

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, DECEMBER 16, 2010 (RP)**

**10:00 A.M.**

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

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

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

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

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

**The Commissioners seated on the bench are:**

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

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

**The Next Public Meeting is Tentatively Scheduled for Thursday, January 13, 2011 at 10:00 A.M.**

**Minutes of the Special Meeting of Friday, 11/12/10 and Minutes of the Meeting of Friday, 11/19/10 (JFC)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, JANUARY 13, 2011 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 16, 2010, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 10:30 A.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING.**

**THE COMMISSION'S AGENDA WILL BE LIMITED TO:**

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

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

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

December 16, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2132318-TAS Vote 5-0.	A-2009-2132318	MEDEX AMBULANCE, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Feasterville, Bucks County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2162488-TAS Vote 5-0.	A-2010-2162488	HAINES TRANSPORTATION SERVICES, INC - Application for the 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. Reading, Berks County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2181610-TAS Vote 5-0.	A-2010-2181610	LATINO AMERICANO TRANSPORTATION, INC - Application for the right to begin to transport persons by motor vehicle as a contract carrier. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2182919-TAS Vote 5-0.	A-2010-2182919	BASSO TRANSPORTATION SOLUTIONS, LLC - Application to transport persons by motor vehicle as a contract carrier. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application.

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2195609-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2195609</b>	MEDI-TRANS, INC T/A MTI - Application for a brokerage license. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2200372-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2200372</b>	MICHAEL DEAN AXE - Application for the discontinuance of service and cancellation of its certificate 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.
<b>2203043-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2203043</b>	BRUCE C SHUEY - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Millersburg, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2211494-TAS</b> <b>Vote 5-0.</b>	<b>R-2010-2211494</b>	TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE, INC - Increase in rates. Philadelphia County RECOMMENDATION: That the Commission approve the 85th Revised Page 42 to Tariff Freight Pa. PUC No. 50.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2027991-OSA</b> <b>Postponed until the Public Meeting of January 13, 2011.</b>	<b>C-2009-2027991</b>	<b>LAW BUREAU PROSECUTORY STAFF VS DOMINION</b> - Proposed settlement filed resolving issues raised by a Formal Complaint involving a gas incident which occurred on 3/5/08. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement as filed.
<b>2119253-OSA</b> <b>(PP from 12/02/2010)</b>  <b>Vote 5-0.</b>	<b>F-2009-2119253</b>	<b>ROME PROPERTY MANAGEMENT LLC VS PENNSYLVANIA AMERICAN WATER COMPANY</b> - 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. <b>RECOMMENDATION:</b> 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**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2138367-OSA</b>  Vote 5-0 with Vice Chairman Christy Concurring in Result Only.	<b>F-2009-2138367</b>	THEA JONES VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 10/28/09, challenging a high gas bill received. A hearing was held on 8/17/10, before ALJ Nguyen. By Initial Decision issued on 10/20/10, the Complaint was denied and the ALJ recommended that a \$500 civil penalty be imposed upon PGW based on PGW's violation of § 1501 of the Code. The Respondent filed Exceptions to the Initial Decision on 11/9/10. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Respondent's Exceptions, in part, denies them, in part, and modifies the ALJ's Initial Decision consistent with the discussion in the Opinion and Order.
<b>2151836-OSA</b>  Vote 5-0.	<b>C-2010-2151836</b>	BUREAU OF TRANSPORTATION & SAFETY VS DANIEL K STOLTZFUS - Complaint initiated on 3/12/10, alleging that the Respondent failed to maintain evidence of cargo insurance on file with the Commission in violation of 66 Pa.C.S. § 512, and 52 Pa. Code §§ 32.2(c), 32.12(a), and 32.13(a). BTS sought a civil penalty of \$500 and cancellation of the Respondent's Certificate of Public Convenience. On 3/31/10, the Respondent filed an Answer to the Complaint, denying there had been a lapse of insurance coverage. On 9/20/10, the Law Bureau Prosecutory Staff and the Respondent filed a Settlement Agreement to resolve the allegations in the Complaint. As part of the Settlement Agreement, the Parties proposed that the civil penalty be reduced from \$500 to \$250. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement Agreement.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2151951-OSA</b>  Vote 5-0.	<b>C-2010-2151951</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS LIMO TODAY, INC</b> - Complaint instituted on 5/27/10, alleging that vehicles were operated with unsecured seats, in violation of 52 Pa. Code § 29.403(d). BTS requested that a civil penalty of \$100 be imposed. On 6/8/10, the Respondent filed an Answer to the Complaint. On 11/5/10, 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 \$100 would be reduced to \$50. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
<b>2155842-OSA</b> <b>(PP from 12/02/2010)</b>  Postponed until the Public Meeting of January 13, 2011.	<b>M-2010-2155842</b>	<b>LAW BUREAU PROSECUTORY STAFF VS AQUA PENNSYLVANIA, INC</b> - 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. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the Settlement and closes the investigation.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2156212-OSA</b>  <b>Vote 5-0.</b>	<b>M-2010-2156212</b>	<b>CLASSY CAB COMPANY, INC</b> - Objection to the Commission's general assessment for Fiscal Year 2009-2010 filed on 10/5/09. By Initial Decision issued 8/17/10, ALJ Long dismissed the Objection. The ALJ concluded, 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. Exceptions were filed by Classy Cab on 9/15/10. Reply Exceptions were filed by the Law Bureau Prosecutory Staff on 9/24/10. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that denies Classy Cab's Exceptions and adopts the Initial Decision, as modified by the Opinion and Order.
<b>2161575-OSA</b> <b>(PP from 12/02/2010)</b>  <b>Motion by Chairman Cawley.</b> <b>Statement by Commissioner Gardner.</b> <b>Vote 5-0.</b>	<b>R-2010-2161575</b>	<b>PECO ENERGY COMPANY-ELECTRIC</b> - Supplement No. 2 to Tariff Electric – Pa. P.U.C. No. 4, filed on 3/31/10, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$316.4 million in additional annual revenues. The Commission instituted an investigation and the matter was assigned to OALJ. On 6/21/10, the Commission issued the Recommended Decision of ALJs Chestnut and Pell which recommended, inter alia, the approval of a Joint Petition for Partial Settlement without modification which provides for an increase in annual revenues of \$225.0 million. No Exceptions were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which adopts the Recommended Decision; approves the Settlement; and clarifies that funding of the DVREDF will conclude on 12/31/10.



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2162093-OSA  Vote 5-0.	C-2010-2162093 C-2010-2162093 A-00119034	BUREAU OF TRANSPORTATION & SAFETY VS DAVID G MARX, SR - Complaint instituted on 3/10/10, alleging a violation of 66 Pa. C.S. § 510(c) due to the failure to pay outstanding assessments for the fiscal years 2007-2009. The Petitioner did not file an Answer to the Complaint. As a result, by Order entered 6/3/10, the Commission sustained the Complaint, cancelled the Petitioner's Certificate of Public Convenience, and imposed a \$100 civil penalty. On 9/22/10, the Petitioner filed a letter petition seeking reinstatement of his Certificate. No Answers to the Petition have been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the letter petition and conditionally reinstates the Petitioner's Certificate.
2166214-OSA  Statement by Commissioner Powelson. Vote 5-0.	R-2010-2166214	PENNSYLVANIA AMERICAN WATER CO- NORTHEAST WASTEWATER OPERATIONS - Tariff Wastewater – Pa. P.U.C. No. 9, filed on 4/23/10, containing changes in rates, rules, and regulations calculated to produce \$2,099,490 (240%) in additional annual revenues, to become effective 6/22/10. Various Complaints were filed and the filing was suspended by operation of law until 1/22/11. Public input hearings were held in Bushkill on 7/30/10. On 11/8/10, PAWC, OTS, OCA, and Richard and Antoinette Callori filed with the Commission a Joint Petition for Settlement of All Issues in Rate Proceeding. The Settlement will increase rates so as to produce an increase in annual operating revenues, at an annual average over a six-year phase-in period and annually thereafter, of not more than \$1,475,000. The tariff becomes effective on 1/1/11. On 11/18/10, Chief ALJ Rainey issued a Recommended Decision in which he recommended the Settlement be approved in its entirety. Exceptions were late filed on 12/3/10 by Myrlene Honore. Reply Exceptions were filed by PAWC on 12/7/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and approves the ALJ's Recommended Decision, consistent with the Opinion and Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1221185-FUS (PP from 12/02/2010)</b>  <b>Dissenting Statement by Vice Chairman Christy. Vote 3-2 with Vice Chairman Christy and Commissioner Powelson Dissenting.</b>	<b>P-00072349 R-00072753 R-00072754</b>	<b>WEST PENN POWER CO</b> - 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. <b>RECOMMENDATION:</b> 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.
<b>2194989-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2194989</b>	<b>UTILITY CHOICE INTERNATIONAL, LLC</b> - Application filed on 8/12/10, 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 to all customers classes in all the electric distribution company service territories throughout PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2195853-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2195853</b>	<b>PENNSYLVANIA ELECTRIC CO</b> - Letter of Notification filed on 8/25/10, pursuant to 52 Pa. Code Chapter 57.72 for the Philipsburg-Tyrone North 115 kV HV Transmission Line Loop to the PJM Q36 Sandy Ridge Wind Farm Project situated in Taylor Township, Centre County. Authority for this procedure is provided for at §57.72(d)(1)(v) and (vi). No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2200223-FUS</b>  Vote 5-0.	<b>A-2010-2200223</b>	MAA INC D/B/A INDUSTRIAL ENERGY - Application filed on 9/15/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of providing brokerage, consulting and advisory services to end users of electricity 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.
<b>2200314-FUS</b>  Vote 5-0.	<b>A-2010-2200314</b>	NATURES CURRENT, LLC - Application filed on 9/9/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of supplying broker/marketer and related services to 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.
<b>2201818-FUS</b>  Vote 5-0.	<b>A-2010-2201818</b>	SUPERIOR PLUS ENERGY SERVICES, LLC - Application filed on 9/28/10, for a license to offer, render, furnish or supply electric generation supplier services as a generation supplier to residential, large commercial (over 25 kw demand), small commercial (25 kw and under demand), industrial and governmental customers in all the service territories in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2203061-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2203061</b> <b>A-2010-2203050</b> <b>A-2010-2203064</b> <b>A-2010-2203065</b>	<b>DYNALINK COMMUNICATIONS, INC</b> - Application filed on 9/28/10, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of VZ PA, VZ North, and CenturyLink; and a Reseller Interexchange Carrier throughout PA. <b>RECOMMENDATION:</b> That the Commission approve the application consistent with the proposed Order.
<b>2204408-FUS</b>  <b>Vote 5-0.</b>	<b>M-2010-2204408</b>	<b>CLEARFIELD COUNTY'S 911</b> - System Renewal Plan filed on 10/12/10, 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 to PEMA within 90 days of the receipt date. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
<b>2204832-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2204832</b>	<b>MUIRFIELD ENERGY, INC</b> - Application filed on 10/14/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for the purchase of electricity for small commercial (25kw or under), large commercial (over 25kw) and industrial customers in the electric distribution company service territories of Allegheny Power, Citizen's Electric, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO Energy, Pike County Power & Light, PPL Electric, UGI Utilities-Electric Division, and Wellsboro Electric within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2205078-FUS</b>  Statement by Chairman Cawley. Vote 5-0.	<b>R-2010-2205078</b>	<b>PECO ENERGY COMPANY-ELECTRIC</b> - Supplement No 8 to Tariff Electric – Pa. P.U.C. No. 1S, filed on 10/15/10, to become effective 1/1/11. The tariff supplement revises the Company’s Electric Generation Supplier Coordination Tariff in order to: 1) change the process used for estimating an EGS’s load requirements; and, 2) modify various provisions of the tariff to better align it with PECO’s current practices for interfacing with EGSs. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving Supplement No. 8.
<b>2205486-FUS</b>  Vote 5-0.	<b>M-2010-2205486</b> <b>M-00920357</b>	<b>SULLIVAN COUNTY'S 911</b> - System Renewal Plan filed on 10/14/10, 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 to PEMA within 90 days of the receipt date. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
<b>2205491-FUS</b>  Vote 5-0.	<b>M-2010-2205491</b> <b>M-00920315</b>	<b>CITY OF ALLENTOWN'S 911</b> - System Renewal Plan filed on 10/15/0, from PEMA requesting a formal review the costs associated with the contribution rate of \$1.25 per access line per month and make a recommendation to PEMA within 90 days of the receipt date. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.
<b>2207097-FUS</b>  Vote 5-0.	<b>A-2010-2207097</b>	<b>WILCOX WATER COMPANY, INC</b> - Application for sale of all of its common stock to the Jones Township Municipal Authority and the abandonment of water service by Wilcox Water Company, Inc., in Jones Township, Elk County. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2207971-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2207971</b>	VILLAGE WATER CO, INC and LYCOMING COUNTY WATER AND SEWER AUTHORITY - Joint Application filed on 11/2/10, for approval to transfer all stock of VWC to the Authority, and to abandon and transfer to the Authority all of VWC's service obligations to customers in Fairfield Township, Lycoming County. RECOMMENDATION: That the Commission adopt the proposed Order which approves the transfer of all stock of VWC to the Authority, and the subsequent abandonment of all of VWC's service obligations.
<b>2208063-FUS</b>  <b>Vote 5-0.</b>	<b>P-2010-2208063</b>	VERIZON PENNSYLVANIA INC - 2011 Annual Price Change Opportunity (PCO) Filing. No tariffs were filed. The Company proposes to use its 2011 PCO to permanently offset a portion of its negative 2003 PCO and to issue a one-time credit to customer bills in January of 2011. RECOMMENDATION: That the Commission adopt the proposed Order which implements a one-time credit to customer bills in January of 2011.
<b>2210611-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2210611</b>	SYNIVERSE TECHNOLOGIES, INC - Application filed on 11/16/10, seeking approval of the Company's Discontinuance and Abandonment of Competitive Access Provider Services. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2210820-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2210820</b>	DAR COMMUNICATIONS CORPORATION - Application filed on 11/15/10, seeking approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2201702-FUS</b> <b>Vote 5-0.</b>	<b>R-2010-2201702</b>	PEOPLES NATURAL GAS CO, LLC - Retail Tariff Gas – PA PUC 44 & Supplier Tariff Gas filed on 10/28/10, proposing an annual increase in rates calculated to produce approximately \$70.2 million in additional annual revenues, representing 21.4% in total annual operating revenues, to become effective 12/27/10. Formal complaints were filed by the OCA and OSBA. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed tariff filing until 7/27/11, and institutes an investigation.
<b>2201702-OTS</b> <b>Vote 5-0 to the extent that it is consistent with 2201702-FUS.</b>	<b>R-2010-2201702</b>	PEOPLES NATURAL GAS CO, LLC - Tariff Gas - Pa. P.U.C. No. 44, filed on 10/28/10, to become effective 12/27/10, proposing an increase of \$70,218,751 representing an increase in annual revenues of 21.4%. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of 7 months or through 7/27/11.
<b>2207833-FUS</b> <b>Vote 5-0.</b>	<b>R-2010-2207833</b>	LITTLE WASHINGTON WASTEWATER CO - MASTHOPE DIVISION - Supplement No. 75 to Tariff Sewer-Pa. P.U.C. No. 1, filed on 10/29/10, proposing an annual increase in revenues of \$161,426 (45.9%) to become effective 1/1/11. Formal Complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
<b>2207833-OTS</b> <b>Vote 5-0 to the extent it is consistent with 2207833-FUS.</b>	<b>R-2010-2207833</b>	LITTLE WASHINGTON WASTEWATER CO - MASTHOPE DIVISION - Supplement No. 75 to Tariff Wastewater - Pa. P.U.C. No. 1, filed on 10/29/10, to become effective 1/1/11, proposing an increase of \$161,426 representing an increase in annual revenues of 45.9%. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of 7 months or through 8/1/11.

**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2207853-FUS</b> <b>Vote 5-0.</b>	<b>R-2010-2207853</b>	LITTLE WASHINGTON WASTEWATER CO - SOUTHEAST CONSOLIDATED DIVISION - Supplement No. 74 to Tariff Sewer-Pa. P.U.C. No. 1, filed on 10/29/10, proposing an annual increase in revenues of \$1,078,436 (32.3%) to become effective 1/1/11. Formal Complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
<b>2207853-OTS</b> <b>Vote 5-0 to the extent that it is consistent with 2207853-FUS.</b>	<b>R-2010-2207853</b>	LITTLE WASHINGTON WASTEWATER CO - SOUTHEAST CONSOLIDATED DIVISION - Supplement No. 74 to Tariff Wastewater - Pa. P.U.C. No. 1, filed on 10/29/10, to become effective 1/1/11, proposing an increase of \$1,078,436 representing an increase in annual revenues of 32.3%. RECOMMENDATION: That the Commission institute an investigation and allow the filing to be suspended by operation of law for a period of seven months or through 8/1/11.



LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1196723-LAW Vote 5-0.	A-311396	ASIA TALK TELECOM, INC - Failed to file its 2009 Assessment Report. Commission staff has been unable to reach Asia Talk by phone calls or by mail. However, staff was able to learn from a former consultant for the company that he cannot reach the company either and that it appears 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.
2112925-LAW Vote 5-0.	P-2009-2112925	814 NPA RELIEF PLANNING - Petition of the North American Numbering Plan Administrator on behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 NPA. RECOMMENDATION: That the Commission implements a geographic split as the form of area code relief for the 814 Number Plan Area.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2155915-LAW (PP from 12/02/2010)  Dissenting Statement by Commissioner Powelson. Vote 4-1 with Commissioner Powelson Dissenting.	P-2010-2155915	VIRGIN MOBILE USA, L.P. - Petition filed 1/29/10, seeking approval to be designated as a facilities-based Eligible Telecommunications Carrier (ETC) throughout PA, for the limited purpose of providing Lifeline service to qualified low income consumers, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended. On 10/18/10, Virgin Mobile filed a supplement to its original petition, which incorporates and restates the original petition. On 8/2/10, the Commission entered its Order adopting the Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier for Purposes of Federal Universal Service Support at Docket No. M-2010-2164741, which codifies the guidelines at 52 Pa. Code § 69.2501. This is the first petition for ETC designation considered pursuant to those guidelines. RECOMMENDATION: That the Commission granted the petition, subject to the terms and conditions set forth in the Order.
2195786-LAW  Vote 5-0.	P-2010-2195786	YORK WATER CO - Petition for a Declaratory Order filed on 8/26/10, regarding its authority to provide water service to a potential customer. In accordance with 52 Pa. Code § 5.42, York Water served a copy of its Petition on OCA, OTS, and OSBA. York Water also served a copy of its Petition on the affected parties, namely, Cross Keys Village – the Brethren Home Community, and the New Oxford Municipal Authority. On 10/15/10, NOMA filed an answer to York Water’s Petition. RECOMMENDATION: That the Commission adopt the Order that, among things, grants the Petition.

**LAW BUREAU**

<u><b>AGENDA NO.</b></u>	<u><b>DOCKET NO.</b></u>	<u><b>NAME AND SUBJECT</b></u>
<b>2202621-LAW</b>  <b>Vote 5-0.</b>	<b>P-2010-2202621</b> <b>M-00051865</b>	<b>METROPOLITAN EDISON, PENELEC, and PENN POWER</b> - Joint Petition filed 9/30/10, seeking a temporary waiver for one specific component of the updated 2010 Technical Reference Manual (2010 TRM). Specifically, request authorization to apply Table 12, Prospective Lighting Savings Table, from the 5/28/09 TRM instead of the Appendix C, Lighting Audit and Design Tool from the 2010 TRM, through 12/31/10. <b>RECOMMENDATION:</b> That the Commission adopt the Order granting Joint Petition.
<b>2202952-LAW</b>  <b>Vote 5-0.</b>	<b>P-2010-2202952</b>	<b>WEST PENN POWER D/B/A ALLEGHENY POWER</b> - Petition filed on 10/5/10, seeking a partial waiver of the application of the Technical Reference Manual (2010 TRM), as it would apply to the Commercial Lighting Efficiency Program contained in its EE&C Plan. Specifically, requests the waiver of the retroactive application of Appendix C, Lighting Audit and Design Tool, to small lighting projects less than 20 kW in size so that it may utilize the Prescriptive Lighting Savings, Table 12, from the June 2009 TRM through 12/31/10. <b>RECOMMENDATION:</b> That the Commission adopt the Order granting the Petition.
<b>2211389-LAW</b>  <b>Vote 5-0.</b>	<b>P-2010-2211389</b>	<b>UNITED TELEPHONE CO D/B/A CENTURYLINK</b> - Petitions for bona fide retail request deployment extensions, one four-month extension for Hewitt CSA 024 (Town Creek Road), and three fifteen-week extensions for its Hewitt CSA 025 (Bear Camp), Hewitt CSA 023 (Flintstone Creek), and State Line CSA 021 (Beans Cove) pursuant to 66 Pa. C.S. § 3014(c)(5). CenturyLink asserts in each case that the delay was attributable to factors beyond its control <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order granting the petition.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2161592-ALJ</b> <b>(PP from 12/02/2010)</b>  <b>Motion by Chairman Cawley.</b> <b>Statement by Commissioner</b> <b>Gardner.</b> <b>Vote 5-0.</b>	<b>R-2010-2161592</b>	<b>PECO ENERGY COMPANY-GAS</b> - Supplement No. 92 to Tariff Gas – Pa. P.U.C. No. 2, filed on 3/31/10, to become effective 5/30/10, containing a proposed rate increase calculated to produce \$43.8 million in additional gas distribution revenues. By Order entered 5/20/10, the Commission suspended the effective date and commenced an investigation. A Joint Petition for Settlement of Rate Investigation was filed 8/31/10, proposing a rate increase of \$19.636 million. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJs Chestnut and Pell's Recommended Decision approving the proposed Settlement.
<b>2166208-ALJ</b>  <b>Statement by Commissioner Powelson.</b> <b>Vote 5-0.</b>	<b>R-2010-2166208</b>	<b>PENNSYLVANIA AMERICAN WATER CO -</b> <b>CLARION WASTEWATER OPERATIONS</b> - Annual rate increase filed on 4/23/10, for a \$968,817 (83%) annual rate increase. By Commission Order entered 6/16/10, the rate filing was suspended by operation of law. PAWC agreed to extend the suspension period of its filing to 1/27/11. A prehearing conference and a telephonic public input hearing were held. On 11/8/10, a Joint Petition for Settlement of All Issues in Rate Proceeding was filed. <b>COMMISSION REVIEW:</b> That the Commission adopt Chief ALJ Rainey's Recommended Decision approving the Joint Petition for Settlement of All Issues in Rate Proceeding in its entirety and without modification.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2166210-ALJ</b> <b>Statement by Commissioner Powelson.</b> <b>Vote 5-0.</b>	<b>R-2010-2166210</b>	<b>PENNSYLVANIA AMERICAN WATER CO - CLAYSVILLE WASTEWATER OPERATIONS</b> - Annual rate increase filed on 4/23/10, for a \$487,486 (157.73%). By Commission Order entered 6/16/10, the rate filing was suspended by operation of law. PAWC agreed to extend the suspension period of its filing to 1/27/11. A prehearing conference and a public input hearing were held. On 11/8/10, a Joint Petition for Settlement of All Issues in Rate Proceeding was filed. <b>COMMISSION REVIEW:</b> That the Commission adopt Chief ALJ Rainey's Recommended Decision approving the Joint Petition for Settlement of All Issues in Rate Proceeding in its entirety and without modification.
<b>2166212-ALJ</b> <b>Statement by Commissioner Powelson.</b> <b>Vote 5-0.</b>	<b>R-2010-2166212</b>	<b>PENNSYLVANIA AMERICAN WATER CO - COATESVILLE WASTEWATER OPERATIONS</b> - Supplement No. 2 to Tariff Wastewater-Pa. P.U.C. No. 8, filed on 4/23/10, proposing an annual increase of \$8,156,652 (197%) to become effective 6/22/10. By Order entered 6/16/10, the Commission suspended the effective date to 1/22/11 and instituted an investigation. On 7/8/10, a prehearing conference was held and the Company further suspended the effective date until 1/27/11. On 10/28/10, a Joint Petition for Settlement of All Issues in Rate Proceeding. <b>COMMISSION REVIEW:</b> That the Commission adopt Chief ALJ Rainey's Recommended Decision approving the Joint Petition for Settlement of All Issues in Rate Proceeding in its entirety and without modification.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

December 16, 2010

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2207826-AUD Vote 5-0.	M-2010-2207826	PPL ELECTRIC UTILITIES CORP - Transmission Service Charge. RECOMMENDATION: That the Commission approve the projected PJM transmission service costs for the five-month TSC application period beginning 1/1/11.
2210557-AUD Vote 5-0.	R-2010-2210557	NEWTOWN ARTESIAN WATER CO - Purchased Water Adjustment Clause. RECOMMENDATION: That the Commission approve Supplement No. 80 to Tariff Water-Pa. PUC No. 9, reflecting a PWAC of \$0.1909 per 1,000 gallons, effective 1/1/11.
2212469-AUD Vote 5-0.	M-2010-2212469	METROPOLITAN EDISON CO - Universal Service Charge Rate. RECOMMENDATION: That the Commission approve the proposed Supplement No. 1 to Tariff Electric - Pa. PUC No. 51, reflecting a USC rate of \$0.00665 per KWH, effective 1/1/11.
2212471-AUD Vote 5-0.	M-2010-2212471	PENNSYLVANIA ELECTRIC CO - Universal Service Charge Rate. RECOMMENDATION: That the Commission approve proposed Supplement No. 1 to Tariff Electric - Pa. PUC No. 80, reflecting a USC rate of \$0.00904 per KWH effective 1/1/11.
2212547-AUD Vote 5-0.	M-2010-2212547	PENNSYLVANIA POWER CO - Universal Service Charge Rate. RECOMMENDATION: That the Commission approve proposed Supplement No. 71 to Tariff Electric - Pa. PUC No. 35, reflecting a USC rate of \$0.00713 per KWH effective 1/1/11.
2213310-AUD Vote 5-0.	M-2010-2213310	PPL ELECTRIC UTILITIES CORP - Generation Supply Charge. RECOMMENDATION: That the Commission approve the projected generation supply costs for the five month GSC application period beginning 1/1/11.

## BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2213315-AUD Vote 5-0.	M-2010-2213315	PPL ELECTRIC UTILITIES CORP - Universal Service Rider Rate. RECOMMENDATION: That the Commission accept the projected USR costs for the 12-month USR application period beginning 1/1/11, and reported USR under collection for the period ended 12/31/10, subject to the update of 11/2010 estimated data to actual.
2213355-AUD Vote 5-0.	M-2010-2213355	WELLSBORO ELECTRIC CO - Generation Supply Service Rates. RECOMMENDATION: That the Commission approve Supplement No. 55 to Tariff Electric-Pa. PUC No. 8 reflecting a GSSR of \$0.070537 per KWH, effective 1/1/11.
2213356-AUD Vote 5-0.	M-2010-2213356	CITIZENS ELEC CO - LEWISBURG - Generation Supply Service Rates. RECOMMENDATION: That the Commission approve Supplement No. 56 to Tariff Electric-Pa. PUC No. 14 reflecting a GSSR of \$0.075909 per KWH effective 1/1/11.

## OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1205467-OSA  Postponed until the Public Meeting of January 13, 2011.	C-20077672 C-20077674 C-20077676	VERIZON PENNSYLVANIA ET AL VS CTC COMMUNICATIONS CORP, FIBERNET and CHOICE ONE COMMUNICATIONS OF PA - Formal Complaint alleging violations of 66 Pa. C.S. § 3017(c). On 6/17/10, ALJ Cocheres issued a Recommended Decision which sustained the Complaint. Exceptions were filed by the Respondents on 7/19/10. Reply Exceptions were filed by Verizon on 7/29/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ's Recommended Decision, with certain modifications.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2161694-OSA</b>	<b>R-2010-2161694 C-2010-2171967 C-2010-2174138 C-2010-2176959 C-2010-2174117 C-2010-2172723 C-2010-2171487 C-2010-2204823 C-2010-2179405 C-2010-2177233 C-2010-2187127</b>	PPL ELECTRIC UTILITIES CORP - Supplement No. 83 to Tariff—Electric Pa. P.U.C. No. 201 filed on 3/31/10, containing changes in distribution rates calculated to produce additional intrastate operating revenues of approximately \$114.7 million, to become effective 6/1/10. On 8/26/10, a Joint Petition for Partial Settlement along with statements in support of the Partial Settlement was filed by PPL, OCA, Richards Energy Group, and OTS. On 10/15/10, ALJ Colwell’s Recommended Decision was issued in which she recommended approval of the Partial Settlement without modification. Exceptions to the Recommended Decision were filed on 11/4/10, and Reply Exceptions were filed on 11/15/10. A Non-Binding Poll was held by the Commission at the Public Meeting held 12/2/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that reflects the results of the 12/2/10, Non-Binding Poll and disposes of the Exceptions filed to the Recommended Decision.
<p style="color: red;">Motion by Commissioner Coleman. Partial Dissenting Statement by Chairman Cawley. Dissenting Statement by Commissioner Gardner. Vote 4-1 with Vice Chairman Christy Dissenting, Chairman Cawley with a Partial Dissent, and Commissioner Gardner with a Partial Dissent.</p>		

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2185172-FUS</b>  <p style="color: red;">Vote 5-0.</p>	<b>A-2010-2185172</b> .....	TRIGEN-PHILADELPHIA ENERGY CORP - Application filed on 7/1/10, seeking approval of the acquisition by long term lease of tangible property used or useful in the public service under 66 Pa. C.S. 1102(a)(3). RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2185173-FUS</b>  <p style="color: red;">Vote 5-0.</p>	<b>P-2010-2185173</b>	TRIGEN-PHILADELPHIA ENERGY CORP - Petition for Approval of Economic Development and Load Stabilization Rider Agreement and Related Operations and Maintenance Agreement. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.



**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2192137-FUS</b> <b>Postponed until the Public Meeting of January 13, 2011.</b>	<b>A-2010-2192137</b>	<b>HUDSON ENERGY SERVICES LLC</b> - Application filed on 8/5/10, 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, an aggregator engaged in the business of supplying electricity and a supplier of electricity to residential, small commercial (25 kW and under demand), large commercial (over 25kW demand), industrial and governmental customers in the electric distribution company service territories throughout PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2208496-FUS</b> <b>Vote 5-0.</b>	<b>R-2010-2208496</b>	<b>PPL ELECTRIC UTILITIES CORP</b> - Supplement No. 97 to Tariff Electric-Pa. P.U.C No. 201 filed on 11/1/10, to become effective 1/1/11. Supplement No. 97 proposes to change the calculation and reconciliation of the Generation Supply Charge -1, the Generation Supply Charge-2, and the Transmission Service Charge from a calendar year basis to a PJM Planning Year basis. As well, Supplement No. 97 proposes to modify the GSC-1, the GSC-2, and TSC to clarify that the State Tax Adjustment Surcharge applies to the charges under those cost recovery mechanisms. PPL requests that Supplement No. 97 become effective on 1/1/11. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the Tariff filing.