

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, MARCH 17, 2011 (WG)**

**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>John F. Coleman, Jr.</b>	<b>Robert F. Powelson</b>	<b>Tyrone J. Christy</b>	<b>James H. Cawley</b>

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

**The Next Public Meeting is Tentatively Scheduled for Thursday, March 31, 2011 at 10:00 A.M.**

**Minutes of the Meeting of Thursday, February 10, 2011 (TC)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 31, 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, MARCH 17, 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.**

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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

March 17, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1221007-TAS Vote 5-0.	A-00124043	PENNDOT - Application to replace existing bridge over tracks of Norfolk Southern Railway Company in Masontown Borough, Fayette County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2137583-TAS Vote 5-0.	A-2009-2137583 A-00106810	PENNDOT - Application to replace existing superstructure of a bridge over tracks of Norfolk Southern Railway Company in the Borough of Chambersburg, Franklin County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2160946-TAS Vote 5-0.	C-2010-2160946	BUREAU OF TRANSPORTATION & SAFETY VS ARLYN D MARTIN - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. Mount Joy RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2178769-TAS Vote 5-0.	A-2010-2178769	L & M CONNECT LLC - Application for amendment to the common carrier certificate so as to permit the transportation of persons in paratransit service by vans with a maximum 10 passenger capacity, not including the driver. Milan, Bradford County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2202828-TAS Vote 5-0.	A-2010-2202828	LIFESTYLE LIMOUSINE, INC T/A LIFESTYLE LIMOUSINE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Mohnton, Berks 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>
<b>2204830-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2204830</b>	ARMAR INC t/d/b/a WHITE ROSE AMBULANCE - 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.
<b>2207760-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2207760</b>	KENNEDY TRANSFER INC - Application for amendment to its right to transport household goods in use to expanded territory areas. DuBois, Clearfield County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2208480-TAS</b> <b>Vote 5-0.</b>	<b>R-2010-2208480</b>	HOMESTEAD TAXI, LLC - Increase in Rates. Bucks and Montgomery Counties RECOMMENDATION: That the Commission approve Tariff Call or Demand Pa. PUC No. 5.
<b>2215541-TAS</b> <b>Vote 5-0.</b>	<b>A-2010-2215541</b>	STAR EXPRESS TRANSPORT LLC t/a STAR EXPRESS SHUTTLE SERVICE - Application for the additional right to transport as a common carrier by motor vehicle, persons in airport transfer service. Harrisburg, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2224486-TAS</b> <b>Vote 5-0.</b>	<b>R-2011-2224486</b>	TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC - Increase in rates. Adams, Cumberland, and Dauphin Counties RECOMMENDATION: That the Commission approve the 16th Revised Page 45 to Tariff Freight Pa. PUC No. 50, to become effective on 3/21/11.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
1156895-OSA  Vote 5-0.	A-00117312 C-2009-2049082 A-00117312F.2 A-00117312F.3	ENTERTAINMENT TRANSPORTATION ASSOCIATION t/a E.T.A. LIMOUSINE SERVICE - Secretarial Letter issued 3/15/10, cancelling the Certificates of Public Convenience from 2001 and 2002. The Certificates were cancelled for failure to respond to a complaint that alleged failure to maintain evidence of insurance on file with the Commission. On 12/17/10, E.T.A. filed a Petition requesting reinstatement of its Certificates. No Answer opposing the Petition has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition for Reinstatement.
1206217-OSA  Vote 5-0.	A-00123898 C-2009-2131062	JJJ RIDES, LLC - Complaint instituted on 11/12/09, alleging failure to pay an outstanding fine of \$250, as required by Secretarial Letter issued on 4/27/09 (Docket No. C-2009-2081017), for failure to maintain evidence of bodily injury and property damage insurance with the Commission. By Order entered 1/29/10, the Commission noted that no Answer to the Complaint had been filed. Accordingly, the allegation of the prior Complaint was deemed admitted, the Complaint was sustained and the Petitioner's Certificate was cancelled. The Order also assessed a \$100 civil penalty for failure to file an Answer. On 6/30/10, the Petitioner filed a Petition for Reinstatement. By Commission Order entered 11/5/10, the Petition was denied due to material deficiencies. On 12/14/10, an acceptable Petition was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which conditionally grants 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>2063737-OSA (PP from 02/24/2011)</b>  <b>Postponed until the Public Meeting of March 31, 2011.</b>	<b>A-2008-2063737</b>	PEOPLES NATURAL GAS CO - Request for clarification of one of the provisions in its Settlement Agreement approved by the Commission in the Opinion and Order entered on 11/19/09. No responsive pleadings were filed. RECOMMENDATION: That the Commission approve the Petition for Clarification.
<b>2092222-OSA</b>  <b>Vote 5-0.</b>	<b>M-2009-2092222 M-2009-2112952 M-2009-2112956</b>	MET-ED, PENELEC, and PENN POWER - Joint Petition on 2/18/11, for approval on an expedited basis of three changes to the Companies' Energy Efficiency and Conservation (EE&C) Plans. The currently effective Plans were approved by the Commission by Order entered 2/26/10. On 3/7/11, the OCA submitted an Answer to the Joint Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which 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>
<b>2117561-OSA</b>  <b>Vote 5-0.</b>	<b>F-2009-2117561</b>	<b>DARLINGTON GALTOGBAH VS PECO ENERGY COMPANY</b> - Formal Complaint filed on 7/8/09, alleging that his service was improperly terminated. A hearing was held on 11/18/09, before ALJ Rainey. By Initial Decision issued on 1/19/11, by ALJ Barnes, the Complaint was dismissed. The Complainant filed Exceptions to the Initial Decision on 1/27/11. No Replies to Exceptions were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions, and adopts the ALJ's Initial Decision consistent with the Opinion and Order.
<b>2123326-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2123326</b>	<b>BABATUNDE OLUBANJO VS VERIZON PENNSYLVANIA INC</b> - Formal Complaint filed on 7/23/09, alleging unauthorized charge for his DSL Internet service on his residential telephone bill; that a Verizon PA technician deliberately disrupted his Internet service after he turned down the technician's offer to determine whether there was a problem with his inside wiring; and, that Verizon PA's response time to disconnect his telephone service was unreasonable. Verizon PA filed its Answer on 10/13/09. ALJ Corbett, held a telephonic hearing on 6/17/10, and on 7/27/10, issued his Initial Decision in which he granted, in part, and dismissed, in part, the Complaint and assessed a \$250 penalty on Verizon PA for its untimely response. On 9/13/10 the Complainant filed Exceptions. Verizon PA filed Reply Exceptions on 9/29/10. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that grants the Exceptions in part, and denies them in part, and modifies the Initial Decision consistent with the discussion therein.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2137790-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2137790</b>	<b>D ANNE WILSON VS PECO</b> - Formal Complaint filed on 10/15/09, alleging that, inter alia, there are incorrect charges on her bill. A telephonic hearing, before ALJ Fordham, was held on 5/21/10. By Initial Decision issued on 9/29/10, the ALJ concluded that the Complainant failed to sustain her burden of proof. The Complainant filed Exceptions to the Initial Decision on 10/20/10, but there was no certificate of service filed with the Exceptions. On 1/20/11, the Secretary of the Commission sent a copy of the Exceptions to PECO. PECO filed Reply Exceptions on 1/31/11. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.
<b>2142814-OSA</b>  <b>Vote 5-0.</b>	<b>F-2009-2142814</b>	<b>GERMAN ROZO VS CORDIA COMMUNICATIONS</b> - Formal Complaint filed on 11/20/09, alleging, inter alia, incorrect charges on his telephone bill and other billing issues and suspension/termination concerns. Cordia filed an Answer on 12/4/09. A telephonic hearing was held on 5/4/10. On 9/9/10, the Initial Decision of ALJ Fordham was issued, in which she dismissed the Complaint in part, and sustained it in part. On 10/1/10, Cordia filed Exceptions. No Reply Exceptions were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which grants Cordia's Exceptions in part, denies them in part, and adopts the ALJ's Initial Decision as modified consistent with the discussion in the Opinion and Order.



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2150051-OSA</b>  Vote 5-0.	<b>C-2010-2150051</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS MEDIC RESCUE</b> - Complaint instituted on 6/15/10, alleging failure to comply with tariff rates on file, in violation of 66 Pa. C.S. §§ 1301 and 1303 and 52 Pa. Code § 29.355. BTS requested that a civil penalty of \$10,000 be imposed. On 6/29/10, the Respondent filed a Preliminary Objection and Notice to Plead. On 7/25/10, the Complaint was amended. On 7/28/10, the Respondent filed an Answer to the Complaint. On 2/9/11, the Respondent and the Commission's Law Bureau Prosecutory Staff, representing BTS, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$10,000 would be reduced to \$2,000. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
<b>2152104-OSA</b>  Vote 5-0.	<b>A-2010-2152104 A-2010-2153061 A-2010-2163154 C-2009-2107073</b>	<b>PPL ELECTRIC UTILITIES CORP t/a PPL UTILITIES</b> - Two Applications and a Petition filed, seeking approval for the siting, zoning exemption and exercise of eminent domain regarding the proposed Effort Mountain Project. The Effort Mountain Project is designed to relieve already stressed distribution facilities in the Sun Valley/Jonas area in Chestnuthill and Polk Townships, Monroe County. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Exceptions, adopts the Recommended Decision, approves PPL's Applications and Petition for the Effort Mountain Project and dismisses the Complaint with prejudice.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2155988-OSA</b>  <b>Vote 5-0.</b>	<b>A-2010-2155988</b>	<b>CEN-CLEAR CHILD SERVICES INC</b> - Application filed on 2/16/10, for paratransit service. The Application was published in the PA Bulletin on 2/27/10. In her Initial Decision, issued on 11/2/10, ALJ Dunderdale recommended that the Application be denied, based on the Applicant's failure to demonstrate that the proposed paratransit service would be responsive to a public need. On 11/22/10, the Applicant filed Exceptions to the Initial Decision. Also on 11/22/10, the Applicant filed a Petition to Re-open the Record. On 11/30/10, Protestant Barker Brothers filed a Response to the Petition. On 11/29/10, Barker Brothers filed Reply Exceptions. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that: (1) denies the Applicant's Petition to Re-open; (2) denies the Applicant's Exceptions to the Initial Decision; and (3) modifies the Initial Decision.
<b>2156196-OSA</b>  <b>Vote 5-0.</b>	<b>M-2010-2156196</b>	<b>KIRK LIVERY, INC</b> - Objection to the Commission's general assessment for FY 2009-2010, filed on 10/7/09. By Initial Decision issued 9/29/10, 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 Kirk on 10/19/10. Reply Exceptions were filed by the Law Bureau Prosecutory Staff on behalf of the Commission's Bureau of Administrative Services on 10/26/10. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that denies Kirk's Exceptions and adopts the Initial Decision, as modified by the Opinion and Order.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2171918-OSA  Vote 5-0.	R-2010-2171918, et al R-2010-2171924, et al	TOTAL ENVIRONMENTAL SOLUTIONS - Supplement No. 4 to Tariff Water – Pa. P.U.C. No. 4, filed on 6/30/10, that was calculated to produce \$376,183 or 62.2% in additional annual revenue and Supplement No. 6 to Tariff Wastewater – Pa. P.U.C. No. 4, that was calculated to produce \$268,150 or 25.6% in additional annual revenue. By Orders entered 8/18/10, the Commission suspended both tariff supplements until 3/29/11, and assigned the matter to the OALJ. On 11/30/10, TESI, the OTS and the OCA filed Settlements of the water and wastewater proceedings. The Parties amended the Settlements on 12/20/10. The Settlement, inter alia, would increase annual water revenue by 40.5% and wastewater revenue by 10.0%. By Recommended Decision issued 1/3/11, ALJ Dunderdale recommended the adoption of the Settlements and that additional measures be established to address unaccounted-for water. TESI filed Exceptions on 1/20/11. There were no Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions, in part; adopts the Recommended Decision and Settlements, as modified by the Opinion and Order; and establishes additional measures to address unaccounted-for water.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2172222-OSA (PP from 02/24/2011)</b>	<b>C-2010-2172222</b>	CONSTANTINE DASKALAKIS VS VERIZON PENNSYLVANIA INC - 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.

**Motion by Commissioner Cawley.  
Vote 5-0.**

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2215344-OSA  Vote 5-0.	A-2010-2215344	<p>PENNDOT - Application filed on 12/14/10, for approval to alter the public at-grade crossing (DOT No. 518 032 R). A Field Investigation and Conference was held at the site of the subject crossing on 1/5/11. Norfolk Southern, at the sole cost and expense of PennDOT, proposed to remove the subject crossing surface and install a new full depth high-type concrete crossing surface. The funding for project will be 100% Federal funds. Per Secretarial Letter of 1/11/11, the Commission approved the Application. On 2/3/11, Norfolk Southern filed the instant Petition to Appeal Secretarial Letter with reference to the Secretarial Letter of 1/11/11. PennDOT filed an Answer thereto on 2/14/11.</p> <p><b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which grants the Petition.</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>1156623-FUS</b>  <b>Vote 5-0.</b>	<b>A-125095</b>	<b>CONSTELLATION NEWENERGY - GAS</b> - Applications filed on 1/14/11 and 2/10/11, to amend its natural gas supplier license to begin to offer, render, furnish or supply natural gas supply services to large and small commercial, governmental, and industrial customers in the additional natural gas distribution company service territories of Philadelphia Gas Works and PECO Energy, respectively, and for approval to provide natural gas services to small commercial customers (less than 6,000 Mcf annually) and governmental customers in all its currently authorized service territories, as well as the PGW and PECO service territories. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application amendments.
<b>2161198-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2161198</b>	<b>GLACIAL NATURAL GAS INC</b> - Application filed on 11/1/10, to amend its natural gas supplier license to begin to offer, render, furnish, or supply natural gas supply services to small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial, and governmental customers in the additional service territories of Columbia Gas, Philadelphia Gas Works, National Fuel, PECO, and Valley Energy, followed by an additional request on 2/22/11 to add Peoples Natural Gas, Equitable, and UGI Central Penn, 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>2190506-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2190506</b>	<b>NATIONAL ENERGY MANAGEMENT LLC</b> - Application filed on 6/14/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer 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 of PECO, PPL, Met Ed, and UGI Electric within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2199551-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2199551</b>	<b>DISCOUNT ENERGY GROUP LLC</b> - Application filed on 8/26/10, for a license to offer, render, furnish or supply electricity or electric generation services as a generator and supplier of electric power 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. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2201675-FUS</b>  <b>Postponed until the Public Meeting of March 31, 2011.</b>	<b>A-2010-2201675</b> <b>A-125015</b>	<b>SHIPLEY CHOICE and SHIPLEY ENERGY</b> - Petition filed on 9/23/10, requesting the transfer of its license to Shipley Choice LLC (SCL). Additionally, SCL filed an application to offer, render, furnish, or supply natural gas supply services to residential, small commercial (less than 6,000 Mcf), large commercial (6,000 or more Mcf), industrial and governmental customers in the service territories of Columbia Gas, PECO Energy, UGI Central Penn Gas, and UGI Utilities, within PA, as a supplier of natural gas services. SEC proposes to abandon its license upon the transfer of its current customers to SCL. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the petition, application and abandonment.

**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>2213107-FUS</b>  <b>Vote 5-0.</b>	<b>R-2010-2213107</b>	PENNSYLVANIA AMERICAN WATER COMPANY - Supplement No. 246 to Tariff Water - Pa. P.U.C. No. 4, filed on 12/2/10, proposing to add additional language to the Company's Rule 5.2 – Meter Space and Location, to become effective on 1/31/11, and voluntarily postponed until 3/31/11. No complaints were filed and no hearings were held for this filing. RECOMMENDATION: That the Commission adopt the proposed Order that denies this tariff supplement.
<b>2216685-FUS</b>  <b>Vote 5-0.</b>	<b>A-2010-2216685</b>	ALDICK ASSOCIATES, INC - WATER DIVISION - Application for approval of the abandonment of the right to offer, render, furnish, or supply water service to the public in Pine Grove Township, Schuylkill County. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
<b>2216695-FUS</b>  <b>Vote 5-0.</b>	<b>R-2010-2216695</b>	PECO ENERGY COMPANY-GAS - Tariff Supplement filed on 12/22/10, revising the Company's budget billing program in its Gas Service Tariff to ensure that delinquent customers will no longer automatically be removed from budget billing, the late payment charges will be assessed on the lesser of budget billing arrears and actual charges arrears, and the company will take collection/termination actions based on the lesser of budget billing arrears and actual charges. RECOMMENDATION: That the Commission adopt the proposed Order approving Supplement No. 103, to become effective 3/18/11.



**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>2216700-FUS</b>  Vote 5-0.	<b>R-2010-2216700</b>	PECO ENERGY COMPANY-ELECTRIC - Tariff Supplement filed on 12/22/10, revising the Company's budget billing program in its Electric Service Tariff to: 1) ensures that delinquent customers will no longer automatically be removed from budget billing; 2) late payment charges will be assessed on the lesser of budget billing arrears and actual charges arrears; and, 3) the company will take collection/termination actions based on the lesser of budget billing arrears and actual charges. RECOMMENDATION: That the Commission adopt the proposed Order approving Supplement No. 10, to become effective 3/18/11.
<b>2217351-FUS</b>  Vote 5-0.	<b>M-2010-2217351</b> <b>M-00970952</b>	HUNTINGDON COUNTY'S 911 - System Renewal Plan filed on 12/23/10, from PEMA, requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and make a recommendation within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
<b>2217537-FUS</b>  Vote 5-0.	<b>A-2010-2217537</b>	ENERGY ADVANTAGE INC - Application filed on 12/28/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer 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.

**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>(PP from 02/24/2011)</b>  <b>Vote 5-0.</b>	<b>M-2011-2219217</b>	<b>BUREAU OF FIXED UTILITY SERVICES</b> - 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. <b>RECOMMENDATION:</b> That the Commission make the Report on the Quarterly Earnings public.
<b>2219842-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2219842</b>	<b>PENNSYLVANIA ELECTRIC CO.</b> - Letter of Notification filed on 1/7/11, pursuant to 52 Pa. Code Chapter 57.72 with respect to the East Towanda-North Meshoppen 230kV HV Transmission Line Loop to the Canyon Switching Station Project, situated in Wyalusing Township, Bradford 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.
<b>2221221-FUS</b>  <b>Vote 5-0.</b>	<b>R-2011-2221221</b>	<b>DUQUESNE LIGHT COMPANY</b> - Supplement No. 43 to Electric - Pa. P.U.C. No. 24, filed on 1/14/11, proposing an increase to the Rider No. 19 – Off-Peak Water Heating Service Energy Charge from its current level of 3.15 cents per kWh to 3.55 cents per kWh, in accordance with the annual adjustment provision contained in the Rider, to be effective 3/18/11. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the tariff supplement.
<b>2221234-FUS</b>  <b>Vote 5-0.</b>	<b>P-2011-2221234</b>	<b>FRONTIER COMMUNICATIONS COMMONWEALTH TELEPHONE CO</b> - 2011 Price Stability Index/Service Price Index Filing. No tariffs were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves this 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>2221891-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2221891</b> <b>G-2010-2193998</b>	<b>VEOLIA ENERGY PHILADELPHIA INC</b> - Request filed on 8/13/10, for approval of an Affiliated Interest Agreement between Veolia Energy Efficiency (PA), LLC (VEEPA). On 1/24/11, VEPI filed an Application, pursuant to Section 66 Pa. C.S. §1102, requesting approval of the transfer of tangible property used or useful in the public service between VEPI and VEEPA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving the Affiliated Interest Agreement and issue a Certificate of Public Convenience approving the transfer of property between VEPI and VEEPA.
<b>2223717-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2223717</b>	<b>RIDLEY TELEPHONE COMPANY, LLC</b> - Application filed on 1/24/11, seeking approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving the application.
<b>2223825-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2223825</b>	<b>CLEAR ENERGY SOLUTIONS</b> - Application filed on 2/4/11, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for the purchase of electricity for large commercial (over 25kw), industrial and governmental customers in the electric distribution company service territory of PECO Energy Company within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2223830-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2223830</b>	<b>ACCESS LONG DISTANCE INC</b> - Application filed on 1/28/11, for approval to offer, render, furnish or supply telecommunication services as a Reseller Interexchange Carrier throughout PA. <b>RECOMMENDATION:</b> That the Commission approve the application consistent with the proposed Order.

**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2214415-FUS</b>  Vote 5-0.	<b>R-2010-2214415</b>	UGI CENTRAL PENN GAS, INC - Gas Service Tariff, Tariff Gas - PA P.U.C. No. 4, as well as, a Choice Supplier Tariff, Tariff Gas – PA P.U.C. No 4-S, filed on 1/14/11, proposing an annual increase in revenues of \$16.46 million. Both tariffs were voluntarily postponed to 3/18/11. A number of formal complaints, protests and petitions to intervene have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends Tariff Gas – PA P.U.C. No.4 by operation of law and Tariff Gas – PA P.U.C. No. 4-S until 10/18/11, and institutes an investigation.
<b>2214415-OTS</b>  Adopt 5-0 to the extent that it is consistent with 2214415-FUS.	<b>R-2010-2214415</b>	UGI CENTRAL PENN GAS, INC - Tariff Gas – Pa. P.U.C. No. 4 and Tariff Gas – Pa. P.U.C. No. 4-S, filed on 1/14/11, to become effective 3/18/11, proposing an increase of \$16,460,000 representing an increase in annual revenues of 15.4%. 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 10/18/11.
<b>2215623-FUS</b>  Vote 5-0.	<b>R-2010-2215623</b>	COLUMBIA GAS OF PA, INC - Supplement No.163 to Tariff Gas – Pa. P.U.C. No. 9, filed on 1/14/11, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$37.8 million in additional annual revenues, an increase of 7.7%. Supplement No. 163 bears an effective date of 3/18/11. Formal complaints were filed by the OCA, OSBA, and Columbia Industrial Intervenors. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed general rate increase filing until 10/18/11, and institutes an investigation.

**COMBINED BUREAU AGENDA**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2215623-OTS</b> <b>Adopt 5-0 to the extent that it is consistent with 2215623-FUS.</b>	<b>R-2010-2215623</b>	<p>COLUMBIA GAS OF PA, INC - Supplement No. 163 to Tariff-Gas Pa. P.U.C. No. 9, filed on 1/14/11, to become effective 3/18/11, proposing an increase of \$37,844,921 representing a 7.67% increase in total annual revenues or a 17.31% increase in distribution base revenues. On 2/14/11, the company issued Supplement No. 164 to Tariff-Gas Pa. P.U.C. No. 9, to simply amend the Supplement No. 163 tariff effective date to 3/18/11, retaining all other content of tariff pages included in Supplement No. 163.</p> <p><b>RECOMMENDATION:</b> 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 10/18/11.</p>

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2163034-LAW</b> <b>Vote 5-0.</b>	<b>M-2011-2163034</b>	PROPOSED POLICY STATEMENT - Revision to 52 Pa. Code §41.11, transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment. RECOMMENDATION: That the Commission adopt the Proposed Policy Statement.
<b>2188361-LAW</b> <b>Vote 5-0.</b>	<b>M-2011-2188361</b>	PROPOSED POLICY STATEMENT - Scope of Commission Jurisdiction Over Passenger Transportation Services Provided or Administered by Municipal Corporations and Instrumentalities of The State. RECOMMENDATION: That the Commission adopt the Proposed Policy Statement.
<b>2226495-LAW</b> <b>Vote 5-0.</b>	<b>P-2011-2226495</b>	VERIZON NORTH LLC - Petitions for a bona fide retail request deployment extension of five-weeks relating to its Titusville CSA 1101 pursuant to 66 Pa. C.S. § 3014(c)(5). Verizon North LLC asserts the delay was attributable to factors beyond its control. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2227674-LAW

M-2011-2227674

Vote 5-0.

AT&T COMMUNICATIONS OF PA LLC  
- Pennsylvania Safety Valve Numbering Resource  
Request form submitted on 2/23/11, requesting  
expedited review of a denial by the Pooling  
Administrator of its requests for additional numbering  
resources in the 717 Number Plan Area (NPA).  
Specifically, AT&T requests 1,000 telephone numbers  
from the 717 NPA be assigned to the Lancaster rate  
center. AT&T'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 AT&T Communications of  
PA LLC's request for additional numbering resources  
in the 717 Area Code.

**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>2076064-ALJ</b> <b>(PP from 02/24/2011)</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>2099992-ALJ</b>	<b>I-2009-2099992</b>	<b>NORFOLK SOUTHERN RAILWAY CO</b> - By Order entered 8/13/09, the Commission's own Motion ordered an investigation to determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying State Route 0029 (Chestnut Street) above the grade of the tracks of Norfolk Southern Railway Company in Upper Milford Township, Lehigh County (DOT 592 397 V). On 10/13/10, a Settlement Petition was filed. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Weismandel's Recommended Decision approving the Settlement without modification.

Motion by Commissioner Cawley.  
Vote 5-0.

Vote 5-0.



**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>2201326-ALJ</b>  Vote 5-0.	<b>M-2010-2201326</b>	ANDREASSI GAS COMPANY - Statement of Reconciliation for the Gas Cost Rate filed on 9/17/10, for the 12 months ending 8/31/10. On 11/19/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement insofar as it is undisputed.
<b>2201994-ALJ</b>  Vote 5-0.	<b>M-2010-2201994</b>	SERGEANT GAS CO - Statement of Automatic Adjustment Clause Revenues and Expenses filed on 9/27/10, for the 12-month period 8/31/10. On 11/19/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement insofar as it is undisputed.
<b>2203708-ALJ</b>  Vote 5-0.	<b>M-2010-2203708</b>	PINE ROE NATURAL GAS CO, INC - Statement of Automatic Adjustment Clause Revenues and Expenses filed on 10/12/10, for the 12 months ending 8/31/10. On 11/19/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement insofar as it is undisputed.
<b>2207092-ALJ</b>  Vote 5-0.	<b>M-2010-2207092</b>	WALKER GAS - DIVISION OF ORWELL NATURAL NATURAL GAS COMPANY - Statement of Reconciliation for the Gas Cost Rate filed on 10/29/10, for the 12 months ending 8/31/10. On 12/20/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

March 17, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2214113-TAS  Vote 5-0.	A-2010-2214113 A-00101743	MCGHEE MOVING AND LOGISTICS INC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2112925-LAW  Statement by Vice Chairman Coleman. Statement by Commissioner Christy. Vote 5-0.	P-2009-2112925	814 NPA RELIEF PLANNING - Neustar informed the Commission on 2/18/11, that the projected exhaust date for the 814 NPA had been modified to the first quarter of 2015 (changed from first quarter of 2013). RECOMMENDATION: That the Commission suspend the timeline for the area code relief for the 814 NPA and modify the schedule for the technical conferences and additional public input hearings.
2207062-LAW  Statement by Chairman Powelson. Vote 5-0.	P-2010-2207062 P-2010-2207953 P-2010-2209253	RETAIL ENERGY SUPPLY ASSOCIATION, DOMINION RETAIL INC, and FIRSTENERGY SOLUTION CORP - Petitions filed, each seeking a Declaratory Order regarding the opt-out municipal aggregation programs involving FirstEnergy Solutions Corp., and regarding opt-out municipal aggregation programs generally. RECOMMENDATION: That the Commission adopt the proposed Order.