

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JUNE 30, 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, July 14, 2011 at 10:00 A.M.

Minutes of the Meeting of Thursday, May 19, 2011 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, JULY 14, 2011 AT 10:00 A.M. IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING, 400 NORTH STREET. AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.

ALSO, THE COMMISSION WILL HOLD AN EXECUTIVE SESSION ON TUESDAY, JUNE 7, 2011, IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH 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 30, 2011

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2179103-OSA (PP from 06/09/2011)	R-2010-2179103	CITY OF LANCASTER - BUREAU OF WATER - Supplement No. 40 to Tariff Water - Pa. P.U.C. No. 6, filed on 8/27/10, containing rates calculated to produce \$8,608,024 (99.8%) in additional annual revenues. The Commission instituted an investigation. The City revised its requested revenue increase to \$8,192,036 as a result of various agreements and a Partial Settlement. On 4/27/11, the Commission issued the Recommended Decision of ALJ Mellilo. On or before 5/17/11, the City, OCA, OTS, Kellogg Company and George Poulin filed Exceptions. On or before 5/27/11, the City, OCA, OTS, OSBA, Kellogg Company and George Poulin filed Reply Exceptions. RECOMMENDATION: That the Commission conduct a BINDING POLL of the issues to address the various Exceptions and Reply Exceptions.

Binding Poll.
The Office of Special Assistants will
issue an Order consistent with the
Binding Poll.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2140640-TAS Vote 5-0.	A-2009-2140640	PENNDOT - Application to replace bridge in Borough of Pleasant Hills, Allegheny County. Corrected right of way must be approved by Commission. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2166193-TAS Vote 5-0.	C-2011-2166193	BUREAU OF TRANSPORTATION & SAFETY VS A E LOGISTICS, INC - 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 cancelled.
2180851-TAS Vote 5-0.	A-2010-2180851	BLACK DIAMOND CAB COMPANY, INC - Application for the additional right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Pottsville, Schuylkill County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2194049-TAS Vote 5-0.	A-2010-2194049	LIFESTAR RESPONSE OF NEW JERSEY - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service providing wheelchair and medical transportation. Totowa, Passaic County RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2222311-TAS Vote 5-0.	C-2011-2222311 A-00119180	BUREAU OF TRANSPORTATION & SAFETY VS DENNIS SOSA T/A XPRESS LIMOUSINE SVC - Complaint alleging respondent failed to pay an outstanding fine. Waymart, Wayne County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that the certificate be cancelled, and Respondent be fined \$100.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2223266-TAS Vote 5-0.	A-2011-2223266	SMYTH & TOMAS, LLC T/A ECONOMY SHUTTLE SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons in airport transfer service. Springfield, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2226342-TAS Vote 5-0.	A-2011-2226342	STOPS ENTERPRISES, LLC - Application for the approval of the transfer of a brokerage license held by Specialized Transportation for Outpatient Services, Inc. RECOMMENDATION: That the Commission adopt the proposed Order and that the brokerage license issued to the transferor be cancelled by Supplemental Order.
2226693-TAS Vote 5-0.	C-2011-2226693 A-00122826	BUREAU OF TRANSPORTATION & SAFETY VS ANDREW N BROUGHER - Complaint alleging respondent failed to pay an outstanding fine. Chambersburg, Franklin County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled.
2229098-TAS Vote 5-0.	A-2011-2229098	AVAILABLE CARE, INC - 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.
2229689-TAS Vote 5-0.	A-2011-2229689	AIRPORT LIMOUSINE SERVICE, INC D/B/A FREEDOM COACH & D/B/A EMBASSY COACH - Application for amendment to its common carrier certificate, which grants the right, inter alia, to transport by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers or less, including the driver. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2231504-TAS Vote 5-0.	C-2011-2231504 A-00105977	BUREAU OF TRANSPORTATION & SAFETY VS TROPIANO TRANSPORTATION SERVICE, 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, that the certificate be cancelled, and Respondent be fined \$100.
2231506-TAS Vote 5-0.	C-2011-2231506 A-00110270	BUREAU OF TRANSPORTATION & SAFETY VS PATCH-WORK ENTERPRISES T/A SPECIAL TOUCH COACH CO - Complaint alleging respondent failed to pay an outstanding fine. Eagleville, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, the certificate be cancelled and Respondent fined \$100.
2233419-TAS Vote 5-0.	A-2011-2233419 A-00122533	PATRICIA M KREIDER - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. Strasburg, Lancaster County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2233671-TAS Vote 5-0.	A-2011-2233671 A-00099670	BEKINS A-1 MOVERS, INC T/A ACE MOVING & STORAGE - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use, which is to be a transfer of rights uauthorized under the certificate issued to Delphine Painter, t/a Painter's Van Lines. Wilkes-Barre, Luzerne County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2235296-TAS Vote 5-0.	A-2011-2235296	KEVIN R & SHERI D BIPPUS D/B/A EXPRESSIONS LIMOUSINE OF LANCASTER - Application for the additional right to transport as a common carrier by motor vehicle, persons in airport transfer service. 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>
2235606-TAS Vote 5-0.	A-2011-2235606	AMSTAR MEDICAL TRANSPORTATION, INC D/B/A SAFE & SECURE TRANSIT - Application for the right to transport as a contract carrier by motor vehicle, persons for Access2Care, LLC. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2242433-TAS Vote 5-0.	A-2011-2242433	R&R VAN SERVICES, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia RECOMMENDATION: That the Commission adopt the proposed Tentative Order denying the application.

BUREAU OF ADMINISTRATIVE SERVICES

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2246923-BAS

D-2011-2246923

ASSESSMENT UPON LOCAL EXCHANGE CARRIERS
- Broadband Outreach and Aggregation Fund Billing
through 6/30/12.

Vote 5-0.

RECOMMENDATION:

That the Commission approve the computation of the amount of the assessments for the FY 7/1/11 through 6/30/12 on LECs that have filed amended NMP.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2189821-AUD Vote 5-0.	D-2010-2189821	HERMAN OIL & GAS CO, INC - Audit Report on the Gas Cost Rate for the twelve months ended 8/31/09. RECOMMENDATION: That the Commission approve the Audit Report for public release.
2192659-AUD Vote 5-0.	D-2010-2192659	PENNSYLVANIA AMERICAN WATER CO - Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the August 2008 Stratified Management and Operations Audit. RECOMMENDATION: That the Commission makes the MEI report and the Company's Implementation Plan public.
2218791-AUD Vote 5-0.	D-2011-2218791	YORK WATER CO - Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the 2008 Focused Management and Operations Audit. RECOMMENDATION: That the Commission make the MEI Report and Implementation Plan public.
2242124-AUD Vote 5-0.	M-2011-2242124	PECO ENERGY COMPANY-ELECTRIC - Generation Supply Adjustment Effective 7/1/11. RECOMMENDATION: That the Commission approve Supplement No. 17 to Tariff Electric - Pa. P.U.C. No. 4, reflecting the proposed GSA rates to become effective 7/1/11.
2244586-AUD Vote 5-0.	M-2011-2244586	CITIZENS ELEC CO. OF LEWISBURG - Generation Supply Service Rates effective 7/1/11. RECOMMENDATION: That the Commission approve Supplement No. 61 to Tariff Electric-Pa. P.U.C. No. 14, reflecting the proposed GSSR rates to become effective 7/1/11.
2244633-AUD Vote 5-0.	M-2011-2244633	WELLSBORO ELECTRIC CO - Generation Supply Service Rates effective 7/11/11. RECOMMENDATION: That the Commission approve Supplement No. 60 to Tariff Electric-Pa P.U.C. No. 8, reflecting proposed GSSR rates effective 7/1/11.

BUREAU OF CONSERVATION ECONOMICS & ENERGY PLANNING

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1184240-CEP

M-00031715F0005

WEST PENN POWER CO.
- Appointment of Mr. Edward Miller to the Sustainable Energy Fund to replace the vacancy of Ms. Cassandra Robinson.
RECOMMENDATION:
That the Commission approve the appointment of Mr. Edward Miller to the Board of Directors.

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1189996-OSA (PP from 11/05/2009) Statement by Chairman Powelson. Statement by Vice Chairman Coleman. Statement by Commissioner Gardner. Vote 5-0.	I-00040105 C-2009-209380	RLEC ACCESS CHARGE INVESTIGATION - The Commission instituted the Investigation on 12/20/04, to inquire whether further access charge reductions and intraLATA toll rate reductions are required in the RLECs' service territories. The investigation, which was assigned to ALJ Melillo. The investigation was subsequently stayed pending the outcome of a parallel investigation by the FCC. On 4/24/08, the Commission reopened the investigation to develop an evidentiary record on certain limited issues. The case was assigned to ALJ Colwell, and her Recommended Decision was issued on 7/23/09. Exceptions and Replies to Exceptions were filed. On 3/19/09, AT&T Communications and two of its affiliates filed Complaints against 32 RLECs requesting that access charges be reduced to interstate levels. The Complaints were consolidated with the pending RLEC Access Charge Investigation. ALJ Melillo's Recommended Decision was issued on 8/3/10. Exceptions and Replies to Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2119940-OSA Vote 5-0.	C-2009-2119940	ARDELLE JACKSON VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 7/17/09, alleging that PGW improperly caused two liens to be filed against her home for sums owed by former tenants. Complainant seeks a refund of sums paid to remove liens upon the sale of property. The Initial Decision issued by ALJ Barnes on 3/1/11, dismissed the Complaint for lack of jurisdiction. Complainant filed Exceptions and PGW filed Replies to Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the Initial Decision thereby dismissing the Complaint for lack of jurisdiction.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2122410-OSA Vote 5-0.	A-2009-2122410 A-6411267	PAMELA JEAN WRIGHT - Application filed on 7/23/09. By Order, entered 4/15/10, the Commission dismissed the application because the Petitioner failed to file the requisite verified statements in support of the application. A Petition for Reconsideration of the 4/15/10 Order was filed on 12/7/10. No answers were filed in response to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration.
2149141-OSA Vote 5-0.	C-2010-2149141	BUREAU OF TRANSPORTATION & SAFETY VS POCONO CAB CO - Complaint instituted on 6/15/10, alleging that the Respondent failed to maintain complete log sheets. BTS requested that a civil penalty of \$700 be imposed. The Respondent filed an Answer and New Matter on 6/25/10. On 7/14/10, the Commission's Law Bureau Prosecutory Staff filed a Reply to the New Matter. On 4/7/11, the Respondent and the LBPS, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$700 would be reduced to \$350. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2151291-OSA (PP from 06/09/2011)	C-2010-2151291	BUREAU OF TRANSPORTATION & SAFETY VS YORK CAB, INC - Complaint instituted alleging, inter alia, that there was a lapse in insurance coverage from 12/31/09 until 1/4/10. BTS requested that a civil penalty of \$180,800 be imposed for the violation. The Complaint was served on the Respondent on 7/12/10. The Respondent filed an Answer to the Complaint on 8/3/10. On 3/10/11, the Respondent and the Commission's Law Bureau filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed civil penalty of \$180,800 would be reduced to \$5,000. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which approves the proposed Settlement consistent with the discussion therein.

Joint Dissenting Statement by
Chairman Powelson and
Vice Chairman Coleman.
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 (PP from 06/09/2011) Vote 5-0.	C-2010-2155056	ROBERT DUNHAM VS PPL ELECTRIC UTILITIES CORPORATION - 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.
2159912-OSA Vote 5-0.	M-2010-2159912	SOMERSET AREA AMBULANCE ASSOCIATION, INC - Objection to its General Assessment filed on 10/5/09, stating that its intrastate revenues, except for \$1,150.10, 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 her 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. Somerset Ambulance 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.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2159931-OSA Vote 5-0.	M-2010-2159931	7TH WARD CIVIC ASSOCIATION - Objection to its General Assessment, filed on 10/7/09, stating that its intrastate revenues, except for \$69,979.00, 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 her 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. 7th Ward 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.
2174497-OSA Vote 5-0.	C-2010-2174497	KIMBERLY & MICHAEL SILVESTRI VS VERIZON PA - Formal Complaint filed on 5/3/10, alleging improper billing for various services, that there was fraudulent activity being committed on their telephone line, and that they were victims of identity theft in 3/2010. The matter was assigned to ALJ Colwell for hearing. On 9/17/10 Verizon filed an Answer and New Matter and Preliminary Objection to the Complaint. On 1/27/10, the ALJ issued an Order Granting the Preliminary Objections and Directing the Filing of an Amended Complaint. On 3/7/11, the Commission issued the ALJ's Initial Decision which dismissed the Complaint. Exceptions were filed by the Complainant on 3/30/11. Reply Exceptions were filed by Verizon 4/8/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions, reopens the proceeding and remands the Initial Decision to the OALJ for such further proceedings as may be necessary and the issuance of an Initial Decision on Remand.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2179204-OSA Vote 5-0.	C-2010-2179204	BUREAU OF TRANSPORTATION & SAFETY VS LOCK HAVEN TAXI, INC - Complaint instituted on 11/9/10, alleging that failure to file with the Commission a current list of vehicles being utilized for limousine and call or demand service between 12/1 and 12/31 of 2008 and 2009. BTS requested that a total civil penalty of \$500 be imposed. The Respondent filed an Answer on 11/18/10. On 4/11/11, the Respondent and the Commission's Law Bureau Prosecutory Staff, representing BTS, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$500 would be reduced to \$300. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
2187540-OSA Statement by Vice Chairman Coleman. Vote 5-0.	A-2010-2187540 A-2010-2187542	TRANS-ALLEGHENY INTERSTATE LINE T/A TRAILCO - Petition to Reopen the Evidentiary Record filed on 5/23/11, to submit new evidence regarding the design supporting system for the proposed line. No responsive pleadings were filed to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, in part, and remands the proceeding to the OALJ for the receipt of evidence on the design support system.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2190069-OSA Vote 5-0.	C-2010-2190069	<p>BUREAU OF TRANSPORTATION & SAFETY VS PETER MOLNAR T/A MOLNAR LIMOUSINE SERVICE - Complaint instituted alleging that the Respondent had failed to provide a current vehicle list to the Commission. BTS requested that a civil penalty of \$250 be imposed for the violation. The Complaint was served on the Respondent on 10/29/10. The Respondent filed an Answer to the Complaint on 11/12/10. On 5/5/11, the Respondent and the Commission's Law Bureau filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed civil penalty of \$250 would be reduced to \$50. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement consistent with the discussion therein.</p>
2190330-OSA Vote 5-0.	F-2010-2190330	<p>ALICE VASKO VS UGI UTILITIES INC - ELECTRIC DIVISION - Formal Complaint filed on 7/26/10, alleging that her bills should be in the name of her tenant. A hearing was held. On 4/6/11, ALJ Jandebaur issued an Initial Decision dismissing the Complaint. On 4/20/11, the Complainant filed Exceptions. On 4/25/11, the Complainant filed a second set of Exceptions. UGI filed Reply Exceptions to the first and second sets of Exceptions on 4/29/11 and 5/9/11, respectively. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision consistent with the Opinion and Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2196906-OSA Vote 5-0.	C-2010-2196906	BUREAU OF TRANSPORTATION & SAFETY VS DEMBROS, INC - Complaint instituted on 11/10/10, alleging that failure to file with the Commission a current list of vehicles being utilized for call or demand service between 12/1 and 12/31 of 2006, 2007, 2008 and 2009. BTS requested that a total civil penalty of \$250 be imposed. The Respondent filed an Answer on 12/3/10. On 4/5/11, the Respondent and the Commission's Law Bureau Prosecutory Staff, representing BTS, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$250 would be reduced to \$150. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
2209110-OSA Vote 5-0.	C-2010-2209110 A-00104712	BUREAU OF TRANSPORTATION & SAFETY VS NORTH STAR LEASING, INC - Complaint instituted on 11/16/10, alleging failure to maintain evidence of liability insurance on file with the Commission. BTS requested that a civil penalty of \$500 be imposed. The Respondent filed an Answer on 12/3/10. On 4/1/11, the Respondent and the Commission's Law Bureau Prosecutory Staff, representing BTS, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$500 would be reduced to \$300. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2210224-OSA Vote 5-0.	C-2010-2210224	BUREAU OF TRANSPORTATION & SAFETY VS C T COX, INC - Complaint instituted on 11/6/10, alleging failure to maintain evidence of cargo insurance on file with the Commission. BTS requested that a civil penalty of \$500 be imposed. The Respondent filed an Answer on 12/1/10. On 4/1/11, the Respondent and the Commission's Law Bureau Prosecutory Staff, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$500 would be reduced to \$100. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.
2237859-OSA Vote 5-0.	A-2011-2237859	ADVANCED TELEPHONE SYSTEMS and VZ PA - Joint Petition filed on 4/27/11, for approval of Amendment No. 2 to an Interconnection Agreement. Notice was published in the PA Bulletin. No comments have been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2241748-OSA Vote 5-0.	A-2011-2241748	USA MOBILITY WIRELESS INC and CENTURYLINK - Joint Petition filed on 5/16/11, for approval of a Paging Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2241780-OSA

P-2011-2241780
C-2011-2237486

Vote 5-0.

DELAWARE AND HUDSON RAILWAY CO.
- Complaint filed on 4/15/11, alleging that the bridge carrying S.R. 4009 over the facilities of the Railroad is unsafe. The Complaint requested that the Bridge be repaired or that the Railroad be directed to construct and maintain an at-grade crossing. On 5/9/11, PennDOT filed an Answer to the Complaint. On 5/13/11, the Complainant filed a Petition for Issuance of Emergency Order and Request for Expedited Hearing which noted that PennDOT closed the Bridge on 5/11/11. On 5/20/11, PennDOT filed an Answer and New Matter in response to the Petition. On 5/25/11, an emergency hearing on the issues raised by the Petition was held before ALJ Salapa. On 5/27/11, ALJ Salapa issued an Order Denying Interim Emergency Relief and Certifying Material Question. Per the Interim Order, the following material question is posed to the Commission: "Did ALJ Salapa properly issue his Interim Order denying the emergency relief?"
RECOMMENDATION:
That the Commission adopt the proposed Opinion and Order that: (1) answers the material question in the affirmative; and (2) refers the matter back to the OALJ for further proceedings as deemed appropriate.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1154726-FUS Vote 5-0.	A-110141	<p>NOBLE AMERICAS ENERGY SOLUTIONS, LLC - Application filed on 4/27/11, for approval to amend its electric generation supplier license to also serve residential and small commercial (25 kW and under demand) customers under the “mixed meter scenario” as a supplier in all electric distribution company service territories, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment to the electric generation supplier license.</p>
1156623-FUS Vote 5-0.	A-125095	<p>CONSTELLATION NEWENERGY - GAS DIVISION - Application filed on 4/11/11, for approval to amend its natural gas supplier license to begin to offer, render, furnish or supply natural gas supply services to small and large commercial, governmental, and industrial customers in the additional natural gas distribution company service territories of UGI Central Penn, UGI Penn Natural, and Valley Energy. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendments.</p>
2092655-FUS Vote 5-0.	M-2009-2092655	<p>SMART METER TECHNOLOGY - Electronic Data Exchange Working Group on 12/7/09, filed a preliminary proposal for the development of smart meter data exchange standards pursuant to the Smart Meter Procurement and Installation Order entered 6/24/09. RECOMMENDATION: That the Commission adopt the proposed Tentative Order which seeks comments on the proposed electronic data interchange capabilities to be developed by the Electronic Data Exchange Working Group.</p>

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2201777-FUS Postponed until the Public Meeting of July 14, 2011.	A-2010-2201777	ALPHABUYER, LLC - Application filed on 9/28/10, for approval to offer, render, furnish, or supply natural gas supply services to residential and commercial customers in the service territory of Valley Energy, National Fuel Gas, UGI Central Penn, Peoples Natural Gas, T.W. Phillips, UGI Utilities, UGI Penn Natural Gas, Columbia Gas, Equitable Gas, Philadelphia Gas Works, and PECO, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2227268-FUS Vote 5-0.	A-2011-2227268	GEARYENERGY, LLC - Application filed on 5/5/11, for approval to amend its 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 all the electric distribution company service territories of PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2227509-FUS Vote 5-0.	P-2011-2227509	NEWTOWN ARTESIAN WATER CO - Petition filed on 2/23/11, for permission to use deferred cost accounting and amortization in respect to certain well development costs. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2234410-FUS Vote 5-0.	A-2011-2234410	ADVANTAGE IQ, INC - Application filed on 3/29/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity large commercial (over 25 KW demand), industrial, and governmental customer classes in all the electric distribution company service territories throughout PA. Additionally, Advantage IQ, Inc., is restricting its scope of service to residential and small commercial (25kW and under) customers to mixed metered scenarios only. RECOMMENDATION: That the Commission adopt the proposed Order which approves the electric generation supplier license application.
2235118-FUS Vote 5-0.	A-2011-2235118	CASTLEBRIDGE ENERGY GROUP, LLC - Application filed on 3/30/11, for approval to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to residential, small commercial, large commercial, industrial, and governmental customers in the electric distribution company service territory of PECO Energy in PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2236837-FUS Vote 5-0.	A-2011-2236837	SBC LONG DISTANCE, LLC - Application filed on 4/15/11, seeking approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Competitive Access Provider services to the public within PA. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2237445-FUS Vote 5-0.	A-2011-2237445	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 4/21/11, for approval to the Modification of the Lakeville 138/69 kV Tap Line in Paupack Township, Wayne 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.
2238778-FUS Vote 5-0.	R-2011-2238778	WINDSTREAM PENNSYLVANIA LLC - 2011 Annual Price Stability Index and Service Price Index and Tariff Supplement No. 54 to Tariff PA PUC No. 7, quantifying a net revenue increase of \$125,312 from the application of the Service Price Index change. RECOMMENDATION: That the Commission adopt the proposed Order approving the proposed rate changes.
2239174-FUS Vote 5-0.	A-2011-2239174	AK COMMUNICATIONS, INC - Application filed on 4/25/11, seeking 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.
2240234-FUS Withdrawn by the Bureau of Fixed Utility Services.	S-2011-2240234	WELLSBORO ELECTRIC CO - Securities certificate in regards to the issuance of Notes, in an aggregate principal amount of up to \$3,000,000, to its Parent, C&T Enterprises, Inc. RECOMMENDATION: That the Commission adopt the proposed Order for the registration of the securities certificate for the issuance of Notes, in an aggregate principal amount of up to \$3,000,000, to its Parent, C&T Enterprises, Inc.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2241822-FUS Vote 5-0.	A-2011-2241822	TOPCO ASSOCIATES D/B/A TOPSOURCE, LLC - Application filed on 4/25/11, for approval to offer, render, furnish, or supply electricity or electric generation services as a broker/marketer for large commercial (over 25 kw demand) customers in the electric distribution company service territories of West Penn Power, Wellsboro Electric, Penn Power, Citizens Electric of Lewisburg, Duquesne Light, Met-Ed, Penelec, PPL Electric, PECO Energy and Pike County Light & Power within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2242109-FUS Vote 5-0.	A-2011-2242109	NTELOS - Application filed on 5/3/11, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service area of Windstream Pennsylvania, LLC. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2245152-FUS Vote 5-0.	R-2011-2245152	CITIZENS ELECTRIC COMPANY OF LEWISBURG - Supplement No. 62 to Tariff Electric – Pa. P.U.C. No. 14 filed on 7/1/11, proposing a change to the Generation Supply Service Rate (“GSSR”) Rider, to become effective on 7/1/11, on less than 60-days’ notice. RECOMMENDATION: That the Commission adopt the proposed Order which approves the tariff supplement.
2245326-FUS Vote 5-0.	R-2011-2245326	WELLSBORO ELECTRIC COMPANY - Supplement No. 61 to Tariff Electric Pa. P.U.C. No. 8, filed on 6/1/11, proposing a change to Rider C – Generation Supply Service Rate (“GSSR”), to become effective 7/1/11, on less than 60-days’ notice. RECOMMENDATION: That the Commission adopt the proposed Order which approves the tariff supplement.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2232985-FUS Vote 5-0.	R-2011-2232985	UNITED WATER PENNSYLVANIA, INC - Supplement No. 23 to Tariff Water-Pa. P.U.C. No. 7, filed on 5/9/11, proposing an annual increase in revenues of \$2,823,179 (8.6%) to become effective 7/8/11. By letter dated 4/26/11, United was granted an extension of time to file this rate case until 5/13/11. OCA has filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2232985-OTS Adopt 5-0 to the extent that it is consistent with 2232985-FUS.	R-2011-2232985	UNITED WATER PENNSYLVANIA INC - Supplement No. 23 to Tariff Water - Pa. P.U.C. No. 7, filed on 5/9/11, to become effective 7/8/11, proposing an increase of \$2,823,179, or an increase in annual revenues of 8.6%. 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 2/8/12.
2234934-FUS Vote 5-0.	R-2011-2234934	KENSINGTON WATER COMPANY - Tariff Water-Pa. P.U.C. No. 4, filed on 4/1/11, to become effective 7/1/11, proposing an annual increase in revenues of \$11,303 (75.0%), based on a historic test year ending 12/31/10. On 5/24/11, the company submitted revisions to the initial filing to more accurately reflect its true operational cost as compared to the cash outlay. RECOMMENDATION: That the Commission adopt the proposed Order that approves this tariff.
2234934-OTS Adopt 5-0 to the extent that it is consistent with 2234934-FUS.	R-2011-2234934	KENSINGTON WATER COMPANY - Tariff Water - Pa. P.U.C. No. 4, filed on 4/1/11, cancelling Tariff Water- Pa. P.U.C. No. 3, to become effective 7/1/11, proposing an increase of \$11,303 representing an increase in annual revenues of 75%. RECOMMENDATION: That the Commission approve this tariff to become effective 7/1/11.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2238337-FUS Vote 5-0.	R-2011-2238337	MANWALAMINK SEWER COMPANY - Supplement No. 16 to Tariff Sewer-Pa. P.U.C. No. 1, filed on 4/27/11, proposing an annual increase in rates of \$73,381 (14.74%) to become effective 7/1/11, based on a historic test year ending 12/31/10. RECOMMENDATION: That the Commission adopt the proposed Order that approves this tariff supplement.
2238337-OTS Adopt 5-0 to the extent that it is consistent with 2238337-FUS.	R-2011-2238337	MANWALAMINK SEWER COMPANY - Supplement No. 16 to Tariff Sewer – Pa. P.U.C. No. 1, filed on 4/27/11, to become effective 7/1/11, proposing an increase of \$73,381 representing an increase in annual revenues of 15%. RECOMMENDATION: That the Commission approve this tariff to become effective 7/1/11.
2238384-FUS Vote 5-0.	R-2011-2238384	MANWALAMINK WATER CO. - Supplement No. 20 to Tariff Water-Pa. P.U.C. No. 5, filed on 4/27/11, to become effective 7/1/11, proposing an annual increase in revenues of \$65,128 (20.25%), based on a historic test year ending 12/31/10. RECOMMENDATION: That the Commission adopt the proposed Order that approves this tariff supplement.
2238384-OTS Adopt 5-0 to the extent that it is consistent with 2238384-FUS.	R-2011-2238384	MANWALAMINK WATER CO. - Supplement No. 20 to Tariff Water – Pa. P.U.C. No. 5, filed on 4/27/11, to become effective 7/1/11, proposing an increase of \$65,128 representing an increase in annual revenues of 20.3%. RECOMMENDATION: That the Commission approve this tariff to be permitted to become effective 7/1/11.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2239115-FUS Vote 5-0.	R-2011-2239115	SUNOCO PIPELINE, L.P. - Tariff Pipeline – Pa. P.U.C. No. 14, filed on 4/29/11, proposing an annual increase in rates of \$999,997 (4.11%), to become effective 7/1/11. RECOMMENDATION: That the Commission adopt the proposed Order.
2239115-OTS Adopt 5-0 to the extent that it is consistent with 2239115-FUS.	R-2011-2239115	SUNOCO PIPELINE, L.P. - Tariff Pipeline – Pa. P.U.C. No. 14, filed on 4/30/11, cancelling Tariff Pipeline – Pa. P.U.C. No. 13, to become effective 7/1/11, proposing an increase of \$999,997 representing an increase in annual revenues of 4.1%. RECOMMENDATION: That the Commission approve this tariff to be permitted to become effective 7/1/11.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2227507-LAW Vote 5-0.	P-2011-2227507	EQUITABLE GAS COMPANY, LLC - Petition for approval, under 66 Pa. C.S. § 2204(e), for new storage and transportation contracts. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.
2240274-LAW Vote 5-0.	M-2011-2240274	WINDSTREAM PENNSYLVANIA LLC - PA Safety Valve Numbering Resource Request for Additional Numbering Resources in the 570 Area Code. RECOMMENDATION: That the Commission grant Windstream PA LLC's request for additional numbering resources in the 570 Area Code.
2240276-LAW Vote 5-0.	M-2011-2240276	WINDSTREAM BUFFALO VALLEY, INC - PA Safety Valve Numbering Resource Request for Additional Numbering Resources in the 570 Area Code. RECOMMENDATION: That the Commission grant Windstream Buffalo Valley's request for additional numbering resources in the 570 Area Code.
2240307-LAW Vote 5-0.	M-2011-2240307	WINDSTREAM PENNSYLVANIA LLC - PA Safety Valve Numbering Resource Request for Additional Numbering Resources in the 724 Area Code. RECOMMENDATION: That the Commission grant Windstream Pennsylvania, LLC's request for additional numbering resources in the 724 Area Code.
2243838-LAW Vote 5-0.	M-2011-2243838	WINDSTREAM D&E, INC - PA Safety Valve Numbering Resource Request for Additional Numbering Resources in the 717 Area Code. RECOMMENDATION: That the Commission grant Windstream D&E, Inc.'s request for additional numbering resources in the 717 Area Code.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2245535-LAW Vote 5-0.	M-2011-2245535	VERIZON PENNSYLVANIA INC - PA Safety Valve Resource Request for Additional Numbering Resources in the 610 Area Code. RECOMMENDATION: That the Commission grant Verizon PA's request for additional numbering resources in the 610 area code.
2246461-LAW Vote 5-0.	P-2011-2246461	T. W. PHILLIPS GAS & OIL CO - Petition filed on 6/10/11, to defer the filing of its CAP-plus proposal from 7/1/11, to a point in time when the uncertainty associated with the operation of CAP-plus programs is resolved by the Commission. The Department of Public Welfare has filed letters in other proceedings before the Commission where it has taken the position that certain utilities' CAP-plus models may violate state or federal law. Peoples TWP requests to file its CAP-plus proposal within 60 days of entry of a Commission order that resolves DPW's questions. RECOMMENDATION: That the Commission approve the Petition.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

June 30, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2075123-TAS Vote 5-0.	A-2008-2075123	NORFOLK SOUTHERN RAILWAY CO - Application for approval to abolish and replace a bridge in the City of Bethlehem. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2093217-OSA Vote 5-0.	M-2009-2093217	DUQUESNE LIGHT COMPANY - Petition for Approval of Modifications to its Energy Efficiency & Conservation and Demand Response Plan (EE&C DR Plan) filed on 5/9/11, that was approved by Commission Order entered 1/28/11. The OCA and the Duquesne Industrial Intervenors, separately filed Answers to the Petition on 5/19/11. On 5/25/11, Comverge, Inc., filed a Petition to Intervene along with its concerns about Duquesne's proposed modifications as contained in the instant Petition. Also on 5/25/11, Duquesne filed its Response to the Answers of the OCA and DII and on 6/3/11, Duquesne filed its Answer to the Comverge Petition and concerns. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order referring the Petition to the OALJ for expedited evidentiary hearings.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2069114-LAW Vote 5-0.	L-2008-2069114 I-00040103F0002	<p>PROPOSED RULEMAKING - PROMOTION OF COMPETITIVE RETAIL MARKETS</p> <p>- The Commission initiated a proposed rulemaking on 3/27/09, regarding its efforts to boost retail competition in the natural gas market. The Commission issued an Advanced Notice of Final Rulemaking requesting further public comment. By order adopted 1/13/11, the Commission adopted a Final Rulemaking Order. Based upon input the Commission voluntarily withdrew the rulemaking in order to give consideration to the various clarification issues. In response to the further comments, the Commission issued a Secretarial Letter regarding the revisions it had made to the Final Rulemaking Order and requested interested parties to file additional comments. Comments were filed to the clarification revisions made in the Revised Final Order and Annex A. The Revised Final Order and Annex A was adopted by notational vote by the Commission on 6/23/11, and entered that day.</p> <p>RECOMMENDATION:</p> <p>That the Commission consistent with 4 Pa. Code §1.43(c), direct the Secretary to record and enter upon the minutes of this public meeting the Final Rulemaking Order and Annex A in this matter.</p>

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2123951-ALJ Statement by Vice Chairman Coleman. Vote 5-0.	M-2009-2123951	WEST PENN POWER D/B/A ALLEGHENY POWER - Smart Meter Procurement and Installation Plan filed on 8/14/109, pursuant to Section 2807(f) of the Public Utility Code, 66 Pa. C.S. §2807(f), and the Smart Meter Implementation Order. On 5/6/10, ALJ Hoyer issued an Initial Decision. On 7/21/10, the Commission entered an Opinion and Order concerning a Petition to Stay the Exceptions Period. On 10/19/10, West Penn filed a Joint Petition for Settlement. On 12/8/10, the Commission referred this matter to OALJ for further proceedings “to ensure that (1) the impact of the proposed merger on the Plan is fully considered, and (2) the proposed Settlement has adequate support in the record.” An Amended Joint Petition for Settlement was filed on 3/9/11. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer’s Initial Decision on Remand approving the Amended Joint Petition for Settlement.

COMMISSIONERS OFFICE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2248501-CMR Vote 5-0.		APPOINTMENT - EXECUTIVE DIRECTOR - Appointment of Jan H. Freeman to the position of Executive Director effective 7/5/11.
2249441-CMR Motion by Chairman Powelson. Vote 5-0.		NET METERING - Motion of Chairman Powelson