

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, NOVEMBER 4, 2010 (WG)

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 Friday, November 19, 2010 at 10:00 A.M.

Minutes of the Meeting of Thursday, October 14, 2010 (TC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR FRIDAY, NOVEMBER 19, 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, NOVEMBER 4, 2010, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 10:30 A.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

- 1. DISCUSSING PERSONNEL MATTERS.**
- 2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF ABOUT ACTIONS WHICH THIS COMMISSION IS LITIGATING BEFORE OTHER ADMINISTRATIVE AGENCIES OR COURTS.**
- 3. DISCUSSING CASES WHICH WILL BE COMMENCED OR ADJUDICATED BY COMMISSION ACTION.**
- 4. REVIEWING LEGALLY PRIVILEGED OR CONFIDENTIAL MATTERS.**
- 5. DISCUSSING COLLECTIVE BARGAINING ISSUES.**
- 6. CONSIDERING THE PURCHASE OR LEASE OF REAL ESTATE.**

AN AGENDA FOR THE EXECUTIVE SESSION WILL BE DISTRIBUTED TO ALL COMMISSIONERS IN ADVANCE OF THIS SESSION. THIS NOTICE IS PROVIDED IN ACCORDANCE WITH ACT 84 of 1986, KNOWN AS THE SUNSHINE ACT.

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

November 4, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2131683-TAS Vote 5-0.	C-2010-2131683 A-2009-2124087	BUREAU OF TRANSPORTATION & SAFETY VS JOHN STOLTZFUS - 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.
2186336-TAS Vote 5-0.	A-2010-2186336	EAGLE CHAUFFEURED SERVICES, INC - Application for the additional right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2194997-TAS Vote 5-0.	A-2010-2194997	RALPH NELSON WALTMAN - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Lancaster, Lancaster County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2195224-TAS Vote 5-0.	A-2010-2195224	MCHENRY'S TRANSPORTATION, LLC - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Danville, Montour County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2089173-AUD Statement by Commissioner Powelson. Vote 5-0.	D-2009-2089173	PHILADELPHIA GAS WORKS - Auditor's Report on Purchased Gas Cost Rate for the 12 months ended 8/31/2008 & 2007, the Universal Service/Energy Conservation Surcharge for the 12 months ended 8/31/2008 & 2007, and the Restructuring/Consumer Education Surcharge for the 12 months ended 8/31/2007. RECOMMENDATION: The Commission release the Audit Report and make it a public document.
2123022-AUD Vote 5-0.	D-2009-2123022	PPL ELECTRIC UTILITIES - Auditor's Report on Competitive Transition Charge for the twelve months ended 12/31/2009, 2008 and 2007. RECOMMENDATION: That the Commission release the Audit Report to the public.
2202941-AUD Vote 5-0.	D-2010-2202941	MANAGEMENT AUDIT/MANAGEMENT EFFICIENCY INVESTIGATION - Annual Report, 66 PA C.S 516, Audits for Fiscal Year 2009-2010. RECOMMENDATION: That the Commission release the Annual Report to the public.

DIRECTOR OF OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2183412-DIR (PP from 10/21/2010)	M-2010-2183412 M-2009-2082042	<p>ELIGIBLE CUSTOMER LIST</p> <p>- The issue of uniform ECLs was raised during a conference call held by the Committee Handling Activities for Retail Growth in Electricity (CHARGE) under the auspices of the Office of Competitive Market Oversight. A subteam was formed to propose a uniform ECL for use by all EDCs in PA to provide appropriate customer information to Electric Generation Suppliers licensed to serve PA's retail electric market. After several meetings, the subteam reported back to CHARGE with a list of consensus items and a list of non-consensus items. After discussion by the full CHARGE group, it was determined that OCMO should place a recommendation before the Commission in the form of a Tentative Order which will enable further comment and the eventual adoption of interim guidelines on a uniform ECL. The Tentative Order was entered on 7/15/10 and several parties filed comments.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt OCMO's proposed Opinion and Order which establishes Interim Guidelines describing the elements to be contained in a uniform ECL for EDCs.</p>

Postponed until the Public Meeting of
November 19, 2010.

DIRECTOR OF OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2185981-DIR Dissenting Statement by Vice Chairman Christy. Vote 4-1 with Vice Chairman Christy Dissenting.	M-2010-2185981	SUPPLIER MARKETING GUIDELINES - Final interim guidelines applicable to the marketing and sales practices of electric generation suppliers and natural gas suppliers. These interim guidelines were developed by the Office of Competitive Market Oversight as a result of meetings held with the working groups, CHARGE (Committee Handling Activities for Retail Growth in Electricity) and SEARCH (Stakeholders Exploring Avenues to Remove Competitive Hurdles). On 7/16/10, the Commission issued a Tentative Order that set forth 17 proposed interim guidelines and established a 30-day comment period and a subsequent 15-day reply comment period. Comments and reply comments were filed. Upon careful review and consideration of the comments, OCMO staff prepared this final order. RECOMMENDATION: That the Commission adopt OCM'S proposed Final Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1204942-OSA Vote 5-0.	A-00123650	<p>RIZK-CO-ZANN FOODS CORPORATION T/A INTERNATIONAL FOOD MART - Application filed on 9/10/07, for common carrier service. Several Protests were filed against the Application. By Initial Decision issued on 10/31/08, ALJ Weismandel dismissed all of the Protests for failure to comply with our Regulations, and referred the Application for disposition. By Opinion and Order of 1/2/09, the Commission denied Protestants' Exceptions and adopted the Initial Decision. By Memorandum Opinion and Order filed 12/31/09, the Commonwealth Court reversed the Order of 1/2/09, and remanded the case for further proceedings. The Applicant did not attend the Remand Prehearing Conference. By Initial Decision on Remand issued 8/25/10, the ALJ recommended that the Application be dismissed due to Applicant's failure to attend the Remand Prehearing Conference. On 9/13/10, the Applicant filed Exceptions to the Initial Decision. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) grants the Applicant's Exceptions; (2) vacates the Initial Decision on Remand; and (3) remands this case to the OALJ for such further proceedings as may be required.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1206217-OSA Vote 5-0.	A-00123898 C-2009-2131062	JJJ RIDES, LLC - Complaint instituted on 11/12/09, alleging that the Petitioner failed to pay an outstanding fine of \$250 for failure to maintain evidence of bodily injury and property damage insurance on file with the Commission, as required by Secretarial Letter issued on 4/27/09, at Docket No. C-2009-2081017. By Order entered 1/29/10, the Commission noted that no Answer to the Complaint had been filed. Accordingly, the allegation of the prior Complaint was deemed admitted, the Complaint was sustained and the Petitioner's Certificate was cancelled. The Order also assessed a \$100 civil penalty for failure to file an Answer. On 6/30/10, the Petitioner filed a Petition for Reinstatement. BTS does not object to reinstatement. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition for Reinstatement.
2038195-OSA Vote 5-0.	C-2008-2038195	XO COMMUNICATIONS SERVICES INC VS VERIZON PENNSYLVANIA, INC - Formal Complaint filed on 4/18/08, alleging the imposition of unlawful charges for Dedicated Tandem Ports for Meet Point Billing trunks in violation of the Public Utility Code. On 6/24/10, ALJ Cocheres issued a Recommended Decision which sustained the Complaint. Exceptions were filed by Verizon on 7/14/10. Reply Exceptions were filed by XO on 7/26/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions, adopts the ALJ's Decision that sustains the Complaint; and makes minor modifications with regard to notifying CLECs who were not parties in the instant proceeding.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2083271-OSA Dissenting Statement by Vice Chairman Christy. Vote 4-1 with Vice Chairman Christy Dissenting.	A-2009-2083271	ADVANCED MEDICAL EXPRESS AMBULANCE LLC T/A AMEX AMBULANCE LLC - Application filed on 12/15/08, for certain paratransit rights. Several protests were filed, and the Application was referred to the OALJ for processing. On 4/7/10, all protestants agreed to withdraw their protests upon the filing of a restrictive amendment. The Application was referred back to the BTS, to be handled under modified procedure. By Tentative Order entered 8/3/10, the Applicant was granted certain paratransit rights, subject to the rights of the Parties to file Exceptions within 20 days. Several Protestants filed Exceptions, and the Applicant filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and grants the Application, as amended.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2127742-OSA Vote 5-0.	C-2010-2127742	<p>BUREAU OF TRANSPORTATION & SAFETY VS STYLIN' LIMOUSINES, INC - Complaint instituted on 4/30/10, alleging that vehicles were operated while under suspension, and failure to retain a completed driver trip sheet. By Order entered 7/29/10, the Commission noted that no Answer to the Complaint was timely filed; thus the allegations of the Complaint were deemed admitted, the Complaint was sustained, the Certificate was cancelled and a total penalty of \$1,050 was assessed. On 9/16/10, a Letter Petition was filed requesting reinstatement of its Certificate. BTS did not file an Answer. In a related proceeding at A-2010-2179338, on 4/27/10, AAA Worldwide Transportation, Inc., filed a transfer application for all limousine rights authorized. By Order entered 9/3/10, the transfer application was denied because the Certificate was cancelled. On 9/17/10, AAAW filed a Petition for Reconsideration of the 9/3/10 Order.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, granting the Petition and rescinding the Order entered on 7/29/10. It is further recommended that, in light of the recommendation at A-2010-2179338, the Complaint be dismissed without prejudice.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2143588-OSA Statement by Chairman Cawley. Statement by Commissioner Coleman. Vote 5-0.	P-2009-2143588	PECO ENERGY COMPANY-GAS - Petition for Approval of its Natural Gas Supplier Purchase of Receivables Program filed on 11/20/09. An evidentiary hearing in this matter was held on 5/14/10. On 6/16/10, a Joint Petition for Partial Settlement was filed by PECO, OCA, OSBA, Direct Energy, Dominion and IGS. The Partial Settlement resolved all but one issue in the proceeding. PAIEUG did not sign or oppose the Partial Settlement. The OTS opposed the Partial Settlement. Main Briefs and Reply Briefs were filed by PECO, Direct Energy, Dominion Retail, the OTS and the OCA. On 8/11/10, ALJ Fordham's Recommended Decision was issued in which she recommended adoption of the Partial Settlement and a recommendation on the unresolved issue. Exceptions to the Recommended Decision were filed by the OTS on 8/18/10, and Reply Exceptions were filed by PECO and the OCA on 8/24/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions, adopts the ALJ's Recommended Decision, that grants the Joint Petition for Partial Settlement without modification and resolves the single issue reserved for litigation.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2158084-OSA	P-2010-2158084	<p>WEST PENN POWER CO D/B/A ALLEGHENY POWER - Petition filed on 2/9/10, to Change Transmission Rates to a Single Kilowatt-Hour Rate Structure and to Commence Reconcilable Transmission Service Charge. On 8/19/10, AP filed a Petition for Interlocutory Review and Answer to a Material Question. By Secretarial Letter issued on 8/27/10, the Commission waived the 30-day consideration period set forth in 52 Pa. Code § 5.303 in order to provide additional time to address the Material Question. On 8/30/10, OSBA filed its Brief in Conditional Opposition to the Petition. On 9/2/10, OCA and the WPP Industrial Intervenors filed their Briefs in opposition to the Petition. Also on 9/2/10, AP filed its Brief and the PSU filed a letter stating that it takes no position on the instant Petition.</p> <p>RECOMMENDATION: That the Commission adopt the Opinion and Order that declines to answer the Material Question.</p>

Statement by Commissioner Coleman.
Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2179338-OSA Vote 5-0.	A-2010-2179338	<p>AAA WORLDWIDE TRANSPORTATION INC - Application filed on 4/27/10, for approval of the transfer of limousine rights authorized to Stylin' Limousine, Inc., at A-00117376. The application was published in the PA Bulletin. No Protests were filed. On 4/30/10, BTS instituted a Complaint against the Transferor at C-2010-2127742. No Answer was timely filed. As such, by an Order entered 7/29/10, the allegations of the Complaint were deemed admitted, the Complaint was sustained, the Transferor's Certificate was cancelled and the Transferor was assessed a civil penalty of \$1,050. By Order entered 9/3/10 at A-2010-2179338, the Application was denied because Transferor no longer held authority. On 9/17/10, the Applicant filed a Motion for Reconsideration of the 9/3/10 Order. On 9/16/10, in a companion case, the Transferor filed a Letter Petition requesting reinstatement at C-2010-2127742.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants reconsideration and approves the application.</p>
2188784-OSA Vote 5-0.	A-2010-2188784	<p>DYNALINK COMMUNICATIONS INC and VZ PA - Joint Petition filed on 7/15/10, requesting approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments or protests were received. Parties individually filed letters on 9/16/10, and 9/21/10, respectively, requesting voluntarily postponement of the statutory deadline for this filing by 30 days or until 11/13/10.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.</p>

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2173992-FUS Docket No. P-2010-2173992 Vote 4-1 with Vice Chairman Christy Dissenting. Docket No. A-2010-2173934 Vote 5-0.	P-2010-2173992 A-2010-2173934	PPL ELECTRIC UTILITIES, CORP - Letter of Notification filed on 4/27/10, pursuant to 52 Pa. Code Chapter 57 Subchapter G, with respect to the Red Front 115 kV Tap Line in Lower Windsor Township, York County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application and grants the Petition.
2174467-FUS Vote 5-0.	P-2010-2174467	PPL ELECTRIC UTILITIES, CORP - Petition filed on 4/30/10, for a finding that a building to shelter control equipment at the proposed South Mechanicsburg 69-12 kV Substation in Upper Allen Township, Cumberland County, is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance. No protests were filed. A hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that grants the petition.
2189323-FUS Vote 5-0.	A-2010-2189323	U S ENERGY PARTNERS, LLC D/B/A PAETEC ENERGY MARKETING, CORP - Application filed on 7/19/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power for small commercial (25kW demand and under), large commercial (over 25kW demand), industrial and governmental customers in the electric distribution company service territories throughout PA. 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>
2190276-FUS Vote 5-0.	A-2010-2190276	AMBIT NORTHEAST LLC D/B/A AMBIT ENERGY - Application filed on 7/20/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power to residential and small commercial (25 kW and under demand) customers in electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2193165-FUS Vote 5-0.	A-2010-2193165	PPL ELECTRIC UTILITIES, CORP - Letter of Notification filed on 8/12/10, pursuant to 52 Pa. Code Chapter 57 Subchapter G, with respect to the Harwood-Humboldt #2 138/69 kV Transmission Line and the Harwood-Jenkins #1 138/69 kV Transmission Line in Hazle Township, Luzerne County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2197058-FUS Vote 5-0.	A-2010-2197058	INMATE CALLING SOLUTIONS, LLC D/B/A ICSOLUTIONS - Application filed on 9/1/10, for authority to transfer control as a General Rule transaction. RECOMMENDATION: That the Commission adopt the proposed Order which approves the transfer of control of ICS.
2199285-FUS Vote 5-0.	A-2010-2199285	UTILITY MANAGEMENT, CORP - Application filed on 8/30/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity for large commercial (over 25 kW demand), and industrial customers in the electric distribution company service territories of PPL Electric, and Duquesne Light. 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>
2200137-FUS Vote 5-0.	A-2010-2200137	CENTURYTEL LONG DISTANCE, LLC - Application filed on 9/13/10, for approval to offer, render, furnish or supply telecommunication services as a detariffed Interexchange Toll Facilities-based carrier throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2201167-FUS Vote 5-0.	S-2010-2201167	TTM OPERATING CORP, INC - Securities certificate filed 9/24/10, setting forth its participation in certain financing arrangements. RECOMMENDATION: That the Commission adopt the proposed Order for the participation in certain financing arrangements, including approval for an existing financing arrangement and to incur new debt obligations through a long-term loan of up to \$8 million.
2201210-FUS Vote 5-0.	A-2010-2201210	BRIGHTEN ENERGY, LLC - Application filed on 9/27/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power to all customer classes in electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2201625-FUS Vote 5-0.	A-2010-2201625	CCI NETWORK SERVICES, LLC - Application filed on 9/17/10, for approval to offer, render, furnish or supply telecommunication services as a detariffed Interexchange Toll Reseller throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2141293-LAW (PP from 10/14/2010) Vote 5-0.	M-2009-2141293	PROPOSED INTERIM GUIDELINES - Tentative Order issued on 1/28/10, that proposed to establish Interim Guidelines for the Filing of Electric Transmission Line Siting Applications. Comments on these proposed Interim Guidelines were required to be filed in 45 days. The Final Order establishes final Interim Guidelines pending the completion of a formal rulemaking to revise the Commission's current transmission siting regulations at 57 Pa. Code §§ 57.71-57.76 et seq. RECOMMENDATION: That the Commission adopt the Order and Annex A issuing final Interim Guidelines for the Filing of Electric Transmission Line Siting Applications.
2193310-LAW Vote 5-0.	P-2010-2193310	TRACFONE WIRELESS, INC - Petition of for a Protective Order filed on 8/3/10, regarding its annual 2010 Lifeline 135 Service Tracking Report. TracFone asserts that its Lifeline Report contains confidential, competitively sensitive, and proprietary information. TracFone submitted a confidential "proprietary" version and a redacted "public" version of its Lifeline Report for the year 2010. On 8/2/10 and 9/2/10, respectively, OCA and PULP filed answers objecting to TracFone's petition for protective order. RECOMMENDATION: That the Commission denies the Petition for a Protective Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1204960-ALJ Postponed until the Public Meeting of November 19, 2010.	A-110172	TRANS-ALLEGHENY INTERSTATE LINE T/A TRAILCO - Commission issued an Opinion and Order on 12/12/08, which, among other things, stayed consideration of the above-docketed Applications with regard to the Prexy Facilities pending the outcome of a voluntary collaborative process. A Joint Petition for Settlement was filed after the collaborative process occurred. ALJ Hoyer issued a Reopening Order on 8/25/09. On 10/13/09, TrAILCo filed an Amendment to Application that avoids construction of the Prexy Facilities. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Recommended Decision approving the Joint Petition for Settlement and that the Amendment to Application be granted.
2028862-ALJ (PP from 10/14/2010) Motion by Commissioner Gardner. Dissenting Statement, in Part, by Commissioner Coleman. Vote 4-1 with Commissioner Powelson Dissenting and Commissioner Coleman Dissenting in Part.	C-2008-2028862	REBECCA MUELLER VS PECO ENERGY COMPANY - Formal Complaint filed on 2/4/08, alleging that electrical appliances were damaged due to PECO's failure to properly wire the outside of her home. On 4/10/08, PECO filed an answer denying the material allegations in the complaint. Hearings were held on 5/19/09 and 1/27/10. COMMISSION REVIEW: That the Commission adopt ALJ Rainey's Initial Decision dismissing the complaint.
2132947-ALJ Motion by Commissioner Gardner. Vote 5-0.	C-2009-2132947	HERBERT DICKSON VS NATIONAL FUEL GAS DISTRIBUTION - Formal Complaint filed on 9/2/09, alleging inability to understand bills, that LIHEAP payments and low income residential assistance discounts were not being properly applied, threat of service termination for an unpaid amount, and that the payment due date of his bills should be adjusted to comport with his fixed income payments. NFG filed its Answer and New Matter on 10/20/09 denying the material averments of the Complaint. A telephonic hearing was held on 06/10/10. COMMISSION REVIEW: That the Commission adopt ALJ Weisman's Initial Decision dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2157140-ALJ Vote 5-0.	R-2010-2157140	YORK WATER COMPANY - Supplement No. 94 to Tariff Water - Pa. P.U.C. No.14, filed on 5/14/10, to become effective 7/13/10, containing proposed changes in rates, rules, and regulations calculated to produce additional annual revenues. By Order entered 6/16/10, the Commission suspended the filing until 2/13/10 and instituted an investigation. On 9/29/10, York Water filed a Settlement Petition. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision approving and adopting the Settlement.
2167797-ALJ Statement by Chairman Cawley. Vote 5-0.	R-2010-2167797	T W PHILLIPS GAS & OIL CO - Original Tariff Gas - PA PUC No. 7, filed on 4/30/10, which tariff proposed new tariff rules and regulations and proposed to increase rates designed to produce an overall rate increase based upon pro forma data for a Future Test Year ending 12/31/10. Pursuant to 66 Pa. C.S.A. §1308(d), Tariff No. 7 was suspended until 1/29/11. By Order dated 6/16/10, the Commission initiated an investigation of the proposed general rate increase, assigned this matter to OALJ for hearings and issuance of a Recommended Decision, and directed the OTS to participate in the proceeding. Previously, on 3/31/09 T.W. Phillips filed a Petition for Approval of Purchase of Receivables Program, docketed at P-2009-2099192. On 09/22/10, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Recommended Decision approving the Joint Petition for Settlement of Rate Investigation and the Purchase of Receivables Proceeding.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2172933-ALJ Motion by Chairman Cawley. Statement by Vice Chairman Christy. Vote 5-0.	R-2010-2172933	UGI UTILITIES, INC - Definitive annual purchased gas cost filing of 6/1/10, pursuant to 52 Pa. Code §§53.64 and 53.65. The PGC filing proposed a PGC(1) rate decrease from the current PGC rate that became effective on 6/01/10. On 8/27/10, a comprehensive Revised Settlement was filed, which was joined in or not opposed by all parties. The Revised Settlement was further revised on 8/31/10. Under the Revised Settlement, as further revised, proposed PGC rates are to be further reduced, subject to updates and modifications traditionally performed as part of UGI's compliance filing. In addition, issues raised by various parties were reasonably and adequately addressed. COMMISSION REVIEW: That the Commission adopts ALJ Melillo's Recommended Decision approving, without modification, the unopposed Revised Settlement, as further revised on 8/31/10.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

November 4, 2010

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2086954-OSA	A-2009-2086954 A-2009-2086963	WEST PENN POWER CO. - Application filed on 1/26/09, requesting authority to locate, construct, operate and maintain a 2.2 mile, 138 kV electrical transmission line within a 100-foot wide right-of-way in portions of Center Township and Franklin Township, Greene County (the Pursley Line). West Penn also requested that it be granted eminent domain authority in connection with the proposed Pursley Line. On 1/06/10, ALJs Meehan and Hoyer issued their Initial Decision to which Exceptions and Reply Exceptions were filed. On 5/26/10, the Commission reversed the ALJs' Decision and remanded this docket to the OALJ for expedited proceedings. An evidentiary hearing was held in Pittsburgh on 7/21/10. On 10/15/10, ALJ Hoyer's Initial Decision on Remand was issued. Exceptions were filed by Charles Hunnell on 10/25/10. Reply Exceptions were filed by West Penn and Cumberland Coal Resources, LP on 10/28/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order on Remand that denies Mr. Hunnell's Exceptions and adopts ALJ Hoyer's Initial Decision on Remand.

Statement by Commissioner Coleman.
Vote 5-0.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2203049-FUS Vote 5-0.	A-2010-2203049	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 9/29/10, pursuant to 52 Pa. Code Chapter 57 Subchapter G, for the reconstruction of a section of the West Hempfield-Prince #1 & #2 138 kV Transmission Lines in Manheim Twntship, Lancaster County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2198820-LAW Vote 5-0 with Chairman Cawley Concurring in Result Only.	P-2010-2198820	VERIZON PENNSYLVANIA, INC - The Commission was advised on 9/2/10, that, effective 1/1/11, VZ intends to cease routinely providing hard copies of Verizon's residential White Pages directories absent a specific request for the directories. On 10/18/10, OCA filed comments generally in support of the proposal but requested that certain conditions be imposed. No other comments or answers were received. On 10/25/10, Verizon filed reply comments addressing OCA's comments. RECOMMENDATION: That the Commission adopt the proposed Order.

COMMISSIONERS OFFICE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2107153-CMR Motion by Vice Chairman Christy. Statement by Vice Chairman Christy. Vote 5-0.	M-2009-2107153	UNIVERSAL SERVICE COORDINATION WORKING GROUP - MOTION OF VICE CHAIRMAN CHRISTY