

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MAY 5, 2011 (WG)

10:00 A.M.

**MAIN HEARING ROOM NO. 1
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

The Commission will act on various matters at today's meeting, which is open to the public. However, since adequate forums have been made available for public participation in cases before the Commission, there will be no opportunity for the public to address the Commission.

The attached agenda is complete at the time of issuance, but other items may be added and some stricken without further notice.

The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, its decision---except on routine, uncontested tariff filings---will be put in writing and served on the interested parties and made public at the time it is entered and served.

All public documents---such as orders, opinions, hearing transcripts, comments, initial and recommended decisions, and the like---relating to items on the agenda, may be examined in the Commission's File Room located in Room N-201, Second Floor, this Building.

The Commissioners seated on the bench are:

COMMISSIONER	VICE CHAIRMAN	CHAIRMAN	COMMISSIONER	COMMISSIONER
Wayne E. Gardner	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, May 19, 2011 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 14, 2011 (TC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 19, 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, MAY 5, 2011, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 10:30 A.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

- 1. DISCUSSING PERSONNEL MATTERS.**
- 2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF ABOUT ACTIONS WHICH THIS COMMISSION IS LITIGATING BEFORE OTHER ADMINISTRATIVE AGENCIES OR COURTS.**
- 3. DISCUSSING CASES WHICH WILL BE COMMENCED OR ADJUDICATED BY COMMISSION ACTION.**
- 4. REVIEWING LEGALLY PRIVILEGED OR CONFIDENTIAL MATTERS.**
- 5. DISCUSSING COLLECTIVE BARGAINING ISSUES.**
- 6. CONSIDERING THE PURCHASE OR LEASE OF REAL ESTATE.**

AN AGENDA FOR THE EXECUTIVE SESSION WILL BE DISTRIBUTED TO ALL COMMISSIONERS IN ADVANCE OF THIS SESSION. THIS NOTICE IS PROVIDED IN ACCORDANCE WITH ACT 84 of 1986, KNOWN AS THE SUNSHINE ACT.

**COPIES OF CHAIRMAN AND COMMISSIONERS'
MOTIONS AND STATEMENTS WILL BE
AVAILABLE FOR PICK-UP
IMMEDIATELY AFTER PUBLIC MEETING
IN JR. EXECUTIVE CHAMBERS
3RD FLOOR KEYSTONE BUILDING**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

May 5, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2126830-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	A-2009-2126830	PENNDOT - Application to alter the crossing in the Borough of Tamaqua, Schuylkill County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2207496-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	A-2010-2207496	PENNDOT - Application for approval to reconstruct a bridge in South Straben Township, Washington County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2223607-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	A-2011-2223607	YOUTH TRANSIT AUTHORITY LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service, restricted to passengers, or family of passengers, who are affected by "intellectual disabilities, aspergers, autism and mental health." Hummelstown, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2224365-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	C-2011-2224365 A-00113411F0002	BUREAU OF TRANSPORTATION & SAFETY VS LAROSE LIMOUSINE SERVICES INC - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2226695-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	C-2011-2226695 A-00122079	BUREAU OF TRANSPORTATION & SAFETY VS ROADCO TRANSPORTATION SERVICES INC - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2227106-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2011-2227106 A-00110899	BUREAU OF TRANSPORTATION & SAFETY VS TROPIANO AIRPORT SHUTTLE INC - Complaint alleging respondent failed to pay an outstanding fine. North Wales, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled, and Respondent be fined \$100.
2227316-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2011-2227316 A-6410798	BUREAU OF TRANSPORTATION & SAFETY VS EPIC TOURS LLC - Complaint alleging respondent failed to pay an outstanding fine. Allentown, Lehigh County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled.
2227340-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2011-2227340 A-899802	BUREAU OF TRANSPORTATION & SAFETY VS MICHAEL TANDOH - Complaint alleging respondent failed to pay an outstanding fine. Wilkes-Barre, Luzerne County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled.
2229394-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2229394	LYNN MICHELLE SMITH T/A ALLEGHENY COACH - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Sharpsburg, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2233386-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	R-2011-2233386	STUMPTOWN TRANSPORTATION SERVICES, LLC - Increase in rates. Bird in Hand, Lancaster County RECOMMENDATION: That the Commission approve Tariff Paratransit Pa. PUC No. 2.
2233456-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2233456	JACK TREIER, INC - Application for amendment to its authority to transport household goods in use which is to be a transfer of all the rights autohized under the certificate issued to Shelly Moving & Storage, inc. Lancaster, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2233824-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	R-2011-2233824	FREDERICK STINELLI T/A STINELLI BROS MOVING & STORAGE - Increase in rates. North Huntingdon, Westmoreland County RECOMMENDATION: That the Commission approve Tariff Freight Pa. PUC No. 3.
2233826-TAS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	R-2011-2233826	WILLIAM C STUMPF T/A STUMPF MOVING & STORAGE COMPANY - Increase in rates. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission approve 4th revised page 101, 2nd revised page 102, and 2nd revised page 103 to Freight Pa. PUC No. 54.

BUREAU OF CONSUMER SERVICES

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2192210-BCS

M-2010-2192210

NATIONAL FUEL GAS DISTRIBUTION
- Universal Service and Energy Conservation Plan for
2011-2013, filed on 5/28/10, in accordance with the
Commission's regulations at 52 Pa. Code
§§ 62.1-62.8
RECOMMENDATION:
That the Commission adopt the proposed Final Order,
which approves NFG's Plan.

Vote 5-0

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1191938-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-00121679 C-2010-2171406	GOOD SAMARITAN LIMOUSINE SERVICE INC - By Order entered 8/18/10, the Commission cancelled the Certificate of Public Convenience, due to its failure to pay its assessment. On 3/22/11, Good Samaritan filed a Petition for Reinstatement of its Certificate of Public Convenience. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the petition.
2057984-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2009-2057984	BUREAU OF TRANSPORTATION & SAFETY VS ROCKROAD TRUCKING LLC - By Secretarial Letter dated 9/19/09, the Respondent was advised that its authority would be suspended on 9/22/09 if proof of insurance was not filed. Insurance was not timely filed. On 11/4/09, BTS instituted a Complaint and requested that a civil penalty of \$250 be imposed. The Respondent filed an Answer on 11/19/09. On 8/13/10, the Respondent and the Commission's Law Bureau Prosecutory Staff, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$250 would be reduced to \$100. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
2093216-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	M-2009-2093216	PPL ELECTRIC UTILITIES CORP - Revised Energy Efficiency and Conservation (EE&C) Plan filed 9/15/10, pursuant to Act 129 of 2008. By Opinion and Order entered 1/28/11, the Commission approved the September 2010 Plan and directed PPL to file a revised Plan that included program changes that were not reflected in the September 2010 Plan. PPL filed a revised Plan on 2/28/11. Comments were filed by PPLICA on 3/21/11, and by SEF on 3/22/11. Reply Comments were filed by PPL on 3/31/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that, inter alia, approves the February 2011 Plan.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2156235-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	M-2010-2156235	<p>AIR STAR TRANSPORT & LIMOUSINE SERVICE - Objection to the Commission's General Assessment for FY 09/10 filed on 10/5/09. By Initial Decision issued 9/9/10, 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 Air Star on 9/29/10. Reply 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 Air Star's Exceptions and adopts the ALJ's Initial Decision.</p>
2170414-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	F-2010-2170414	<p>MARK WATTS VS PEOPLES NATURAL GAS - Formal Complaint filed on 4/12/10, alleging incorrect billing and over-charges for gas services beginning with his 1/09 gas bill. A telephonic hearing was conducted on 10/27/10, by ALJ Hoyer. On 3/1/11, the Commission issued ALJ Hoyer's Initial Decision dismissing the Complaint for failure by the Complainant to meet his burden of proof. On 3/17/11, Mark Watts filed Exceptions. No Replies to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions of Mark Watts and modifies the ALJ's Initial Decision consistent with the discussion therein.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2181089-OSA <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	F-2010-2181089	<p>DONALD LELAND VS PECO ENERGY CO - Formal Complaint filed on 6/1/10, alleging that he was not responsible for the tampering associated with his electric meter. A hearing was held on 10/8/10, before ALJ Nguyen. On 11/18/10, the ALJ issued an Initial Decision dismissing the Complaint. On 1/7/11, the Commission entered a Final Order at this docket which adopted the ALJ Nguyen's Initial Decision. The Complainant filed a Petition for Reconsideration on 1/14/11.</p> <p>RECOMMENDATION: That the Commission deny the Complainant's Petition for Reconsideration and adopt the ALJ's Initial Decision consistent with this Opinion and Order.</p>
2187221-OSA (PP from 04/28/2011) <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	C-2010-2187221	<p>BUREAU OF TRANSPORTATION & SAFETY VS CONCORD LIMOUSINE T/A CONCORD COACH TAXI - Complaint instituted on 11/10/10, alleging failure to provide to the Commission a current list of all of its vehicles utilized under its limousine authority. Concord Limo was notified that, if an Answer was not filed within 20 days, the recommended civil penalty of \$500 would be imposed. By Secretarial Letter of 2/3/11, the Commission noted that no timely response to the Complaint was received and directed payment of a civil penalty of \$500 within 20 days. Concord Limo paid \$250 of that civil penalty. On 2/12/11, Concord Limo filed the instant Appeal from Staff Action with reference to the Secretarial Letter of 2/3/11. No response to the Appeal has been received.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order with denies the appeal.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2192853-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2010-2192853	ERIC HUDSON VS PECO ENERGY CO - Formal Complaint filed on 8/10/10, alleging that there are incorrect charges on his bill and asking for a payment agreement. A hearing was held on 12/13/10, before ALJ Pell. By Initial Decision issued on 3/4/11, the Complaint was denied. The Complainant filed Exceptions on 3/23/11. No Replies to Exceptions were filed. 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.
2228843-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2228843	METROPOLITAN TELECOMMUNICATIONS CORP OF PA and COMMONWEALTH TELEPHONE CO, LLC - Joint Petition filed on 3/2/11, seeking approval of an Interconnection Agreement. Notice of was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2228993-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2228993	METROPOLITAN TELECOMMUNICATIONS CORP OF PA and FRONTIER COMMUNICATIONS OF BREEZEWOOD - Joint Petition filed on 3/3/11, seeking approval of an Interconnection Agreement. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2229000-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2229000	METROPOLITAN TELECOMMUNICATION CORP OF PA and FRONTIER COMMUNICATIONS OF PA, LLC - Joint Petition filed on 3/3/11, seeking approval of an Interconnection Agreement. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2229001-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2229001	METROPOLITAN TELECOMMUNICATIONS CORP OF PA and FRONTIER COMMUNICATIONS OF CANTON - Joint Petition filed on 3/3/11, seeking approval of an Interconnection Agreement. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2229029-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2229029	METROPOLITAN TELECOMMUNICATIONS CORP OF PA and FRONTIER COMMUNICATIONS OF LAKEWOOD, LLC - Joint Petition filed on 3/3/11, seeking approval of an Interconnection Agreement. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2229032-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2229032	METROPOLITAN TELECOMMUNICATIONS CORP OF PA and FRONTIER COMMUNICATIONS OF OSWAYO RIVER, LLC - Joint Petition filed on 3/3/11, seeking approval of an Interconnection Agreement. Notice of the Joint Petition was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2210382-FUS (PP from 04/28/2011) <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	A-2010-2210382	FULL SERVICE COMPUTING CORP T/A FULL SERVICE NETWORK - 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. RECOMMENDATION: That the Commission adopt the proposed Order.
2212421-FUS <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	A-2010-2212421	ENERGY SERVICES PROVIDERS INC D/B/A PENNSYLVANIA GAS & ELECTRIC - Application filed on 11/29/10, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier and aggregator of retail electric power to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial and governmental customers in the electric distribution company service territories of Allegheny Power, Duquesne Light, PECO Energy, PPL Electric, Pike County Light & Power, and UGI Utilities, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2216136-FUS <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	A-2010-2216136	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 12/17/10, pursuant to 52 Pa. Code Chapter 57 Subchapter G, for approval to construct an extension of First Quality #4 138/69 kV Tap Line to a new substation of First Quality Products in Wayne Township, Clinton County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2221869-FUS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2221869	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - Application filed on 1/14/11, for approval for the purchase of 3 acres of property in Pike County, for the purpose of constructing a new electric substation and an operational service center. The application was filed pursuant to Section 1102(a)(3) of the Public Utility Code, 66 Pa.C.S. §1102(a)(3). RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2229687-FUS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	P-2011-2229687 C-20031273	FINCH HILL WATER COMPANY, INC - Petition filed on 3/7/11, for exemption of metering requirements, pursuant to 52 PA Code 65.7. No protests were filed, and no hearings were conducted. RECOMMENDATION: That the Commission adopt the proposed Order that approves the petition.
2232137-FUS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2232137	SUSTAINABLE STAR, LLC - Application filed on 3/3/11, 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.
2232249-FUS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	A-2011-2232249	TEXAS RETAIL ENERGY, LLC - Application filed on 12/16/10, for approval of a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to Wal-Mart corporate facilities in the electric distribution company service territories of West Penn Power, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO, and PPL Electric throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2230259-FUS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	R-2011-2230259	NEWTOWN ARTESIAN WATER CO - Supplement No. 82 to Tariff Water-Pa. P.U.C. No. 9, filed on 3/10/11, proposing an annual increase in revenue of \$999,839 (18.6%) with \$649,933 of the increase to become effective 5/9/11, and \$349,906 of the increase to become effective 1/1/12. Formal Complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2230259-OTS <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	R-2011-2230259	NEWTOWN ARTESIAN WATER CO - Supplement No. 82 to Tariff Water - Pa. P.U.C. No. 9, filed on 3/10/11, to become effective 5/9/11, proposing an increase of \$999,839 representing an increase in annual revenues of 18.6%. 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 12/9/11.

COMBINED AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2179796-QUC	M-2010-2179796	PPL ELECTRIC UTILITIES CORP - Initial Decision of ALJ Colwell issued on 12/10/10, denying the Petition to Intervene filed by Pennsylvania Communities Organizing for Change (PCOC). Exceptions were filed by PCOC and OCA. Reply Exceptions were filed by PPL. COMMISSION REVIEW: That the Commission adopt the proposed Order which grants, in part, and denies, in part, the Exceptions of PCOC and OCA, modifies the Initial Decision and denied PCOC's Petition to Intervene.
<div style="border: 1px solid red; padding: 5px; color: red;">Vote 5-0 Commissioner Cawley concurs in result only</div>		
2179796-CNL	M-2010-2179796	PPL ELECTRIC UTILITIES CORP - Universal Service and Energy Conservation Plan filed on 6/1/10, pursuant to 52 Pa. Code §§ 54.71-54.78. Numerous Petitions to Intervene were filed. On 2/23/11, a hearing was held. A Joint Petition for Settlement of the contested issues was filed on 2/18/11. RECOMMENDATION: That the Commission adopt Judge Colwell's Recommended Decision approving the Settlement with modification.
<div style="border: 1px solid red; padding: 5px; color: red;">Statement by Commissioner Cawley Vote 5-0</div>		

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2236817-LAW

P-2011-2236817

Vote 5-0

VERIZON NORTH, LLC
- Petitions for a bona fide retail request deployment extension of six-weeks relating to its Ralston CSA 3201 pursuant to 66 Pa. C.S. § 3014(c)(5); and, asserts the delay was attributable to factors beyond its control.
RECOMMENDATION:
That the Commission adopt the proposed Order granting the petition.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2129076-ALJ <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	C-2009-2129076	<p>JOHNESHA TEEL VS PECO ENERGY COMPANY - Formal Complaint filed on 8/31/09, alleging among other things: incorrect charges on her bill; she would like a payment arrangement; and that she wants to have her service restored. PECO filed its answer on 9/29/09 and a hearing was held on 1/14/10. COMMISSION REVIEW: That the Commission adopt ALJ Fordham’s Initial Decision dismissing the complaint.</p>
2169033-ALJ (PP from 04/28/2011) <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	C-2010-2169033	<p>PAMELA REEVER VS PPL ELECTRIC UTILITIES - Formal Complaint filed on 4/5/10, listing allegations as “Information documented in previous phone calls with PUC.” For relief, Complainant states that the amount she was back-billed should be removed from her account since it was not her mistake. On 4/28/10, PPL filed its answer denying any wrong-doing on the part of the utility. Respondent admits that Complainant was rebilled on or about 6/2/09, following PPL’s discovery that Complainant was being billed for usage in another residential unit due to a meter mix, which resulted in the additional amount of \$1,445.32 being added to her bill. A hearing was held on 8/4/10. COMMISSION REVIEW: That the Commission adopt ALJ Colwell’s Initial Decision granting the complaint, insofar as it results in a payment agreement for the outstanding arrearage due to rebilling for the subject meter mix, and denied in all other aspects.</p>

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2180791-ALJ <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	F-2010-2180791	PAUL A DODSON VS PECO ENERGY CO - Formal Complaint filed on 5/27/10, alleging PECO transferred charges as a result of foreign wiring/foreign load in the Complainant's apartment building. PECO filed its Answer and New Matter to the complaint on 6/30/10. On 8/19/10, PECO filed its Motion for Judgment on the Pleadings. The Complainant did not file a responsive pleading to PECO's Motion for Judgment on the Pleadings. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Initial Decision dismissing the complaint.
2181920-ALJ <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2010-2181920	RAY VASILEV VS PIKE COUNTY LIGHT & POWER - Formal Complaint filed on 6/10/10, alleging a high bill due to a former spouse, and requesting a payment arrangement. Pike County filed its Answer and New Matter on 7/6/10. A hearing was held on 9/16/10. COMMISSION REVIEW: That the Commission adopt ALJ Jandebour's Initial Decision dismissing the complaint.
2181983-ALJ <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;">Vote 5-0</div>	C-2010-2181983	RONALD DANIEL VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 6/9/10, alleging, inter alia, that he was billed for gas used at a different address, where he was the landlord, and that the tenant used the gas. PGW filed an Answer denying that it billed Complainant for a tenant's usage. Also, PGW averred that the City of Phila., as owner of PGW, filed a lien against the property under the Municipal Claim and Tax Lien Law for the unpaid gas bill of the tenant, who was the customer of record. PGW also filed Preliminary Objections and a Motion to Strike Impertinent Matter. No response to the Preliminary Objections was filed by Complainant. COMMISSION REVIEW: That the Commission adopt ALJ Smolen's Initial Decision sustaining PGW's Preliminary Objections, and dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2187137-ALJ <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	F-2010-2187137	ADAEZEH EZEH VS PEOPLES NATURAL GAS COMPANY LLC - Formal Complaint filed on 7/9/10, alleging PNG improperly established a gas service account in Complainant's name. PNG filed its answer on 8/3/10 and a hearing was held on 11/8/10. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Initial Decision sustaining the complaint to the extent of PNG crediting Complainant from 9/1/09 through 12/22/09, and recalculate the amount owed from 12/8/08 through 8/31/09.
2212426-ALJ <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 5px;">Vote 5-0</div>	F-2010-2212426	MICHAEL INGRAM SR VS PECO ENERGY CO - Formal Complaint filed on 11/20/10, alleging PECO placed an outstanding balance in the name of a former tenant of the Complainant in Complainant's name. PECO filed Preliminary Objections to the complaint on 12/17/10, and on 12/20/10, PECO filed its Answer and New Matter. The Complainant did not file an answer to PECO's Preliminary Objection. COMMISSION REVIEW: That the Commission adopt ALJ Weisman's Initial Decision dismissing the complaint.
2213754-ALJ (PP from 04/28/2011) <div style="border: 1px solid red; padding: 5px; margin-top: 5px;">Motion by Commissioner Cawley Statement by Commissioner Christy Vote 5-0</div>	M-2010-2213754	PPL ELECTRIC UTILITIES CORP - Transmission Service Charge Reconciliation Statement filed on 12/6/10, for the period 12/1/09 to 11/30/10. A hearing was held on 2/8/11. 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

May 5, 2011

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1053978-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	A-00099336 C-2008-2036773	TRANSIT AIDE, INC - Commission Order issued on 4/15/11, which denied the Joint Petition for Reinstatement of Certificate which had been filed; and, closed the proceeding. On 4/29/11, Transit Aide and GEM filed a Joint Petition for Reconsideration of the Order. RECOMMENDATION: That the Commission adopt a proposed Opinion and Order which grants reconsideration, pending review of, and consideration on, the merits.
2191780-OSA <div style="border: 1px solid red; padding: 2px; display: inline-block;">Vote 5-0</div>	A-2010-2191780 A-6412531	MEGABUS NORTHEAST LLC T/A MEGABUS.COM - Application filed on 7/30/10. The Commission approved the application on 11/22/10, conditioned upon Megabus's submission of a tariff establishing just and reasonable rates. Megabus submitted a tariff to BTS on 12/6/10. Per BTS's request, Megabus resubmitted the tariff, along with additional supporting documentation, on 1/5/11. BTS rejected the tariff by letter dated 1/25/11, because it was concerned that the rates would be applied in a discriminatory manner. In response to BTS's determination, Megabus filed the instant Appeal from Staff Action on 2/11/11. No response to the Appeal has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Appeal from Staff Action.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2108601-LAW	M-2009-2108601 M-2008-2069887	ACT 129 TOTAL RESOURCE COST TEST - Act 129 of 2008 directs use of the TRC test to analyze costs and benefits of energy efficiency and conservation plans that EDCs are required to file. The PA TRC Test was adopted 6/23/09. This Tentative Order seeks comments on proposed refinements to the PA TRC test for use through 5/31/13, and on the use of the TRC test beginning 6/1/13. RECOMMENDATION: That the Commission adopt the proposed Tentative Order.
2224331-LAW	P-2011-2224331	T W PHILLIPS GAS & OIL CO - Petition filed on 2/7/11, to defer the start date of its EHF from 5/1/11 to 9/1/11, and the filing of its CAP-Plus proposal from 3/1/11 to 7/1/11. T.W. Phillips seeks to defer the start date of its revised EHF to allow for additional time to conduct outreach and education efforts and to permit the Company to synchronize the start of the new program with the resetting of customers' budget bill amounts. T. W. Phillips also seeks to defer the filing of its CAP-Plus proposal because the development of CAP-Plus is closely associated with development of the revised EHF. RECOMMENDATION: That the Commission approve the petition.
2238464-LAW	P-2011-2238464	DEER HAVEN LLC - Emergency Order issued on 4/29/11, in response to a water outage experienced by customers in the White Pines on the Lake seasonal community. RECOMMENDATION: That the Commission adopt the proposed Ratification Order.

Statement by Commissioner Cawley
Vote 5-0

Vote 5-0

Vote 5-0