

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JULY 28, 2011 (PW)

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
James H. Cawley	John F. Coleman, Jr.	Robert F. Powelson	Wayne E. Gardner	Pamela A. Witmer

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

The Next Public Meeting is Tentatively Scheduled for Thursday, August 11, 2011 at 10:00 A.M.

Minutes of the Meeting of Thursday, June 30, 2011 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, AUGUST 11, 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 WEDNESDAY, JULY 27, 2011, AT APPROXIMATELY 4:00 P.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

""HPCN AGENDA

July 28, 2011

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2223613-TAS Vote 5-0.	A-2011-2223613	KUHN TRANSPORTATION, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Jim Thorpe, Carbon County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2228166-TAS Vote 5-0.	C-2011-2228166 A-8910930	BUR OF TRANSPORTATION & SAFETY VS SPLASH TRANSPORT, INC - Complaint alleging failure to pay outstanding assessments. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2228382-TAS Vote 5-0.	C-2011-2228382 A-2008-2046306	BUR OF TRANSPORTATION & SAFETY VS KNORR REALTY, INC - Complaint alleging failure to pay outstanding assessments. Bloomsburg, Columbia County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2230099-TAS Vote 5-0.	A-2011-2230099	PITTSBURGH TRANSPORTATION GROUP CHARTER SERVICES, INC - Application for the additional right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. Pittsburgh, Allegheny County RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2233206-TAS Vote 5-0.	A-2011-2233206	DAVID R ZEMBRZUSKI - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Natrona Heights, Allegheny 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>
2233612-TAS Vote 5-0.	A-2011-2233612	MELO PROPERTY SERVICES, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. Norristown, Montgomery County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2234984-TAS Vote 5-0.	C-2011-2234984	BUR OF TRANSPORTATION & SAFETY VS GRANT HOSTETTER T/A GRANT HOSTETTER DUMP TRUCK - Complaint alleging failure to pay outstanding assessments. Wrightsville, York County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2234987-TAS Vote 5-0.	C-2011-2234987	BUR OF TRANSPORTATION & SAFETY VS UNIT 10, INC - Complaint alleging failure to pay outstanding assessments. Factoryville, Wyoming County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2234990-TAS Vote 5-0.	C-2011-2234990	BUR OF TRANSPORTATION & SAFETY VS DML SERVICES, LLC - Complaint alleging failure to pay outstanding assessments. Taylor, Lackawanna County RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2235062-TAS Vote 5-0.	A-2011-2235062 A-2010-2176448	ROBERT LEE RINEER JR T/A RINEER'S HAULING - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles. Leola, 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>
2235464-TAS Vote 5-0.	A-2011-2235464	KEON ENTERPRISES, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Harrisburg, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2235744-TAS Vote 5-0.	C-2011-2235744	BUR OF TRANSPORTATION & SAFETY VS TRANSERVICE LOGISTICS, INC - Complaint alleging failure to pay outstanding assessments. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be cancelled.
2239317-TAS Vote 5-0.	A-2011-2239317	RICHARD C TRAVERS T/A DUBOIS TAXI SERVICE - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. DuBois, Clearfield County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF AUDITS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2247082-AUD

M-2011-2247082

Vote 5-0.

PECO ENERGY COMPANY-ELECTRIC
- Generation Supply Adjustment.

RECOMMENDATION:

That the Commission approve PECO's Supp. No. 18 to
Tariff Electric - Pa. P.U.C. No. 4, reflecting the
proposed GSA-4 rates to become effective 8/1/11.

DIRECTOR OF OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2237952-DIR Statement by Chairman Powelson. Vote 5-0.	I-2011-2237952	INVESTIGATION OF PA'S RETAIL ELECTRICITY MARKET - Order entered on 4/29/11, initiating this Investigation. In that Order, the Commission solicited comments and stated that upon review of comments and testimony at an en banc hearing scheduled for 6/8/11, the Commission would initiate the second phase of this Investigation to address and resolve issues to improve the current retail electricity market in PA. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which initiates Phase II of the Investigation of PA's Retail Electricity Market.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1203722-OSA Vote 5-0.	A-00123428	<p>STAR VOYAGER TRANSPORTER SYSTEMS, LLC - Complaint instituted on 9/21/10, at Docket No. C-2010-2211891, alleging that the Petitioner had failed to pay outstanding civil penalties totaling \$1,850. By Order entered on 2/10/11, the Commission noted that since no Answer to the Complaint had been timely filed, the allegations of the Complaint were deemed admitted, the Complaint was sustained, and the Petitioner's Certificate was cancelled. On 6/7/11, the Petitioner filed the instant Petition for Reinstatement of Certificate for the Purpose of Transfer. No Response to the Petition has been filed.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the petition, subject to conditions.</p>
2089152-OSA Vote 5-0.	A-2009-2089152	<p>EQUITABLE GAS CO - Application filed on 2/2/09, for Abandonment of Service to 23 field gathering line customers. ALJ Corbett issued an Initial Decision on 2/3/10, denying the Application. By Opinion and Order entered 5/12/10, the Commission granted Equitable's petition for reopening proceedings prior to final decision and remanded the case for further proceedings. In the Initial Decision Upon Remand, issued 11/16/10, ALJ Corbett approved Equitable's Application subject to certain conditions. On 1/28/11, Protestants Phillip R. Conklin and James Holden filed a Motion to Dismiss on the basis that Equitable did not comply with some of the conditions in the Initial Decision Upon Remand. Equitable filed an Answer to the Motion to Dismiss on 1/28/11.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Motion to Dismiss and adopts the Initial Decision Upon Remand.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2099226-OSA Vote 5-0.	A-2009-2099226	<p>PENNDOT</p> <p>- Application filed on 4/2/09, for approval for the alteration of the existing public at-grade crossing. PennDOT proposed to install a pedestrian crossing, as part of the Susquehanna River Walk Extension, at the crossing. A Field Investigation and Conference was held. By Secretarial Letter issued on 2/15/11, the Commission, inter alia, approved the instant Application and the allocation of costs. On 3/10/11, Norfolk Southern filed the instant Petition to Appeal Secretarial Letter. On 3/31/11, PennDOT filed its Answer to the Petition.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order, which grants the Petition to the extent consistent with the Opinion and Order.</p>
2157542-OSA Vote 5-0.	M-2011-2157542	<p>LAW BUREAU PROSECUTORY STAFF VS PEOPLES NATURAL GAS</p> <p>- Proposed Settlement Agreement filed on 3/14/11, which amicably resolved issues which arose during an informal investigation involving service outages in Altoona. The Settlement was issued for comment by Order entered 6/10/11. Comments were filed by the Law Bureau Prosecutory Staff on 6/30/11.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopted the proposed Opinion and Order which approves the proposed Settlement Agreement.</p>
2169756-OSA Vote 5-0.	C-2010-2169756	<p>DALE SATTAR VS AQUA PENNSYLVANIA, INC</p> <p>- Formal Complaint filed on 4/6/10, requesting an optional billing plan. On 5/5/10, Aqua filed an Answer denying the allegations within the Complaint. By Initial Decision issued on 3/24/11, ALJ Nguyen dismissed the Complaint. On 4/10/11, Mr. Sattar filed Exceptions. On 4/29/11, Aqua filed Replies to Exceptions.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which grants the Exceptions in part, denies them in part, modifies the ALJ's Initial Decision and dismisses the Complaint.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2180665-OSA Vote 5-0.	C-2010-2180665	<p>BUR OF TRANSPORTATION & SAFETY VS MURRELL, INC</p> <p>- Complaint instituted on 11/9/10, alleging that failure to file with the Commission a current list of vehicles being utilized for limousine service between 12/1/09 and 12/31/09. BTS requested that a civil penalty of \$250 be imposed. The Respondent filed an Answer on 11/17/10 denying the allegations of the Complaint. On 4/27/11, 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 \$50.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>
2189968-OSA Vote 5-0.	F-2010-2189968	<p>CARLITA ALCANTARA VS UGI UTILITIES, INC</p> <p>- Formal Complaint filed on 7/22/10, denying UGI's claims of meter tampering and requested that the Commission dismiss \$3,774.12 of the charges for unbilled service and meter tampering. By Initial Decision issued 11/18/10, ALJ Weismandel sustained the Complaint, in part, and denied it in part. The ALJ found, inter alia, that there was evidence of meter tampering and that the Complainant was responsible for unbilled gas service. However, the ALJ rejected the \$450 in charges for meter tampering and shortened the recalculation period for the unbilled service. The Complainant filed Exceptions on 2/17/11, and UGI filed Reply Exceptions on 3/3/11.</p> <p>RECOMMENDATION:</p> <p>That that the Commission adopt the proposed Opinion and Order that remands the case to the OALJ to develop the record for the period that the underbilling occurred and to determine an appropriate methodology for recalculating the unbilled consumption.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2191797-OSA Vote 5-0.	C-2010-2191797	<p>BUR OF TRANSPORTATION & SAFETY VS PHILLY LIMO, INC</p> <p>- Complaint instituted on 10/20/10, alleging failure to file with the Commission a current list of vehicles being utilized for limousine service between 12/1/09 and 12/31/09. BTS requested that a civil penalty of \$250 be imposed. The Respondent filed an Answer on 11/10/10 in the form of an updated vehicle list. On 3/24/11, 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 \$100.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>
2215209-OSA Vote 5-0.	C-2011-2215209	<p>BUR OF TRANSPORTATION & SAFETY VS JOHN HENRY BRIGGS, III</p> <p>- Complaint instituted on 3/17/11, alleging the transporting of persons for compensation between points in PA, while then not holding a Certificate issued by the Commission. BTS requested that a civil penalty of \$1,000 be imposed. The Respondent filed an Answer on 3/30/11. On 6/2/11, 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 civil penalty of \$1,000 would be reduced to \$100.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2242824-OSA Vote 5-0.	A-2011-2242824	VERIZON MARYLAND INC and CENTURYLINK - Joint Petition filed on 5/20/11, seeking approval of an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. 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>
2054272-FUS Vote 5-0.	A-2008-2054272	TITAN GAS, LLC D/B/A TITAN GAS & POWER - Application filed on 6/14/11, for approval to amend its natural gas supplier license for all customer classes to include the service territory of UGI Utilities, within PA. RECOMMENDATION: That the Commission adopt the proposed Order that approves the amendment.
2201777-FUS (PP from 07/14/2011) Postponed until the Public Meeting of August 11, 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.
2212421-FUS Vote 5-0.	A-2010-2212421	ENERGY SERVICES PROVIDERS INC D/B/A PENNSYLVANIA GAS & ELECTRIC - Application filed on 5/24/11, for approval to amend its electric generation supplier to serve all customer classes in the additional electric distribution company service territories of Citizens' Electric Company of Lewisburg, Met-Ed, Penelec, Penn Power, and Wellsboro Electric, within PA. 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>
2236806-FUS Vote 5-0.	A-2011-2236806 A-2011-2236807 A-2011-2236808	EXIT II WWTP, INC and SYC WWTP, LP - Joint Application for approval and all certificates of public convenience required for the transfer by merger of the wastewater service assets of Exit II into SYC; the authorization of SYC to begin to offer, render, furnish and supply wastewater utility service to the service area formerly served by Exit II; and, for Exit II to abandon wastewater utility service upon the commencement of service by SYC. RECOMMENDATION: That the Commission adopt the proposed Order approving the transfer by merger of the wastewater service assets of Exit II into SYC.
2243141-FUS Vote 5-0.	A-2011-2243141 A-2011-2243140 A-2011-2243142 A-2011-2243143 A-2011-2243145	WIMACTEL, INC - Application for approval to offer, render, furnish or supply telecommunication services as a: CLEC in the service areas of Verizon PA, Verizon North, CenturyLink, and Windstream PA; and, a Reseller IXC (detariffed) throughout PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2243341-FUS Vote 5-0.	A-2011-2243341	MAKE THE SWITCH USA LLC - Application filed on 5/17/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (25 kW demand and under), large commercial (over 25 kW demand), industrial and governmental customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2243559-FUS Vote 5-0.	A-2011-2243559	ENERGY ENABLEMENT, LLC - Application filed on 5/20/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for large commercial (over 25 kw demand), 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.
2244819-FUS Vote 5-0.	S-2011-2244819 S-2011-2249442	US LEC OF PA D/B/A PAETEC BUSINESS SVC AND CAVALIER TELEPHONE MID-ATLANTIC, LLC - Securities certificate with respect to the issuance of debt in principal amount not to exceed \$75,000,000. RECOMMENDATION: That the Commission adopt the proposed Order approving the securities certificate.
2245360-FUS Vote 5-0.	R-2011-2245360	METROPOLITAN EDISON CO - Supplement No.10 to Tariff Electric-Pa. P.U.C No. 51, filed on 6/3/11, for approval to propose an additional provision G: Alternative Technology Lighting to its Street Lighting Service, effective 8/3/11. No formal complaints or protests have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that approves the tariff supplement.
2245363-FUS Vote 5-0.	R-2011-2245363	METROPOLITAN EDISON CO - Supplement No. 11 to Tariff Electric Pa. P.U.C. No. 51, filed on 6/3/11, proposing a change to Rate RT Residential Time-of-Day Service Rate to grandfather "General Provision F Seasonal time-of-Day Service," to become effective 8/3/11. RECOMMENDATION: That the Commission adopt the proposed Order which approves the tariff supplement.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2248651-FUS Vote 5-0.	A-2011-2248651	THE ENERGY LINK, LLC - Application filed on 6/17/11, for approval 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 territories of PECO and Duquesne Light within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2249490-FUS Vote 5-0.	S-2011-2249490	COLUMBIA WATER CO - Securities certificate concerning the issuance of a Commercial Promissory Note in the amount of \$600,000. RECOMMENDATION: That the Commission adopt the proposed Order for the registration of the securities certificate.
2251842-FUS Vote 5-0.	M-2011-2251842	BUREAU OF FIXED UTILITY SERVICES - Report regarding quarterly earnings of PA utilities for the quarter ended 3/31/11, representing the earned and adjusted returns on rate base and common equity capital for PA non-telephone fixed utilities with jurisdictional operating revenues of over \$10,000,000. RECOMMENDATION: That the Commission make the earnings report public.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2238120-FUS Vote 5-0.	R-2011-2238120	CORNER WATER SUPPLY & SERVICE CORP - Supplement No. 59 to Tariff Water - Pa. P.U.C. No. 1, filed on 5/26/11, proposing an annual increase in rates of \$38,719 (11.8%) to become effective 8/1/11, based on a historic test year ending 12/31/10. By letter dated 4/29/11, the Commission granted the Respondent an extension of time for filing the general rate increase request. A formal complaint has been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2238120-OTS Adopt 5-0 to the extent it is consistent with 2238120-FUS.	R-2011-2238120	CORNER WATER SUPPLY & SERVICE CORP - Supplement No. 59 to Tariff Water - Pa. P.U.C. No. 1, to become effective 8/1/11, proposing an increase of \$38,719 representing an increase in annual revenues of 11.8%. 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 3/1/12.
2238805-FUS Vote 5-0.	R-2011-2238805	CAN DO, INC - WATER DIVISION - Supplement No. 22 to Tariff Water-Pa. P.U.C. No. 3, filed on 4/28/11, proposing an annual increase in revenues of \$266,344 (18.94%) to become effective 7/1/11, and voluntarily postponed to 8/1/11. Formal Complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2238805-OTS Adopt 5-0 to the extent it is consistent with 2238805-FUS.	R-2011-2238805	CAN DO, INC - WATER DIVISION - Supplement No. 22 to Tariff Water – Pa P.U.C. No. 3, filed on 4/28/11, to become effective 8/1/11, proposing an increase of \$266,344, or an increase in annual revenues of 19%. 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 3/1/12.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2238809-FUS Vote 5-0.	R-2011-2238809	CAN DO, INC - WASTEWATER DIVISION - Supplement No. 18 to Tariff Wastewater-Pa. P.U.C. No. 3, filed on 4/28/11, proposing an annual increase in revenues of \$437,564 (37.31%) to become effective 7/1/11, and voluntarily postponed to 8/1/11. Formal Complaints have been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2238809-OTS Adopt 5-0 to the extent that it is consistent with 2238809-FUS.	R-2011-2238809	CAN DO, INC - WASTEWATER DIVISION - Supplement No. 18 to Tariff Wastewater – Pa P.U.C. No. 3, filed on 4/28/11, to become effective 8/1/11, proposing an increase of \$437,564, or an increase in annual revenues of 37.3%. 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 3/1/12.
2246415-FUS Vote 5-0.	R-2011-2246415	TWIN LAKES UTILITIES, INC - Tariff Water - Pa. P.U.C. No. 4, filed on 6/10/11, proposing an annual increase in rates of \$124,420 (367.67%) to become effective 8/10/11, based on a historic test year ending 12/31/10. A formal complaint has been filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2246415-OTS Adopt 5-0 to the extent that it is consistent with 2246415-FUS.	R-2011-2246415	TWIN LAKES UTILITIES, INC - Tariff Water - Pa. P.U.C. No. 4, filed on 6/10/11, to become effective 8/10/11, proposing an increase of \$124,420 representing an increase in annual revenues of 368%. 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 3/10/12.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2093053-LAW Vote 5-0.	P-2009-2093053 P-2009-2093054	MET-ED and PENELEC - Order entered on 4/26/11, soliciting comments from the parties on the timing of the Consumer Education Programs of Met-Ed and Penelec. The programs had been approved as part of the Companies' 2009 settlement in its default service proceeding. RECOMMENDATION: That the Commission adopt the Order, which directs the parties to move forward with the Consumer Education Programs that are set forth in the Companies' default service plan settlement.
2099881-LAW Vote 5-0.	I-2009-2099881	INVESTIGATION OF RATE MECHANISMS FOR EE&C - Investigation to ensure compliance with Section 410(a) of the American Recovery and Reinvestment Act of 2009 (ARRA). Section 410(a) of the ARRA requires the Commission to consider implementing ratemaking policies for electric and gas utilities that align with energy conservation goals. This Final Order will conclude the Investigation and satisfy Section 410(a) of the ARRA. RECOMMENDATION: That the Commission adopt the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2107155-LAW Vote 5-0.	L-2009-2107155 M-2008-2058386	PROPOSED RULEMAKING-AMENDMENT 59.18 METER LOCATION - The Commission directed the BTS, Gas Safety Division, on 8/21/08, to institute an investigation of gas meter placement and relocation of service disputes between gas distribution companies and their customers. The Gas Safety Division issued ten data requests to the ten largest gas utilities under Commission jurisdiction. The data requests included questions related to the number of inside/outside meter sets, inside regulators, tariff language, inside meter set leak calls, reportable incidents associated with inside meter sets, meter relocation charges, inside leak surveys, and local ordinances requiring certain meter locations. All ten gas utilities responded. The Gas Safety Division concluded that the Commission's existing regulation is vague, inadequate, and out-of-date with respect to the federal standards which the Commission has adopted. RECOMMENDATION: That the Commission adopt the Proposed Rulemaking Order.
2108601-LAW Statement by Commissioner Cawley. Vote 5-0.	M-2009-2108601 M-2008-2069887	ACT 129 TOTAL RESOURCE COST TEST - Act 129, 66 Pa.C.S. § 2806.1, mandates TRC testing of EDCs' EE&C plans. The PA TRC was first adopted in 2009. In May 2011, the Commission proposed revisions to the TRC test. The stakeholders were afforded the opportunity to file comments and reply comments and to propose further revisions. The draft Final Order reflects the 2011 PA TRC test RECOMMENDATION: That the Commission adopt the proposed 2011 revisions to the PA TRC test.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2239956-LAW Vote 5-0.	P-2011-2239956	CONSTELLATION NEWENERGY, INC - Petition filed on 5/6/11, requesting a temporary waiver of the budget billing requirement at 52 Pa. Code § 56.12(7) until 12/31/11. A copy of the petition was served on OCA, OSBA, and OTS. No answers were filed. RECOMMENDATION: That the Commission adopt the proposed Order that grants the waiver request until 12/31/11.
2246066-LAW Vote 5-0.	P-2011-2246066	DUQUESNE LIGHT COMPANY - Petition for approval of a permanent waiver of the EDI 568 obligation for Duquesne's POR customers. Since Duquesne purchased the account receivables through the POR program, it is both the billing party and the owner of debt making the EDI 568 collection notice unnecessary. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.
2248534-LAW Postponed until the Public Meeting of August 11, 2011.	P-2011-2248534	WINDSTREAM PENNSYLVANIA, LLC - Petition for a bona fide retail request deployment extension of six-months for specific exchanges pursuant to 66 Pa. C.S. § 3014(c)(5). Windstream asserts that the delay in completing the project is attributable to the delay in the release of the Broadband Initiatives Program funding from the Rural Utilities Service under the US Dept. of Agriculture and the construction of new pads, which require surveys and the acquisition and recording of at least one, and possibly more, new rights-of-way. 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>
2132719-ALJ Motion by Commissioner Gardner. Vote 5-0.	F-2009-2132719	SUSAN P GROFF VS PECO - Formal Complaint filed on 9/16/09, alleging a billing dispute. On 10/19/09, the Respondent filed an answer denying the material allegations of the complaint. COMMISSION REVIEW: That the Commission adopt ALJ Nguyen's Initial Decision dismissing the complaint.
2193390-ALJ Joint Motion by Commissioner Gardner and Commissioner Witmer. Vote 5-0.	F-2010-2193390	SCOTT PRIOR VS DUQUESNE LIGHT CO - Formal Complaint filed on 8/12/10, alleging the continued improper billing of \$25.31 for electric usage dating back to 1/27/10, but his lease for the service address did not start until 2/27/10. Complainant requested an adjustment to his bill. On 9/1/10, Duquesne filed an answer stating the incorrect charge was removed 3/4/10 from Complainant's account. A hearing was held on 3/12/11. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Initial Decision dismissing the complaint for failure to carry the burden of proof.
2207776-ALJ Vote 5-0.	R-2010-2207776	TRI-VALLEY WATER SUPPLY, INC - Request for a rate increase for Stone Ridge, Cypress Park and El Do Lake Divisions filed on 11/1/10, to become effective 1/1/11, and voluntarily postponed until 2/1/11. By Order entered 1/27/11, the Commission assigned the case to OALJ and directed an investigation. On 4/20/11, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJ's Jones and Vero's Recommended Decision approving the Settlement.
2221442-ALJ Vote 5-0.	M-2011-2221442	PENNSYLVANIA AMERICAN WATER COMPANY - Section 1307(e) DSIC Reconciliation Statement filed on 1/21/11, setting forth the over/under collections for the 12 month period which ended 12/31/10. A hearing was held on 3/23/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the reconciliation statement.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2222068-ALJ Vote 5-0.	M-2011-2222068	NEWTOWN ARTESIAN WATER CO - Section 1307(e) DSIC Reconciliation Statement filed on 1/24/11, setting forth the over/under collections for the 12 month period which ended 12/31/10. A hearing was held on 3/23/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the reconciliation statement.
2222965-ALJ Vote 5-0.	M-2011-2222965	UNITED WATER PENNSYLVANIA INC - Section 1307(e) DSIC Reconciliation Statement filed on 1/26/11, setting forth the over/under collections for the 12 month period which ended 12/31/10. A hearing was held on 3/23/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the reconciliation statement.
2222992-ALJ Vote 5-0.	M-2011-2222992	COLUMBIA WATER CO - Section 1307(e) DSIC Reconciliation Statement filed on 1/26/11, setting forth the over/under collections for the 12 month period which ended 12/31/10. A hearing was held on 3/23/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the reconciliation statement.
2223031-ALJ Vote 5-0.	M-2011-2223031	WELLSBORO ELECTRIC CO - Section 1307(e) Generation Service Supply Rate Reconciliation Statement filed on 1/28/11, setting forth the over/under collections for the twelve-month period which ended on 12/31/10. A hearing was held on 3/30/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the reconciliation statement.
2223032-ALJ Vote 5-0.	M-2011-2223032	CITIZENS ELEC CO OF LEWISBURG - Section 1307(e) Generation Service Supply Rate Reconciliation Statement filed on 1/28/11, setting forth the over/under collections for the twelve-month period which ended on 12/31/10. A hearing was held on 3/30/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the reconciliation statement.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2223496-ALJ Vote 5-0.	M-2011-2223496	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - Section 1307(e) System Benefits Charge Reconciliation Statement filed on 1/28/11, setting forth the over/under collections for the twelve-month period which ended on 12/31/10. A hearing was held on 3/30/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the reconciliation statement.
2223546-ALJ Vote 5-0.	M-2011-2223546	YORK WATER CO - Section 1307(e) DSIC Reconciliation Statement filed on 1/31/11, setting forth the over/under collections for the 12 month period which ended 12/31/10. A hearing was held on 3/23/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the reconciliation statement.
2223563-ALJ Vote 5-0, noting a small correction submitted by the Parties regarding storage capacity.	R-2011-2223563	EQUITABLE GAS CO - Section 1307(f) Computation of Annual Purchased Gas Cost filed on 4/1/11, for the period ending 9/30/12. The Commission assigned the case to OALJ, instituting an investigation. A Joint Settlement Agreement was filed on 5/25/11. COMMISSION REVIEW: That the Commission adopt ALJ Corbett's Recommended Decision approving the Settlement.
2225786-ALJ Vote 5-0.	M-2011-2225786	AQUA PENNSYLVANIA, INC - Section 1307(e) DSIC Reconciliation Statement setting forth the over/under collections for the 12 month period ending 12/31/10. A hearing was held on 3/23/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement insofar as it is undisputed.