

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, FEBRUARY 10, 2011 (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, February 24, 2011 at 10:00 A.M.

Minutes of the Meeting of Thursday, January 13, 2011 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 24, 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, FEBRUARY 10, 2011, 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

February 10, 2011

BUREAU OF TRANSPORTATION & SAFETY

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|------------------------------|---|
| 2140640-TAS Vote 5-0. | A-2009-2140640 | PENNDOT - Application for approval to replace an existing overhead bridge in the Borough of Pleasant Hills, Allegheny County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2153755-TAS Vote 5-0. | C-2010-2153755 A-00106709 | BUREAU OF TRANSPORTATION & SAFETY VS PHYLLIS VASQUEZ T/A PHYLLIS V UNIVERSAL - Complaint alleging failure to provide updated contact information with the Commission, and a failure to submit to a safety fitness review. Broomall, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order sustaining the complaint, ordering the Respondent to pay a penalty of \$100, and cancelling Respondent's Certificate. |
| 2183270-TAS Vote 5-0. | C-2010-2183270 | BUREAU OF TRANSPORTATION & SAFETY VS ECONOMY MOVING & STORAGE, INC - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled. |
| 2183273-TAS Vote 5-0. | C-2010-2183273 | BUREAU OF TRANSPORTATION & SAFETY VS J C STILWELL'S SON, INC - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled. |

BUREAU OF TRANSPORTATION & SAFETY

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--------------------------|--------------------------|--|
| 2187719-TAS Vote 5-0. | C-2010-2187719 | BUREAU OF TRANSPORTATION & SAFETY VS TRANSIT AIDE, INC - Complaint alleging respondent transported passengers for compensation while not then holding a certificate of public convenience. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that the respondent be fined \$1,000 and to cease and desist from further violations. |
| 2196309-TAS Vote 5-0. | A-2010-2196309 | M & M LIMOUSINE SERVICE, 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. Somerset, Somerset County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2198623-TAS Vote 5-0. | A-2010-2198623 | MILLENNIUM LIMOUSINE GROUP, INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service, which is to be a transfer of all rights authorized under the certificate issued at A-00123710 to Mohamad Shoiab Dehyar. Downingtown, Chester County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2199013-TAS Vote 5-0. | A-2010-2199013 | ORWIGSBURG AMBULANCE, INC - Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service. Orwigsburg, Schuylkill County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2200219-TAS Vote 5-0. | A-2010-2200219 | NEPA LOGISTICS, LLC - Application for the right to begin to transport as a contract carrier by motor vehicle, persons for Del Val Staffing, LLC. Scranton, Lackawanna County RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application. |

BUREAU OF TRANSPORTATION & SAFETY

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--|---|
| 2202290-TAS Vote 5-0. | A-2010-2202290 A-00122191 | LIFESTAR RESPONSE OF NEW JERSEY - Application for the approval of the transfer of the common carrier paratransit right held by S. Erbrick Enterprises, Inc, at A-00122191. Totowa, New Jersey RECOMMENDATION: That the Commission adopt the proposed Order approving the transfer application. The certificate issued to the transferor to be cancelled by supplemental Order. |
| 2202899-TAS Vote 5-0. | A-2010-2202899 | GREENE COUNTY TAXI SERVICE, LLC - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. Waynesburg, Greene County RECOMMENDATION: That the Commission adopt the proposed Order dismissing the application. |
| 2204270-TAS Vote 5-0. | A-2010-2204270 A-00115934 | MSG ENTERPRISES, LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service, which is to be a transfer of all rights authorized under the certificate issued to John Schumacher, t/a At Your Service Transportation. Allentown, Lehigh County RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2205258-TAS Vote 5-0. | A-2010-2205258 | FRANCIS AGBO T/A AMPA COACH AMBULETTE OF PA - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service, which is to be a transfer of all rights under the certificate issued to Ampa Coach, Inc. Warwick, New York RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2210846-TAS Vote 5-0. | R-2010-2210846 | MEMORIAL HOSPITAL, INC., OF TOWANDA - Increase in rates. RECOMMENDATION: That the Commission deny Paratransit Pa. PUC No. 2. |

BUREAU OF TRANSPORTATION & SAFETY

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--|---|
| 2211891-TAS Vote 5-0. | C-2010-2211891 | BUREAU OF TRANSPORTATION & SAFETY VS STAR VOYAGER TRANSPORTER SYSTEMS, LLC - Complaint alleging respondent failed to pay outstanding fines. New Hope, Bucks County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled. |
| 2212413-TAS Vote 5-0. | A-2010-2212413 | WALTER E GAUL, JR - Application for the discontinuance of service and cancellation of its certificate 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. RECOMMENDATION: That the Commission adopt the proposed Order approving the application and cancelling the certificate of public convenience. |
| 2218759-TAS Statement by Commissioner Powelson. Vote 5-0. | A-2011-2218759 A-2011-2218802 A-2011-2218805 A-2011-2218806 A-2011-2218815 A-2011-2218830 | PITTSBURGH TRANSPORTATION GROUP CHARTER SERVICES INC - Applications for the approval to create a joint venture called Veolia Transdev, to which they will contribute their respective worldwide transportation businesses. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the simultaneous applications for transfer. |
| 2220141-TAS Vote 5-0. | R-2011-2220141 | APPLE TRANSPORTATION CO - Increase in rates. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission approve Tariff Freight Pa. PUC No 15. |

BUREAU OF CONSUMER SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|--------------------------|---|
| 2186052-BCS (PP from 01/27/2011) | M-2010-2186052 | UGI UTILITIES, INC - Universal Service and Energy Conservation Plan for 2011-2013, filed on 7/8/10, in accordance with the Commission's regulations at 52 Pa. Code Section 54.71-78 and 62.1-62.8. RECOMMENDATION: That the Commission adopt the proposed Tentative Order, which approves the UGI Companies' Plan. |
| Motion by Commissioner Gardner. Statement by Commissioner Coleman. Vote 4-1 with Vice Chairman Christy Dissenting. | | |

DIRECTOR OF OPERATIONS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|--|--|
| 2208332-DIR (PP from 01/27/2011) Statement by Vice Chairman Christy. Vote 5-0. | L-2010-2208332 M-2010-2185981 | RULEMAKING-MARKETING & SALES PRACTICES FOR THE RETAIL RESIDENTIAL ENERGY MARKET - Interim guidelines were developed by the PUC's Office of Competitive Market Oversight (OCMO) as a result of meetings held with the working groups, CHARGE (Committee Handling Activities for Retail Growth in Electricity) and SEARCH (Stakeholders Exploring Avenues to Remove Competitive Hurdles). The proposed regulations will be applicable to both electric generation suppliers (EGSs) and natural gas suppliers (NGSs). By this Order, the proposed regulations are issued for public comment. RECOMMENDATION: That the Commission adopt the OCMO's Proposed Rulemaking Order. |

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1178022-OSA

C-20030388

Vote 5-0.

SOUTH BUFFALO TOWNSHIP VS PITTSBURGH AND SHAWMUT RAILROAD CO
- Formal Complaint filed on 6/5/03, concerning safety issues related to the condition of a bridge over the Railroad's line. The matter was assigned to the Office of ALJ on 6/23/03, and was subsequently submitted for mediation on 4/19/07. A Stipulation of Settlement was filed on 12/8/08, and a Certificate of Withdrawal of the Formal Complaint was filed on 1/7/09. On 4/21/09, ALJ Meehan's Recommended Decision adopting the Settlement was issued. By Order entered on 6/19/09, the Commission adopted the ALJ's Decision. No comments or protests were received. By Order entered on 2/16/10, the Commission granted the Township a one-year extension of time, or until 12/31/10, to comply with the Settlement. On 12/22/10, the Township filed its second Petition for Extension of Time until 12/31/11. No protests were received.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order that grants the Petition for Extension of Time.

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1204942-OSA

A-00123650

Vote 5-0.

RIZK-CO-ZANN FOODS CORPORATION T/A
INTERNATIONAL FOOD MART
- Application filed on 9/10/07. Several Protests were
filed. By Initial Decision of 10/3/08, the ALJ
dismissed the Protests, and referred the Application for
disposition as an uncontested Application. By Opinion
and Order of 1/2/09, the Commission denied
Protestants' Exceptions and adopted the Initial
Decision. By Memorandum Order filed 12/31/09, the
Commonwealth Court reversed the Order of 1/2/09,
and remanded the case for further proceedings. By
Initial Decision on Remand issued 8/25/10, the ALJ
recommended that the Application be dismissed due to
the Applicant's failure to attend the Remand Prehearing
Conference. The Applicant filed Exceptions thereto on
9/16/10. In an Order entered on 11/5/10, we granted
Applicant's Exceptions, vacated the ALJ's Initial
Decision, and remanded the proceedings to OALJ.
Keystone Cab and Capital City Cab each filed a
Petition for Reconsideration of the Order of 11/5/10.
The Applicant filed an Answer to each Petition.
RECOMMENDATION:
That the Commission adopt a proposed Opinion and
Order which: (1) denies the Petition for
Reconsideration filed by Keystone Cab; and (2) denies
the Petition for Reconsideration filed by Capital City
Cab.

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|--------------------------|--|
| 2126021-OSA Vote 5-0. | C-2009-2126021 | <p>BUREAU OF TRANSPORTATION & SAFETY VS POCONO LIMOUSINE SERVICE, INC - Complaint initiated on 9/10/09, alleging that the failure to file a tariff with its limousine rates based solely on time, with a minimum of 30 minute time periods and increments, in violation of 52 Pa. Code § 29.334. BTS requested that a civil penalty of \$250 be imposed. On 9/18/09, the Respondent filed an Answer to the Complaint. On 9/7/10, the Respondent and the Commission's Law Bureau Prosecutory Staff filed a Settlement Agreement in order to satisfy the Complaint. However, the Settlement Agreement was not accepted because the signatory to the Settlement was neither an attorney nor an officer of the corporation. On 12/16/10, the Parties filed an Amended Settlement Agreement with a proper signature. As part of the Settlement, the proposed penalty of \$250 would be reduced to \$150. 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> |
|------------------------------|--------------------------|--|
| 2135942-OSA Vote 5-0. | C-2009-2135942 | <p>BUREAU OF TRANSPORTATION & SAFETY VS YELLOWBIRD BUS CO., INC</p> <p>- Complaint initiated on 12/9/09, alleging: failure to maintain a Driver Investigation History; permitted its driver to drive one additional hour after being on duty 15 hours; failure to require its driver to prepare a record of duty status and maintain true and accurate time records; failure to maintain minimum records of inspection and maintenance; and failure to require its driver to prepare a driver/vehicle inspection report. The Complaint was issued following a compliance review on 2/26/09. BTS requested that a total civil penalty of \$1,700 be imposed. On 12/18/09, the Respondent filed an Answer to the Complaint. On 10/6/10, 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 \$1,700 would be reduced to \$900.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p> |
| 2138578-OSA Vote 5-0. | C-2009-2138578 | <p>JOANNA WARREN WILLIAMSON VS DUQUESNE LIGHT COMPANY</p> <p>- Formal Complaint filed on 10/29/09, alleging that a pole owned by the Duquesne was interfering with her property located in Aliquippa, Beaver County. The Respondent answered the Complaint on 11/19/09, denying any wrongdoing. After hearing, the Commission issued the Initial Decision on 11/4/10, in which the ALJ recommended that the Complaint be denied. The Complainant filed Exceptions to the Initial Decision on 11/15/10. The Respondent filed Reply Exceptions on 11/24/10.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the Initial Decision.</p> |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|-------------------------------------|--------------------------|--|
| 2156174-OSA Vote 5-0. | M-2010-2156174 | CLASSIC LIMOUSINE TRANSPORTATION, LLC - Objection to the Commission's general assessment for FY 2009-2010, filed on 10/5/09. By Initial Decision issued 9/13/10, ALJ Corbett 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 Classic on 9/29/10. Reply Exceptions were filed by the LBPS on behalf of the Commission's BAS on 10/8/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies Classic's Exceptions and adopts the Initial Decision, as modified by the Opinion and Order. |
| 2159814-OSA Vote 5-0. | A-2010-2159814 | DUQUESNE LIGHT COMPANY - Application filed on 2/11/10, for approval for the siting and construction of a 345 kV line from the Highland Substation in the City of Pittsburgh to the Logans Ferry substation located in Plum Borough. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the application. |

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|--------------------------|--|
| 2188984-OSA Vote 5-0. | C-2010-2188984 | WILLIAM PETRAVICH VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 7/15/10, requesting that the Commission investigate PGW's actions of placing a municipal lien on Martha Evans' property. On 8/9/10, PGW filed an Answer and Preliminary Objections and a Motion to Strike. PGW averred that the City of Philadelphia filed the lien on behalf of PGW for unpaid gas service to a tenant at the property. PGW further averred that the Commission lacked jurisdiction over the subject matter of the Complaint. On 10/28/10, ALJ Nguyen issued an Initial Decision granting the Preliminary Objections and dismissing the Complaint on the basis that the Commission does not have jurisdiction to adjudicate a lien imposed by PGW for unpaid gas service. The Complainant filed Exceptions to the Initial Decision on 11/8/10. PGW filed Reply Exceptions on 11/29/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision. |

BUREAU OF FIXED UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|-------------------------------------|--|---|
| 2200158-FUS Vote 5-0. | A-2010-2200158 | BETTER COST CONTROL D/B/A ARDOR ENERGY - Application filed on 9/17/10, 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 residential, small commercial, large commercial, 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. |
| 2201370-FUS Vote 5-0. | A-2010-2201370 | MIDAMERICAN ENERGY COMPANY - Application filed on 9/28/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power to small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial and government customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2202545-FUS Vote 5-0. | A-2010-2202545 A-2010-2202547 | UGI CENTRAL PENN GAS, INC AND UGI PENN NATURAL GAS - Applications filed on 9/29/10, requesting the Commission to issue Certificates of Public Convenience approving the expansion of each Company's service territory. RECOMMENDATION: That the Commission adopt the proposed Order which approves the applications and the motions to consolidate. |
| 2205525-FUS Vote 5-0. | A-2010-2205525 | RELIABLE POWER, LLC - Application filed on 10/14/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power to all customer classes in electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |

BUREAU OF FIXED UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--|--|
| 2208469-FUS Vote 5-0. | A-2010-2208469 | OASIS POWER, LLC D/B/A OASIS ENERGY - Application filed on 11/2/10, for a license to offer, render, furnish or supply natural gas supply services to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial and governmental customers within the local distribution company service territory of UGI Utilities, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2210758-FUS Vote 5-0. | M-2010-2210758 M-00920358 | ARMSTRONG COUNTY'S 911 - System Renewal Plan filed on 11/17/10, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and to make a recommendation to PEMA within 90 days. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month. |
| 2210786-FUS Vote 5-0. | A-2010-2210786 | INTELLIGEN RESOURCES, LP - Application filed on 11/18/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (25kw and under demand), large commercial (over 25 kw demand), industrial and governmental customers in the electric distribution company service territories throughout PA. Also, Intelligen requests a reduction in the amount of security bond. 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> |
|--|--------------------------|---|
| 2211385-FUS Vote 5-0. | A-2010-2211385 | TOBELMAN ENERGY BROKERS, INC - Application filed on 11/22/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for the purchase of electricity for residential, small commercial (25kw or under), large commercial (over 25kw) industrial and governmental customers in the electric distribution company service territories of Duquesne Light, Met-Ed, PECO Energy, Penelec, Penn Power, PPL Electric, and UGI Utilities within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application. |
| 2213745-FUS Vote 5-0. | A-2010-2213745 | BOULEVARD COMMUNICATIONS, LLP - Application filed on 11/18/10, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller and Competitive Access Provider services in PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. |
| 2219042-FUS Vote 5-0. | S-2011-2219042 | PPL ELECTRIC UTILITIES CORP - Securities certificate filed on 1/6/11, for the issuance of debt in an aggregate principal amount not to exceed \$250 million. On 1/14/11, PPL Electric agreed to a voluntary extension of the consideration period until 2/11/11. RECOMMENDATION: That the Commission register the securities certificate. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|-------------------------------------|--------------------------|--|
| 1204481-LAW Vote 5-0. | P-00072260 | PECO ENERGY COMPANY - Petition filed on 11/17/10, seeking approval to apply Tier I non-solar alternative energy credits (AECs) it obtained and banked during its cost recovery period towards its Alternative Energy Portfolio Standards Act (AEPS Act) requirements for AEPS Act reporting years of 6/1/11 through 5/31/12, and 6/1/12 through 5/31/13. PECO seeks expedited treatment of this Petition. RECOMMENDATION: That the Commission adopt the proposed Order granting the Petition. |
| 2155915-LAW Vote 5-0. | P-2010-2155915 | VIRGIN MOBILE USA, LP - Petition for Partial Rescission of the Commission Order granting the request for Limited Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania. RECOMMENDATION: That the Commission grant Virgin Mobile's request for relief, and the original order be rescinded to lift the obligation of PSAP certification testing. |
| 2205755-LAW Vote 5-0. | P-2010-2205755 | PPL ELECTRIC UTILITIES CORP - Petition for Waiver of Certain Provisions of the Pennsylvania Public Utility Commission's Regulations at 52 Pa. Code § 57.71 et seq., filed on 10/21/10, regarding the Review of the Siting and Construction of a 138/69 kV Double Circuit Tap Line to Serve the U. S. Army Depot in Coolbaugh Township, Monroe County. RECOMMENDATION: That the Commission adopt the proposed Order approving the Petition for Waiver. |
| 2206466-LAW Vote 5-0. | P-2010-2206466 | PPL ELECTRIC UTILITIES CORP - Petition for Waiver of Certain Provisions of the Pennsylvania Public Utility Commission's Regulations at 52 Pa. Code § 57.71 et seq., filed on 10/25/10, governing the Siting and Review of Electric Transmission Lines with Regard to the Nos. 1 and 2 Elroy-Hatfield 138/69 kV Taps in Hatfield and Franconia Townships, Montgomery County. RECOMMENDATION: That the Commission adopt the proposed Order approving the Petition for Waiver. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|---|--------------------------|---|
| 2210975-LAW Dissenting Statement by Vice Chairman Christy. Vote 4-1 with Vice Chairman Christy Dissenting. | P-2010-2210975 | PECO ENERGY COMPANY-ELECTRIC - Petition filed on 11/17/10, seeking approval of: (1) annual procurement of supplemental alternative energy credits (AECs) to meet its Alternative Energy Portfolio Standards Act (AEPS Act) requirements for the PECO Share; (2) initial procurement of Tier II AECs to satisfy its anticipated Tier II AEPS requirements for the PECO Share for reporting years 2010-2011 and 2011 2012; (3) a second procurement to satisfy its anticipated Tier II AEPS Act requirements for the PECO Share for reporting year 2012-2013; and (4) the purchase and the sale of excess AECs through independent third party auctions or brokers. RECOMMENDATION: That the Commission adopt the proposed Order granting the Petition as modified by the Order. |
| 2213354-LAW Motion by Chairman Cawley. Vote 5-0. | P-2010-2213354 | PPL ELECTRIC UTILITIES CORP - Petition for Expedited Approval, filed on 12/2/10, to Procure a Long-Term, 50 MW Block of Default Supply for Residential Customers Pursuant to the Settlement of the Default Service Procurement Plan. RECOMMENDATION: That the Commission adopt the order that approves PPL Electric Utilities Corporation's petition. |

OFFICE OF ADMINISTRATIVE LAW JUDGE

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|----------------------------------|--|
| 2110798-ALJ (PP from 01/27/2011) Vote 5-0. | P-2009-2110798 | WELLSBORO ELECTRIC AND CITIZENS' ELECTRIC - Petition to Amend Joint Default Service Provider filed on 9/2/10, to allow the Companies to include specific types and quantities of non-cleared financial products as well as physical call options in their joint portfolio. On 12/21/10, a Joint Settlement Petition was filed. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision approving the Settlement. |
| 2158084-ALJ Statement by Commissioner Coleman. Vote 5-0. | P-2010-2158084 | WEST PENN POWER CO - Petition filed on 9/9/10, requesting to change its transmission rates to a single rate structure and to commence a reconcilable Transmission Service Charge. On 12/15/10, the parties filed a Joint Petition for Settlement with Statements in Support signed by West Penn, OSBA and OCA. Penn State University filed a letter in Non-Opposition to the Joint Petition for Settlement on 12/15/10. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Recommended Decision approving the Settlement. |
| 2171339-ALJ Vote 5-0. | R-2010-2171339 C-2010-2191397 | REYNOLDS DISPOSAL CO - Supplement No. 1 to Commission Tariff Sewage – Pa. P.U.C. No. 4, filed on 6/30/10, to become effective 8/29/10, which contained proposed changes calculated to produce \$77,167 (20.5%) in additional annual revenues. By Order entered 8/18/10, the Commission suspended the filing to 3/29/11 and instituted an investigation. On 9/21/10, Reynolds further extended the effective date of the requested increase until 5/28/11 via Supplement No. 3 to Tariff Sewage – Pa. P.U.C. No. 4. On 11/24/10, a Joint Petition for Settlement of Rate Investigation was filed with the Commission. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Recommended Decision approving the Settlement without modification. |

COMMISSIONERS OFFICE

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2116674-CMR

A-2009-2116674

MOTION CHAIRMAN CAWLEY
- Application of Constellation Energy Project

Motion by Chairman Cawley.
Vote 5-0.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

February 10, 2011

OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|----------------------------------|---|
| 2086954-OSA Statement by Commissioner Coleman. Vote 5-0. | A-2009-2086954 A-2009-2086963 | WEST PENN POWER CO - Application to construct electric transmission facilities known as Pursley Line was approved by Order entered on 11/4/10, and approval of the Petition to exercise the power of eminent domain. On 12/2/10, Mr. Hunnell filed a Petition for Review of the Commission's Order in Commonwealth Court, and on 1/4/11, filed a Motion for Stay at the Commission. Answers and Motions to Dismiss the Motion for Stay were filed. RECOMMENDATION: That the Commission deny the Motion for Stay. |

BUREAU OF FIXED UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|------------------------------|-------------------|--|
| 2203891-FUS Vote 5-0. | A-2010-2203891 | PECO ENERGY COMPANY-ELECTRIC - Letter of Notification filed on 10/7/10, with respect to the reconductoring and reconfiguration of the Doe Run-Jennersville-Clay 230 kV Transmission Line (the "Clay Tap") located in Penn, New London, Upper Oxford and Franklin Townships, Chester County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application. |
| 2205618-FUS Vote 5-0. | A-2010-2205618 | PECO ENERGY COMPANY-ELECTRIC - Letter of Notification filed on 10/20/10, with respect to the reconductoring and reconfiguration of the Buckingham-Pleasant Valley 230 kV Transmission Line located in Solebury Township, Borough of New Hope, and Buckingham Township, Bucks County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application. |

BUREAU OF FIXED UTILITY SERVICES

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|---|
| 2205700-FUS Vote 5-0. | A-2010-2205700 | PECO ENERGY COMPANY-ELECTRIC - Letter of Notification filed on 10/20/10, with respect to the reconductoring and reconfiguration of the Chichester-Saville 138 kV Transmission Line located in the Eddystone Borough, the City of Chester, Trainer Borough, and Lower Chichester Township, all in Chester County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application. |

LAW BUREAU

| <u>AGENDA NO.</u> | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u> |
|--|--------------------------|--|
| 2222008-LAW Vote 5-0. | M-2011-2222008 | TCG PITTSBURGH, INC - PA Safety Valve Numbering Resource Request form submitted on 1/21/11, requesting an expedited review of a denial by the Pooling Administrator of its requests for additional numbering resources in the 724 Number Plan Area (NPA). Specifically, TCG requests 1,000 telephone numbers from the 724 NPA be assigned to the Canonsburg rate center. TCG's request comes before the Commission since it does not meet the numbering resource utilization and months-to-exhaust (MTE) threshold implemented by Neustar to obtain additional numbering resources. RECOMMENDATION: That the Commission grant TCG Pittsburgh's request for additional numbering resources in the 724 Area Code. |