

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

FRIDAY, NOVEMBER 19, 2010 (JFC)

10:00 A.M.

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

The Commission will act on various matters at today's meeting, which is open to the public. However, since adequate forums have been made available for public participation in cases before the Commission, there will be no opportunity for the public to address the Commission.

The attached agenda is complete at the time of issuance, but other items may be added and some stricken without further notice.

The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, its decision---except on routine, uncontested tariff filings---will be put in writing and served on the interested parties and made public at the time it is entered and served.

All public documents---such as orders, opinions, hearing transcripts, comments, initial and recommended decisions, and the like---relating to items on the agenda, may be examined in the Commission's File Room located in Room N-201, Second Floor, this Building.

The Commissioners seated on the bench are:

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

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

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

Minutes of the Meeting of Thursday, October 21, 2010 (RP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 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 FRIDAY, NOVEMBER 19, 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 19, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2131686-TAS Vote 5-0	C-2010-2131686	BUREAU OF TRANSPORTATION & SAFETY VS GB TRUCKING, LLC - Complaint alleging failure to achieve a satisfactory evaluation on its safety fitness review. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2148251-TAS Vote 5-0	C-2010-2148251	BUREAU OF TRANSPORTATION & SAFETY VS WEYER'S TRUCKING, LLC - Complaint alleging failure to submit a current satisfactory safety rating from the US DOT or another state, or complete a safety fitness review by a Commission enforcement officer, 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.
2153757-TAS Vote 5-0	C-2010-2153757 A-00108655	BUREAU OF TRANSPORTATION & SAFETY VS BRANNAN, INC - 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.
2162112-TAS Vote 5-0	A-2010-2162112	MANHEIM VETERANS MEMORIAL AMBULANCE ASSOCIATION - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Manheim, Lancaster 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>
2180402-TAS Vote 5-0	A-2010-2180402	ROBERT M ZUSINAS - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Pittsburgh, Allegheny County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2186555-TAS Vote 5-0	A-2010-2186555	LYTA CORPORATION - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia, Philadelphia County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2187354-TAS Vote 5-0	A-2010-2187354 A-00117160 A-00116612 A-00105468 A-00109256	NORFOLK SOUTHERN RAILWAY CO - Application for approval of crossing alteration in the City of Lancaster and Manheim Township, Lancaster County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2189237-TAS Vote 5-0	A-2010-2189237	MARK A GOLDING D/B/A CRANKER'S ANTIQUE LIMO - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Hazelton, Luzerne County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2191395-TAS Vote 5-0	A-2010-2191395	MG TRANSPORT D/B/A TROPHY LIMOUSINE - Application for the transfer of the limousine operating rights of Envoy Transportation, Inc. Cherry Hill, New Jersey. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2191705-TAS Vote 5-0	A-2010-2191705	NO DUI SCRANTON, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service, limited to persons who frequent establishments that serve alcohol, for the prevention of driving while intoxicated. Scranton, Lackawanna 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>
2191780-TAS Vote 5-0	A-2010-2191780	MEGABUS NORTHEAST, LLC T/A MEGABUS.COM - Application for the right to transport as a common carrier by motor vehicle, persons on schedule. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2195128-TAS Vote 5-0	A-2010-2195128	PERVAIZ KHOKHAR - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Exton, Chester County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2195556-TAS Vote 5-0	A-2010-2195556 A-00118512F.1, AM-A	PRANZARE, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Chester Springs, Chester County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2195771-TAS Vote 5-0	A-2010-2195771	SHIRLEY A RICE - 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. Ickesburg, Perry County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2198078-TAS Vote 5-0	A-2010-2198078	ANGEL CAKIR T/A A N S LIMO AND CAR SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Bensalem, Bucks 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>
2083182-AUD Vote 5-0	D-2009-2083182	DUQUESNE LIGHT COMPANY - Management Efficiency Investigation evaluating the Implementation of Selected Recommendations from the 2006 Focused Management and Operations Audit. RECOMMENDATION: That the Commission make the Report and Implementation Plan public.
2152132-AUD Vote 5-0	D-2010-2152132	NEWTOWN ARTESIAN WATER COMPANY - Focused Management and Operations Audit. RECOMMENDATION: That the Commission make the Audit Report and Implementation Plan public.
2153021-AUD Vote 5-0	D-2010-2153021	PECO ENERGY - Auditor's Report on the Competitive Transition Charge for the twelve months ended 1/31/09. RECOMMENDATION: That the Commission release the Audit Report to the public.
2186291-AUD (PP from 11/04/2010) Postponed until 12-2	D-2010-2186291	CITIZEN POWER, INC - Audit Report on the Energy Services Program for the 12 months ended 12/31/09. RECOMMENDATION: That the Commission approve the Audit Report for public release.
2191701-AUD Vote 5-0	M-2010-2191701	PECO ENERGY COMPANY-GAS - Universal Service Fund Charge. RECOMMENDATION: That the Commission approve Supplement No. 97 to Tariff Gas-Pa. P.U.C. No. 2, reflecting a proposed USFC credit of \$0.1453 per MCF and attendant Variable Distribution Charge for Rate GR of \$3.5013 per MCF, effective 12/1/10.

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2161220-BCS Vote 5-0 Statement by Commissioner Coleman	M-2010-2161220	DUQUESNE LIGHT COMPANY - Universal Service and Energy Conservation Plan for 2011-2013 filed on 8/5/10, in accordance with the Commission's regulations at 52 Pa. Code §§ 54.71 - 54.78. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which approves Duquesne Light's Plan.
2192210-BCS Vote 5-0	M-2010-2192210	NATIONAL FUEL GAS DISTRIBUTION - Universal Service and Energy Conservation Plan for 2011-2013 filed on 5/28/10, in accordance with the Commission's regulations at 52 Pa. Code §§ 62.1 - 62.8. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which approves NFG's Plan.

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 subsequently modified by several other orders. On 12/28/09, Norfolk Southern Railway filed a Petition to Request a Partial Further Extension of Time with reference to the 1997 Order. The Commission's Bureau of Transportation and Safety, Prosecutory Staff filed an Answer to the Petition. National Railroad Passenger Corporation (Amtrak) filed a Response in Support of the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting the petition.
1119152-OSA Vote 5-0	I-00970069	BLUE MOUNTAIN & NORTHERN RAILROAD - By Order entered 5/24/99, the Commission directed the Fairview Township to prepare construction plans for the demolition of the existing bridge and the construction of a new bridge to carry Mary Street over the tracks of Reading, Blue Mountain & Northern Railroad. The Township has received several time extensions for completion of this project. On 11/2/09, the Township filed a Motion for Extension of Time to comply with the 1999 Order. While that Motion was still pending, the Township filed a Supplement to Motion for Extension of Time on 9/15/10. On 10/3/10, the Railroad filed a Reply to Township's Supplement. On 10/13/10, the Township filed a Response to the Railroad's Reply. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting the Motion, Supplemented.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2116495-OSA Vote 5-0	C-2010-2116495	BUREAU OF TRANSPORTATION & SAFETY VS LANGHORNE CAB CO - Complaint instituted on 2/1/10, alleging use of a vehicle, which is more than eight years old, to be operated in call or demand service. BTS also requested that a civil penalty of \$250 be imposed. On 2/19/10, the Respondent filed an Answer to the Complaint. On 7/9/10, the Respondent and the LBPS filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$250 would be reduced to \$125. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
2120601-OSA Vote 5-0 Statement by Vice Chairman Christy Statement by Commissioner Coleman	C-2009-2120601	LAW BUREAU PROSECUTORY STAFF VS UGI UTILITIES, INC - Formal Complaint initiated on 9/11/09, alleging violations of the Code of Federal Regulations and the Commission's Regulations regarding gas safety by failing to use proper shoring techniques at an excavation site. LBPS and UGI have proposed a Settlement Agreement which is said to resolve all issues raised in the Complaint. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the Settlement Agreement without modification.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2126103-OSA Postponed until 12-2	C-2009-2126103	<p>BUREAU OF TRANSPORTATION & SAFETY VS ARRIVE IN STYLE LIMOUSINE, INC - By Letter dated 3/23/09, BTS advised the Respondent that its tariff on file with the Commission did not comply with 52 Pa. Code § 29.334, in that its limousine rates are not based solely on time. The Respondent was directed to file a revised tariff within 20 days. The Respondent failed to submit a revised tariff. On 9/8/09, BTS initiated a Complaint at the above docket number, advising the Respondent that it must file an Answer to the Complaint within 20 days or BTS would request the Commission to issue a Secretarial Letter which imposed a civil penalty of \$250. The Respondent filed an Answer to the Complaint. On 8/19/10, the Respondent and the LBPS filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed total penalty of \$250 would be reduced to \$100.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2135989-OSA Vote 5-0	C-2010-2135989	<p>BUREAU OF TRANSPORTATION & SAFETY VS PAUL J SANTOMAURO AND BRADEN E SNYDER T/A TELOS II</p> <p>- Complaint instituted on 5/12/10, alleging that drivers were permitted to operate its vehicles on 129 occasions while under suspension for failing to maintain evidence of insurance on file with the Commission. BTS requested that a civil penalty of \$1,000 per violation, per day, be imposed for a civil penalty of \$129,000. The Complaint further alleged failure to maintain complete log sheets. BTS proposed a civil penalty of \$50 per violation, for a total civil penalty of \$1,150. On 6/1/10, an Answer to the Complaint was filed. On 10/4/10, the Respondent and LBPS filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed total penalty of \$130,150 would be reduced to \$1,250, and the Respondent would be required to satisfy the civil penalty assessed in a prior Complaint.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement consistent with the discussion therein.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2147821-OSA Vote 5-0 Statement by Vice Chairman Christy	M-2010-2147821	LAW BUREAU PROSECUTORY STAFF VS PEOPLES NAT GAS F/K/A DOMINION PEOPLES - Settlement Agreement filed on 9/2/10, in order to satisfy the informal investigation into treatment of an account that had been terminated for non-payment on 10/14/09. One of the occupants of the relevant residence was released from the hospital and passed away at the residence before reconnection of gas service, following verification that a payment had been made on the account. As part of the Settlement, Peoples, inter alia, undertakes to provide on-going training for its customer representatives on providing medical certification information to customers in telephone contacts in post-disconnection situations. Peoples, additionally, will pay a civil penalty of \$1,500 for the violation alleged. Peoples will not claim or include any portion of that penalty for recovery in future rate case proceedings. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which, inter alia, directs that the Opinion and Order, the proposed Settlement Agreement, and the Joint Statement in Support thereof, be entered for comments by any interested party.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2156075-OSA Vote 5-0	M-2010-2156075	<p>A LIMOUSINE SERVICE, INC - Objection to the Commission's General Assessment for Fiscal Year 09-10 filed on 10/7/09. By Initial Decision issued 8/16/10, ALJ Dunderdale dismissed the Objection, in part, and sustained it, in part; concluding, inter alia, that the federal Unified Carrier Registration Act does not preclude the Commission from requiring passenger motor carriers to pay assessments on certain intrastate revenue. The ALJ recommended that the FY 09-10 assessment be reduced to the amount of the assessment for FY 07-08. Exceptions were filed by ALS on 9/2/10, and by the Law Bureau Prosecutory Staff on behalf of the Commission's Bureau of Administrative Services on 9/3/10. Both Parties filed reply Exceptions on 9/15/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies ALS' Exceptions, grants BAS' Exceptions, to the extent consistent with the Opinion and Order, and adopts the Initial Decision, as modified by the Opinion and Order.</p>
2165581-OSA Vote 5-0	C-2010-2165581	<p>DENNIS D CARULLI VS PA AMERICAN WATER - Formal Complaint filed on 3/18/10, challenging a high bill received. A Hearing was held on 6/22/10, before ALJ Corbett. By Initial Decision issued on 8/17/10, the Complaint was granted, in part, and denied, in part. The Complainant filed Exceptions on 9/2/10. Reply Exceptions were filed on 9/17/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2200104-OSA Vote 5-0	A-2010-2200104 A-311010F7000	TRANS NATIONAL COMM INTNTL, INC and VZ PA - Joint Petition filed on 9/17/10, seeking approval of Amendment No. 2 to an Interconnection Agreement. 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.
2200598-OSA Vote 5-0	A-2010-2200598	TRANS NATIONAL COMM INTNTL, INC and VZ NORTH - Joint Petition filed on 9/20/10, seeking approval of Amendment No. 2 to an Interconnection Agreement. 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>
2145794-FUS Vote 5-0	A-2009-2145794	VIRIDIAN ENERGY PA, LLC - Request filed on 10/8/10, to amend its electric generation supplier license in order to supply electricity to residential, commercial and industrial customers in the additional electric distribution company service territories of Duquesne Light, and PECO Energy. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.
2152048-FUS (PP from 09/16/2010) Vote 5-0	A-2010-2152048	DUQUESNE LIGHT COMPANY - 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, PA. Authority for this procedure is provided for at §57.72(d)(1)(v). No protest was filed and no hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2179196-FUS Vote 5-0	A-2010-2179196	AFFINITY ENERGY MANAGEMENT, LLC - Application filed on 5/26/10, to offer, render, furnish, or supply electricity or electric generation services as a broker/marketer to small commercial (25 kW and under), large commercial (over 25 kW 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>
2188300-FUS Vote 5-0	A-2010-2188300	LIVE ENERGY, INC - Application filed on 7/14/10, for a license to offer, render, furnish or supply electricity or electric generation services as an energy consultant/broker engaged in the business of providing consulting services related to procurement of energy through third party suppliers of electric power. Live Energy Inc., proposes to provide these services to residential, small commercial (25 kw and under), large commercial (over 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 application.
2192916-FUS Vote 5-0	A-2010-2192916	XENCOM GREEN ENERGY, LLC - Application filed on 7/23/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of brokering energy transactions between retail energy providers and large commercial customers (over 25 kv demand) in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2193079-FUS Vote 5-0	A-2010-2193079	EDF TRADING NORTH AMERICA, LLC - Application filed on 8/10/10, to offer, render, furnish, or supply natural gas supply services to industrial customers in the service territory of UGI Utilities, 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>
2196709-FUS Vote 5-0	A-2010-2196709	FIBER TECHNOLOGIES NETWORKS LLC and FIREFOX ACQUISITION CORP - Joint Application filed on 8/26/10, for approval of a transfer of control whereby Firefox Acquisition Corp., will be the ultimate indirect corporate owner of Fiber Technologies Networks, L.L.C. RECOMMENDATION: That the Commission adopt the proposed Order approving the transfer of control.
2197055-FUS Vote 5-0	M-2010-2197055 M-00920378	CENTRE COUNTY'S 911 - System Renewal Plan filed on 9/2/10, from 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 within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.
2197060-FUS Vote 5-0	M-2010-2197060 M-00910310	ADAMS COUNTY'S 911 - System Renewal Plan filed on 9/2/10, from 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 within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
2197085-FUS Vote 5-0	A-2010-2197085	SCHOOL POWER, INC - Application filed on 9/2/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for the purchase of electricity for large commercial (over 25kw) customers in the electric distribution company service territories of Allegheny Power, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO Energy, PPL Electric, and UGI Utilities- Electric Division, within 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>
2197853-FUS Vote 5-0	A-2010-2197853	THE LEGACY ENERGY GROUP, LLC D/B/A LEGACY ENERGY - Application filed on 9/8/10, 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), and industrial customers in the electric distribution company service territories in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2197893-FUS Vote 5-0	A-2010-2197893	ENERGY CONSULTANTS, LLC - Application filed on 9/3/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of analyzing customer electricity load requirements and quotes from suppliers in order to recommend the supplier that best fits the needs for residential, small commercial (25 kw and under demand), large commercial (over 25 kw 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.
2199236-FUS Vote 5-0	A-2010-2199236	DUKE ENERGY RETAIL SALES, LLC - Application filed on 9/10/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electricity for large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution 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>
2199907-FUS Vote 5-0	A-2010-2199907	ADL HIGH VOLTAGE, INC - Application filed on 9/20/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of negotiating agreements for the purchase of electricity for large commercial (over 25kw) and industrial customers in the electric distribution company service territories of Allegheny Power, Duquesne Light, Met- Ed, Penelec, Penn Power, PECO Energy , PPL Electric, and UGI Utilities- Electric Division, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2201233-FUS Vote 5-0	A-2010-2201233 A-2010-2201234	EATON SEWER & WATER COMPANY, INC - Applications filed on 9/20/10, for approval of the right to begin to offer, render, furnish or supply water and wastewater services to the public in an additional territory in Eaton Township, Wyoming County. RECOMMENDATION: That the Commission adopt the proposed Order that approves the applications.
2201567-FUS Vote 5-0	A-2010-2201567	DASH ENERGY, LLC - Application filed on 9/19/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for retail electric supply for small and large commercial (over and under 25 kw 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.
2202971-FUS Vote 5-0	A-2010-2202971	ALLEGHENY COMMUNICATIONS CONNECT OF PA, LLC - Application filed on 10/4/10, seeking approval of the Company's Discontinuance and Abandonment of Competitive Access Provider services to the public. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2202982-FUS Vote 5-0	A-2010-2202982	STERLING TELECOM, INC - Application filed on 10/5/10, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier Services to the public. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2203953-FUS Vote 5-0	A-2010-2203953 A-2010-2203954 A-2010-2203955 A-2010-2203957	BANDWIDTH.COM CLEC, LLC - Applications filed on 10/4/10, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Frontier Communications Commonwealth Telephone, Consolidated Communications of Pennsylvania, CenturyLink, and Windstream Pennsylvania. RECOMMENDATION: That the Commission approve the applications consistent with the proposed Order.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2201974-FUS Vote 5-0	R-2010-2201974	COLUMBIA GAS OF PA, INC - Supplement No. 156 to Tariff Gas - Pa. P.U.C. No. 9, filed on 9/29/10, to become effective 11/27/10, requesting approval of a modification to Tariff Rule No. 15 - Measurement to provide for a BTU content adjustment to the monthly determination of customers' billing MCFs in addition to existing adjustment for pressure and temperature. RECOMMENDATION: That the Commission adopt the proposed Order.
2201974-OTS Vote 5-0	R-2010-2201974	COLUMBIA GAS OF PA, INC - Supplement No. 156 to Tariff Gas - Pa. P.U.C. No. 9, filed on 9/29/10, to become effective 11/27/10, requesting approval of a modification to Tariff Rule No. 15 – Measurement to provide for a BTU content adjustment to the monthly determination of customers' billing MCFs in addition to existing adjustments for pressure and temperature. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of 6 months or through 5/27/11.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1096122-LAW Vote 5-0	A-310724	UNI-TEL COMMUNICATIONS GROUP, INC - Failure to file its 2009 Assessment Report. Commission staff has been unable to reach Uni-Tel Communications Group, Inc., a telecommunications interexchange reseller, by phone calls or by mail. However, staff was able to determine that the utility is out of business. RECOMMENDATION: That the Commission adopt the proposed Tentative Order that revokes the company's certificate of public convenience after a 30-day comment period following publication in the PA Bulletin, absent adverse comment.
1180978-LAW Vote 5-0	A-311288	GLOBAL TOUCH TELECOM, INC - Failure to file its 2009 Assessment Report. Commission staff has been unable to reach Global Touch Telecom, Inc., telecommunications interexchange reseller, by phone calls or by mail. However, staff was able to determine that the utility is out of business. RECOMMENDATION: That the Commission adopt the proposed Tentative Order that revokes the company's certificate of public convenience after a 30-day comment period following publication in the PA Bulletin, absent adverse comment.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1190373-LAW Vote 5-0	M-00051865	IMPLEMENTATION OF ALTERNATIVE ENERGY - On 5/28/09, the Commission adopted the 2009 update to the TRM. In that Order, the Commission directed the Bureau of CEEP to annually revise the TRM. In 8/09, the Commission contracted with GDS Associates, Inc., to be the Act 129 Statewide Evaluator (SWE), which, among other duties, is to assist in reviewing and providing suggested changes to the TRM and Total Resource Cost Test. The SWE, in conjunction with a Technical Working Group, has reviewed the 2010 version of the TRM, adopted on 1/28/10, and proposes several changes and additions for the 2011 TRM update. The Commission seeks comments on the proposed 2011 TRM update. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2178610-LAW Vote 5-0	P-2010-2178610	PHILADELPHIA GAS WORKS - Petition for Extension of Time to File its Universal Service and Energy Conservation Plan 2011-2013 and Impact Evaluation; Petition to Modify its Universal Service and Energy Conservation Plan with Respect to the Customer Responsibility Program. RECOMMENDATION: That the Commission grant the extension of time and transfer the CRP petition to the Office of Administrative Law Judge.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1204960-ALJ (PP from 11/04/2010) Vote 5-0 Statement by Chairman Cawley Statement by Vice Chairman Christy Statement by Commissioner Coleman	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.
2171910-ALJ Vote 5-0	R-2010-2171910	EQUITABLE GAS CO - Proposed creation and implementation of a Pilot Residential Energy Conservation Program filed on 4/22/10. The Joint Settlement Agreement was filed on 10/22/10. COMMISSION REVIEW: That the Commission adopt ALJs Corbett and Long's Recommended Decision approving the Settlement.
2186760-ALJ Vote 5-0	M-2010-2186760	PENNSYLVANIA ELECTRIC CO - Energy Efficiency and Conservation Charge Reconciliation Statement of Revenues and Expenses for the year ended 5/31/10. On 9/2/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2186764-ALJ Vote 5-0	M-2010-2186764	METROPOLITAN EDISON CO - Energy Efficiency and Conservation Charge Reconciliation Statement of Revenues and Expenses for the year ended 5/31/10. On 9/2/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2186772-ALJ Vote 5-0	M-2010-2186772	PENNSYLVANIA POWER CO - Energy Efficiency and Conservation Charge Reconciliation Statement of Revenues and Expenses for the year ended 5/31/10. On 9/2/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

November 19, 2010

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2079002-FUS Vote 5-0	A-2008-2079002	EXELON ENERGY COMPANY (ELECTRIC) - Request to amend its electric generation supplier license filed on 10/29/10, in order to serve residential, and small commercial (25 kW and under) customers, in addition to large commercial (greater than 25 kW), industrial and governmental customers throughout all of the electric service territories within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.