

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, MARCH 31, 2011 (JFC)**

**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, April 14, 2011 at 10:00 A.M.**

**Minutes of the Meeting of Thursday, February 24, 2011 (JC)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 14, 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 31, 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 31, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2182115-TAS Vote 5-0.	C-2011-2182115	BUREAU OF TRANSPORTATION & SAFETY VS WILLIAM L ROBINSON CONCRETE CONTRACTORS, INC - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. Linden, PA RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2215382-TAS Vote 5-0.	A-2010-2215382	JEFFREY L CURRY T/A CURRY LIMOUSINE - 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. Lewistown, PA RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2216853-TAS Vote 5-0.	A-2010-2216853	KENNETH J WEAVER - Application for the right 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. Lititz, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2221398-TAS Vote 5-0.	A-2011-2221398	INFINITY TRANSPORTATION SERVICES LLC - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. Lancaster, Lancaster 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>2221439-TAS</b> Vote 5-0.	<b>A-2011-2221439</b>	INFINITY TRANSPORTATION SERVICES LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Lancaster, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2221930-TAS</b> Vote 5-0.	<b>A-2011-2221930</b>	RONALD WARREN BAUER, 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. Lehigh, Carbon County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**BUREAU OF AUDITS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2223496-AUD</b> Vote 5-0.	<b>M-2011-2223496</b>	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - Annual System Benefit Charge Filing (For Universal Service Programs and Consumer Education Plan), effective 4/1/11. RECOMMENDATION: That the Commission approve Pike County's System Benefit Charge as reflected in Supplement No. 55 to Tariff Electric-Pa. P.U.C. No. 8.
<b>2223776-AUD</b> Vote 5-0.	<b>M-2011-2223776</b>	PENNSYLVANIA ELECTRIC CO - Consumer Education Charge effective 4/1/11. RECOMMENDATION: That the Commission approve Supplement No. 6 to Tariff Electric Pa. P.U.C. No. 80, reflecting CEC rates.
<b>2223778-AUD</b> Vote 5-0.	<b>M-2011-2223778</b>	METROPOLITAN EDISON CO - Consumer Education Charge effective 4/1/11. RECOMMENDATION: That the Commission approve Supplement No. 6 to Tariff Electric Pa. P.U.C. No. 51, reflecting CEC rates.
<b>2227046-AUD</b> Vote 5-0.	<b>M-2011-2227046</b>	UGI UTILITIES, INC-ELECTRIC DIVISION - Consumer Education Charge effective 4/1/11. RECOMMENDATION: That the Commission approve Supplement No. 80 to Tariff Electric-Pa. P.U.C. No. 5 reflecting CEC rates.
<b>2228815-AUD</b> Vote 5-0.	<b>M-2011-2228815</b>	WELLSBORO ELECTRIC CO - Generation Supply Service Rates effective 4/1/11. RECOMMENDATION: That the Commission approve a staff adjusted GSSR to become effective 4/1/11.
<b>2228818-AUD</b> Vote 5-0.	<b>M-2011-2228818</b>	CITIZENS' ELECTRIC COMPANY - LEWISBURG - Generation Supply Service Rates effective 4/1/11. RECOMMENDATION: That the Commission approve a staff adjusted GSSR to become effective 4/1/11.

**BUREAU OF CONSERVATION ECONOMICS & ENERGY PLANNING**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1184225-CEP</b> <b>Vote 5-0.</b>	<b>M-00031715F0003</b>	PPL ELECTRIC UTILITIES CORP - Letter Petition for Approval of Mr. Daniel W. Griffiths as Director of the PPL Sustainable Energy Fund of Central Eastern Pennsylvania. RECOMMENDATION: That the nomination of Daniel W. Griffiths to the PPL Sustainable Energy Fund Board of Directors is approved.
<b>1184225-CEP</b> <b>Vote 5-0.</b>	<b>M-00031715F0003</b>	PPL ELECTRIC UTILITIES CORP - Letter Petition of the PPL Sustainable Energy Fund of Central Eastern Pennsylvania for approval of revisions to the by-laws that govern its operations. RECOMMENDATION: That the Commission approve the by-law revisions requested by the PPL Sustainable Energy Board of Central Eastern Pennsylvania.

**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 03/17/2011)</b>  <b>Vote 5-0.</b>	<b>A-2008-2063737</b>	<b>PEOPLES NATURAL GAS CO</b> - 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. <b>RECOMMENDATION:</b> That the Commission adopt the Tentative Order which grants the Petition for Clarification, subject to comments.
<b>2070488-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2070488 A-00107386 C-2010-2160832</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS EAST COAST TOURING CO OF PA</b> - Complaint instituted on 1/27/09, alleging failure to maintain evidence of bond insurance on file with the Commission. BTS requested that the authority be suspended and that a civil penalty of \$250 be imposed. The complaint was served on East Coast Touring on 1/27/09. East Coast Touring avers that it mailed an Answer, via regular mail, which according to our records, was never received by the Commission. However, East Coast Touring's bank filed evidence of bond insurance on 2/6/09. On 10/29/09, a Secretarial Letter was issued, which deemed the allegations of the Complaint admitted, sustained the Complaint, and directed payment of the \$250 civil penalty. East Coast Touring did not remit the \$250 penalty. Consequently, on 3/2/10, BTS instituted a Complaint at Docket No. C-2010-2160832 for failure to comply with the 10/29/09 Letter. On 3/18/10, East Coast Touring filed an Answer to the Complaint. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that rescinds the 10/29/09 Secretarial Letter issued at Complaint Docket No. C-2009-2070488 and dismisses, as moot, the Complaint at Docket No. C-2010-2160832.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2122659-OSA</b> <b>Vote 5-0.</b>	<b>F-2009-2122659</b>	<p>ALBERT S. MERRITT VS DUQUESNE LIGHT COMPANY</p> <p>- Formal Complaint filed on 7/29/09, requesting a “fair and affordable” payment arrangement. On 8/20/09, Duquesne Light filed an Answer denying the material allegations in the Complaint. In her Initial Decision, issued 9/29/10, Special Agent Vero recommended that the Complaint be dismissed and that Mr. Merritt be required to make monthly payments consisting of his current bill, plus one-sixth of the balance accrued in his account. The Initial Decision became final by Commission Order, entered 11/8/10. On 11/29/10, Mr. Merritt filed a Petition for Reconsideration. Duquesne Light filed an Answer to the Petition on 3/4/11.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration.</p>
<b>2138821-OSA</b> <b>Vote 5-0.</b>	<b>C-2009-2138821</b>	<p>BARBARA RAITZKY VS WINDSTREAM CONESTOGA, INC</p> <p>- Formal Complaint filed on 10/19/09, alleging that rates for landline service were too high, that her local calling area was too small, and that her AT&amp;T pre-paid phone card rates were too high. On 11/23/09, Conestoga filed an Answer and New Matter as well as Preliminary Objections. ALJ Salapa issued an Order Sustaining and Denying Preliminary Objections on 5/21/10. The matter was assigned to ALJ Weismandel for hearing on 7/28/10. On 11/16/10, the Commission issued ALJ Weismandel’s Initial Decision which dismissed the Complaint. Exceptions were filed by the Complainant on 12/13/10. Replies to Exceptions were filed by the Respondent on 1/24/11.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions and adopts the ALJ’s Initial Decision.</p>



**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2142052-OSA Vote 5-0.	C-2009-2142052	<p>BRIAN M RUDNICK VS VERIZON PA - Formal Complaint filed on 11/6/09, alleging that the posted rates of international calls was deficient and that Verizon unnecessarily delayed the online posting of his international calls. On 3/30/10, the Initial Decision of ALJ Chestnut was issued, in which she dismissed the Complaint. On 4/6/10, the Complainant filed Exceptions. Verizon PA filed Reply Exceptions on 4/29/10. By Order entered 8/3/10, the Commission denied the Complainant's Exceptions and adopted ALJ Chestnut's Initial Decision. On 8/9/10, the Complainant filed a Petition for Reconsideration of the 8/3/10 Order. By Order entered 9/2/10, the Commission granted the Petition for Reconsideration pending further review of, and consideration of the merits. On 9/12/10, the Complainant filed a Petition for Extension of Time to Modify his Petition for Reconsideration. On 10/14/10, the Complainant filed an updated Petition for Reconsideration.</p> <p><b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration and the Petition for Extension of Time.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2146181-OSA</b>  <b>Vote 5-0.</b>	<b>C-2010-2146181</b>	<p>BUREAU OF TRANSPORTATION &amp; SAFETY VS YELLOW CAB OF PITTSBURGH</p> <p>- Complaint instituted alleging failure on two occasions to provide reasonable and adequate service, in violation of Section 1501 of the Public Utility Code. BTS requested that a civil penalty of \$500 be imposed for each violation, for a total civil penalty of \$1,000. The Complaint was served on the Respondent on 6/9/10. The Respondent filed a Letter-Answer to the Complaint on 7/19/10. On 11/17/10, the Respondent and the Commission's Law Bureau Prosecutory Staff filed a Settlement Agreement in order to satisfy the Complaint. However, there were deficiencies in this settlement, so the Parties filed a new Settlement Agreement on 3/7/11. As part of the Settlement, the proposed civil penalty of \$1,000 would be reduced to \$500.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement consistent with the discussion therein.</p>
<b>2149261-OSA</b>  <b>Vote 5-0.</b>	<b>C-2009-2149261</b>	<p>ROBERT E DIEHL VS PPL ELECTRIC UTILITIES CORPORATION</p> <p>- Formal Complaint filed on 12/21/09, alleging that PPL was intending to phase out the RTS rate after guaranteeing the rate for life. A hearing was held on 8/19/10, before ALJ Melillo. By Initial Decision issued on 11/4/10, the Complaint was denied. The Complainant filed Exceptions to the Initial Decision on 11/23/10. Replies to Exceptions were filed by the Respondent on 12/10/10.</p> <p>RECOMMENDATION: 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.</p>

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2161694-OSA (PP from 03/17/2011)</b>	<b>R-2010-2161694 C-2010-2171967 C-2010-2174138 C-2010-2176959 C-2010-2174117 C-2010-2172723 C-2010-2171487 C-2010-2204823 C-2010-2179405 C-2010-2177233 C-2010-2187127</b>	<b>PPL ELECTRIC UTILITIES CORP</b> - Supplement No. 83 to Tariff— Electric Pa. P.U.C. No. 201 filed on 3/31/01, to become effective 6/1/10, subsequently suspended until 1/1/11. On 12/16/10, the Commission entered its final Opinion and Order resolving all issues relative to PPL's general rate increase filing. On 1/5/11, PP&L Industrial Customer Alliance (PPLICA) filed a Petition for Reconsideration or, in the alternative, Rehearing or Reargument on the Donsco LP-4 SI Rate issue. On 1/18/11, PPL filed its Answer to the Petition. By Order entered 1/13/11, the Commission granted reconsideration pending review of the merits. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which denies the Petition.
<b>2206738-OSA</b>	<b>C-2010-2206738</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS PAUL'S CAB SERVICE, INC</b> - Complaint instituted on 11/22/10, alleging failure to provide a current vehicle list between 12/1/09 and 12/31/09, in violation of 52 Pa. Code § 29.314(c). BTS requested that a civil penalty of \$250 be imposed. On 11/29/10, the Respondent filed an Answer to the Complaint admitting its failure and requested that the civil penalty be waived. On 2/1/11, 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 \$250 would be reduced to \$50. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

**Motion by Commissioner Cawley.  
Vote 4-1 with Vice Chairman Coleman  
Dissenting.**

**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>
<b>2210016-OSA</b>  Vote 5-0.	<b>C-2010-2210016</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS BUSINESS RECORD MANAGEMENT SERVICES INC T/A CAPITOL COPY SERVICE</b> - Complaint initiated on 11/22/10, alleging failure to maintain evidence of cargo insurance in violation of 52 Pa. Code §§ 32.2(c) and 32.13(a). On 12/1/10, the Respondent filed an Answer in which it admitted to a delay in providing evidence of its cargo insurance. BTS requested that a civil penalty of \$500 be imposed. On 1/7/11, 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 penalty would be reduced to \$200. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
<b>2221418-OSA</b>  Vote 5-0.	<b>A-2011-2221418 A-310489F7002</b>	<b>UNITED TELEPHONE D/B/A CENTURYLINK and VERIZON WIRELESS</b> - Joint Petition filed on 1/19/11, seeking approval of Amendment No. 1 to an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin on 2/5/11. No comments or protests were received. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that 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>2139809-FUS</b> <b>Vote 5-0.</b>	<b>A-2009-2139809</b>	<b>ENERGETIX, INC</b> - Application filed on 10/30/09, for a license to offer, render, furnish or supply natural gas supply services to residential, small commercial (less than 6,000 MCF annually), large commercial (greater than 6,000 MCF annually), industrial, and governmental customers in the service territories of UGI Utilities, UGI Central Penn, and UGI Penn Natural Gas, in PA. On 7/15/10, the Commission approved a license authorizing Energetix, to begin to offer the services described above. On 2/7/11, Energetix, filed a request to amend its natural gas supplier license to include the PECO service territory within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the amendment to the natural gas supplier license.
<b>2168758-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2168758</b>	<b>ALDICK ASSOCIATES, INC - WASTEWATER DIVISION</b> - Application filed on 3/29/10, for approval of the abandonment of the right to offer, furnish, supply or provide wastewater collection, treatment and disposal service to the public in Pine Grove Township, Schuylkill County. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2194419-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2194419</b>	<b>PMK GROUP, INC</b> - Application filed on 8/11/10, 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. PMK failed to respond to Commission Staff data requests seeking tax information, affiliate information, previous legal proceeding information, bond information, and financial information and, as well, failed to respond to a Secretarial Letter sent by certified mail seeking a response to the prior Staff data request. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which denies the application.
<b>2201567-FUS</b> <b>Vote 5-0.</b>	<b>A-2010-2201567</b>	<b>DASH ENERGY, LLC</b> - Request to amend its electric generation supplier license filed on 2/7/11, in order to serve the additional class of residential customers throughout all of the electric distribution company service territories within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the amendment.
<b>2201675-FUS</b> <b>(PP from 03/17/2011)</b> <b>Vote 5-0.</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>2204099-FUS</b> Vote 5-0.	<b>A-2010-2204099</b>	UNIFIED ENERGY ALLIANCE, LLC - Application filed on 9/15/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of educating clients on deregulation, and when requested, negotiating the lowest electric rates attainable for residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial and governmental customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2207031-FUS</b> Vote 5-0.	<b>A-2010-2207031</b>	WINSTAR SOLUTIONS, LLC - Application filed on 10/25/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity to large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2216831-FUS</b> Vote 5-0.	<b>A-2010-2216831</b>	MOBILITIE, LLC - Application filed on 12/7/10, for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
<b>2220353-FUS</b> Vote 5-0.	<b>A-2011-2220353</b>	CALLCATCHERS INC T/A FREEDOM VOICE SYSTEMS - Application filed on 12/15/10, for approval to offer, render, furnish or supply telecommunication services as a Reseller Interexchange Carrier throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2220388-FUS</b> <b>Vote 5-0.</b>	<b>A-2011-2220388</b>	RESCOM ENERGY, LLC - Application filed on 1/10/11, to offer, render, furnish, or supply electricity or electric generation services as a supplier to all customer classes in all the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2220434-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2220434</b> <b>A-2011-2220433</b> <b>A-2011-2220435</b> <b>A-2011-2220437</b>	VOXBEAM TELECOMMUNICATIONS, INC - Application filed on 12/9/10, for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service areas of VZ PA, VZ North, and CenturyLink; and Reseller Interexchange Carrier throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
<b>2220975-FUS</b>  <b>Vote 5-0.</b>	<b>M-2011-2220975</b> <b>M-00920326</b>	CITY OF BETHLEHEM'S 911 - System Renewal Plan filed on 1/13/11, from PEMA, requesting a formal review the costs associated with the contribution rate of \$1.25 per access line per month and make a recommendation within 90 days. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.25 per access line per month.
<b>2221017-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2221017</b>	AMERIGREEN ENERGY, INC - Application filed on 1/14/11, for a license to offer, render, furnish or supply natural gas supply services as a supplier and broker/marketer to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial and governmental customers within the local natural gas distribution company service territories of PECO Gas and UGI Utilities within 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>2221397-FUS</b> Vote 5-0.	<b>A-2011-2221397</b>	<b>PATCH ENERGY SERVICES, LLC</b> - Application filed on 1/13/11, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution company service territories of PECO and PPL within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2221889-FUS</b> Vote 5-0.	<b>A-2011-2221889</b>	<b>CURRENT CHOICE, INC</b> - Application filed on 1/20/11, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business facilitating the customers' process of contracting with a supplier for the purchase of electricity for residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial and governmental customers in the electric distribution company service territories throughout PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order, which approves the application.
<b>2224275-FUS</b> Vote 5-0.	<b>A-2011-2224275</b>	<b>AQUA PENNSYLVANIA, INC</b> - Application filed on 2/3/11, for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Coolspring Township, Mercer County. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.

**BUREAU OF FIXED UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2224278-FUS  Vote 5-0.	A-2011-2224278 A-2011-2226040	RIEMER GAS COMPANY, INC - Application filed 1/31/11, for a certificate of public convenience to provide natural gas distribution service; for approval of an asset purchase agreement whereby Riemer Gas Company, Inc., purchases the natural gas utility assets of the Herman Riemer Gas Company; and, for Herman Riemer Gas Company to abandon service as a natural gas distribution utility. RECOMMENDATION: That the Commission approve the application.
2224523-FUS  Vote 5-0.	A-2011-2224523	AMERIGREEN ENERGY, INC - Application filed on 2/4/11, 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 the electric distribution company service territories of PECO and PPL Electric, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2224774-FUS  Vote 5-0.	R-2011-2224774	PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER - Supplement No. 6 to Tariff Wastewater - Pa. P.U.C. No. 8, filed on 2/8/11, proposing to clarify how the Coatesville wastewater customers are billed. PAWC is adding language to the rate pages to include the fact that it bills some wastewater customers based on sewage flows, which will become effective on 4/8/11. PAWC has stated that no customers will be affected by this tariff supplement, and therefore it did not provide notice to any customers and did not publish in any newspapers. RECOMMENDATION: That the Commission adopt the proposed Order that approves this tariff supplement.

**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>2225562-FUS</b>  <b>Vote 5-0.</b>	<b>R-2011-2225562</b> <b>R-2011-2225552</b>	<b>VERIZON NORTH and CENTURYLINK</b> - Two filings: Tariff Revision to Tariff Telephone-Pa. PUC No. 5 (VZ North), and Tariff Supplement No. 146 to Tariff Telephone-Pa. PUC No. 27 (CenturyLink), to become effective 4/12/11, proposing to modify the boundary between Verizon North's Glen Rock and CenturyLink's Hanover Exchange Areas. <b>RECOMMENDATION:</b> That the Commission approve the filings consistent with the proposed Order.
<b>2225736-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2225736</b>	<b>PENNSYLVANIA ELECTRIC CO</b> - Letter of Notification filed on 1/28/11, pursuant to 52 Pa. Code Chapter 57.72 for the Installation of Two Mid-Span Structures in the Erie West-Wayne-Handsome Lake-Homer City 345 kV HV Transmission Line Project, situated in Rockland Township, Venango County; Valley Township, Armstrong County. Authority for this procedure is provided for at §57.72(d)(1)(v). No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.
<b>2225792-FUS</b>  <b>Vote 5-0.</b>	<b>P-2011-2225792</b> <b>P-00961115F1000</b> <b>P-00961116F1000</b>	<b>TDS TELECOM/MAHANNOY &amp; MAHANTANGO and TDS TELECOM/SUGAR VALLEY TELEPHONE</b> -2011 combined Price Index/Service Price Index filing. No tariffs were filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving the filing.
<b>2226347-FUS</b>  <b>Vote 5-0.</b>	<b>A-2011-2226347</b>	<b>BELLSOUTH LONG DISTANCE, INC D/B/A AT&amp;T LONG DISTANCE SERVICE</b> - Application filed on 2/11/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Competitive Access Provider Services to the public within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order approving 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>2226594-FUS</b> <b>Vote 5-0.</b>	<b>A-2011-2226594</b>	RCN TELECOM SERVICES (LEHIGH), LLC - Application filed on 2/15/11, seeking the Commission's approval of the Company's partial Discontinuance and Abandonment of Competitive Local Exchange Carrier Services to the public specifically in the Allentown, Bethlehem and Easton rate centers within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2228999-FUS</b> <b>Withdrawn by the Bureau of Fixed Utility Services.</b>	<b>A-2011-2228999</b>	COMMPARTNERS, LLC - Application filed on 2/28/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Services to the public within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**LAW BUREAU**

<u><b>AGENDA NO.</b></u>	<u><b>DOCKET NO.</b></u>	<u><b>NAME AND SUBJECT</b></u>
<b>1163714-LAW</b> <b>Vote 5-0.</b>	<b>M-00011530</b>	<b>RURAL TELECOMMUNICATIONS CARRIERS</b> - Pursuant to the FCC's requirements, state commissions must file annual certification with the USAC and the FCC stating that rural incumbent local exchange carriers will use federal high-cost support only for the provision, maintenance and upgrading of facilities and services for which the support is intended. The Commission is required to provide certification, pursuant to 47 C.F.R. § 54.314, to USAC and the FCC that the rural telecommunications carriers are eligible to receive federal high cost support. Because of a rule change in 47 C.F.R. § 36.125(j) that allows study areas whose access lines have recently fallen below 50,000 to qualify for local switching support, the certification for Verizon Contel Pennsylvania and Verizon Quaker State Pennsylvania are now applying for this support. <b>RECOMMENDATION:</b> That the Commission adopt the attached Secretarial letter certifying Verizon Contel Pennsylvania and Verizon Quaker State Pennsylvania's eligibility for federal high-cost support.
<b>2069887-LAW</b> <b>Vote 5-0.</b>	<b>M-2008-2069887</b> <b>M-00051865</b>	<b>ENERGY EFFICIENCY CONSERVATION PROGRAM &amp; EDC PLAN</b> - The Commission previously established the process by which electric distribution companies seek Commission approval of changes to Act 129 Energy Efficiency and Conservation Plans (EE&C Plans). Recent experience has revealed that this process can take months to complete, regardless of the magnitude of proposed changes. As such, the Commission, through this Tentative Order, is releasing for comment a proposed expedited process for approving minor EE&C Plan changes. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Tentative Order.

**LAW BUREAU**

<u><b>AGENDA NO.</b></u>	<u><b>DOCKET NO.</b></u>	<u><b>NAME AND SUBJECT</b></u>
<b>2140262-LAW</b> Vote 5-0.	<b>M-2009-2140262</b> <b>L-2011-2233841</b>	<b>PROPOSED RULEMAKING - REVIEW OF EXISTING RAILROAD TRANSPORTATION REGULATIONS</b> - Notice issued on 11/6/09, seeking to review existing Railroad regulations. Comments were filed by various railroads, unions, and associations. Following review of the comments, the Proposed Rulemaking Order was drafted. <b>RECOMMENDATION:</b> That the Commission adopt the Order.
<b>2216111-LAW</b> <b>(PP from 03/17/2011)</b> Vote 5-0.	<b>P-2010-2216111</b>	<b>WEST PENN POWER CO</b> - A severe winter storm in February 2010 over a period of days which caused it to incur approximately \$15.5 million in recovery costs. This amount does not include straight-time labor expense or capital costs. West Penn requests that the Commission authorize it to defer these expenses for accounting purposes for recovery in a future base rate proceeding. <b>RECOMMENDATION:</b> That the Commission approve the proposed Order which grants the petition and states that approval of the deferral in no way guarantees recovery of these costs in a future rate proceeding.

**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>1221185-ALJ</b>  <b>Vote 5-0.</b>	<b>P-00072349</b> <b>R-00072753</b> <b>R-00072754</b>	<b>WEST PENN POWER CO</b> - Petition for Extension of its Wind Energy Service Rider filed on 7/7/10, seeking approval of a 3-year extension of the tariff provision under which customers may purchase Wind Energy Renewable Attributes. On 12/16/10, the Commission granted a temporary extension and suspended the proposed tariffs until 6/30/11. On 2/10/11, West Penn filed a Petition for Leave to Withdraw Pleading concerning the 7/7/10 petition request. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Dunderdale's Recommended Decision approving the Petition.
<b>2111161-ALJ</b>  <b>Motion by Commissioner Gardner.</b> <b>Vote 5-0.</b>	<b>C-2009-2111161</b>	<b>DAVID E MOORE VS PECO</b> - Formal Complaint filed on 5/28/09, alleging improperly refusal to change Complainant's rate from commercial to residential service despite the conversion of his business to a residence. Complainant asked that a recalculation of his electric bill be made and a payment agreement be established. PECO filed its answer to the complaint on 6/24/09. A hearing was held on 10/29/09. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Buckley's Initial Decision dismissing the complaint.
<b>2143302-ALJ</b>  <b>Motion by Vice Chairman Coleman.</b> <b>Vote 5-0.</b>	<b>C-2009-2143302</b>	<b>TIM WARRENFELTZ VS PPL ELECTRIC UTILITIES</b> - Formal Complaint filed on 11/18/09, alleging that electric bills were excessive when considering the number of household members. PPL filed its answer to the complaint on 12/14/09. A hearing was held on 7/27/10. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Melillo's Initial Decision denying the complaint.

**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>2149801-ALJ</b> <b>Postponed until the Public Meeting of April 14, 2011.</b>	<b>C-2009-2149801</b>	<b>ROBERT T MORAN VS UGI PENN NATURAL GAS</b> - Formal Complaint filed on 12/23/09, alleging improper charges for service to a building he did not own. Respondent filed its Answer and New Matter to the complaint on 1/19/10. The Complainant responded to the New Matter on 2/8/10. A hearing was held on 6/30/10. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Jandebour's Initial Decision dismissing the complaint.
<b>2152588-ALJ</b> <b>Vote 5-0.</b>	<b>C-2010-2152588</b>	<b>SHANE THOMAS VS PECO ENERGY COMPANY</b> - Formal Complaint filed on 1/14/10, alleging incorrect charges on the bill. Respondent filed its Answer and New Matter to the complaint on 2/2/10. Also, on 2/2/10, the Respondent filed a Notice to Plead and a Preliminary Objection. The Complainant did not file a response to the Respondent's Answer and New Matter, or its Preliminary Objections. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Weisman del's Initial Decision dismissing the complaint.
<b>2156422-ALJ</b> <b>Postponed until the Public Meeting of April 14, 2011.</b>	<b>C-2010-2156422</b>	<b>JAMIE ELLIOTT VS PECO ENERGY COMPANY</b> - Formal Complaint filed on 2/4/10, alleging incorrect charges on the bill. On 3/1/10, PECO filed Preliminary Objection requesting more specifics regarding the matter. PECO requested that Complainant be ordered to amend the complaint with more specificity and PECO would then file an answer accordingly. The Complainant failed to file the requested amended complaint. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Jones' Initial Decision dismissing the complaint.



**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>2194499-ALJ</b>  Vote 5-0.	<b>R-2010-2194499</b> <b>C-2010-2202083</b> <b>C-2010-2202859</b> <b>C-2010-2204514</b>	DEER HAVEN, LLC D/B/A DEER HAVEN WATER CO - Proposed overall rate increase filed on 8/19/10, in the Company's water service rates of \$29,266.00 per year. The increase would affect a residential customer in billed service per month from \$15 to \$72, or an increase of 380%. Three formal complaints were filed. On 12/23/10, counsel for Deer Haven filed a Petition for Leave to Withdraw the base rate filing. COMMISSION REVIEW: That the Commission adopt ALJ Jones' Recommended Decision granting the Petition for Leave to Withdraw the base rate of Deer Haven Water Company.
<b>2201319-ALJ</b>  Vote 5-0.	<b>M-2010-2201319</b>	WALLY GAS CO - Statement of Reconciliation for the Gas Cost Rate for the twelve 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>2207095-ALJ</b>  Vote 5-0.	<b>M-2010-2207095</b>	CLARION RIVER GAS - DIVISION OF ORWELL NATURAL GAS COMPANY - Statement of Reconciliation for the Gas Cost Rate for the twelve months ending 8/31/10. A hearing was held on 12/20/10. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
<b>2209925-ALJ</b>  Vote 5-0.	<b>P-2010-2209925</b>	COLUMBIA GAS OF PA - Petition filed on 11/12/10, seeking authorization to revise its accounting methodology for gas in storage inventory. On 2/4/11, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Recommended Decision approving the Settlement.
<b>2210040-ALJ</b>  Vote 5-0.	<b>M-2010-2210040</b>	HERMAN RIEMER GAS COMPANY - Statement of Reconciliation for the Gas Cost Rate for the twelve months ending 8/31/10. A hearing was held on 12/20/10. 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 31, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2232036-TAS Vote 5-0.	M-2011-2232036	PENNDOT - CANADIAN PACIFIC RAILWAY - Ratification of Emergency Order to affirm PennDOT's action to close the Linden Street Bridge to all vehicular traffic as a result of the collapse of a section of the bridge on March 10 and to direct PennDOT to take action to prevent pedestrian access to the damaged area of the bridge. City of Scranton RECOMMENDATION: That the Commission adopt the proposed Order ratifying the Emergency Order.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2223682-AUD Vote 5-0.	M-2011-2223682	WEST PENN POWER CO - Consumer Education Charge Effective 4/1/11. RECOMMENDATION: That the Commission approve Supplement No. 202 to Tariff Electric-Pa. P.U.C. No. 39 and Supplement No. 148 to Tariff Electric-Pa. P.U.C. No. 37 reflecting CEC rates.
2223840-AUD Vote 5-0.	M-2011-2223840	PECO ENERGY COMPANY-ELECTRIC - Consumer Education Charge Effective 4/1/11. RECOMMENDATION: That the Commission approve the proposed Supplement No. 11 to Tariff Electric-Pa. P.U.C. No. 4, reflecting revised CEC rates.
2228594-AUD Vote 5-0.	M-2011-2228594	PECO ENERGY COMPANY-ELECTRIC - Generation Supply Adjustment effective 4/1/11. RECOMMENDATION: That the Commission approve Supplement No. 12 to Electric-Pa. P.U.C. No. 4, reflecting GSA rates.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2180413-OSA</b> <b>Vote 5-0.</b>	<b>M-2010-2180413</b>	<p>METROPOLITAN EDISON CO. - Section 1307(e) Transmission Service Charge (TSC) Reconciliation Statement for the year ended on 3/31/10, filed on 6/7/10. A hearing on the matter was held on 12/20/10. The Recommended Decision of ALJ Salapa was issued on 1/31/11, in which he ordered, inter alia, that the Section 1307(e) statement for Met Ed, as set forth in OTS Exhibit No. 1, be accepted insofar as it is undisputed. No Exceptions were filed, but on 3/11/11, OTS filed a Petition to Reopen the Record because OTS Exhibit No. 1, contains a labeling error. In order to correct the record, OTS prepared Revised OTS Exhibit No. 1, and petitioned to reopen the record in order to admit Revised OTS Exhibit No. 1. On 3/24/11, Met Ed filed an Answer to the Petition.</p> <p><b>RECOMMENDATION:</b> That the Commission adopt a proposed Opinion and Order which grants the Petition and adopts the Recommended Decision as modified.</p>

## COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2218761-OSA	A-2011-2218761 A-2011-2218761 A-2011-2218763 A-2011-2218766 A-2011-2219868	CTC COMMUNICATIONS CORP T/A ONE COMMUNICATIONS - Joint Application filed on 12/23/01, for approval for the transfer of the indirect control of the ONE Entities to EarthLink. Core Communications filed a Petition to Intervene and Protest on 1/31/11. On 2/2/11, the Joint Applicants filed an Answer to the Petition and a Preliminary Objection to Core's Protest Order. On 2/9/11, Core filed its Reply to New Matter and Answer to Preliminary Objections. In an Initial Decision, issued 2/24/11, ALJ Colwell granted the Preliminary Objection, dismissed Core's Protest, and referred the Application to the Bureau of Fixed Utility Services. On 2/28/11, the Joint Applicants filed a Motion for Expedited Consideration. On 3/7/11, Core filed Exceptions to the Initial Decision. The Joint Applicants filed Replies to Exceptions on 3/10/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2218761-FUS	A-2011-2218761 A-2011-2218761 A-2011-2218763 A-2011-2218766 A-2011-2219868	CTC COMMUNICATIONS CORP T/A ONE COMMUNICATIONS - Joint Application filed on 12/23/10, for approval of a transfer of indirect control of CTC, Conversent, Lightship, and Choice One to EarthLink. RECOMMENDATION: That the Commission adopt the proposed Order which approves the transfer of indirect control of CTC, Conversent, Lightship, and Choice One to EarthLink.

Motion by Chairman Powelson.  
Vote 5-0.

Motion by Chairman Powelson.  
Vote 5-0.

**COMMISSIONERS OFFICE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2233491-CMR	P-2009-2093053 P-2009-2093054	MET ED & PENELEC - Motion Commissioner Cawley Customer Education Plan Regarding Choice Education.

Motion by Commissioner Cawley.  
Vote 5-0.