

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, FEBRUARY 24, 2011 (RP)**

**10:30 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, March 17, 2011 at 10:00 A.M.**

**Minutes of the Meeting of Thursday, January 27, 2011 (JFC)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 17, 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 24, 2011, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 11:00 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

February 24, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2155068-TAS Vote 5-0.	A-2010-2155068 A-00095659 C-00004808 C-00017482	PENNDOT - Application for approval to reconstruct the existing bridge over tracks of Norfolk Southern Railway Company in Trafford Borough, Westmoreland County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2155597-TAS Vote 5-0.	A-2010-2155597	SHARP ESTATE SERVICES, LLC - Application for the right to transport as a common carrier by motor vehicle, household goods in use. Edinboro, Erie County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2166532-TAS Vote 5-0.	C-2010-2166532	BUREAU OF TRANSPORTATION & SAFETY VS MICHAEL ODELL PETTUS T/A PETTUS TAXI SERVICE - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. Homestead RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2178503-TAS Vote 5-0.	A-2010-2178503	FRANK H BARTON T/A F H BARTON TRANSPORTATION - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Susquehanna, Susquehanna County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2181931-TAS Vote 5-0.	A-2010-2181931 A-2009-2111343	BUTLER MEDICAL TRANSPORT, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. York, York County RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2190392-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2190392</b>	WANISH LIMOUSINE SERVICE, LTD - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Harrisburg, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2191027-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2191027</b>	COMMUNITY LIFE TEAM, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Harrisburg, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2211001-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2211001</b> <b>A-00112970F0003</b>	REGENCY TRANSPORTATION GROUP LTD - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in airport transfer service. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2214003-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2214003</b>	TROPICAL TANNING AND BEAUTY SALON, INC T/A ARRIVE N STYLE LIMOUSINE SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Lock Haven, Clinton County RECOMMENDATION: That the Commission adopt the proposed Order approving 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>
2215339-TAS  Vote 5-0.	A-2010-2215339	RICHARD DEVERE FYE T/A RICHARD FYE TRANSPORTATION - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Jefferson County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2215588-TAS  Vote 5-0.	A-2010-2215588 A-2010-2205494	PENNWAY EXPRESS, INC - Application for the discontinuance of service and cancellation of its certificate to transport household goods in use as a common carrier by motor vehicle. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**BUREAU OF CONSUMER SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1202907-BCS (PP from 02/10/2011)</b>	<b>L-00060182</b>	<p>RULEMAKING TO AMEND CHAPTER 56 - The Governor signed into law SB 677, or Act 201 on 11/30/04. This law went into effect 12/14/04. Act 201 amended Title 66 by adding Chapter 14 (66 Pa. C.S. §§ 1401-1418), Responsible Utility Customer Protection. In the implementation of Act 201, we have addressed and resolved numerous issues involving the application of Chapter 14 provisions. However, we must still implement Section 6 of the Act which requires the Commission to amend Chapter 56 of the PA Code to comply with the provisions of Chapter 14 of the Public Utility Code. In order to facilitate the completion of this responsibility under the Act, and also a general review of Chapter 56, on 11/30/06 we issued an Advance Notice of Proposed Rulemaking Order seeking comments from all parties. Upon review of the comments, we issued a Proposed Rulemaking Order on 9/26/08. Independent Regulatory Review Commission, along with 24 parties, filed comments. Upon careful review and consideration of the comments, Staff prepared this Final Rulemaking Order.</p> <p><b>RECOMMENDATION:</b> That the Commission adopt the attached Final Rulemaking Order.</p>

Motion by Commissioner Powelson.  
Partial Dissenting Statement by  
Commissioner Coleman.  
Vote 5-0 with Chairman Cawley and  
Commissioner Coleman Partially  
Dissenting.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1087149-OSA</b>  <b>Vote 5-0.</b>	<b>A-00111016</b> <b>C-00913256</b>	<b>CONSOLIDATED RAIL CORP</b> - This proceeding involves two consolidated proceedings. The Complaint of the Board of Supervisors of Bart Township at the C-docket initiated on 2/25/91. The A-docket initiated when Conrail filed an Application for the abolition of the crossings on 9/29/93. The Commission, per Opinion and Order entered on 10/9/97, adopted the Recommended Decision of ALJ Cocheres, as modified. The 1997 Order was subsequently modified by several other orders. On 1/31/11, Norfolk Southern Railway filed a Petition to Request a Partial Further Extension of Time with reference to the 1997 Order. No Response to the Petition has been received. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order granting the Petition.
<b>2060309-OSA</b>  <b>Statement by Chairman Cawley.</b> <b>Vote 4-1 with Vice Chairman Christy</b> <b>Dissenting.</b>	<b>P-2008-2060309</b>	<b>PPL ELECTRIC UTILITIES, CORP.</b> - Petition for Approval of a Default Service Program and Procurement Plan (DSP Plan Petition), filed on 5/18/10, for the period 1/1/11 through 5/31/13 to modify its procurement of Solar Alternative Energy Credits. On 12/17/10, the Commission issued ALJ Colwell's Recommended Decision in which she recommended approval of the Joint Petition for Partial Settlement of PPL's DSP Plan Petition, that was filed on 11/16/10. On 12/27/10, the Sustainable Energy Fund (SEF) filed Exceptions to ALJ Colwell's Decision. On 1/3/11, PPL filed Replies to Exceptions. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies SEF's Exceptions and adopts the ALJ's Recommended Decision.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2116699-OSA (PP from 01/27/2011)</b>  <b>Vote 5-0.</b>	<b>C-2009-2116699</b>	88 TRANSIT LINES INC VS MID MON VALLEY TRANSIT AUTHORITY - Complaint filed 6/29/08, alleging that the Respondent, a municipal corporation, was providing service originating beyond its corporate limits. On 7/29/09, the Respondent filed an Answer to the Complaint and New Matter. In his Initial Decision, issued on 8/27/10, ALJ Hoyer, inter alia, sustained the Complaint and directed the Respondent to cease and desist from providing scheduled route service from the Township of Union and the Borough of Finleyville, in Washington County, to the City of Pittsburgh, and vice versa. On 9/10/10, the Respondent filed Exceptions to the Initial Decision. On 9/24/10, the Complainant filed Reply Exceptions. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that: (1) reverses the ALJ's Initial Decision; (2) grants, in part, and denies, in part, the Exceptions to the Initial Decision; and (3) dismisses the Complaint.
<b>2165302-OSA</b>  <b>Vote 5-0.</b>	<b>C-2010-2165302 A-00123534</b>	BUREAU OF TRANSPORTATION & SAFETY VS CHERYL WILSON - Complaint instituted on 9/22/10, alleging failure to maintain evidence of liability insurance on file with the Commission. BTS requested that a civil penalty of \$500 be imposed. The Complaint was served on the Petitioner on 9/22/10. The Petitioner failed to file an Answer to the Complaint or to remit the \$500 penalty. However, the Petitioner's insurer filed evidence of insurance on 10/12/10. On 12/31/10, the Petitioner filed a Petition for Reconsideration of the penalty. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the petition.



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2166540-OSA</b>  Vote 5-0.	<b>C-2010-2166540</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS HARRY WILLIAMS T/A EAGLE TAXI</b> - Complaint instituted on 8/5/10, alleging that vehicles were permitted to be operated without the fuel tank filler cap in place, in violation of 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.72(d). BTS requested that a civil penalty of \$100 be imposed. On 9/21/10, the Respondent filed an Answer to the Complaint. On 11/29/10, 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>2172222-OSA</b> <b>(PP from 02/10/2011)</b>  Postponed until the Public Meeting of March 17, 2011.	<b>C-2010-2172222</b>	<b>CONSTANTINE DASKALAKIS VS VERIZON PENNSYLVANIA, INC</b> - Formal Complaint filed on 4/22/10, alleging a quality problem with his DSL Internet service. VZ was granted an extension of time to file its Answer, which was subsequently filed on 5/25/10, along with a New Matter. Also on 5/24/10, VZ filed Preliminary Objections citing legal insufficiency as well as lack of subject matter jurisdiction as reasons to dismiss the Complaint. On 6/16/10, the Complainant filed a Response to VZ's Answer and New Matter. On 7/13/10, ALJ Weisman del's Initial Decision Granting Preliminary Objections was issued in which he granted the Preliminary Objections and dismissed the Complaint. Exceptions were filed by the Complainant on 7/30/10. Reply Exceptions were filed by the Respondent on 8/12/10. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts ALJ Weisman del's Initial Decision which grants the Preliminary Objections and dismisses the Complaint.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2176520-OSA</b>  Statement by Commissioner Coleman. Motion by Commissioner Gardner. Vote 4-1 with Vice Chairman Christy Dissenting. Joint Motion of Commissioner Coleman and Commissioner Powelson. Dissenting Statement by Chairman Cawley. Dissenting Statement by Vice Chairman Christy. Vote 3-2 with Chairman Cawley Partially Dissenting and Vice Chairman Christy Dissenting.	<b>A-2010-2176520</b> <b>A-2010-2176732</b>	WEST PENN PWR, TRAILCO, AND FIRST ENERGY - Joint Application filed on 5/14/10, for approval for a change of control of West Penn Power d/b/a Allegheny Power and Trans-Allegheny Interstate Line Co., to be effected by the merger of Allegheny and with Element Merger Sub., Inc., a wholly-owned subsidiary of FirstEnergy Corp. The Joint Application also requested the approval of certain revisions to affiliated interest agreements designed to facilitate the sharing of services between Allegheny and FirstEnergy. By Initial Decision issued 12/20/10, ALJs Weismandel and Long recommended that a Joint Petition for Partial Settlement be approved and that the Joint Application, as amended by the Joint Petition, be approved. On 1/10/11, Exceptions to the Initial Decision were filed by parties. On 1/20/11, Reply Exceptions were also filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies in part, and grants in part, the Exceptions; and approves the Joint Application, as supplemented by the Joint Petition, as further amended by this Opinion and Order.
<b>2213066-OSA</b>  Vote 5-0.	<b>A-2010-2213066</b>	US LEC OF PA d/b/a PAETEC BUSINESS SVC AND UNITED TELEPHONE d/b/a CENTURYLINK - Joint Petition filed on 12/1/10, seeking approval of a Master Interconnection, Collocation and Resale Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2214951-OSA  Vote 5-0.	A-2010-2214951	CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES AND VERIZON NORTH RETAIN CO - Petition filed on 12/10/10, seeking approval of Amendment No. 2, to an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1199702-FUS</b> <b>Vote 5-0.</b>	<b>A-110170</b>	PREMIER POWER SOLUTIONS, LLC - Request filed on 1/10/11, to amend its electric generation supplier license in order to serve residential customers, in addition to small commercial (25 kW and under), large commercial (over 25 kW), industrial and governmental customers throughout all of the electric service territories within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment.
<b>2077880-FUS</b> <b>Vote 5-0.</b>	<b>A-2008-2077880</b>	TAYLOR CONSULTING AND CONTRACTING, LLC - Request filed on 1/6/11, to amend its electric generation supplier license to also provide electric generation supplier services as a broker marketer to residential customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2183688-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2183688</b>	EMPOWERED CONSULTING, INC - Application filed on 5/27/10, 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 throughout PA. Empowered Consulting failed to respond to Commission Staff data requests, as well failed to respond to 10-day Secretarial Letter, sent by certified mail. The Applicant has been given ample opportunity to respond/comply. RECOMMENDATION: That the Commission adopt the proposed Order which denies 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>2203960-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2203960</b>	POWER BROKERS, LLC d/b/a PB2 TEXAS, LLC - Application filed on 10/12/10, to offer, render, or furnish natural gas supply services as a broker to industrial and large commercial (6000 MCF or more annually) customers in the service territories of Valley Energy, Equitable Gas, PGW, UGI Utilities, T.W. Phillips, National Fuel Gas, Peoples Natural Gas, Columbia Gas, and PECO, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2205696-FUS</b> <b>(PP from 02/10/2011)</b>  <b>Vote 5-0.</b>	<b>A-2010-2205696</b>	PECO ENERGY COMPANY-ELECTRIC - Letter of Notification filed on 10/20/10, with respect to the reconductoring and reconfiguration of the Island Road-Penrose-Grays Ferry 230 kV Transmission Line located in City of Philadelphia, Philadelphia County. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
<b>2207949-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2207949</b>	LITTLE WASHINGTON WASTEWATER, CO - Application filed on 10/27/10, for approval to begin to offer, render, furnish and supply wastewater service to the public in an additional portion of Hazle Township, Luzerne County. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
<b>2207951-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2207951</b>	AQUA PENNSYLVANIA, INC - Application filed on 10/27/10, for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Hazle Township, Luzerne County. RECOMMENDATION: 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>2210819-FUS</b>  <b>Vote 4-1 with Vice Chairman Christy Dissenting.</b>	<b>A-2010-2210819</b>	STARION ENERGY PA, INC - Application filed on 11/15/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to residential, small commercial (25kW and under demand), large commercial (over 25 kW demand), industrial and governmental customers in all electric distribution company service territories, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2212421-FUS</b>  <b>Postponed until the Public Meeting of March 17, 2011.</b>	<b>A-2010-2212421</b>	ENERGY SERVICES PROVIDERS, INC d/b/a PENNSYLVANIA GAS & ELECTRIC - Application filed on 11/29/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier and aggregator of retail electric power 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 of Allegheny Power, Duquesne Light, PECO Energy, PPL Electric, Pike County Light & Power, and UGI Utilities, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2215336-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2215336</b>	WEST PENN POWER CO - Letter of Notification filed on 12/9/10, for the construction of Elliotsville Loop 138 kV Transmission Line in Wharton Township, Fayette County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

**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>2216375-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2216375</b>	PLANET ENERGY(PENNSYLVANIA), CORP - Application filed on 11/29/10, for approval to offer, render, furnish or supply natural gas supply services to the public as a supplier of natural gas supply services and as a broker/marketer and aggregator engaged in the business of supplying natural gas services to residential, small commercial (less than 6,000 Mcf annually) and large commercial (6,000 Mcf or more annually) customers in the service territories of Columbia Gas, and PECO Energy within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2217750-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2217750</b> <b>A-2010-2217751</b> <b>A-2010-2217752</b> <b>A-2010-2217755</b> <b>A-2010-2217757</b> <b>A-2010-2217759</b> <b>A-2010-2217762</b> <b>A-2010-2217765</b> <b>A-2010-2217769</b> <b>A-2010-2217772</b> <b>A-2010-2217773</b>	BULLSEYE TELECOM, INC - Application filed on 12/2/10, for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service areas of Citizens Telecom of NY; Frontier Communications-: Commonwealth Telephone, Breezewood, Canton, Lakewood, Oswayo River, Pennsylvania; Citizens Telephone Company of Kecksburg; Windstream Buffalo Valley; Windstream Conestoga; Windstream D&E; and Windstream Pennsylvania. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
<b>2221246-FUS</b>  <b>Vote 5-0.</b>	<b>P-2011-2221246</b>	FRONTIER COMMUNICATIONS - 2011 Joint Price Stability Index/Service Price Index filing of Frontier Communications of Breezewood, LLC; Canton, LLC; Lakewood, LLC; Oswayo River, LLC; and Pennsylvania, LLC. No tariffs were filed. RECOMMENDATION: That the Commission adopt the proposed Order approving the filing.

**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>2222060-FUS</b>  Vote 5-0.	<b>A-2011-2222060</b>	LUTHIN ASSOCIATES, INC - Application filed on 1/25/11, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of providing consulting services for the procurement of electricity for small commercial (25 kw and under demand), large commercial (over 25 kw), industrial, and governmental customers in the electric distribution company service territory of PECO Energy within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2223519-FUS</b>  Vote 5-0.	<b>P-2011-2223519</b>	IRONTON TELEPHONE CO - 2011 Price Stability Index/Service Price Index Filing. No tariffs were filed. RECOMMENDATION: That the Commission adopt the proposed Order.
<b>2223534-FUS</b>  Vote 5-0.	<b>A-2011-2223534</b>	PLANET ENERGY (PENNSYLVANIA), CORP - Application filed on 12/7/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power to residential, small commercial (25 kW and under demand) and large commercial (over 25 kW demand) customers in the electric distribution company service territories of Allegheny Power, Duquesne Light, PECO Energy, Penelec, Penn Power, PPL Electric, and Met-Ed within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2223605-FUS</b>  Vote 5-0.	<b>R-2011-2223605</b>	CITIZENS TELEPHONE CO OF KECKSBURG - 2011 Annual Price Stability Index, Service Price Index Reports and Tariff Supplement No. 146 to Tariff PA PUC No. 3, requesting a \$74,658.00 increase from the application of the Service Price Index change. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate increase.



LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

**1190373-LAW  
(PP from 02/10/2011)**

**M-00051865**

**Vote 4-1 with Vice Chairman Christy  
Dissenting.  
Motion by Vice Chairman Christy that  
was not acted upon.**

IMPLEMENTATION OF THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT OF 2004  
- The Commission adopted the 2009 update to the TRM on 5/28/09. In that Order, the Commission directed the Bureau of CEEP to annually revise the TRM. In 8/09, the Commission contracted with GDS Associates, Inc., to be the Act 129 Statewide Evaluator (SWE), which, among other duties, is to assist in reviewing and providing suggested changes to the TRM and Total Resource Cost Test. The SWE, in conjunction with a Technical Working Group, has reviewed the 2010 version of the TRM, adopted on 1/28/10, and proposed several changes and additions for the 2011 TRM update. The Commission sought and received comments on the proposed 2011 TRM update. The Commission issues the instant order adopting the 2011 version of the TRM as modified by the Order.  
RECOMMENDATION:  
That the Commission adopts the proposed 2011 TRM Annual Update.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
<b>2076064-ALJ</b> <b>(PP from 02/10/2011)</b>	<b>C-2008-2076064</b>	<b>KAREN SCHEEL VS VERIZON PENNSYLVANIA, INC</b> - Formal Complaint filed on 11/19/08, alleging various problems with Verizon's phone service, including but not limited to, payment only by credit card, failure to lift freeze on telephone number, failure to credit and close account, poor installation of FIOS service, and service advertising that is deceptive and fraudulent. On 12/17/08, VZ filed an Answer, New Matter and Preliminary Objections to the complaint. On 3/30/09, CALJ Smith ruled on the Preliminary Objections. On 4/22/09, VZ filed a Motion for Issuance of a Protective Order. The Protective Order was issued on 5/18/09 as there were no objections and there were appropriate grounds to do so. A hearing was held on 6/17/09. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Jones' Initial Decision sustaining the complaint.
<b>2179522-ALJ</b>	<b>R-2010-2179522</b>	<b>DUQUESNE LIGHT COMPANY</b> - Supplement No. 35 to Tariff Electric – Pa. P.U.C. No. 24, filed on 7/23/10, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$87.3 million in additional annual distribution service revenues. On 9/16/10, an Order was adopted and entered by the Commission which, inter alia, suspended the proposed Supplement No. 35 until 4/21/11, and ordered an investigation. Petitions to Intervene by Citizen Power and the International Brotherhood of Electrical Workers, Local 29 were filed and granted. On 1/7/11, a Joint Petition for Settlement of All Issues was filed. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJs Johnson and Hoyer's Recommended Decision approving the Joint Petition for Settlement of All Issues without modification.

Postponed until the Public Meeting of  
March 17, 2011.

Vote 5-0.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

**2194652-ALJ**

**P-2010-2194652**

**Vote 5-0.**

PIKE COUNTY LIGHT & POWER CO  
- Petition for Approval of its Default Service Implementation Plan filed on 8/19/10. Answers were filed and a Prehearing Conference was held on 9/23/10. On 12/21/10, Pike County, OCA, and the OSBA filed a Joint Petition for Approval of Settlement Agreement.  
COMMISSION REVIEW:  
That the Commission adopt ALJs Melillo and Barnes' Recommended Decision approving the Joint Petition for Settlement Agreement without modification.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CARRY-IN AGENDA**

**February 24, 2011**

**BUREAU OF AUDITS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2223482-AUD</b> <b>Vote 5-0.</b>	<b>M-2011-2223482</b>	UGI UTILITIES, INC-ELECTRIC DIVISION - Default Generation Supply Service Rates. RECOMMENDATION: That the Commission approve Supplement No. 79 to Tariff Electric-Pa. P.U.C. No. 5, reflecting a GSR-1 of \$0.09330 per KWH and a GSR-2 of \$0.05416 per KWH, effective 3/1/11.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2225991-LAW</b> <b>Vote 5-0.</b>	<b>M-2011-2225991</b>	CTSI, LLC d/b/a FRONTIER COMMUNICATION CTSI COMPANY - PA Safety Valve Numbering Resource Request form submitted on 2/14/11, pursuant to Order entered at M-2008-2032767. CTSI is requesting expedited review of a denial by the Pooling Administrator of its requests for additional numbering resources in the 570 Number Plan Area (NPA). Specifically, CTSI requests 200 telephone numbers from the 570 NPA be assigned to the Scranton rate center. CTSI'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 grants the request for additional numbering resources in the 570 Area Code.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SUPPLEMENTAL CARRY-IN AGENDA**

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**February 24, 2011**

**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>2219217-FUS</b>	<b>M-2011-2219217</b>	<b>BUREAU OF FIXED UTILITY SERVICES - Report representing the earned and adjusted returns on rate base and common equity capital for Pennsylvania non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups. RECOMMENDATION: That the Commission make the earnings report public.</b>

**Postponed until the Public Meeting of  
March 17, 2011.**