

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JUNE 9, 2011 (TC)

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, June 30, 2011 at 10:00 A.M.

Minutes of the Meeting of Thursday, May 5, 2011 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, JUNE 30, 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, JUNE 9, 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

June 9, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2108518-TAS Vote 5-0.	R-2009-2108518 S.P. 28209	PA TAXICAB & PARATRANSIT ASSOCIATION - Extension of the Fuel Cost Recovery Surcharge for Call or Demand, Paratransit & Airport Transfer Carriers. RECOMMENDATION: That the Commission allow call or demand, paratransit, and airport transfer carriers to continue utilizing the Fuel Cost Recovery Surcharge and that it be extended until midnight, 6/30/12.
2161998-TAS Vote 5-0.	A-2010-2161998	PA-NYC TRANSPORTATION SERVICES, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Bethlehem, Northampton County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2180179-TAS Vote 5-0.	A-2010-2180179	ADVANCED LIFE SUPPORT AMBULANCE, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Huntingdon Valley, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Tentative Order approving the application.
2191504-TAS Vote 5-0.	A-2010-2191504	SUSQUEHANNA VALLEY EMERGENCY MEDICAL SERVICE - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Mount Joy, 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>
2203196-TAS Vote 5-0.	C-2011-2203196	BUREAU OF TRANSPORTATION & SAFETY VS KIMBERLY M FELICITY - Complaint alleging respondent held out to provide transportation of persons for compensation while not then holding a Certificate of Public Convenience. Pittsburgh RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that the respondent be fined \$1,000, and that PennDot be directed to suspend the motor vehicle registration.
2219641-TAS Vote 5-0.	A-2011-2219641	CASINO EXPRESS, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2224519-TAS Vote 5-0.	A-2011-2224519	TDF SERVICES, INC - 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 or less, including the driver. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2231181-TAS Vote 5-0.	C-2011-2231181 A-00118933	BUREAU OF TRANSPORTATION & SAFETY VS A MOSES, INC - Complaint alleging failure to pay outstanding assessments. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled, and Respondent be fined \$100.
2233331-TAS Vote 5-0.	A-2011-2233331	STAR EXPRESS TRANSPORT LLC T/A STAR EXPRESS LIMOUSINE - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Harrisburg, Dauphin 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>
2233889-TAS Vote 5-0.	A-2011-2233889	NORFOLK SOUTHERN RAILWAY, CO - Application for approval of an exemption from the Commission's overhead clearance requirements. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2238025-TAS Vote 5-0.	A-2011-2238025 A-00082050	DOMINIC J EARAMINAS - Request for the cancellation of the certificate of public convenience authorizing the transportation of persons, as a common carrier in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2242471-TAS Vote 5-0.	I-2011-2242471	INVESTIGATION - MARION TOWNSHIP - Commission's motion to determine the condition and disposition of an existing structure in Marion Township, Beaver County, involving a track of CSX Transportation, operated by Buffalo & Pittsburgh Railroad. RECOMMENDATION: That the Commission adopt the proposed Order recommending an investigation be instituted.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2179624-AUD Vote 5-0.	D-2010-2179624	METROPOLITAN EDISON COMPANY - Auditor's Report of Transmission Service Charge for the twelve months ended 3/31/10. RECOMMENDATION: That the Commission release the Audit Report to the public.
2179625-AUD Vote 5-0.	D-2010-2179625	PENNSYLVANIA ELECTRIC COMPANY - Auditor's Report of Transmission Service Charge For The Twelve Months Ended 3/31/10. RECOMMENDATION: That the Commission release the Audit Report to the public.

BUREAU OF CONSUMER SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1202907-BCS Vote 5-0.	L-00060182	RULEMAKING - CHAPTER 56 - The Commission is submitting a Report pursuant to Section 745.7(c) of the Regulatory Review Act, 71 P. S. § 745.7(c). The Commission has decided to revise the final-form regulation in order to respond to objections raised by the IRRC, and adopt this regulation with revisions. The Report contains the revised final-form regulation, which includes: the Revised Final Rulemaking Order, Annex A, and Attachments One through Six. In addition, the Report contains the findings of IRRC and our response and recommendations regarding the final-form regulation. RECOMMENDATION: That the Commission adopt the Report to the Independent Regulatory Review Commission.

BUREAU OF CONSERVATION ECONOMICS & ENERGY PLANNING

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1184239-CEP Vote 5-0.	M-00031715F0004	<p>METROPOLITAN EDISON COMPANY - Letter Petition filed on 12/6/10 for approval of revisions to the by-laws that govern its operations. On 9/23/98 the Commission approved the Joint Petition for Full Settlement of restructuring proceedings to comply with the requirements of the Electricity Generation Customer Choice and Competition Act. The Sustainable Energy Fund (SEF) was established to promote the development and use of renewable energy and clean energy technologies, energy conservation and efficiency and renewable business initiatives and projects that improve the environment in the companies' service territories.</p> <p>RECOMMENDATION: That the Commission approve the by-laws' revisions requested.</p>

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1053978-OSA

A-00099336
C-2008-2036773

Vote 5-0.

TRANSIT AIDE, INC
- Complaint instituted on 4/30/08, alleging failure to maintain evidence of insurance on file with the Commission. By Order entered 1/23/09, Transit Aide's Certificate was cancelled. Through various petitions for reinstatement and petitions for time extension, the Commission permitted Transit Aide to attempt to sell its authority. On 1/15/10, the Commission entered an Order granting Transit Aide a 90-day extension of its authority, subject to the filing of an application for transfer of its authority. No application was timely filed. By Secretarial Letter of 4/29/10, the Commission noted that Transit Aide's Certificate remained cancelled. On 12/27/10, Transit Aide and GEM Ambulance filed a Joint Petition for Reinstatement for Purpose of Transfer. By Order entered 4/15/11, the Commission denied the Joint Petition. On 4/29/11, Transit Aide and GEM filed a Joint Petition for Reconsideration. The Commission granted reconsideration, pending review of the merits.
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order that denies the Petition for Reconsideration.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2134394-OSA (PP from 05/19/2011)	C-2010-2134394	BUREAU OF TRANSPORTATION & SAFETY VS HARRY WILLIAMS T/A EAGLE TAXI - Complaint initiated on 10/6/09, alleging various violations of Commission's Regulations pertaining to maintaining insurance and certain log sheets. BTS sought a civil penalty of \$162,750 for these alleged violations and the cancellation of Eagle's Certificate of Public Convenience. On 8/16/10 Eagle filed an Answer to the Complaint. On 2/10/11, the Parties filed a Settlement Agreement to resolve the allegations in the Complaint. As part of the Settlement Agreement, the Parties proposed that Eagle maintain its Certificate of Public Convenience and the civil penalty be reduced from \$162,750 to \$5,000. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which approves the proposed Settlement Agreement.

**Joint Dissenting Statement by Chairman
Powelson and Vice Chairman Coleman.
Statement by Commissioner Gardner.
Vote 3-2 with Chairman Powelson and Vice
Chairman Coleman Dissenting.**

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2155056-OSA Postponed until the Public Meeting of June 30, 2011.	C-2010-2155056	ROBERT DUNHAM VS PPL ELECTRIC UTILITIES CORP - Formal Complaint filed 1/25/10, alleging PPL misled him regarding the duration of the Residential Thermal Storage rate (RTS) when Complainant entered into the RTS rate schedule. ALJ Jandebeur's Initial Decision, found that PPL had provided inadequate service by failing to advise the Complainant that the RTS rate would be discontinued in the future. Exceptions were filed by the Complainant and PPL. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions of the Complainant, grants the Exceptions of PPL, modifies the Initial Decision, and denies the Complaint.
2157542-OSA Statement by Commissioner Christy. Vote 5-0.	M-2011-2157542	LAW BUREAU PROSECUTORY STAFF VS PEOPLES NATURAL GAS - Settlement Agreement filed on 3/14/11, proposing to settle an informal investigation arising out of several natural gas service outages in a specific area of Altoona. LBPS and Peoples also filed a Joint Statement in Support of the Settlement Agreement. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which issues the Settlement Agreement for Comment.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2159938-OSA Vote 5-0.	M-2010-2159938	JEANNETTE E.M.S., INC - Objection to its general assessment filed on 10/5/09, stating that its intrastate revenues, except for \$5,815, were exempt from the Commission's jurisdiction because they were earned from the transportation of persons to or from medical locations by paratransit operations using specialized equipment pursuant to the Commission's Policy Statement at 52 Pa. Code § 41.11. In the Initial Decision issued on 10/12/10, ALJ Long sustained the Objection. The Law Bureau Prosecutory Staff, on behalf of BAS, filed Exceptions on 10/29/10. Jeannette filed Replies to Exceptions on 11/9/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Exceptions and reverses the Initial Decision.
2160161-OSA Vote 5-0.	A-2010-2160161 A-00115313	CSX TRANSPORTATION, INC and CITY OF PHILA - Joint application filed on 2/19/10. A field conference was held at the site on 3/29/10. At the conference, the City and CSX agreed to perform portions of the relevant work. By Secretarial Letter of 4/20/10, the Commission stated that it had concluded that the proposed construction was in the public interest, and the instant Application was approved. On 5/13/10, the City and CSX filed a Joint Petition to Appeal Secretarial Letter for Purposes of Clarification or Amendment, with reference to the Secretarial Letter of 4/20/10. Per Opinion and Order entered 8/24/10, the Petition was granted, in part, and denied, in part. On 4/21/11, the City filed the instant Motion for Extension of Time. No response to the Motion has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants the Motion.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2171660-OSA Vote 5-0.	C-2010-2171660	<p>MRS PAUL HAWN VS DUQUESNE LIGHT COMPANY - Formal Complaint filed on 4/22/10, alleging that her utility service was being terminated due to her inability to pay her electric bill, and requested a payment arrangement. On 5/12/10, Duquesne filed an Answer to the Complaint. Special Agent Alexander conducted a telephonic hearing on 3/4/11. On 4/7/11, the Commission issued the Initial Decision which recommended that the Complaint be dismissed due to the Commission's lack of authority to establish payment arrangements for CAP Program customers pursuant to 66 Pa. C.S. § 1403. On 4/27/11, the Complainant filed Exceptions to the Initial Decision. On 4/9/11 Duquesne filed Replies to Exceptions.</p> <p>RECOMMENDATION: That that the Commission adopt the proposed Opinion and Order, which denies the Complainant's Exceptions and adopts the Special Agent's Initial Decision.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2181515-OSA Vote 5-0.	C-2010-2181515	MARILYN DAY VS PECO ELECTRIC CO - Complaint filed on 6/4/10, requesting restoration of her service, a reasonable connection fee, a new payment agreement, and a waiver of past due late charges. On 7/2/10, PECO filed an Answer and New Matter, denying the material allegations in the Complaint. The Complainant filed a Response to the New Matter on 7/5/10. An evidentiary hearing was held on 1/6/11. The Complainant did not appear at the hearing. PECO moved that the Complaint be dismissed with prejudice for lack of prosecution. In her Initial Decision, issued on 1/31/11, ALJ Chestnut granted PECO's motion and dismissed the Complaint with prejudice due to the Complainant's failure to appear at the hearing. The Complainant filed Exceptions on 2/18/11. PECO filed Replies to Exceptions on 3/2/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2195490-OSA Vote 5-0.	C-2010-2195490	RENEE C OGILVIE-SPANN VS PECO ENERGY COMPANY - Formal Complaint filed on 8/23/10, seeking bills to be in her name and to pay her daughter, Jamia Spann's, bills. The Complainant also requested that PECO lower her bills through a payment agreement. On 9/14/10, PECO filed an Answer and New Matter to the Complaint. On 1/18/11, a hearing was held before ALJ Nguyen. On 3/21/11, the Commission issued the ALJ's Initial Decision, wherein the ALJ recommended that the Complaint be sustained. On 4/12/11, PECO filed a Petition for Extension of Time to file Exceptions. On 4/15/11, PECO filed Exceptions to the Initial Decision. No Replies to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants PECO's Petition and Exceptions, reverses the ALJ's Initial Decision, and dismisses the complaint.
2206108-OSA Vote 5-0.	A-2010-2206108	HILL RAILROAD CAR COMPANY - Application filed on 10/22/10, for the reestablishment of a rail-highway crossing in New Castle. By Secretarial Letter dated 3/9/11, the Commission approved the application. On 4/1/11, CSX Transportation filed a Petition for Appeal from Staff Action requesting that the Commission deny the application. No Answer to the Petition has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition and refers the proceeding back to the Bureau of Transportation and Safety for further proceedings, as deemed appropriate.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2207853-OSA	R-2010-2207853 C-2010-2209923 C-2010-2213900 C-2010-2213719 C-2010-2215189 C-2010-2217542 C-2010-2217581 C-2010-2217951 C-2010-2218537	LITTLE WASHINGTON WASTEWATER - SE DIVISION - Supplement No. 74 to Tariff Sewer - Pa. P.U.C. No. 1 filed on 10/29/10, to become effective 1/1/11, proposing an annual increase of \$1,078,292 or approximately 32.2% over existing revenue. By Order entered 12/16/10, the Commission instituted a formal investigation and Supplement 74 was suspended until 8/1/11. ALJs Chestnut and Pell's Recommended Decision issued on 3/30/11, recommended that the Commission adopt a Joint Petition for Settlement submitted by LWW-SE, OTS and OCA that proposed, inter alia, an annual revenue increase of \$999,000 or 29.9% . Exceptions to the Decision were filed by Complainant Arnold Kring on 4/11/11. LWW-SE filed Replies to Exceptions on 4/21/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that, inter alia, grants the Exceptions, in part, adopts the Decision to approve the Settlement without modification.
2211420-OSA (PP from 05/19/2011)	P-2010-2211420	NEWTOWN ARTESIAN WATER CO - Petition to, inter alia, modify its Purchased Water Adjustment Charge filed on 11/19/10. On 12/9/10, OCA filed an Answer and Motion to Dismiss. On 2/1/11, ALJ Barnes issued an Initial Decision, inter alia, granting OCA's Motion. Exceptions were filed by NAWC on 2/22/11, and Replies to Exceptions were filed by OCA and OTS on 3/4/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, that denies NAWC's Exceptions and adopts the Initial Decision, consistent with the Opinion and Order.

Vote 5-0.

Motion by Chairman Powelson.
Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2212621-OSA Vote 5-0.	C-2010-2212621	ANNETTA GASSENHEIMER VS METROPOLITAN EDISON CO - Formal Complaint filed on 11/26/10, requesting an affordable payment plan. On 12/20/10, Met-Ed filed an Answer and New Matter, as well as a Preliminary Objection. A hearing was not conducted. On 3/23/11, the Commission issued ALJ Jandebour's Initial Decision sustaining the Preliminary Objection and dismissing the Complaint with prejudice. On 4/5/11, Gassenheimer filed Exceptions. On 4/21/11, Met-Ed filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the ALJ's Initial Decision.
2236179-OSA Vote 5-0.	A-2011-2236179	NORTH PENN TELEPHONE and VERIZON WIRELESS - Joint Petition filed on 4/14/11, seeking approval of an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin on 4/30/11. No comments or protests were received RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, that grants the Joint Petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2138310-FUS Vote 5-0.	A-2009-2138310	RHOADS ENERGY CORP - Application filed on 3/17/11, for approval to amend its natural gas supplier license to also serve industrial and governmental customers in the service territory of UGI Utilities, Inc., within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the license amendment.
2162977-FUS Vote 5-0.	A-2010-2162977	CONOCOPHILLIPS COMPANY - Request to Amend its electric generation supplier license filed on 4/29/11, for approval to expand customer classes and territories served. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment to the electric generation supplier license.
2179537-FUS Vote 5-0.	A-2010-2179537	EMEX, LLC - Request to Amend its electric generation supplier license filed on 3/28/11, to also serve small commercial (25 kW and under demand), industrial, and governmental customers as a broker/marketer throughout all the electric distribution service territories within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.
2207860-FUS Vote 5-0.	A-2010-2207860	POWER BROKERS LLC D/B/A PB2 TEXAS, LLC - Request to Amend its current license filed on 4/4/11, requesting permission to perform broker/marketer services for residential and small commercial (25 KW and under demand) customers within the same service territories as prior approval. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2223888-FUS Vote 5-0.	A-2011-2223888	BLUE PILOT ENERGY, LLC - Application filed on 2/4/11, for approval to offer, render, furnish or supply electricity or electric generation services as an aggregator and broker/marketer of retail electric power to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand) and industrial customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2229050-FUS Vote 5-0.	A-2011-2229050	GREEN MOUNTAIN ENERGY CO - Application filed on 3/2/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to large commercial (over 25 kW), industrial and governmental customers in all electric distribution company service territories, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2232277-FUS Vote 5-0.	A-2011-2232277	COKINOS ENERGY CORPORATION T/A COKINOS NATURAL GAS COMPANY - Application filed on 2/28/11, for approval to offer, render, furnish, or supply natural gas supply services, limited to industrial customers, in the service territories of UGI Utilities, and Columbia Gas, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2233438-FUS Vote 5-0.	A-2011-2233438	ARCELORMITTAL USA, LLC - Application filed on 3/25/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to industrial customers in the electric distribution company service territories of PPL Electric, PECO Energy, and West Penn Power within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2235458-FUS Vote 5-0.	A-2011-2235458	MOBILENET INC D/B/A SMITH ENERGY GROUP - Application filed on 4/11/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial and governmental customers in electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2235878-FUS Vote 5-0.	P-2011-2235878 P-00981437F1000	CONSOLIDATED COMMUNICATIONS OF PENNSYLVANIA COMPANY - 2011 Price Stability Index/Service Price Index. No tariffs were filed. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing.
2236728-FUS Vote 5-0.	R-2011-2236728	VALLEY ENERGY, INC - Supplement No. 24 to Tariff Gas – Pa. P.U.C. No. 2 filed on 4/18/11, which proposes to increase the customer charge per month for ‘Rate Schedule “SS” – Standby Service’ from “Up to \$12.24 per Mcf of Maximum Daily Delivery Quantity” to “Up to \$25.80 per Mcf of Maximum Daily Delivery Quantity”; as well as, other changes to the rate schedule. Supplement No. 24 has a proposed effective date of 6/17/11. RECOMMENDATION: That the Commission adopt the proposed Order approving the filing.
2236750-FUS Vote 5-0.	P-2011-2236750 P-00981435F1000	NORTH-EASTERN PA. TELEPHONE CO - 2011 Price Stability Index/Service Price Index. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing.
2236754-FUS Vote 5-0.	P-2011-2236754 P-00981434F1000	MARIANNA & SCENERY HILL TELEPHONE D/B/A FAIRPOINT COMM - 2011 Price Stability Index/Service Price Index. No tariffs were filed. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2236760-FUS Vote 5-0.	P-2011-2236760 P-00981427F1000	BENTLEYVILLE COMM D/B/A FAIRPOINT COMM - 2011 Price Stability Index/Service Price Index. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves this filing.
2237449-FUS Vote 5-0.	A-2011-2237449	RELIANCE COMM INTERNATIONAL, INC - Application filed on 4/22/11, seeking approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2237763-FUS Vote 5-0.	R-2011-2237763 P-00981431F1000	HICKORY TELEPHONE CO - 2011 Price Stability Index/Service Price Index and Tariff Supplement No. 136 to Tariff PA PUC No. 6, requesting a \$20,336 increase from the application of the Service Price Index change. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate increase.
2237768-FUS Vote 5-0.	R-2011-2237768 P-00981428F1000	WINDSTREAM BUFFALO VALLEY INC - 2011 Price Stability Index/Service Price Index and Tariff Supplement No. 7 to Tariff PA PUC No. 9, proposing a \$6,325 decrease from the application of the Service Price Index change. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate change
2238331-FUS Vote 5-0.	A-2011-2238331	UNITY ELECTRIC DISCOUNT, LLC - Application filed on 4/25/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution company service territory of PECO within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2238776-FUS Vote 5-0.	R-2011-2238776 P-00981429F1000	WINDSTREAM CONESTOGA, INC - 2011 Price Stability Index/Service Price Index and Tariff Supplement No. 8 to Tariff PA PUC No. 12, proposing a \$4,695 decrease from the application of the Service Price Index change. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate change.
2238777-FUS Vote 5-0.	R-2011-2238777 P-00981430F1000	WINDSTREAM D&E, INC - 2011 Price Stability Index/Service Price Index and Tariff Supplement No. 7 to Tariff PA PUC No. 18, proposing a \$7,055 decrease from the application of the Service Price Index change. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate change.
2239170-FUS Vote 5-0.	R-2011-2239170 P-00981432F1000	LACKAWAXEN TELECOMMUN SVCS INC - 2011 Price Stability Index/Service Price Index and Tariff Supplement No. 126 to Tariff PA PUC No. 2, requesting a \$700 increase from the application of the Service Price Index change. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate increase.
2239215-FUS Vote 5-0.	A-2011-2239215	D.D.D. CALLING, INC - Application filed on 3/4/11, seeking the approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the public within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2232243-FUS Vote 5-0.	R-2011-2232243	PENNSYLVANIA AMERICAN WATER COMPANY - Supplement No. 253 to Tariff Water-Pa. P.U.C. No. 4, filed on 4/29/11, proposing an annual increase in revenues of \$70,676,379 (13.8%) to become effective 6/28/11. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2232243-OTS Adopt 5-0 to the extent it is consistent with 2232243-FUS.	R-2011-2232243	PENNSYLVANIA AMERICAN WATER COMPANY - Supplement No. 253 to Tariff Water-Pa. P.U.C. No. 4, filed on 4/29/11, to become effective 6/28/11, proposing an increase of \$70,676,379 representing an increase in annual revenues of 13.8%. 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 1/28/12.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1094575-LAW (PP from 05/05/2011) Vote 5-0.	A-211425	HOPKINS & REEDY WATER CO - This is a small private water utility located in Summit Station, Schuylkill County, that serves exclusively residents living in a trailer park from two untreated wells. The company does not solicit new customers and does not have the capacity to serve customers outside of the trailer park. Also, effective 4/1/11, the company no longer charges for its water service. RECOMMENDATION: That the Commission adopt the proposed Order decertifying Hopkins & Reedy Water Company as a public utility.
2069887-LAW Vote 5-0.	M-2008-2069887 M-00051865	ENERGY EFFICIENCY CONSERVATION PROGRAM & EDC PLANS - 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. The Commission recognizes that such delays can increase the cost of administering EE&C Plans and may cause miss opportunities for timely and cost-effective implementation of new energy efficiency measures. As such, the Commission, through this Order, is establishing an expedited review process to approve minor EE&C Plan changes. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2079988-LAW Vote 5-0.	A-2008-2079988	PENNDOT - By Order adopted 1/10/08, and entered 1/11/08, the Commission approved PennDOT's application to reconstruct the crossing of State Route 0772 above the grade of the tracks of AMTRAK in Mount Joy Borough, Lancaster County. This Order also approved, pursuant to Section 2702 of the Public Utility Code, 66 Pa.C.S. § 2702, PennDOT's appropriation (for use during the construction period only and for the purpose of the improvement in accordance with the approved right-of-way plan) of property belonging to AMTRAK. On 4/22/11, PennDOT filed a petition requesting that this Commission, pursuant to 66 Pa.C.S. § 2704, refer this matter to the Court of Common Pleas of Lancaster County, for the filing of a Petition to deposit PennDOT's estimate of just compensation into court pursuant to Sections 307, 521, and 522 of the Eminent Domain Code, 26 Pa.C.S. §§ 307, 521, and 522 as they may apply. RECOMMENDATION: That the Commission refer the matter to the Court of Common Pleas of Lancaster County pursuant to 66 Pa.C.S. § 2704.
2183412-LAW Statement by Commissioner Christy. Vote 5-0.	M-2010-2183412 M-2009-2082042	ELIGIBLE CUSTOMER LIST - The PUC issued its Interim Guidelines For Eligible Customer Lists on 11/12/10. The Commission, among other things, limited the ability of consumers to restrict release of their customer information to EGSs. OCA and the PA Coalition Against Domestic Violence filed appeals of the Order and the PCADV requested a stay of the Order. Commonwealth Court granted the stay, and on 4/28/11, returned jurisdiction to the PUC on the Commission's motion so that it could reconsider its November 12 Order. RECOMMENDATION: That the Commission approve the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2065173-ALJ (PP from 05/19/2011) Vote 5-0.	A-2008-2065173	J B TAXI, LLC - Application filed on 9/8/08, for the right to begin operations by transfer of operating rights from Felix Szczepanski to Roxanne Szczepanski, and to transport, as a common carrier, by motor vehicle, persons upon call or demand in the counties of Beaver, Lawrence, Mercer and Crawford. Protests were filed to the application. A hearing was held on 2/5/09. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Initial Decision approving the application.
2159585-ALJ (PP from 05/19/2011) Motion by Vice Chairman Coleman. Vote 5-0.	A-2010-2159585	SAFERIDE TRANSPORTATION SERVICES, LLC - Application filed on 2/18/10, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, to or from medical or nursing home facilities, from points in Lackawanna and Luzerne counties, to points in PA and return. One protest was filed 3/18/10. A hearing was held on 9/14/10. COMMISSION REVIEW: That the Commission adopt ALJ Jandebeur's Initial Decision denying the application.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2218683-ALJ Motion by Commissioner Cawley. Vote 5-0.	P-2011-2218683	WEST PENN POWER CO - Petition filed on 12/30/10, requesting approval of West Penn's dynamic pricing plan for Time-of-Use rates. On 2/3/11, West Penn filed a further petition requesting the approval of West Penn's dynamic pricing plan for a residential Critical Peak Rebate offering and a non-residential Critical Peak Pricing offering. On 5/13/11, the parties submitted a Joint Petition for Settlement of all issues and statements in support from the parties joining the Settlement. COMMISSION REVIEW: That the Commission adopt ALJs Long and Hoyer's Recommended Decision approving the Settlement.

COMMISSIONERS OFFICE

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2244363-CMR

Motion by Chairman Powelson.
Vote 5-0.

CONSUMER ADVISORY COUNCIL
- Motion of Chairman Powelson -
Appointment of Members

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

June 9, 2011

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2233866-OSA Vote 5-0.	A-2011-2233866	NTELOS and VERIZON NORTH, LLC - Joint Petition filed on 4/1/11, seeking approval of an Interconnection Agreement and Amendment No. 1. Notice was published in the PA Bulletin on. No comments or protests 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>
2244373-FUS Motion by Commissioner Cawley. Vote 5-0.	R-2011-2244373	VERIZON PENNSYLVANIA INC - Revision to Tariff Telephone – PA P.U.C. No. 500, filed on 5/31/11, to become effective 6/1/11, stating the Company’s intent to withdraw its tariff for competitive offerings as permitted under 66 Pa. C.S. § 3016(d)(2). RECOMMENDATION: That the Commission adopt the proposed Order.
2244375-FUS Motion by Commissioner Cawley. Vote 5-0.	R-2011-2244375	VERIZON NORTH LLC - Revision to its Tariff Telephone – PA P.U.C. No. 11, filed on 5/3/11, to become effective 6/1/11, stating the Company’s intent to withdraw its tariff for competitive offerings as permitted under 66 Pa. C.S. § 3016(d)(2). RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2069114-LAW Statement by Vice Chairman Coleman. Statement by Commissioner Christy. Vote 5-0.	L-2008-2069114 I-00040103F0002	PROPOSED RULEMAKING - PROMOTION OF COMPETITIVE RETAIL MARKETS - The Commission adopted a Final Rulemaking Order on 1/13/11. Based upon input from the Independent Regulatory Review Commission (IRRC) and the comments submitted to the IRRC, the Commission voluntarily withdrew the rulemaking in order to give consideration to the various clarification issues raised by IRRC and comments. RECOMMENDATION: That the Commission approve the proposed Secretarial Letter and Annex A.
2240238-LAW Vote 5-0.	M-2011-2240238	WINDSTREAM PENNSYLVANIA LLC - PA Safety Valve Numbering Resource Request submitted on 5/25/11, pursuant to the Order entered at M-2008-2032767. Windstream PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 724 Number Plan Area (NPA). Windstream PA requests a 1K block from the 724 NPA be assigned to the Elderton Rate Center because it is deploying a new packet switch in this rate center in order to support a new product offering that cannot be provisioned by the legacy switch located in the rate center. Windstream PA's request comes before the Commission since it did not meet the months-to-exhaust criteria nor the utilization criteria established by the FCC in its Third Report and Order. RECOMMENDATION: That the Commission grant the request for additional numbering resources in the 724 area code.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2240352-LAW Vote 5-0.	M-2011-2240352	<p>WINDSTREAM PENNSYLVANIA LLC - PA Safety Valve Numbering Resource Request submitted on 5/25/11, pursuant to the Order entered at M-2008-2032767. Windstream PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 724 Number Plan Area (NPA). Windstream PA requests a 1K block from the 724 NPA be assigned to the Waynesburg Rate Center for Location Routing Number (LRN) purposes. Windstream makes this particular request for additional numbering resources because it is deploying a new packet switch in this rate center in order to support a new product offering that cannot be provisioned by the legacy switch located in the rate center. Windstream PA's request comes before the Commission since the Company's did not meet the months-to-exhaust criteria nor the utilization criteria established by the FCC in its Third Report and Order.</p> <p>RECOMMENDATION: That the Commission grant the request for additional numbering resources in the 724 area code.</p>

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2240381-LAW Vote 5-0.	M-2011-2240381	<p>WINDSTREAM PENNSYLVANIA LLC - PA Safety Valve Numbering Resource Request submitted on 5/25/11, pursuant to the Order entered at M-2008-2032767. Windstream PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 724 Number Plan Area (NPA). Windstream PA requests a 1K block from the 724 NPA be assigned to the Ford City Rate Center because it is deploying a new packet switch in this rate center in order to support a new product offering that cannot be provisioned by the legacy switch located in the rate center. Windstream PA's request comes before the Commission since it did not meet the months-to-exhaust criteria nor the utilization criteria established by the FCC in its Third Report and Order. RECOMMENDATION: That the Commission grant the request for additional numbering resources in the 724 area code.</p>
2240864-LAW Vote 5-0.	M-2011-2240864	<p>WINDSTREAM D & E SYSTEMS INC - PA Safety Valve Numbering Resource Request submitted on 5/25/11. Windstream D&E is requesting expedited review of a denial by the Pooling Administrator of its requests for additional numbering resources in the 717 Number Plan Area (NPA). Specifically, Windstream requests a 1K block of telephone numbers from the 717 NPA be assigned to the Elizabethtown Rate Center. Windstream D&E's request comes before the Commission since it does not meet the numbering resource utilization and months-to-exhaust (MTE) threshold implemented by Neustar to obtain additional numbering resources. RECOMMENDATION: That the Commission grant the request for additional numbering resources in the 717 area code.</p>