

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**FRIDAY, OCTOBER 28, 2011 (JC)**

**9:00 A.M.**

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

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

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

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

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

**The Commissioners seated on the bench are:**

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
<b>James H. Cawley</b>	<b>John F. Coleman, Jr.</b>	<b>Robert F. Powelson</b>	<b>Wayne E. Gardner</b>	<b>Pamela A. Witmer</b>

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

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

**Minutes of the Meeting of Thursday, September 22, 2011 (PW)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, NOVEMBER 10, 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 HELD AN EXECUTIVE SESSION ON WEDNESDAY, OCTOBER 26, 2011, AT 2:00 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.**

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

October 28, 2011

**BUREAUS OF TECHNICAL UTILITY SERVICES and INVESTIGATION & ENFORCEMENT (Transportation)**

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2155021-TAS Vote 5-0	A-2010-2155021	MODERN MOTOR COACHES INC T/A MODERN PIANO MOVING - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2176038-TAS Vote 5-0	A-2010-2176038	SABER ELNAGGAR - Application for the right to transport as a common carrier by motor vehicle, persons upon call or demand. RECOMMENDATION: That the Commission adopt the proposed Order approving the transfer application.
2196898-TAS Vote 5-0	C-2011-2196898 A-00114204	BUREAU OF TRANSPORTATION & SAFETY VS AER CONSTRUCTION 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.
2225263-TAS Vote 5-0	A-2011-2225263	SKYE KING - Application for the right to begin to transport as a common carrier by motor vehicle, persons in airport transfer service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.

## BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2262952-AUD Vote 5-0	M-2011-2262952	PECO ENERGY COMPANY-ELECTRIC - Generation Supply Adjustment. RECOMMENDATION: That the Commission approve Supplement No. 24 to Tariff Electric - Pa. P.U.C. No. 4, reflecting the proposed GSA-4 rates to become effective 11/1/11.
2263858-AUD Vote 5-0	M-2011-2263858	WALLY GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
2264546-AUD Vote 5-0	M-2011-2264546	ANDREASSI GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
2264595-AUD Vote 5-0	M-2011-2264595	PINE ROE NATURAL GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
2265285-AUD Vote 5-0	M-2011-2265285	SERGEANT GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission reject the GCR.
2265869-AUD Vote 5-0	M-2011-2265869	CLARION RIVER - DIV ORWELL NATURAL GAS - Gas Cost Rates. RECOMMENDATION: That the Commission approve the staff recommended GCR and associated base gas cost effective 11/1/11.
2265886-AUD Vote 5-0	M-2011-2265886	NORTH EAST HEAT & LIGHT COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
2265892-AUD Vote 5-0	M-2011-2265892	WALKER GAS - DIV OF ORWELL NATURAL GAS - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
2265922-AUD Vote 5-0	M-2011-2265922	HERMAN RIEMER GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the staff recommended GCR and associated base gas cost effective 11/1/11.

**BUREAU OF AUDITS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2266241-AUD</b> Vote 5-0	<b>M-2011-2266241</b>	SIGEL GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
<b>2266737-AUD</b> Vote 5-0	<b>M-2011-2266737</b>	CHARTIERS NATURAL GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.
<b>2267510-AUD</b> Vote 5-0	<b>M-2011-2267510</b>	HERMAN OIL & GAS COMPANY - Gas Cost Rates. RECOMMENDATION: That the Commission approve the GCR and associated base gas cost effective 11/1/11.

**BUREAU OF CONSUMER SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2111130-BCS</b> <b>Vote 5-0</b>	<b>M-2009-2111130</b>	EQUITABLE GAS CO - Revised Universal Service and Energy Conservation Plan for 2010-2012, filed on 9/13/10, in accordance with the Commission's regulations at 52 Pa. Code sections 62.1-62.8. RECOMMENDATION: that the Commission adopt the proposed Final Order, which approves Equitable's Plan.
<b>2186052-BCS</b> <b>Vote 5-0</b>	<b>M-2010-2186052</b>	UGI UTILITIES, INC. - Universal Service and Energy Conservation Plan for 2011-2013, filed on 7/8/10, in accordance with the Commission's regulations at 52 Pa. Code sections 54.71-78 and 62.1-62.8. RECOMMENDATION: That the Commission adopt the proposed Final Order, which approves the UGI Companies' Plan.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
1087149-OSA  Vote 5-0	A-00111016 C-00913256	CONSOLIDATED RAIL CORP - This proceeding involves two consolidated proceedings. The Commission, per Opinion and Order entered on 10/9/97, adopted the Recommended Decision of ALJ Cocheres, as modified. The 1997 Order was subsequently modified by several other Orders, the most recent being entered on 10/31/07. On 4/11/11, PennDOT filed the instant Motion for Extension of Time, with reference to work ordered by Paragraph 142 of the 1997 Order, as modified. On 4/21/11, BTS filed an Answer to the Motion. On 5/19/11, the Commission issued a Secretarial Letter in which it was stated that the Motion would be held in abeyance in order to afford BTS an opportunity to hold a field conference and file a report of findings and/or recommendations. On 9/12/11, Martic Township and PennDOT filed a Stipulation in this matter. On 10/5/11, BTS filed a Letter-Answer to the Stipulation. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants PennDOT's Motion, consistent with the Opinion and Order.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2152607-OSA  Statement by Vice Chairman Coleman Vote 5-0	F-2010-2152607	JOHN PELUSO VS PENNSYLVANIA POWER COMPANY - Formal Complaint filed on 1/14/10, alleging, inter alia, that prior to the installation of a new transformer in 4/09, he was not receiving sufficient power. Mr. Peluso requested that he be reimbursed for overcharges on his electric bill and for the shortened life of his furnace motor, appliances and light bulbs. By Initial Decision issued 11/18/10, ALJ Dunderdale sustained the Complaint and directed that Penn Power recalculate the Complainant's electric consumption and issue a corrected bill. Penn Power filed Exceptions on 12/8/10. By Opinion and Order entered 7/14/11, the Commission granted the Exceptions in part, denied them in part, reversed the Decision. and dismissed the Complaint. On 7/20/11, Mr. Peluso filed a Petition for Reconsideration. Penn Power filed an Answer to the Petition on 8/22/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition for Reconsideration.



**OFFICE OF SPECIAL ASSISTANTS**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

**2163584-OSA**

**C-2010-2163584**

**Vote 5-0**

**WILBERT THOMAS VS MET ED**  
- Formal Complaint filed on 3/3/10, alleging a reliability, safety or quality problem with his utility service. On 8/2/10, the Complainant filed a document reiterating his complaints about the service he had received from the Respondent. On 9/20/10, the Complainant filed another document complaining about the service he received from the Respondent. On 3/17/11, Met Ed filed an Answer denying the material allegations of the Complaint. By hearing notice dated 5/4/11, the matter was scheduled for hearing. On 6/15/11 the initial hearing was held. The Complainant appeared pro se. On 8/2/11, ALJ Salapa's Initial Decision on the Formal Complaint was issued. Exceptions were filed by the Complainant on 8/11/11. Met Ed filed Reply Exceptions on 9/1/11.  
**RECOMMENDATION:**  
That the Commission adopt the proposed Opinion and Order.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2181922-OSA  Vote 5-0	C-2010-2181922 C-2010-2182009	STONEHURST REALTY CORP VS PECO ENERGY COMPANY - Formal Complaint filed on 6/9/10, alleging its inability to pay a security deposit. On 7/6/10, PECO filed an Answer to the Complaint. On 6/14/10, another formal Complaint was filed on Stonehurst's behalf which alleged its inability to pay a security deposit on another of its accounts. On 7/7/10, PECO filed an Answer thereto. By Order of 6/15/11, ALJ Pell consolidated the two Complaints. That Order also granted Complainant's request for postponement of the hearing. By Corrected Hearing Notice of 6/14/11, the hearing was scheduled for 8/16/11. In his Initial Decision, issued on 7/21/11, ALJ Pell recommended that the Complaints in this consolidated proceeding be dismissed and the scheduled hearing be cancelled. On 8/11/11, Stonehurst filed Exceptions to the Initial Decision. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) grants Stonehurst's Exceptions to the Initial Decision; (2) reverses the ALJ's Initial Decision; and (3) refers this matter to the OALJ for further proceedings as deemed appropriate.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2184548-OSA  Vote 5-0	C-2010-2184548	BUR OF TRANSPORTATION & SAFETY VS J&B LIMOUSINE SVC & AUTO LEASING T/A ELEGANT ARRIVALS - Complaint instituted on 11/8/10, alleging that the Respondent failed to provide a current vehicle list to the Commission between 12/1 and 12/31 of 2006, 2007, 2008 and 2009. BTS requested that a civil penalty of \$250 be imposed. The Respondent filed an Answer on 11/29/10. On 7/28/11, 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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2206638-OSA</b> <b>Vote 5-0</b>	<b>A-2010-2206638</b>	<b>EDUCATED MOVING LLC</b> - Application filed on 10/25/10, for certain common carrier rights. Notice was published in the PA Bulletin. Several entities filed Protests to the application. ALJ Pell issued a Prehearing Order on 7/28/11, in which he directed that the Applicant have an attorney enter an appearance to represent it prior to 8/12/11. Counsel for Applicant's Entry of Appearance and Motion for Continuance were received on 8/26/11. In his Initial Decision, issued on 9/1/11, ALJ Pell stated that, as of that date, there was no record of an attorney filing a notice of appearance on behalf of the Applicant. The ALJ stated that, since the Applicant failed to comply with his Prehearing Order, he would dismiss the Application and cancel the scheduled hearing. On 9/19/11, the Applicant filed Exceptions to the Initial Decision. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order that: (1) grants the Applicant's Exceptions to the Initial Decision; (2) reverses the ALJ's Initial Decision; and (3) refers this matter to the OALJ for further proceedings as deemed appropriate.
<b>2217955-OSA</b> <b>Vote 5-0</b>	<b>C-2011-2217955</b>	<b>BUR OF TRANSPORTATION &amp; SAFETY VS TRI COUNTY TRANSIT SERVICE</b> - Complaint instituted on 3/15/11, alleging that the Respondent failed to have its driver in possession of a current and valid medical certificate. BTS requested that a civil penalty of \$100 be imposed. The Respondent filed an Answer on 4/1/11. On 8/2/11, 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 penalty of \$100 would be reduced to \$50. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

**OFFICE OF SPECIAL ASSISTANTS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2259152-OSA</b> Vote 5-0	<b>A-2011-2259152</b>	365 WIRELESS LLC AND VERIZON PA - Joint Petition filed on 8/24/11, seeking approval of an Interconnection Agreement and Amendment No. 1, pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
<b>2259166-OSA</b> Vote 5-0	<b>A-2011-2259166</b>	365 WIRELESS LLC AND VERIZON NORTH - Joint Petition filed on 8/24/11, seeking approval of an Interconnection Agreement and Amendment No. 1, pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1093473-FUS</b> <b>Vote 5-0</b>	<b>A-110101</b>	ENERGY MANAGEMENT RESOURCES - Application filed on 8/22/11, for approval to amend its electric generation supplier license to include residential and small commercial (25kW and under) customers in mixed meter scenarios. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment to the electric generation supplier license.
<b>2192836-FUS</b> <b>Vote 5-0</b>	<b>A-2010-2192836</b>	TOMORROW'S UTILITIES INC - Application filed on 8/23/11, to amend its electric generation supplier license to also serve residential and small commercial (25 kw and under demand) 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 amendment application.
<b>2204832-FUS</b> <b>Vote 5-0</b>	<b>A-2010-2204832</b>	MUIRFIELD ENERGY INC - Application filed on 8/10/11, for approval to amend its electric generation supplier license to include residential and small commercial (25kW and under) customers in mixed meter scenarios. RECOMMENDATION: That the Commission adopt the proposed Order which approves the amendment to the electric generation supplier license.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2248985-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2248985</b>	<b>PPL ELECTRIC UTILITIES CORP</b> - Letter of Notification filed on 6/23/11, for approval for the South Akron-Dillerville #1 and #2 138 kV Transmission Line in East Hempfield, Manheim, Warwick and West Earl Townships, and the City of Lancaster, Lancaster County. Authority for this procedure is provided for at 57.72(d)(1)(iv) and (vi). No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.
<b>2249368-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2249368</b>	<b>PPL ELECTRIC UTILITIES CORP</b> - Letter of Notification filed on 6/28/11, for approval of the reconstruction of a portion of the Whitpain-Buxmont 230 kV Transmission Line in Salford, Lower Salford, Franconia and Towamencin Townships in Montgomery County. Authority for this procedure is provided for at 57.72(d)(1)(i) and (v). No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2254554-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2254554</b>	<b>ALPHA GAS AND ELECTRIC LLC</b> - Application filed on 7/5/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity to residential, small commercial (25 kw and under demand), large commercial (over 25kW demand), and industrial customers in the service territories of West Penn Power, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO Energy, PPL Electric, UGI Utilities, and Pike County Light and Power within PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.
<b>2255410-FUS</b> <b>Vote 5-0</b>	<b>M-2011-2255410</b> <b>M-00981074</b>	<b>SNYDER COUNTY'S 911</b> - System Renewal Plan filed on 8/3/11, from PEMA requesting a formal review the costs associated with the contribution rate of \$1.50 per access line per month and make a recommendation to PEMA within 90 days of the receipt date. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.
<b>2257622-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2257622</b> <b>A-2011-2257641</b>	<b>PENNSYLVANIA AMERICAN WATER CO AND WILDCAT PARK CORPORATION</b> - Joint Application filed on 8/10/11. Proofs of publication and service to the appropriate entities were submitted. No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the Joint Application.
<b>2257924-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2257924</b>	<b>TERM POWER &amp; GAS LLC D/B/A TERM ENERGY</b> - Application filed on 8/18/11, for approval to supply electric generation services as a supplier to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution company service territories throughout PA. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order which approves the application.



**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
2258221-FUS Withdrawn	S-2011-2258221	UGI PENN NATURAL GAS COMPANY - Securities Certificate filed on 8/17/11, for approval for the incurrence of indebtedness under a \$125 million financing agreement through and until 10/15/15. On 9/1/11, UGI Penn Natural Gas, Inc. agreed to voluntarily extend the consideration period until 10/28/11. RECOMMENDATION: That the Commission adopt the proposed Order that approves the registration of the securities certificate for the incurrence of indebtedness under a \$125 million financing agreement through and until 10/15/15.
2258334-FUS Withdrawn	S-2011-2258334	UGI UTILITIES, INC - GAS DIVISION - Securities Certificate filed on 8/17/11, for approval for the incurrence of indebtedness in an amount up to \$400 million under an unsecured, revolving credit agreement through and until 10/31/15. On 9/1/11, UGI Utilities agreed to voluntarily extend the consideration period until 10/28/11. RECOMMENDATION: That the Commission adopt the proposed Order that approves the registration of the securities certificate for the incurrence of indebtedness in an amount up to \$400 million under an unsecured, revolving credit agreement through and until 10/31/15.
2258347-FUS Withdrawn	S-2011-2258347	UGI CENTRAL PENN GAS, INC - Securities Certificate filed on 8/17/11, for approval for the incurrence of indebtedness under a \$50 million financing agreement through and until 10/15/15. On 9/1/11, UGI Central Penn Gas agreed to voluntarily extend the consideration period until 10/28/11. RECOMMENDATION: That the Commission adopt the proposed Order that approves the registration of the securities certificate for the incurrence of indebtedness under a \$50 million financing agreement through and until 10/15/15.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2259342-FUS</b> Vote 5-0	<b>A-2011-2259342</b>	FAIRPOINT BUSINESS SERVICES LLC - Application filed on 8/25/11, for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
<b>2260255-FUS</b> Vote 5-0	<b>A-2011-2260255</b>	NORDIC ENERGY SERVICES LLC - Application filed on 6/22/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), governmental and industrial customers in the electric distribution company service territories of PECO and PPL within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
<b>2262337-FUS</b> Vote 5-0	<b>A-2011-2262337</b>	INDEPENDENCE ENERGY GROUP LLC - Application filed on 9/7/11, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small (25 kw and under demand) and large commercial (over 25 kw demand) in all electric distribution company service territories within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2264615-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2264615</b>	PELZER COMMUNICATIONS CORP - Application filed on 8/29/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Services. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
<b>2265182-FUS</b> <b>Vote 5-0</b>	<b>S-2011-2265182</b>	SUNESYS LLC - Securities certificate filed on 9/28/11, for approval for the provision of a guarantee and other security in connection with a credit agreement of its ultimate parent Quanta Services, Inc. In a letter dated 10/11/11, Sunesys made a correction to the Company's original filing which incorrectly referenced Chapter 10 rather than Chapter 19 of the PA Public Utility Code and submitted supplemental information relating to the lack of a Board of Director's resolution because Sunesys, LLC is a limited liability company. RECOMMENDATION: That the Commission register the securities certificate.
<b>2267289-FUS</b> <b>Vote 5-0</b>	<b>M-2011-2267289</b>	BUREAU OF TECHNICAL UTILITY SERVICES - Quarterly Report 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. Staff has included detailed, market-based analysis of the current cost of equity across industry-wide groups. RECOMMENDATION: That the Commission make the earnings report public.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2214432-LAW  Vote 5-0	P-2010-2214432 M-2010-2203164	NORTH EAST HEAT & LIGHT CO. - On 12/17/09, at M-2009-2134358, the Commission granted NEH&L a waiver of 52 Pa. Code § 53.66(d) by reducing its interest rate on over-collections to 2% for the previous GCR year, based on extraordinary circumstances that resulted in a large net over-collection. On 11/24/10, NEH&L filed a letter requesting that the waiver again be granted to them at the same rate citing similar reasons. The letter was not served on the Statutory Advocates or any other interested party. On 7/14/11, a Tentative Order was entered denying the requested relief. The Commission also ordered a Final Order be entered in accordance with Commissioner Gardner's comments and for the Tentative Order be served on NEH&L, the OTS, OCA, and OSBA for comment. Comments were received by OCA and NEH&L. RECOMMENDATION: That the Commission adopt the Order denying the request for waiver or partial exemption of the obligation to pay interest on over-collections and grant the request for the Commission to review the issues surrounding the GCR mechanism and provide a report.
2238314-LAW  Vote 5-0	P-2011-2238314	METROPOLITAN EDISON CO. - Petition filed on 4/28/11, pursuant to 52 Pa. Code § 5.41, requesting approval of a waiver of the use of the standardized interconnection form for its proposed interconnection project with the Department of Conservation and Natural Resources. RECOMMENDATION: That the Commission grants the Petition for Waiver.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2187197-ALJ</b> <b>Motion by Vice Chairman Coleman</b> <b>Vote 5-0</b>	<b>C-2010-2187197</b>	NEHEMIAH THOMAS VS PECO ENERGY CO - Formal Complaint filed 7/8/10, alleging PECO had overbilled him from 12/07 to 6/08 and that his electric bills should be between \$10 and \$15 a month. He asked that the Commission investigate PECO's practice. PECO filed its answer 8/2/10. Hearings were held 4/4/11 and 7/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Nguyen's Initial Decision denying the complaint.
<b>2187832-ALJ</b> <b>(PP from 10/14/2011)</b> <b>Statement by Commissioner Cawley</b> <b>concurring in result only</b> <b>Vote 5-0</b>	<b>C-2010-2187832</b>	PEGGY ROBLES VS SERVICE ELECTRIC TELEPHONE - Formal Complaint filed 7/13/10, alleging inadequate service. An Answer and a Preliminary Objection were filed 8/4/10. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision sustaining the Preliminary Objection and dismissing the complaint with prejudice for lack of jurisdiction.
<b>2226084-ALJ</b> <b>Postponed until 11/10/11</b>	<b>C-2011-2226084</b>	ETHAN CLAY VS DUQUESNE LIGHT COMPANY - Formal Complaint filed on 2/14/11, alleging improper termination of commercial electric service on 12/20/10 for nonpayment of bill. Duquesne filed its answer on 3/4/11. A hearing was held on 7/19/11. COMMISSION REVIEW: That the Commission adopt Judge Corbett's Initial Decision granting the complaint, in part, to the extent it alleged Duquesne violated 52 Pa. Code §55.2(b) by failing to serve Complainant's billing address with written notice of a proposed service termination.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2232985-ALJ</b> <b>Vote 5-0</b>	<b>R-2011-2232985</b>	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, containing proposed changes in rates, rules, and regulations calculated to produce \$2,823,179 (8.6%) in additional annual revenues based on a future test year ending 12/31/11. By Order entered 6/30/11, the Commission suspended the proposed Supplement No. 23 to Tariff Water-Pa. P.U.C. No. 7, until 2/8/12 and instituted an investigation. On 9/28/11, a Joint Petition for Settlement was filed. COMMISSION REVIEW: That the Commission adopt ALJs Salapa and Long's Recommended Decision approving and adopting the Settlement.
<b>2235006-ALJ</b> <b>Vote 5-0</b>	<b>M-2011-2235006</b>	ST CLAIR BOROUGH - Purchased Power Adjustment Clause Section 1307(e) Reconciliation for the twelve months ended 1/31/11. On 7/28/11, a public hearing was held. COMMISSION REVIEW: That the Commission approve ALJ Colwell's Recommended Decision accepting the Reconciliation, insofar as it is undisputed.
<b>2237573-ALJ</b> <b>Vote 5-0</b>	<b>M-2011-2237573</b>	WEST PENN POWER COMPANY - EE&C Program cost reconciliation for the period ended 5/31/11. On 7/28/11, a public hearing was held. COMMISSION REVIEW: That the Commission approve ALJ Colwell's Recommended Decision accepting the Reconciliation, insofar as it is undisputed.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2239263-ALJ</b> <b>(PP from 10/14/2011)</b>  <b>Statement by Commissioner Witmer</b> <b>Statement by Commissioner Cawley</b> <b>Vote 5-0</b>	<b>R-2011-2239263</b>	<b>PECO ENERGY COMPANY - GAS</b> - Pre-filing and definitive annual purchased gas cost filing, filed 4/29/11 and 5/27/11, respectively, pursuant to 52 Pa. Code §§53.64 and 53.65. This tariff supplement proposed to increase the PGC from \$5.7395/Mcf to \$6.6403/Mcf. PECO also filed a reconciliation of previously incurred expenses and revenues. On 8/16/11, a Joint Petition for Complete Settlement of Rate Investigation was filed. <b>COMMISSION REVIEW:</b> That the Commission adopt Judges Chestnut and Vero's Recommended Decision approving the Settlement without modification.
<b>2241863-ALJ</b>  <b>Vote 5-0</b>	<b>M-2011-2241863</b>	<b>METROPOLITAN EDISON COMPANY</b> - Annual Transmission Service Charge reconciliation for the twelve months ended 3/31/11. On 7/28/11, a public hearing was held. <b>COMMISSION REVIEW:</b> That the Commission adopt ALJ Colwell's Recommended Decision accepting the Reconciliation, insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

October 28, 2011

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2093218-OSA  Statement by Commissioner Witmer Vote 5-0	M-2009-2093218	WEST PENN POWER COMPANY - Energy Efficiency and Conservation Plan filed on 7/1/09. By Order entered 10/23/09, the Commission, inter alia, approved the Plan, as modified, and directed West Penn to file a revised Plan within 60 days. West Penn filed its Revised Plan on 12/21/09. By Order entered 3/1/10, the Commission approved in part and rejected in part the revised Plan. On 4/29/10, West Penn submitted its Amended Plan. By Order entered 6/23/10, the Commission approved West Penn's Amended Plan. On 9/10/10, West Penn filed its Second Amended Plan. By Order entered 1/13/11, the Commission approved West Penn's Second Amended Plan as modified by the Joint Stipulation. On 8/9/11, West Penn filed Petitions. On 9/12/11, the following Parties filed Comments to the Petitions: West Penn Power Industrial Intervenors; Pennsylvania Communities Organizing for Change; the Office of Consumer Advocate; and the Pennsylvania State University. RECOMMENDATION: That the Commission adopt the proposed Interim Opinion & Order that rules on certain issues and refers the other issues to the OALJ for the scheduling of such proceedings as may be necessary and the issuance of a Recommended Decision on an expedited basis.



**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2239180-FUS</b> <b>Vote 5-0</b>	<b>A-2011-2239180</b>	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 4/29/11, pursuant to 52 Pa. Code Chapter 57.72 with respect to Elroy #2 500 kV Tie Line in Hatfield Township, Montgomery County. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed and no hearings were held. <b>RECOMMENDATION:</b> That the Commission adopt the proposed Order that approves the application.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2263519-LAW</b> <b>Vote 5-0</b>	<b>M-2011-2263519</b>	VERIZON NORTH LLC - PA Safety Valve Numbering Resource Request form submitted on 9/16/11. VZ North is requesting expedited review of a denial by the Pooling Administrator of its requests for additional numbering resources in the 814 Number Plan Area (NPA). Specifically, VZ North requests 1,000 telephone numbers from the 814 NPA be assigned to the Johnstown Rate Center. VZ North'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. <b>RECOMMENDATION:</b> That the Commission grant Verizon North's request for additional numbering resources in the 814 Area Code.