

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, DECEMBER 2, 2010 (TC)

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 16, 2010 at 10:00 A.M.

Minutes of the Meeting of Thursday, November 4, 2010 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 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 WILL HOLD AN EXECUTIVE SESSION ON THURSDAY, DECEMBER 2, 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

December 2, 2010

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2161694-OSA NON BINDING POLL Partial Dissenting Statement of Chairman Cawley. Non-Binding Poll.	R-2010-2161694	<p>PPL ELECTRIC UTILITIES CORP - Supplement No. 83 to Tariff-Electric Pa. P.U.C. No. 201, filed on 3/31/10, to increase distribution rates calculated to produce additional intrastate operating revenues of approximately \$114.7 million, effective 6/1/10. Various complaints were filed and the filing was suspended by operation of law until 1/1/11. Public input hearings were held in June 2010. On 8/11/10, an evidentiary hearing was held. On 8/26/10, a Joint Petition for Partial Settlement was filed by PPL, OCA, Richards Energy Group, and OTS. PPLICA, Dominion Retail, Inc., CEO, OSBA, SEF, Mr. Epstein, PennFuture and RESA did not oppose it. On 10/15/10, ALJ Colwell's Recommended Decision was issued in which she recommended approval of the Partial Settlement that would, inter alia, increase distribution rates resulting in an annual intrastate operating revenue increase of \$77.5 million, to become effective 1/1/11. Exceptions were filed on 11/4/10, and Reply Exceptions were filed on 11/15/10.</p> <p>RECOMMENDATION: That the Commission conduct a Non-Binding Poll of the issues litigated in this proceeding.</p>

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2122510-TAS Vote 5-0.	A-2009-2122510	PENNDOT - Application for approval to rehabilitate a bridge over tracks of Lehigh Valley Rail Management, LLC, in the City of Johnstown, Cambria County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2155661-TAS Vote 5-0.	A-2010-2155661	TAXI EXPRESS, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in call or demand service. York, York County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2157952-TAS Postponed until the Public Meeting of December 16, 2010.	C-2010-2157952	BUREAU OF TRANSPORTATION & SAFETY VS PENNSYSAVER DIRECT INC T/A TWO GUYS AND A TRUCK - Complaint alleging respondent transported household goods in use for compensation while not then holding a certificate of public convenience. Erie RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that respondent be fined \$2,000 and cease and desist from further violations of the Public Utility Code and Regulations.
2175553-TAS Vote 5-0.	A-2010-2175553	PREMIER LUXURY RENTALS, 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. West Chester, Chester County RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2187846-TAS Postponed until the Public Meeting of December 16, 2010.	C-2010-2187846	BUREAU OF TRANSPORTATION & SAFETY VS ALPHA MOVING & STORAGE - Complaint alleging respondent failed to comply with Commission regulations. Philadelphia RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that the respondent pay a penalty of \$20,600 and cease and desist from further violations.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2194629-TAS Vote 5-0.	A-2010-2194629	REGENCY TRANSPORTATION GROUP LTD - Application for a brokerage license. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2198597-TAS Vote 5-0.	C-2010-2198597 A-00105524 C-2010-2131626	BUREAU OF TRANSPORTATION & SAFETY VS TRINITY LIMO, INC - Complaint alleging respondent failed to pay an outstanding fine. Havertown, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2199080-TAS Vote 5-0.	A-2010-2199080	FRED W WILLIAMS - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Atlantic, Crawford County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2199943-TAS Vote 5-0.	A-2010-2199943	PHILLIPS CRANE & EQUIPMENT RENTALS, INC - Application for the discontinuance of service and cancellation of its certificate to transport household goods as a class D carrier. McKees Rocks, Allegheny 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>
2186291-AUD (PP from 11/19/2010) Statement by Chairman Cawley. Vote 5-0.	D-2010-2186291	CITIZEN POWER - 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.
2186501-AUD Vote 5-0.	D-2010-2186501	DUQUESNE LIGHT - Report on the Transmission Service Charge for the 12 months ended 2/28/10. RECOMMENDATION: That the Commission release the Audit Report to the public.
2196682-AUD Vote 5-0.	M-2010-2196682	PECO ENERGY COMPANY-ELECTRIC - Universal Service Fund Charge and Supplemental Universal Service Fund Charge. RECOMMENDATION: That the Commission approve proposed USFC rate of 0.13 cents per KWH. Supplemental USFC rate of 0.05 cents per KWH effective 1/1/11, and direct PECO to submit the appropriate tariff supplement reflecting approved rates prior to 1/1/11 effective date.

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2111130-BCS Vote 5-0.	M-2009-2111130	EQUITABLE GAS CO - Revised Universal Service and Energy Conservation Plan for 2010-2012 filed on 9/13/10, in accordance with the Commission's regulations at 52 PA. Code section 62.1-62.8. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which approves Equitable's Plan.

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</p> <p>- 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. The Applicant filed Exceptions to the Initial Decision. By Order entered 11/5/10, the Commission, inter alia, vacated the Initial Decision and remanded the case to the OALJ for such further proceedings as may be required. Keystone Cab Service and Capital City Cab Service filed Petitions for Reconsideration of the Order on 11/9/10 and 11/12/10, respectively.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants reconsideration, pending review of, and consideration on, the merits.</p>
2014142-OSA Vote 5-0.	C-2009-2014142	<p>BUREAU OF TRANSPORTATION & SAFETY VS GREATER JOHNSTOWN YELLOW CAB</p> <p>- Complaint instituted on 10/1/09, alleging failure to obtain a criminal history record from the PA State Police and every state in which 3 of its drivers resided for the last 12 months prior to permitting the driver to operate a vehicle in its authorized service area. BTS also requested that a civil penalty of \$300 be imposed. On 10/9/09, the Respondent filed an Answer to the Complaint. On 8/12/10, the Respondent and the Commission's Law Bureau Prosecutory Staff filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$300 would be reduced to \$200.</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>
2105240-OSA	C-2009-2105240	ROGER MCCALL VS PENELEC
Statement by Commissioner Coleman. Vote 5-0.		<p>- By Initial Decision issued 3/15/10, ALJ Corbett sustained the instant Complaint to the extent that it raised an issue concerning excessive trimming of Complainant's tree. The ALJ directed Penelec, at its sole cost and expense, shall remove the subject tree on Complainant's property and replace it with another tree. The ALJ's Initial Decision was adopted by Opinion and Order entered 6/7/10. On 6/22/10, Penelec filed a Petition for Reconsideration requesting that the Commission's Order of 6/7/10 be amended to permit Penelec to plant a deciduous tree on Complainant's property at a mutually agreeable location without first removing the tree that is the subject of the Complaint. By Order entered 8/20/10, Penelec's Petition was granted. On 9/10/10, the Complainant filed the instant "Response to Opinion and Order by the Commission". On 9/22/10, Penelec filed a Letter/Answer to Complainant's Response.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that denies Complainant's Response, considered as a Petition for Rescission/Amendment.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2118230-OSA (PP from 11/19/2010) Vote 5-0.	C-2009-2118230	MARK MAZZA VS PECO - Formal Complaint filed on 6/6/09, alleging attempted termination of service without prior notice. A second Formal Complaint was filed on or about 7/22/09, containing the same allegations. By Order dated 9/16/09, the two Complaints were consolidated. After a hearing was held, ALJ Jones issued an Initial Decision on 8/17/10, granting in part and denying in part the Complaint. The Commission entered a Final Order on 10/1/10, adopting the ALJ's Decision. Late filed Exceptions were filed by the Complainant on 9/29/10. No Reply Exceptions were filed. The Complainant's Exceptions are being treated as a Petition for Reconsideration of the 10/1/10 Final Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
2119253-OSA (PP from 11/19/2010) Postponed until the Public Meeting of December 16, 2010.	F-2009-2119253	ROME PROPERTY MANAGEMENT, LLC VS PENNSYLVANIA AMERICAN WATER COMPANY - Complaint filed 7/11/09, alleging inadequate service by failing to shut water off at curb box valve, leading to extensive property damage. After hearing, an Initial Decision was issued by ALJ Dunderdale, which found PAWC failed to provide adequate service and assessed a civil penalty of \$9,750. PAWC filed Exceptions. The Complainant filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies PAWC's Exceptions, in part, adopts the Initial Decision as modified and assesses a civil penalty of \$2,250.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2126103-OSA (PP from 11/19/2010) Vote 5-0.	C-2009-2126103	<p>BUREAU OF TRANSPORTATION & SAFETY VS ARRIVE IN STYLE LIMOUSINES, 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>
2155842-OSA Postponed until the Public Meeting of December 16, 2010.	M-2010-2155842	<p>LAW BUREAU PROSECUTORY STAFF VS AQUA PENNSYLVANIA, INC</p> <p>- Settlement Agreement filed on 7/30/10, in order to satisfy the informal investigation into certain incidents which took place on 11/9/09, in Haverford, and on 4/26/09, in Newtown Square, involving, in the first case, an Aqua maintenance crew and, in the second case, an Aqua contractor, Danella Construction. As part of the Settlement, Aqua, inter alia, will take numerous steps to avoid incidents in the future, including a review and update of its written hazard checklist to incorporate applicable OSHA standards. Aqua, additionally, will pay a civil penalty of \$15,000 for the violations alleged and will make a \$10,000 contribution to its Helping Hand Program. By Order entered 10/15/10, we afforded interested parties 20 days in which to file Comments to the proposed Settlement. Timely Comments were filed by the Dollar Energy Fund and OCA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which approves the Settlement and closes the investigation.</p>
2156185-OSA Vote 5-0.	M-2010-2156185	<p>LOU LANE, INC T/D/B/A ALL STAR LIMOUSINES</p> <p>- Objection to the Commission's General Assessment for FY 2009-2010, filed on 10/22/09. By Initial Decision issued 8/16/10, ALJ Dunderdale granted a Motion to Dismiss filed by the Bureau of Administrative Services because the Objection was filed late. Exceptions were filed by All Star on 9/2/10. BAS filed Reply Exceptions on 9/15/10.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that grants All Star's Exceptions in part, denies them in part, and adopts the Initial Decision, as modified by the Opinion and Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2161820-OSA Vote 5-0.	C-2010-2161820	<p>BUREAU OF TRANSPORTATION & SAFETY VS AMEER MALIK T/A ON TIME TRANSPORT CAB CO</p> <p>- Complaint instituted on 7/23/10, alleging failure to obtain or maintain criminal history and driver history records prior to permitting 2 drivers to operate a vehicle in its authorized service. The Complaint also alleged that the Respondent failed to post its tariff rates in one of its vehicles. BTS requested that a total, combined civil penalty of \$750 be imposed. On 8/11/10, the Respondent filed an Answer to the Complaint. On 10/14/10, the Respondent and the Commission's Law Bureau Prosecutory Staff filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$750 would be reduced to \$250.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>
2201383-OSA Vote 5-0.	A-2010-2201383	<p>SPECTROTEL, INC and VERIZON NORTH RETAIN, CO</p> <p>- Joint Petition filed on 9/24/10, 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.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.</p>
2203591-OSA Vote 5-0.	A-2010-2203591	<p>DYNALINK COMMUNICATIONS, INC and VERIZON NORTH RETAIN, CO</p> <p>- Joint Petition filed on 10/7/10, 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.</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>
1221185-FUS Postponed until the Public Meeting of December 16, 2010.	P-00072349 R-00072753 R-00072754	WEST PENN POWER CO - Petition for Extension of its Wind Energy Service Rider filed on 7/7/10. West Penn Power also seeks approval of minor changes in the Tariff increasing the percentage of PA and PJM-based wind projects from which energy credits are purchased under the Tariff. The Wind Service Energy Rider expires on 12/31/10. The Petition seeks a 3-year extension until 12/31/13. On 7/21/10, the OSBA filed its Answer and New Matter to the above Petition. On 10/21/10, West Penn Power Company filed a Petition for a Temporary Extension of its Wind Energy Service Rider pending a Commission decision on the Petition for Extension. RECOMMENDATION: That the Commission adopt the proposed Order which approves the petition for temporary extension and suspends the tariff by operation of law until 6/30/11, and institutes an investigation.
2173934-FUS A-2010-2173934 Vote 5-0. P-2010-2173992 Vote 4-1 with Vice Chairman Christy Dissenting.	A-2010-2173934 P-2010-2173992	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. No protests were filed and no hearings were held. Also, Petition filed on 4/27/10, pursuant to 52 Pa. Code §5.41 and 53 P.S. §10619 for a finding that a building to shelter control equipment at the proposed Red Front 115-12 kV Substation in Lower Windsor Township, York 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 approves the application and grants the petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2176410-FUS Vote 5-0.	A-2010-2176410	WASHINGTON GAS ENERGY SERVICES, INC - Amendment to its natural gas supplier license filed on 9/28/10, in order to operate in the additional service territories of UGI Utilities, UGI Central Penn Gas, and UGI Penn Natural Gas, within PA. RECOMMENDATION: That the Commission adopt the proposed Order that approves the amendment.
2187730-FUS Vote 5-0.	A-2010-2187730 et al	NEXTGEN COMMUNICATIONS, INC - Application filed on 6/29/10, for approval to offer, a Competitive Local Exchange Carrier in all 37 incumbent territories within PA. NextGen seeks certification so that it may provide aggregate and transport emergency local, VoIP, telemetric, PBX, and mobile E9 1-1 traffic, manage and transmit location and calling number data, and provide call routing management for the delivery of emergency calls to Public Service Answering Points (PSAPs) throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2190632-FUS Vote 5-0.	A-2010-2190632	MID-ATLANTIC COOPERATIVE SOLUTIONS INC D/B/A AERO ENERGY - Application filed on 7/28/10, to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial (less than 6,000 MCF annually), large commercial (over 6,000MCF annually), industrial and governmental customers in the service territories of Columbia Gas, PECO, Philadelphia Gas Works, UGI Central Penn Gas, UGI Penn Natural Gas, and UGI Utilities 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>
2197068-FUS Vote 5-0.	R-2010-2197068	UNITED TELEPHONE COMPANY OF PA - 2010 Annual Price Stability Index and Service Price Index Reports and Tariff Supplement No. 354 to Tariff Pa. P.U.C. No. 26, requesting a \$359,830 increase from the application of the Service Price Index change. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate increase.
2197842-FUS Vote 5-0.	M-2010-2197842 M-00930438	WAYNE COUNTY'S 911 - System Renewal Plan filed on 9/7/10 from PEMA, requesting a formal review 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.
2198946-FUS Vote 5-0.	M-2010-2198946	MCKEAN COUNTY'S 911 - System Renewal Plan filed on 9/14/10, from PEMA, requesting a formal review 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.
2199478-FUS Vote 5-0.	A-2010-2199478	MINT ENERGY, LLC - Application filed on 9/13/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electricity for small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution service territories of Allegheny Power, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO Energy, and PPL Electric, 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>
2201359-FUS Vote 5-0.	M-2010-2201359 M-00920318	BUCKS COUNTY'S 911 - System Renewal Plan filed on 9/27/10, from PEMA, requesting a formal review the costs associated with the contribution rate of \$1.00 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 \$1.00 per access line per month.
2202885-FUS Vote 5-0.	A-2010-2202885	NRGING LLC D/B/A NETGAIN ENERGY ADVISORS - Application filed on 9/29/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25 kW demand), industrial and governmental customers in electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2207827-FUS Vote 5-0.	S-2010-2207827	DUQUESNE LIGHT COMPANY - Securities certificate filed on 11/2/10, in respect to the issuance of long-term debt in an aggregate principal amount not to exceed \$600 million. RECOMMENDATION: That the Commission register the Securities Certificate.
2208320-FUS Vote 5-0.	A-2010-2208320	COMTEL TELCOM ASSETS LP - Application filed on 10/26/10, seeking the approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1151742-LAW Vote 5-0.	M-00001337	PA UNIVERSAL SERVICE FUND - Administrator's Report filed on 9/28/10, with recommendations about the Pa USF's fund size for calendar year 2010. No objections were filed to the Report. AT&T and the Pennsylvania Telephone Association filed comments to the report. RECOMMENDATION: That the Commission adopt the Administrator's Report and establish the Pa USF size at \$33,873,709.
2057661-LAW Statement by Vice Chairman Christy. Vote 5-0.	L-2008-2057661	RULEMAKING - RATE INCREASE PROCEDURE FOR SMALL MOTOR PASSENGER CARRIERS - Order entered 1/23/09, initiated a rulemaking for the purposes of streamlining the current procedures for rate increase requests submitted by motor carrier of passengers with gross operating revenue of less than \$500,000. Proposed Rulemaking Order was published on 3/20/10, in the PA Bulletin, IRRC filed comments. RECOMMENDATION: That the Commission approve the Final Rulemaking Order.
2203712-LAW Vote 5-0.	P-2010-2203712	DANVILLE AMBULANCE SERVICE, INC - Petition for Waiver from the Commission's regulations prohibiting common or contract passenger carriers operating vehicles with seating capacities of 15 passengers or less from allowing persons under 21 years of age to operate a vehicle in authorized service. RECOMMENDATION: That the Commission grant a waiver from 52 Pa. Code Section 29.503, reducing the age requirement from 21 to 18 years of age, subject to the requirements detailed in the attached Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2137982-ALJ Vote 5-0.	F-2009-2137982	SOLOMON WHITE VS PECO ENERGY COMPANY-ELECTRIC - Formal Complaint filed on 10/20/09, alleging excessive charges resulting from a meter mix up, and an inability to pay for electric service. On 11/16/09, PECO filed its answer. A hearing was held on 4/15/10. COMMISSION REVIEW: That the Commission adopt Special Agent Vero's Initial Decision directing Complainant to make monthly payments consisting of his current bill plus 1/6th of the balance accrued on his account.
2138088-ALJ Vote 5-0.	C-2009-2138088	DELOIS RAMSEY VS PECO ENERGY COMPANY-ELECTRIC - Formal Complaint filed on 10/16/09, requesting a lower payment arrangement. On 5/12/10, PECO filed its answer. A hearing was held on 4/15/10. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision dismissing the complaint.
2139206-ALJ Vote 5-0.	C-2009-2139206	ST ANDREW'S CHURCH - GEORGE BAXTER VS PENNSYLVANIA AMERICAN WATER COMPANY - Formal Complaint filed on 10/30/09, requesting relief from the monthly charge for the meter on its four inch water line that supplies the Complainant's parish house. The Complainant requests that the Commission order the Respondent to charge it a lower monthly charge for the four inch meter since it is a non-profit entity. On 11/23/09, PAWC filed its answer. A hearing was held on 6/15/10. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision denying the complaint.
2152542-ALJ Vote 5-0.	C-2010-2152542	TAMMY L SMITH VS NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Formal Complaint filed on 1/13/10, alleging a billing dispute. On 2/2/10, NFG filed its answer. A hearing was held on 4/22/10. COMMISSION REVIEW: That the Commission adopt ALJ Meehan's Initial Decision dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2174470-ALJ Vote 5-0.	R-2010-2174470	VALLEY ENERGY, INC - Supplement No. 19 to Tariff Gas – Pa. PUC No. 2, filed on 4/30/10, which requested an overall base rate increase. By Order entered 6/16/10, the Commission suspended the effective date and commenced an investigation. A Joint Petition for Settlement was filed on 10/4/10, proposing an overall rate increase of \$375,923. COMMISSION REVIEW: That the Commission adopt ALJ Jandebeur's Recommended Decision approving the proposed Settlement.
2174543-ALJ Vote 5-0.	R-2010-2174543	CITY OF LOCK HAVEN WATER DEPARTMENT - Supplement No. 15 to Tariff Water - Pa. P.U.C. No. 1, filed on 4/29/10, to become effective 7/1/10, containing a proposed rate increase calculated to produce \$491,423 in additional annual revenue. By Order entered 6/16/10, the Commission suspended the effective date and commenced an investigation. A Joint Settlement Agreement was filed on 10/6/10, proposing an overall rate increase of approximately \$375,000. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision approving the proposed Settlement.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2186795-ALJ Vote 5-0.	M-2010-2186795	DUQUESNE LIGHT COMPANY - Energy Efficiency and Conservation Plan Reconciliation Statement for the 12 months ending 5/31/10. On 9/2/10 a public hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2186809-ALJ Vote 5-0.	M-2010-2186809	PENNSYLVANIA POWER CO - Interim Default Service Supply Plan Section 1307(e) Statement for the twelve months ending 5/31/10. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2187128-ALJ Vote 5-0.	M-2010-2187128	PECO ENERGY COMPANY-ELECTRIC - Energy Efficiency and Conservation Plan Statement for the twelve months ending 5/31/10. On 9/2/10, a public hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2190538-ALJ Vote 5-0.	M-2010-2190538	VALLEY ENERGY, INC - Statement of Reconciliation for the Gas Cost Rate for the twelve months ending 6/30/10. On 9/2/10 a public hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2192399-ALJ Vote 5-0.	M-2010-2192399	NRG ENERGY CENTER PGH - Reconciliation Statement of Steam Cost Rate for the twelve months ending 6/30/10. On 9/2/10 a public hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2192402-ALJ Vote 5-0.	M-2010-2192402	NRG ENERGY CENTER HARRISBURG LLC - Reconciliation Statement for the twelve months ending 6/30/10. On 9/2/10, a public 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

December 2, 2010

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2204817-OSA Vote 5-0.	P-2010-2204817	DEER HAVEN, LLC - WATER - Petition for Extraordinary or Emergency Rate Relief filed on 10/20/10, under Section 1308(e) of the Public Utility Code. The Petition was later amended. ALJ Jones issued a Prehearing Order directing the Parties to file Answers to the Petition by 10/26/10. The OTS, OCA, and the Homeowners Association filed Answers. ALJ Jones presided over an evidentiary hearing on 11/12/10. The record closed at the conclusion of the hearing. Briefs were to be filed by 11/22/10. No reply briefs were to be filed. The ALJ certified the record to the Commission by Order of 11/15/10. On 11/22/10, OCA; OTS; Deer Haven; and HOA filed Briefs. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Company's Petition.
2204818-OSA Vote 5-0.	P-2010-2204818	DEER HAVEN, LLP - SEWER - Petition for Extraordinary or Emergency Rate Relief filed on 10/20/10, under Section 1308(e) of the Public Utility Code. The Petition was later amended. ALJ Jones issued a Prehearing Order directing the Parties to file Answers to the Petition by 10/26/10. The OTS, OCA, and the Homeowners Association filed Answers. ALJ Jones presided over an evidentiary hearing on 11/12/10. The record closed at the conclusion of the hearing. Briefs were to be filed by 11/22/10. No reply briefs were to be filed. The ALJ certified the record to the Commission by Order of 11/15/10. On 11/22/10, OCA; OTS; Deer Haven; and HOA filed Briefs. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition to the extent outlined in the Opinion and Order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1173800-FUS Vote 5-0.	A-110158	WASHINGTON GAS ENERGY SERVICES - Modification Request filed on 11/10/10, to its license to offer, render, furnish or supply electricity electric generation services as a supplier of retail electric power for residential, commercial, industrial and governmental customers in the electric distribution company service territory of Penn Power Company within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application modification.
2199486-FUS Vote 5-0.	S-2010-2199486	CAVALIER TELEPHONE MID-ATLANTIC - Securities certificate filed on 9/17/10, with respect to the issuance of debt in principal amount not to exceed \$600 million. RECOMMENDATION: That the Commission adopt the proposed Order registering the securities certificate for Cavalier Telephone Mid-Atlantic, LLC with respect to the issuance of debt in principal amount not to exceed \$600 million.
2200202-FUS Vote 5-0.	A-2010-2200202 A-2010-2200203 A-2010-2200204 A-2010-2200205	TALK AMERICA & LDMI TELECOMM & CAVALIER TEL MID-ATLANTIC & INTELLIFIBER NETWORKS - Joint Application filed on 9/21/10, for approval of an indirect transfer of control of Talk America, Inc., LDMI Telecommunications, Inc., Cavalier Telephone Mid-Atlantic, LLC and Intellifiber Networks, LLC. RECOMMENDATION: That the Commission adopt the proposed Order approving the indirect transfer of control.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2201138-FUS Statement by Vice Chairman Christy. Statement by Commissioner Powelson. Vote 5-0 with Vice Chairman Christy Partially Dissenting.	R-2010-2201138	PPL ELECTRIC UTILITIES CORP - Supplement No. 94 to Tariff Electric – Pa. P.U.C. No. 201 – Time-of-Use Rates filed on 9/13/10. In this filing, PPL Electric Utilities Corporation proposes to implement an updated Time-of-Use program for its residential and small commercial and industrial customer classes to become effective for service rendered on or after 1/1/11. RECOMMENDATION: That the Commission adopt the proposed Order which approves the Tariff filing.