

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, NOVEMBER 10, 2011 (JFC)

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, December 1, 2011 at 10:00 A.M.

Minutes of the Meeting of Friday, October 14, 2011 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 1, 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, NOVEMBER 9, 2011, AT 10:00 A.M., IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, KEYSTONE BUILDING.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

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

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

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

November 10, 2011

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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2204112-TAS Vote 5-0.	A-2010-2204112	SHELVA J CHARLES - 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.
2224471-TAS Vote 5-0.	C-2011-2224471 A-00121930	BUR OF TRANSPORTATION & SAFETY VS RICHARD DEL CRISTO t/a ABBY'S LIMOUSINE SERVICES - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that the certificate be cancelled and the Respondent be fined \$100.
2230351-TAS Vote 5-0.	C-2011-2230351 A-00123171	BUR OF TRANSPORTATION & SAFETY VS LOW ROAD ENTERPRISES INC - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be cancelled.
2235215-TAS Vote 5-0.	C-2011-2235215	BUR OF TRANSPORTATION & SAFETY VS SCOTT A WILLIAMS, LLC - 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.

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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2235321-TAS Vote 5-0.	C-2011-2235321	BUR OF TRANSPORTATION & SAFETY VS BEVERAGE TRANSPORTATION 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.
2235322-TAS Vote 5-0.	C-2011-2235322	BUR OF TRANSPORTATION & SAFETY VS THE BLUE DIAMOND COMPANY - 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.
2235481-TAS Vote 5-0.	A-2011-2235481	TJS ENTERPRISES, LLC - 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 application.
2235754-TAS Vote 5-0.	C-2011-2235754	BUR OF TRANSPORTATION & SAFETY VS MICHAEL R BARNETT t/a BARNETT TRUCKING - 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.
2236261-TAS Vote 5-0.	C-2011-2236261	BUR OF TRANSPORTATION & SAFETY VS SSL TRUCKING 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.

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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2247918-TAS Vote 5-0.	A-2011-2247918	RIDE RIGHT, LLC - Application for the right to transport persons as a contract carrier by motor vehicle, persons upon call or demand. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2249174-TAS Vote 5-0.	A-2011-2249174	THE NEW YELLOW CAB, LLC - Application for the approval of the transfer of 50% of the 100% of the shares of capital stock held by Carmen L Maldonado to Skanna Tang. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2252617-TAS Vote 5-0.	A-2011-2252617	B D SENIOR & PARATRANSIT CO, 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.
2253959-TAS Vote 5-0.	A-2011-2253959 A-6410131	EDWARD R DUFFY - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2255111-TAS Vote 5-0.	A-2011-2255111 A-00123697F0003	AUSTIN'S A-1 TRANSPORTATION SERVICE, LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service which is to be a transfer of all rights. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. Upon issuance of the applicant's certificate of public convenience, the certificate issued at A-00123697, F. 3, to Touch Transportation LLC shall be cancelled.

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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2256963-TAS Vote 5-0.	A-2011-2256963	CHARLES J SPELLMAN AMBULANCE SVC INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service which is to be a transfer of all rights. RECOMMENDATION: That the Commission adopt the proposed Order approving the application. Upon issuance of the applicant's certificate of public convenience, the certificate issued at A-00117965 to Northeast Paramedic Services Inc shall be cancelled.
2260729-TAS Vote 5-0.	A-2011-2260729	NORMAN L MASER - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2264301-TAS Vote 5-0.	R-2011-2264301	DONALD A FIX, JR t/a HINDMAN MOVING STORAGE - Rate Increase. RECOMMENDATION: That the Commission approve Supplement No.4 to PA P.U.C. No. 4, to become effective 11/14/11.
2264557-TAS Vote 5-0.	R-2011-2264557 A-00116346	WEST COUNTY PARAMEDIC ASSOCIATION - Rate Increase. RECOMMENDATION: That the Commission approve tariff paratransit PA PUC No. 3, to become effective on 11/14/11.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2255156-AUD Vote 5-0.	M-2011-2255156	PECO ENERGY COMPANY - GAS - Universal Service Fund Charge. RECOMMENDATION: That the Commission approve Supplement No. 112 to Tariff Gas-Pa. P.U.C. No. 2 reflecting a proposed USFC credit effective 12/1/11.
2265901-AUD Vote 5-0.	D-2011-2265901	AUDIT'S ANNUAL REPORT FOR FISCAL YEAR 2010-2011 - Annual Report For Fiscal Year 2010-2011 - Management Audits/Management Efficiency Investigations. RECOMMENDATION: That the Commission make the Annual Report public.
2267707-AUD Vote 5-0.	M-2011-2267707	PECO ENERGY COMPANY - ELECTRIC - Generation Supply Adjustment. RECOMMENDATION: That the Commission approve Supplement No. 26 to Tariff Electric - Pa. P.U.C. No. 4, reflecting the proposed GSA-4 rates to become effective 12/1/11.

DIRECTOR OF REGULATORY OPERATIONS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2270442-DIR Statement by Commissioner Cawley. Vote 5-0.	M-2011-2270442	INTERIM GUIDELINES - STANDARDS FOR CHANGING AN EGS - Based on customer complaints and EGS concerns, and at the request of the Commissioners' Offices, the Office of Competitive Market Oversight explored options to shorten the timeframe for a customer to switch EGSs. A change in EGS can take from 16 to 45 days. Based on discussions with CHARGE (Committee Handling Activities for Retail Growth in Electricity) and the Retail Market Investigation (Docket No. I-2011-2237952) participants, OCMO drafted proposed interim guidelines that are intended to facilitate customer switching between an EDC or DSP and an EGS, or between EGSs while preserving safeguards to prevent "slamming," the switching of a customer's account without authorization. RECOMMENDATION: That the Commission adopt the Tentative Order that issues the proposed interim guidelines for public comment.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1087149-OSA Vote 5-0.	A-00111016 C-00913256	CONSOLIDATED RAIL CORP - This proceeding involves two consolidated proceedings. The Complaint of the Board of Supervisors of Bart Township at the C-docket was initiated on 2/25/91. The A-docket was initiated when Conrail filed an Application for the abolition of the crossings on 9/29/93. 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. On 9/23/11, Norfolk Southern Railway Company filed a Motion to Request an Additional Extension of Time with reference to the 1997 Order. The Law Bureau Prosecutory Staff filed a Letter indicating that it does not object to or oppose the Motion. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting the Motion.
2134347-OSA Vote 5-0.	M-2009-2134347 M-00011468	VERIZON PENNSYLVANIA INC - Petition filed on 10/1/09, for approval of the proposed Verizon PA's Other Telephone Company Customer Listing Error Remedy Plan, a tariff filing that would implement the Plan, and the F0016 changes to the PA Carrier-to-Carrier Guidelines. On 10/28/09, Verizon PA and the OSBA filed Comments in response to Verizon PA's proposal. Verizon PA filed Reply Comments on 11/19/09. By Order entered 4/19/10, the Commission approved the Plan, the tariff, and the F0016 changes and identified three unresolved issues. On 5/4/10, Verizon PA filed its compliance tariff implementing the Plan. On 5/4/10, Verizon PA filed a Petition for Reconsideration. The OSBA filed an Answer to the Petition for Reconsideration on 5/14/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition for Reconsideration.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2153371-OSA (PP from 10/28/2011) Motion by Vice Chairman Coleman. Vote 3-2 with Commissioner Cawley and Commissioner Witmer.	A-2010-2153371	LASER NORTHEAST GATHERING COMPANY LLC - Application filed on 1/19/10. The Commission issued ALJ Colwell's Recommended Decision on 12/1/10, disapproving a Settlement and denying Laser's Application. By Order entered 6/14/11, the Commission determined that Laser's service was "public utility" service and remanded the proceeding to determine whether a Certificate of Public Convenience should be issued. By Order entered 8/25/11, the Commission denied Petitions for Reconsideration filed by the Pennsylvania Independent Oil and Gas Association and MarkWest Liberty Midstream & Resources, LLC and granted MarkWest's request for clarification. Laser filed a Petition to Withdraw Application on 9/8/11. PIOGA filed Objections on 9/29/11. MarkWest and Laurel Mountain Midstream filed a Joint Answer on 10/3/11. On 10/7/11, Laser filed a response to the Objections and the Joint Answer. On 10/13/11, MarkWest and LMM filed an Answer to Laser's Response. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.
2163631-OSA Vote 5-0.	C-2010-2163631	STEPHANIE CRAYTON VS PPL ELECTRIC UTILITIES CORP - Formal Complaint filed on 3/4/10, claiming that there should be extenuating circumstances for customers in PPL's OnTrack Program. On 4/5/10, PPL filed an Answer denying the allegations within the Complaint. A hearing was conducted on 2/28/11, by ALJ Salapa. On 5/16/11, the Commission issued ALJ Salapa's Initial Decision dismissing the Complaint. On 5/24/11, the Complainant filed Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions and adopts the Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2189973-OSA (PP from 10/28/2011) Vote 5-0.	F-2010-2189973	KEVIN P MALONEY VS WEST PENN POWER - Formal Complaint filed on 7/22/10, alleging, inter alia, that there were incorrect charges on his bill. On 8/12/10, the Respondent filed an Answer to the Complaint in which it denied that the adjustments it made to Complainant's bill were inaccurate. Hearings were held telephonically on 3/16/11 and 5/3/11. In her Initial Decision, issued on 7/11/11, ALJ Barnes recommended that the Complaint be dismissed due to the Complainant's failure to carry his burden of proof, and that the matter be closed. On 7/28/11, the Complainant filed Exceptions to the Initial Decision. On 8/9/11, the Respondent filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) denies the Complainant's Exceptions to the Initial Decision; and (2) modifies the Initial Decision.
2192875-OSA Vote 5-0.	C-2011-2192875	BUR OF TRANSPORTATION & SAFETY VS DADA'S 3, LLC - Complaint instituted on 1/13/11, alleging that the Respondent permitted a person to operate a vehicle without conducting a driver history; failed to obtain a criminal history record on its drivers; and failed to prepare trip sheets adequately. BTS requested that a civil penalty of \$400 be imposed. The Respondent filed an Answer on 1/27/11. On 7/29/11, 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 \$400 would be reduced to \$200. 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>
2195604-OSA Vote 5-0.	A-2010-2195604	AMERIQUEST AMBULANCE INC - Commission Order issued on 10/14/11, which denied and dismissed the application. On 10/27/11, the Applicant filed a Petition for Reconsideration of the Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants reconsideration, pending review of, and consideration on, the merits.
2219166-OSA Vote 5-0.	C-2011-2219166	BUR OF TRANSPORTATION & SAFETY VS CANTERBURY INTERNATIONAL d/b/a TWO MEN & A TRUCK - Complaint instituted on 8/17/11, alleging that the Respondent performed a household goods move from Washington County to Crawford County, which was not within the Respondent's certificated authority, because it did not originate or terminate in Allegheny County. BTS requested that a civil penalty of \$500 be imposed. The Respondent filed an Answer on 8/22/11. On 10/3/11, the Respondent and the Commission's Law Bureau Prosecutory, 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 \$250. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2062697-FUS (PP from 10/14/2011) Vote 5-0.	M-2008-2062697	PILOT PROJECT-IMPLEMENT INTERNATIONAL WTR ASSOC/AMERICAN WTR WKS WATER AUDIT METHODOLOGY - Bureau of Fixed Utilities lead a group of volunteer jurisdictional water companies to participate in a 24-month pilot program to consider the merits of implementing a new water audit methodology. RECOMMENDATION: That the Commission adopt the proposed Tentative Opinion & Order which implements the requirement to file annual water audit summaries by the participating companies.
2207746-FUS Vote 5-0.	A-2010-2207746	TES ENERGY SERVICES, LP - Request to amend its electric generation supplier license filed on 9/22/11, to also serve residential and small commercial (25kW and under) customers directly, in addition to large commercial (over 25 kw demand), industrial, and governmental customers, as a broker/marketer throughout all the 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.
2243670-FUS Vote 5-0.	A-2011-2243670	UGI UTILITIES INC - GAS DIVISION - Application filed on 5/20/11, seeking approval to offer, render, furnish or supply gas utility service in Brecknock Township, Lancaster County. The Application was filed pursuant to Section 1102(a)(1) of the Public Utility Code. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2248532-FUS Vote 5-0.	A-2011-2248532	ENERPENN USA LLC d/b/a Y.E.P. & d/b/a YEP ENERGY - Application filed on 6/17/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of retail electric power for residential, small commercial, large commercial, 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.
2250293-FUS Vote 5-0.	A-2011-2250293	NATIONAL FUEL GAS DISTRIBUTION - Application filed on 7/5/11, seeking approval to abandon service to one natural gas customer, located in McCalmont Township, Jefferson County. The sole source of natural gas for this customer was from a single well located on or near the customer's property. As a result of a collapsed casing the well was recently shut. Notice was published on 7/15/11. No protests were filed and no hearings were held. The one customer affected by this application has consented to the abandonment of service by National Fuel in return for a buyout agreement. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2255159-FUS Vote 5-0.	R-2011-2255159	PENN ESTATES UTILITIES, INC - WATER DIVISION - Supplement No. 7 to Tariff Water-Pa. P.U.C. No. 3, filed on 9/30/11, proposing an annual increase in revenues of \$157,511 (29.2%) to become effective 11/29/11. The OCA has filed a Formal Complaint. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2256134-FUS Vote 5-0.	A-2011-2256134	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 8/5/11, for approval pursuant to 52 Pa. Code Chapter 57.72 with respect to the Harwood-Jenkins #1 and #2 138/69kV transmission line reconstruction in Hazle Township, Luzerne 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. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2258734-FUS Vote 5-0.	A-2011-2258734 A-2011-2258720 A-2011-2258715 A-2011-2258716 A-2011-2258717 A-2011-2258718 A-2011-2258719	INTELLIFIBER, CAVALIER, TALK AMERICA, US LEC, PAETEC, LDMI TEL, MCLEOD, & WINDSTREAM - Joint Application filed on 8/12/11, for approval of the indirect transfer of control was filed. On 9/19/11, Law Bureau filed a timely protest. On 10/14/11, Law Bureau filed a notice of withdrawal of its protest on the grounds that the parties had reached a mutually satisfactory agreement and requested that its Petition to Intervene and Protest be withdrawn. RECOMMENDATION: That the Commission adopt the proposed Order approving the indirect transfer of control.
2259803-FUS Vote 5-0.	A-2011-2259803	VODA NETWORKS INC - Application filed on 8/29/11, for approval to offer, render, furnish or supply telecommunication services as an Interexchange Toll Reseller throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2261520-FUS Vote 5-0.	A-2011-2261520	ALTERNATIVE UTILITY SERVICES, INC - Application filed on 9/2/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of analyzing electricity loads and recommending alternative providers regarding the purchase of electricity for residential, commercial, industrial, and governmental customers in electric distribution company service territories throughout PA. In addition there is a request for a reduction in the amount of security bond. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1151742-LAW Vote 5-0.	M-00001337	PA UNIVERSAL SERVICE FUND - Solix, Inc., filed its Administrator's Report on 10/31/11, with recommendations about the PaUSF's fund size for calendar year 2012. No objections were filed to the report. RECOMMENDATION: That the Commission adopt the Administrator's Report in establishing the PaUSF size at \$33,874,640.
2183412-LAW Statement by Commissioner Witmer. Vote 5-0.	M-2010-2183412 M-2009-2104271 P-2009-2135500	ELIGIBLE CUSTOMER LIST - Interim Guidelines for Eligible Customer Lists issued on 11/12/10. The Commission, among other things, limited the ability of consumers to restrict release of their customer information to EGSs. OCA and the PA Coalition Against Domestic Violence filed appeals of the order and the PCADV requested a stay of the Order. Commonwealth Court granted the stay and, on 4/28/11, returned jurisdiction to the PUC on the Commission's motion so that it could reconsider its 11/12/10 Order. The Commission gave interested parties an opportunity to comment and has now considered those comments. RECOMMENDATION: That the Commission approve the proposed Order.
2244373-LAW Vote 5-0.	R-2011-2244373 P-00930715F1000 R-2011-2244375 P-00001854F1000	VERIZON PENNSYLVANIA INC - Petitions to withdraw the informational tariffs for competitive services and to modify their respective Chapter 30 network modernization plans relating to the withdrawal. RECOMMENDATION: That the Commission adopt the proposed Order granting the Petition but requiring Verizon to maintain price lists with the Commission for the same services.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2249757-LAW

P-2011-2249757

Vote 5-0.

COLUMBIA GAS OF PA, INC.

- Petition filed on 7/1/11, seeking to defer for accounting purposes only extraordinary losses it states it incurred on 3/23/11, when a tornado caused damage to one of its facilities in Westmoreland County. In an 8/26/11 Order, the Commission approved Columbia's request. On 9/11/11, Columbia sought clarification that it could seek recovery of the full amount it was to defer.

RECOMMENDATION:

That the Commission approve the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2137873-ALJ (PP from 10/28/2011) Joint Motion by Chairman Powelson and Commissioner Witmer. Vote 5-0.	F-2009-2137873	GRETCHEN BUCHANAN VS PIKE COUNTY LIGHT & POWER COMPANY - Formal Complaint filed on 10/15/09, alleging an inability to pay for electric and gas service. On 11/17/09, Pike County filed an Answer and New Matter addressing the material allegations of the complaint. A hearing was held on 7/17/10. COMMISSION REVIEW: That the Commission adopt ALJ Vero's Initial Decision sustaining the complaint.
2149273-ALJ (PP from 10/28/2011) Motion by Commissioner Gardner. Vote 5-0.	F-2009-2149273	ROBERTO CRUZ & HEATHER CAMPBELL VS UGI UTILITIES INC - GAS DIVISION - Formal Complaint filed on 12/21/09, alleging an inability to pay their monthly bill and requested the Commission order a payment arrangement they can afford. UGI filed an answer on 1/13/10, requesting full payment of arrearage as well as a reconnection fee and one half of a security deposit before Complainants' gas service is reconnected. UGI avers Complainants have broken three payment arrangements, and do not deserve another one prior to reconnection of service. A hearing was held on 10/5/10. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Initial Decision dismissing the complaint.
2170449-ALJ Vote 5-0.	F-2010-2170449	AVERY MUMFORD VS PHILADELPHIA GAS WORKS - Formal complaint filed on 4/13/10, alleging "Bill change to owed of Home," [sic]. PGW filed Preliminary Objections 5/9/10, seeking a more specific pleading. The Complainant failed to respond. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Initial Decision dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2171553-ALJ (PP from 10/28/2011) Vote 5-0.	C-2010-2171553	CHUCK V DE NINNO VS PEOPLES NATURAL GAS COMPANY LLC - Formal Complaint filed 4/19/10, and an Amended Formal Complaint filed 6/14/10, alleging a billing dispute. Peoples filed and Answer to the Complaint and an Answer to the Amended Complaint on 5/13/10 and 7/8/10, respectively. A hearing was held on 4/28/11. COMMISSION REVIEW: That the Commission adopt ALJ Johnson's Initial Decision dismissing the complaint.
2187305-ALJ (PP from 10/14/2011) Joint Motion by Commissioner Gardner and Commissioner Witmer. Vote 5-0 with Chairman Powelson and Vice Chairman Coleman Concurring in Result Only.	F-2010-2187305	RAINEY RICHMOND VS PECO ENERGY CO - Formal Complaint filed on 7/12/10, alleging incorrect charges on his electric bill. On 7/21/10, PECO filed Preliminary Objections. The Complainant did not file an Answer to the Preliminary Objections. COMMISSION REVIEW: That the Commission adopt ALJ Barnes' Initial Decision dismissing the complaint
2207096-ALJ (PP from 10/28/2011) Motion by Chairman Powelson. Vote 5-0.	F-2010-2207096	ESTHER COBB VS UGI PENN NATURAL GAS - Formal Complaint filed on 10/28/10, alleging an inability to pay for natural gas service. On 11/10/10, UGI filed its answer, and a hearing was held on 1/6/11. COMMISSION REVIEW: That the Commission adopt Special Agent Alexander's Initial Decision denying the complaint.
2214107-ALJ Statement by Commissioner Witmer. Vote 5-0.	C-2010-2214107	LENNIA KUTZ VS UGI UTILITIES - GAS - Formal complaint filed on 12/7/10, asserting that Complainant is unable to pay her monthly bill and requested a new payment arrangement she can afford. UGI filed its answer on 12/27/10. A hearing was held on 8/30/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Initial Decision denying the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2238995-ALJ (PP from 10/28/2011) Motion by Vice Chairman Coleman. Vote 5-0 with Commissioner Cawley Concurring in Result Only.	C-2011-2238995	BRIAN RUDNICK VS VERIZON PA - Formal Complaint filed on 4/18/11, alleging that the Verizon's website does not provide accurate information with respect to the rates for calls to Ecuador. On 5/3/11, Verizon filed an Answer and New Matter as well as Preliminary Objections. Complainant did not respond to the Preliminary Objections. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Initial Decision sustaining the Preliminary Objections and dismissing the Complaint.
2243716-ALJ (PP from 10/14/2011) Vote 5-0.	C-2011-2243716	ADAMO PETERS LLC VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 5/26/11, alleging that PGW had improperly filed liens on a commercial property owned by the Complainant for unpaid gas service incurred by tenants. PGW filed its Answer and Preliminary Objections on 6/16/11. Complainant responded to the Preliminary Objections on 6/30/11. COMMISSION REVIEW: That the Commission adopt ALJ Long's Initial Decision sustaining the Preliminary Objections and dismissing the Complaint.
2258709-ALJ Vote 5-0.	M-2011-2258709	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - Section 1307(e) Default Service Rate Reconciliation Statement filed on 8/19/11, setting forth the over/under collections for the period from 1/2008 through 5/2011. A hearing was held on 9/14/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

November 10, 2011

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2270782-AUD Vote 5-0.	M-2011-2270782	UGI UTILITIES, INC-ELECTRIC DIVISION - Default Generation Supply Service. RECOMMENDATION: That the Commission approve Supplement No. 91 to Tariff Electric - Pa. P.U.C. No. 5, reflecting the revised GSR rates to become effective 12/1/11.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2215623-OSA Statement by Commissioner Witmer. Vote 5-0.	R-2010-2215623 C-2011-2224941 C-2011-2224985 C-2011-2227004 C-2011-2230067 C-2011-2232186 C-2011-2224944 C-2011-2225050 C-2011-2225828 C-2011-2225878 C-2011-2227222	COLUMBIA GAS OF PA, INC - On 10/14/11, the Commission entered an Opinion and Order that, inter alia, approved a Joint Petition in Partial Settlement of Columbia's base rate proceeding, rejected Columbia's proposed Levelized Distribution Charge, and deferred consideration of the litigated issue concerning Columbia's Customer Assistance Plan. On 10/31/11 the Pennsylvania Communities Organizing for Change filed a Petition for Reconsideration and/or Clarification of the Commission's 10/14/11 Opinion and Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting reconsideration pending further review of the merits of the Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2264771-FUS Vote 5-0.	R-2011-2264771	PPL ELECTRIC UTILITIES CORP - Supplement No. 110 to Tariff Electric Pa. P.U.C. No. 201 filed on 9/26/11, for approval to implement a new Time-of-Use (TOU) program for its residential and small commercial and industrial customer classes to become effective 3/1/12. The OCA filed a formal complaint on 10/18/11. Several Petitions to Intervene were filed. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the proposed tariff filing until 9/1/12, and institutes an investigation.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2268337-LAW Vote 5-0.	M-2011-2268337	VERIZON PENNSYLVANIA INC - PA Safety Valve Numbering Resource Request Form submitted on 10/19/11, requesting expedited review of a denial by the Pooling Administrator of its requests for additional numbering resources in the 412 Number Plan Area (NPA). Specifically, Verizon PA requests 1,000 telephone numbers from the 412 NPA be assigned to the Pittsburgh Suburban Zone 22 Rate Center. Verizon PA's request comes before the Commission since it does not meet the numbering resource utilization and months-to-exhaust (MTE) threshold implemented by Neustar to obtain additional numbering resources. RECOMMENDATION: That the Commission grant the the request for additional numbering resources in the 412 Area Code.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2268339-LAW Vote 5-0.	M-2011-2268339	VERIZON PENNSYLVANIA INC - PA Safety Valve Numbering Resource Request Form submitted on 10/19/11, requesting expedited review of a denial by the Pooling Administrator of its requests for additional numbering resources in the 610 Number Plan Area (NPA). Specifically, Verizon PA requests 1,000 telephone numbers from the 610 NPA be assigned to the West Chester Rate Center. Verizon PA's request comes before the Commission since it does not meet the numbering resource utilization and months-to-exhaust (MTE) threshold implemented by Neustar to obtain additional numbering resources. RECOMMENDATION: That the Commission grant the request for additional numbering resources in the 610 Area Code.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2232243-ALJ Statement by Commissioner Witmer. Vote 5-0.	R-2011-2232243	PA AMERICAN WATER COMPANY - Supplement No. 253 to Tariff Water- Pa. P.U.C. No. 4 filed on 4/29/11, to become effective 6/28/11 containing proposed changes in rates, rules and regulations calculated to produce \$70,676,379 (or 13.8%) in additional annual revenues. By Order entered 6/9/11, the Commission instituted an investigation. The proposed rate was suspended by operation of law on 6/28/11, until 1/28/12. OSBA, OCA, AK Steel, I&E and PAWLUG filed formal complaints in this Proceeding. Eighteen formal complaints were filed. Eight Public Input hearings were held. On 10/6/11, a Joint Petition for Settlement of Rate Investigation was filed with the Commission. COMMISSION REVIEW: That the Commission adopt ALJs Jones and Vero's Recommended Decision approving the Joint Petition for Settlement.

COMMISSIONERS OFFICE

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2271989-CMR

Joint Motion by Chairman Powelson
and Vice Chairman Coleman.
Vote 5-0.

PREVENTION AND MITIGATION OF EXTENDED
SERVICE OUTAGES
- JOINT MOTION Chairman Powleson and
Vice Chairman Coleman

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
SUPPLEMENTAL CARRY-IN AGENDA**

November 10, 2011

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2271982-LAW Joint Statement by Chairman Powelson and Vice Chairman Coleman. Vote 5-0.	M-2011-2271982	NATURAL GAS PIPELINE REPLACEMENT & PERFORMANCE PLANS - Order requires all pipeline distribution utilities to provide copies of Federal Distribution Integrity Management Plans to Bureau of Inspection and Enforcement; that all gas distribution utilities conduct frost patrol leak surveys; and seeks comment on Tentative Order requiring large gas distribution utilities to submit pipeline replacement and performance plans and transmission integrity management plans. RECOMMENDATION: That the Commission issue the proposed tentative order.