed Exceptions to the Recommended Decision on Remand. No replies were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Exceptions and modifies the Recommended Decision on Remand.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2092601-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2092601</b>	<b>MARGARET FORGASH VS VERIZON</b> - Formal Complaint filed on 2/24/09, alleging that there are incorrect charges on her telephone bill. A telephonic hearing was held on 3/29/10. By Initial Decision issued on 7/22/10, ALJ Hoyer denied the Complaint. The Complainant filed Exceptions to the Initial Decision on 8/9/10. No Reply Exceptions were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
<b>2113791-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2113791</b>	<b>MARIAH AND JAMES MUNNIS VS PECO</b> - Formal Complaint filed on 6/15/09, alleging a reliability, safety or quality problem with their utility service. A hearing was held on 2/24/10. By Initial Decision issued on 8/6/10, ALJ Fordham denied the Complaint. The Complainants filed Exceptions on 8/12/10. No Reply Exceptions were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Complainants' Exceptions and adopts the ALJ's Initial Decision.
<b>2118625-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2118625</b>	<b>PATRICIA GEARY-FALICE VS VERIZON PA</b> - Formal Complaint filed on 7/6/09, alleging that there were incorrect charges on her bill and that there is a reliability, safety or quality problem with her utility service. Ms. Geary failed to appear at the hearing scheduled for 6/8/10. In the Initial Decision, issued 6/29/10, ALJ Chestnut dismissed the Complaint with prejudice for failure to prosecute. Ms. Geary filed Exceptions dated 7/15/10 and Verizon filed Reply Exceptions dated 7/29/10. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that adopts the ALJ's Recommended Decision and dismisses Ms. Geary's Complaint with prejudice.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2155608-OSA</b>  Statement by Chairman Cawley. Statement by Vice Chairman Christy. Statement by Commissioner Powelson. Vote 5-0.	<b>R-2010-2155608</b>	PEOPLES NATURAL GAS CO - Annual purchased gas tariff filed as Supplement No. 119 to Gas-PA PUC No. 43, on 4/1/10, with an effective date of 10/1/10. ALJ Salapa issued a Recommended Decision on 7/21/10, which recommended, inter alia, the approval of a Joint Petition for Approval of Settlement Agreement without modification. Parties to the Settlement were Peoples, OTS, OCA, and Dominion Retail. Two issues related to lost and unaccounted for gas and transportation retainage rates were carved out of the Settlement for further litigation. Exceptions were filed by OSBA and Dominion on 8/10/10. Reply Exceptions were filed by Peoples and OTS on 8/20/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions; adopts the Recommended Decision., as modified by the Opinion and Order; and grants Joint Petition, thus approving the Settlement.
<b>2156070-OSA</b>  Vote 5-0.	<b>C-2010-2156070</b>	ABDOLLAH OWZAR VS UGI UTILITIES INC - GAS DIVISION - Formal Complaint filed on 2/2/10, alleging that the dials on his gas meter were “jumping forward while rotating” resulting in a higher reading than the actual amount of gas used. A hearing was held on 6/11/10. By Initial Decision issued on 7/26/10, ALJ Salapa denied the Complaint. The Complainant filed Exceptions on 8/5/10. Reply Exceptions were filed by Respondent on 8/25/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainants’ Exceptions and adopts the ALJ’s Initial Decision.

**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>2152048-FUS (PP from 08/18/2010)</b>  <b>Postponed.</b>	<b>A-2010-2152048</b>	<b>DUQUESNE LIGHT COMPANY</b> - Letter of Notification filed on 1/8/10 pursuant to 52 Pa. Code Chapter 57.72 to reconductor and increase the capacity of 2.21 miles of transmission line in Collier and Scott Townships, Allegheny County. No protest was filed and no hearing was held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.
<b>2183240-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2183240</b>	<b>LIGHTYEAR NETWORK SOLUTIONS LLC</b> - Joint application for approval of a pro forma change in corporate structure. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2183643-FUS</b>  <b>Vote 5-0.</b>	<b>M-2010-2183643 M-00950653</b>	<b>LUZERNE COUNTY 911</b> - System Renewal Plan filed 6/23/10 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 of the receipt date. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.
<b>2187182-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2187182</b>	<b>CLOSECALL AMERICA, INC</b> - Joint application for approval of a transfer of control of CloseCall America, Inc., to New Earthshell Corporation. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving the transfer of control of CloseCall America, Inc., to New Earthshell Corporation.



**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2179522-FUS</b>  <b>Vote 5-0.</b>	<b>R-2010-2179522</b>	DUQUESNE LIGHT COMPANY - Supplement No. 35 to Tariff Electric-Pa. P.U.C. No. 24, filed on 7/23/10, proposing an annual increase in rates calculated to produce approximately \$87.3 million in additional annual distribution service revenues to become effective 9/21/10. Formal complaints, protests, and petitions to intervene were filed in this case. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed tariff filing by operation of law until 4/21/11, and institutes an investigation.
<b>2179522-OTS</b>  <b>Adopt 5-0 to the extent that it is consistent with 2179522-FUS.</b>	<b>R-2010-2179522</b>	DUQUESNE LIGHT COMPANY - Supplement No. 35 to Tariff-Electric Pa. P.U.C. No. 24, issued on 7/23/10, to become effective 9/21/10, proposing an increase of \$87,329,000 representing an increase in annual revenues of 22.6%. 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 4/21/11.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2140263-LAW (PP from 09/02/2010)	M-2009-2140263	POLICY STATEMENT IN SUPPORT OF PA SOLAR PROJECTS - The Commission issued on 12/10/09, for comment, a proposed policy statement designed to provide a foundation from which this Commonwealth can achieve the solar alternative energy goals established in the Alternative Energy Portfolio Standards Act, as amended. The proposed policy statement seeks to provide longer term revenue stability likely needed to support both small-scale and large-scale solar development, and to address other barriers that could prevent new solar projects from coming to fruition. Comments to the proposed policy statement were received on or before 3/8/10, with reply comments being received on or before 3/23/10. RECOMMENDATION: That the Commission adopt the proposed Order and Annex, that adopt the Policy Statement.

Statement by Commissioner Coleman.  
Joint Statement by Commissioner  
Coleman and Commissioner Powelson.  
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>2120376-ALJ</b>  Vote 5-0.	<b>F-2009-2120376</b>	NATALIE KINDER VS PECO ENERGY COMPANY - Formal Complaint filed on 7/22/09, alleging there are incorrect charges on her bill. PECO filed an answer to the complaint on 8/11/09 denying the material allegations in the complaint. An Initial Hearing was held on 11/24/09. COMMISSION REVIEW: That the Commission adopt ALJ Rainey's Initial Decision dismissing the complaint.
<b>2122979-ALJ</b>  Postponed until the Public Meeting of September 23, 2010.	<b>C-2009-2122979</b>	CHARISSE BENNETT VS PEOPLES NATURAL GAS - Formal Complaint filed on 8/3/09, alleging a billing error. Peoples' answer to the complaint was received on 8/18/09. Peoples denied any billing error. The Initial Hearing in this case was held on 2/24/10. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Initial Decision denying the complaint.

**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>2128978-ALJ</b>  Vote 5-0.	<b>C-2009-2128978</b>	<b>DONNA WHITE VS AQUA PA</b> - Formal Complaint filed on 8/31/09, alleging incorrect charges on her bill; termination of service without her knowledge, and payment of reconnection fees when her service was terminated. Complainant also alleged that Aqua has violated the provisions of the ADA. On 9/28/09, Aqua filed an Answer denying the material allegations of the complaint, and also filed a Preliminary Objection seeking dismissal of the complaint because the Commission does not have jurisdiction to award monetary damages or determine if Aqua violated the ADA. A hearing was held on 3/17/10. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Nguyen's Initial Decision dismissing the complaint with prejudice.
<b>2154854-ALJ</b>  Vote 5-0.	<b>C-2010-2154854</b>	<b>GERALD HILL VS PECO ENERGY COMPANY</b> - Formal Complaint filed on 1/25/10, alleging a dispute over liability for an unpaid balance accrued at the Complainant's prior address, which was transferred to the account for service when Complainant changed residence. PECO filed an Answer and New Matter on 2/16/10. PECO also filed a Motion for Judgment on the Pleadings asserting that as the claim for relief is barred by the statute of limitations, the complaint should be dismissed. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Chestnut's Initial Decision dismissing the complaint.

**DIRECTOR OF OPERATIONS**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

**2198901-DIR**

**Vote 5-0.**

APPOINTMENT

- Office of Administrative Law Judge.

RECOMMENDATION:

That the Commission ratify the appointment of Charles E. Rainey, Jr. to the position of Chief Administrative Law Judge, effective 9/20/10.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CARRY-IN AGENDA**

**September 16, 2010**

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2171611-LAW</b>  <b>Postponed until the Public Meeting of September 23, 2010.</b>	<b>P-2010-2171611</b>	UGI CENTRAL PENN GAS, INC. - Petition for Accounting Order filed on 4/22/10, requesting an order authorizing the Company to revise its accounting methodology for gas in storage inventory from a modified LIFO method to the weighted average cost of gas (WACOG) method. UGI-CPG notes that its two affiliate NGDCs already use WACOG. By letter dated 6/11/10, the Company advised the Commission that it was authorized to state that OTS, OCA and OSBA did not oppose the Company's Petition. RECOMMENDATION: That the Commission grant UGI-CPG's petition to the extent the Company be permitted to use WACOG as its primary accounting methodology for PGC purposes, but defer authorization to exclusively utilize WACOG for gas in storage until the Company's next base rate case.