

# **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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## **PUBLIC MEETING**

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**THURSDAY, APRIL 14, 2011 (TC)**

**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:

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

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

The Next Public Meeting is Tentatively Scheduled for Thursday, April 28, 2011 at 10:00 A.M.

Minutes of the Meeting of Thursday, March 17, 2011 (WG)

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 28, 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, APRIL 14, 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**

**April 14, 2011**

**BUREAU OF TRANSPORTATION & SAFETY**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2094616-TAS</b> <div>VOTE 5-0</div>	<b>R-2009-2094616 SP-28207</b>	TRISTATE HOUSEHOLD GOODS TARIFF CONFERENCE INC - Extension of the Fuel Cost Recovery Surcharge. RECOMMENDATION: That the Commission adopt the proposed extension order.
<b>2164099-TAS</b> <div>VOTE 5-0</div>	<b>C-2011-2164099 A-00107043</b>	BUREAU OF TRANSPORTATION & SAFETY VS B. G., G. R. AND B. D. HOTTLE T/A HOTTLE BROTHERS TRUCKING - Complaint alleging failure to submit to a safety fitness review and failure to maintain adequate, efficient and safe service and facilities. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
<b>2224416-TAS</b> <div>VOTE 5-0</div>	<b>A-2011-2224416</b>	TINA L RITTENHOUSE T/A RITTENHOUSE BUSING - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. McVeytown, Mifflin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
<b>2224492-TAS</b> <div>VOTE 5-0</div>	<b>A-2011-2224492</b>	GREENSBURG YELLOW CAB CO - 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 or less, including the driver, which is to be a transfer of all the operating rights under the certificate issued to S & S Transit. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

**OFFICE OF SPECIAL ASSISTANTS**

**AGENDA NO.**

**1053978-OSA**

**VOTE 5-0**

**DOCKET NO.**

**A-00099336  
C-2008-2036773**

**NAME AND SUBJECT**

**TRANSIT AIDE, INC**

- Complaint instituted on 4/30/08, alleging failure to maintain evidence of insurance on file with the Commission. Transit Aide failed to timely answer the Complaint. The Order entered 1/23/09, inter alia, cancelled Transit Aide's certificate. Subsequently, through various petitions for reinstatement and petitions for time extension, the Commission permitted Transit Aide to attempt to sell its authority. The most recent of those Orders, entered on 1/15/10, granted Transit Aide a 90-day extension of its authority, subject to the filing of an application for transfer of authority. By Secretarial Letter of 4/29/10, the Commission noted that, since no application for transfer of the authority had been timely received, Transit Aide's certificate remained cancelled. On 12/27/10, Transit Aide and GEM Ambulance filed the instant Joint Petition for Reinstatement for Purpose of Transfer. On 1/6/11, BTS filed an Answer to the Petition.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order that denies 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>
2123944-OSA	M-2009-2123944	<p>PECO ENERGY COMPANY-ELECTRIC - Petition filed on 10/28/11, requesting, inter alia, approval of the initial dynamic pricing component of its Smart Meter Plan and approval the recovery of its Dynamic Pricing Plan costs through PECO's Generation Supply Adjustment mechanism. On 1/28/11, PECO, the OCA and the OSBA filed a Joint Petition for Partial Settlement, which resolved all of the issues except the recovery of common costs. By Recommended Decision issued 2/23/11, ALJ Chestnut recommended that the Settlement be adopted and proposed a resolution to the outstanding issue. Exceptions were filed by the OCA on 3/7/11, and Reply Exceptions were filed by PECO, the OSBA and Direct Energy Services, LLC on 3/14/11.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which, inter alia, adopts the Settlement and the Recommended Decision, as modified by the Opinion and Order.</p>
2143182-OSA	A-2009-2143182	<p>RICHLAND TOWNSHIP WATER AUTHORITY - Application filed on 11/19/09, for an alteration to a railroad crossing. By Secretarial Letter of 12/17/09, the Commission found that a hearing was not necessary in this case and that the Application was approved. By Secretarial Letter of 10/20/10, the Commission noted that no Party had objected to the prior Secretarial Letter and it also noted that the case was to be marked "closed." On 12/23/10, East Penn Railroad filed the instant Appeal from Staff Action with reference to the Secretarial Letter of 10/20/10. No response to the Petition has been received.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition and transfers the proceeding to the OALJ for further proceedings as deemed appropriate.</p>

Statement by Commissioner Christy  
VOTE 5-0

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>
2156244-OSA <div>VOTE 5-0</div>	M-2010-2156244	STAR LIMOUSINE SERVICE, INC - Objection to the Commission's general assessment for the FY 7/1/09 - 6/30/10, filed on 10/5/09. By Initial Decision issued 9/13/10, ALJ Corbett dismissed the Objection. The ALJ concluded, inter alia, that the federal Unified Carrier Registration Act does not preclude the Commission from requiring passenger motor carriers to pay assessments on certain intrastate revenue. Exceptions were filed by Star Limousine on 9/29/10. Replies to Exceptions were filed by the Law Bureau Prosecutory Staff on behalf of the Commission's Bureau of Administrative Services on 10/8/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies Star Limousine's Exceptions and adopts the ALJ's Initial Decision.
2167824-OSA (PP from 03/31/2011) <div>Motion by Commissioner Gardner Statement by Commissioner Christy VOTE 5-0</div>	C-2010-2167824	BARBARA R LOLLY VS DUQUESNE LIGHT COMPANY - Formal Complaint filed on 3/22/10, alleging a reliability or quality problem with provisions of electrical service and requesting reimbursement for the cost of replacing damaged appliances. Duquesne filed an Answer on 4/30/10, admitting that there was an outage and that it replaced a transformer and denying the remainder of the allegations. In the Initial Decision, issued on 11/16/10, ALJ Dunderdale sustained the Complaint, in part, and denied the Complaint, in part. Duquesne filed Exceptions to the Decision on 12/6/10. Replies to Exceptions were not filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Exceptions and modifies the Initial 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>2177857-OSA</b> <div>VOTE 5-0</div>	<b>C-2010-2177857</b> <b>A-00049926</b> <b>C-2010-2177857</b>	<b>BUREAU OF TRANSPORTATION &amp; SAFETY VS YELLOW CAB CO OF PITTSBURGH</b> - Complaint instituted on 10/14/10, alleging violations of several of the Commission's regulations. The Notice attached to the Complaint advised the Petitioner that if it did not file an Answer to the Complaint within 20 days, then BTS would request that the Commission impose a \$650 penalty. The Commission attempted to serve the Petitioner with the Complaint by Certified Mail on 10/14/11, but the Complaint was returned as undeliverable on 10/25/10. The Complaint was then sent by first class mail. The Petitioner did not file an Answer. As a result, by Secretarial Letter issued on 12/30/10, the Commission sustained the Complaint and imposed a \$650 civil penalty. On 1/7/11, the Petitioner filed a Petition to Rescind Order and for Leave to File Answer to Complaint, Nunc Pro Tunc, with reference to the Secretarial Letter. No Answers to the Petition have been filed. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which grants the petition.
<b>2229473-OSA</b> <div>VOTE 5-0</div>	<b>A-2011-2229473</b>	<b>NTELOS and VERIZON PENNSYLVANIA</b> - Joint Petition filed on 3/3/11, seeking approval of an Interconnection Agreement and Amendment No. 1 thereto, pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the PA Bulletin on 3/19/11. 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>
1093373-FUS <div>VOTE 5-0</div>	A-110005	AMERADA HESS CORPORATION - Application filed on 2/25/11, for approval of a request to amend its existing electric generation supplier license to include the provision of service to residential and small commercial and industrial customers (demand of 25 kW and below) in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the amendment.
2221434-FUS <div>VOTE 5-0</div>	A-2011-2221434	AMERESCO, INC - Application filed on 1/13/11, for approval of 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 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>
2224748-FUS <div>VOTE 5-0</div>	A-2011-2224748	RESOURCE ENERGY SYSTEMS, LLC - Application filed 1/28/11, for approval of a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25 kW demand) and industrial customers in electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2227268-FUS <div>VOTE 5-0</div>	A-2011-2227268	GEARYENERGY, LLC - Application filed on 2/23/11 for approval of a license to offer, render, furnish or supply electricity or electric generation services as a supplier engaged in the business of supplying electricity for large commercial (over 25kw), industrial and governmental customers in the electric distribution company service territory of Met Ed within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2228999-FUS <div>VOTE 5-0</div>	A-2011-2228999	COMMPARTNERS, LLC - Application filed on 2/28/11, seeking 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.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2225985-LAW <div>VOTE 5-0</div>	P-2011-2225985	EQUITABLE GAS CO, LLC - Petition for a limited waiver of Customer Survey Reporting Requirements pursuant to 52 Pa. Code § 62.34. Specifically requesting that the Commission allow it to submit data from 6/2010 - 12/2010, due to a data sampling error that invalidated the sample from 1/2010 to 5/2010. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.
2230988-LAW <div>VOTE 5-0</div>	P-2011-2230988 P-00981410	UNITED TELEPHONE d/b/a CENTURYLINK - Proprietary and non-proprietary versions of Network Modernization Plan Biennial Report and a Petition for Protective Order filed on 3/15/11 and amended on 3/24/11, regarding the proprietary version of its report because of the alleged competitively-sensitive nature of the information contained therein. RECOMMENDATION: That the Commission grant the Petition for Protective Order and adopt the proposed Order.

**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>(PP from 03/31/2011)</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 Jandebeur's Initial Decision dismissing the complaint.
<div>VOTE 5-0</div>		
<b>2156422-ALJ</b> <b>(PP from 03/31/2011)</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.
<div>Motion by Commissioner Gardner Statement by Vice Chairman Coleman VOTE 5-0</div>		
<b>2162269-ALJ</b> <b>(PP from 03/31/2011)</b>	<b>C-2010-2162269</b>	<b>AFRICA'S PEARL VS PECO ENERGY</b> - Formal Complaint filed on 2/22/10, alleging that in the last two years, payments of at least \$18,000 were made, but shut off notices were sent and interest and late payment fees were charged. The Complainant asked for an investigation of the Respondent's practice. On 3/24/10, PECO filed an Answer and New Matter, a Notice to Plead, and Preliminary Objections to the complaint. The Complainant failed to file an answer in response to PECO's filings. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Nguyen's Initial Decision dismissing the complaint without prejudice.
<div>Joint motion by Vice Chairman Coleman and Commissioner Gardner Dissent by Commissioner Christy VOTE 4-1</div>		

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2180408-ALJ <div>VOTE 5-0</div>	M-2010-2180408	PENNSYLVANIA ELECTRIC CO - Section 1307(e) Transmission Service Charge Reconciliation Statement filed on 6/7/10, setting forth the over/under collections for the twelve-month period which ended on 3/31/10. On 12/20/10, a hearing was held. COMMISSION REVIEW: That the Commission adopt Judge Salapa's Recommended Decision accepting the Statement, insofar as it is undisputed.
2191565-ALJ <div>VOTE 5-0</div>	M-2010-2191565	VEOLIA ENERGY PHILA, INC f/k/a TRIGEN-PHILADELPHIA ENERGY CORP - Annual Steam Cost Rate Reconciliation filed on 7/29/10, for the twelve months ended 6/30/10. On 2/17/11, a public hearing was held to review Veolia's filing. COMMISSION REVIEW: That the Commission adopt Judge Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2213701-ALJ <div>VOTE 5-0</div>	M-2010-2213701	PPL ELECTRIC UTILITIES CORP - Annual Universal Service Rider Reconciliation filed on 12/10/10, for the period 1/1/10 to 12/31/10. On 2/8/11, a public hearing was held to review the filing. COMMISSION REVIEW: That the Commission adopt Judge Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2213731-ALJ <div>VOTE 5-0</div>	M-2010-2213731	PPL ELECTRIC UTILITIES CORP - Annual Generation Supply Charge Reconciliation filed on 12/10/10, for the period 1/1/10 to 12/31/10. On 2/8/11, a public hearing was held to review the filing. COMMISSION REVIEW: That the Commission adopt Judge Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CARRY-IN AGENDA**

**April 14, 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>2210382-FUS</b>	<b>A-2010-2210382</b>	<b>FULL SERVICE COMPUTING CORP</b> - Application for approval of a pro forma corporate restructuring including the transfer of assets and customer base of Full Service Computing Corp., t/a Full Service Network (FSCC) to Full Service Network LP. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order
<div>Postponed until April 28, 2011 meeting</div>		