

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, JANUARY 12, 2012 (JFC)

10:00 A.M.

**HEARING ROOM #1
NORTH OFFICE 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 Friday, January 27, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 15, 2011 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR FRIDAY, JANUARY 27, 2012 AT 10:00 A.M. IN HEARING ROOM #1 OF THE NORTH OFFICE BUILDING. 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, JANUARY 11, 2012, 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.

**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

January 12, 2012

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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2123552-TAS Vote 5-0.	A-2009-2123552	WILLOW GROVE YELLOW CAB CO, INC T/D/B/A BUX-MONT YELLOW CAB & BUX-MONT TRANSP SVC - 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.
2231468-TAS Vote 5-0.	A-2011-2231468	HEALTH RIDE PLUS 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 transfer application and that a certificate be issued to the applicant.
2246004-TAS Vote 5-0.	A-2011-2246004	HENDERSON LIMOUSINE SERVICE INC - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating 11 to 15 passengers, including the driver. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2254314-TAS Postponed until the Public Meeting of January 27, 2012.	A-2011-2254314	PRESTIGE LIMOUSINES LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Tentative Order denying the application.
2262962-TAS Vote 5-0.	A-2011-2262962	LENORA AKINES T/A LENORA'S MOVING CO - 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 denying the application.
2263878-TAS Vote 5-0.	A-2011-2263878	HOLLOWSANDS LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

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

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2264032-TAS Vote 5-0.	A-2011-2264032	MULHERN'S MOVING, INC T/A U-CALL WE-HAUL U-SAVE - 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.
2278448-TAS Vote 5-0.	A-2011-2278448 A-0012590	TRANSPORTATION MANAGEMENT SERVICES, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in airport transfer service. RECOMMENDATION: That the Commission ratify the Emergency Temporary Authority.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2123023-AUD Vote 5-0.	D-2009-2123023	PPL ELECTRIC UTILITIES CORP - Auditor's Report on the Transmission Service Charge. RECOMMENDATION: That the Commission release the Audit Report to the public.
2157122-AUD Postponed until the Public Meeting of January 27, 2012.	D-2010-2157122	PECO ENERGY - ELECTRIC - Auditor's Report on the Tariff Electric Universal Service Fund Charge for the Twelve Months Ended 12/31/08. RECOMMENDATION: That the Commission release the Audit Report to the public.

DIRECTOR OF REGULATORY OPERATIONS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1121942-DIR

M-00960890F0015

Vote 5-0.

STANDARDS FOR ELECTRONIC DATA TRANSFER
AND EXCHANGE BETWEEN EDCs and EGSs
- The Commission's Electronic Data Exchange
Working Group (EDEWG), working with the
Committee handling Activities for Retail Growth in
Electricity (CHARGE) requested that the Office of
Competitive Market Oversight (OCMO) seek the
Commission's approval of two EDI change controls
and direct all EDCs to implement these change controls
within 12 months after the Commission's final approval
of these change controls.
RECOMMENDATION:
That the Commission adopt this Tentative Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1121115-OSA Vote 5-0.	M-00900239	PA TELECOMMUNICATIONS RELAY SERVICE ADVISORY BOARD - The Commission's Order of 5/29/90 established a Telecommunications Relay Service (TRS) Advisory Board. The Commission then appointed members to the TRS Advisory Board for two-year terms. The nominee is to serve a two-year term that will expire on 3/30/14. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order appointing the nominee to serve on the TRS Board for a two-year term, terminating on 3/30/14.
2131206-OSA (PP from 12/15/2011) Vote 5-0.	C-2010-2131206 A-00115418	BUR OF TRANSPORTATION & SAFETY VS MCGILL'S CAB SERVICE INC - Complaint instituted on 5/13/10, alleging that the Petitioner failed to file an acceptable tariff with the Commission for its authority, which has an origin and destination outside of the City of Philadelphia. BTS requested that a civil penalty of \$250 be imposed. The Petitioner did not file an Answer to the Complaint. On 7/11/11, a Secretarial Letter issued which sustained the Complaint and imposed the \$250 civil penalty. On 7/26/11, a Petition of Appeal from Staff Action was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition, in part, and grants the Petition, in part.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2153656-OSA Vote 5-0.	C-2010-2153656	<p>PPL INDUSTRIAL CUSTOMER ALLIANCE VS PPL ELECTRIC UTILITIES INC - Complaint filed on 1/19/10, concerning PPL's Transmission Service Charge. On 6/15/11 PPLICA filed a Petition for Leave to Withdraw its Complaint. PPL filed an Answer on 6/29/11 stating that it does not oppose the Petition provided the Complaint is withdrawn with prejudice. ALJ Salapa's Initial Decision, issued on 7/20/11, granted PPLICA's Petition and ordered that the Complaint be withdrawn without prejudice. PPL filed Exceptions on 8/09/11. PPLICA filed Reply Exceptions on 8/19/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying PPL's Exceptions and adopting the ALJ's Initial Decision.</p>
2164222-OSA (PP from 12/15/2011) Statement by Commissioner Gardner. Vote 5-0.	C-2010-2164222	<p>ORLANDO RIVERA VS PHILADELPHIA GAS WORKS - Formal Complaint filed 3/9/10, alleging that PGW overbilled his account. On 4/26/10, PGW filed an Answer, which was dated 4/5/10, and which denied the material allegations of the Formal Complaint. On 6/10/11, an evidentiary hearing was held. On 10/7/11, the Commission issued the Initial Decision of ALJ Nguyen. The Complainant filed Exceptions on 10/31/11. PGW filed Reply Exceptions on 11/7/11. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying the Exceptions, dismissing the complaint and remanding the proceeding to the OALJ for the limited purpose of developing a record, and an Initial Decision on Remand.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2189352-OSA (PP from 12/15/2011) Postponed until the Public Meeting of January 27, 2012.	C-2010-2189352	JACQUELINE FIELDER VS VERIZON PA - Formal Complaint filed on 7/19/10, alleging she had been billed for service from 2/09 through 7/10 while she did not have a dial tone service on two telephone lines. On 8/26/10 Verizon filed an Answer to the Complaint. The matter was assigned to ALJ Corbett for hearing. On 8/9/11, ALJ Corbett issued an Initial Decision which dismissed the Complaint. Exceptions were filed by the Complainant on 8/26/11. Reply Exceptions were filed on 9/12/11 by the Respondent. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants, in part, and denies, in part, the Exceptions and modifies the Initial Decision.
2189362-OSA Motion by Commissioner Cawley. Vote 5-0.	C-2010-2189362	GERALD S LEPRE JR VS EQUITABLE GAS COMPANY - Complaint filed on 7/19/10, alleging improper billing and improper termination of service. On 8/6/10, the Respondent filed a Certificate of Satisfaction which noted that all matters had been settled. On 8/12/10, the Complainant filed an Objection to the Certificate, requesting that the Complaint be reinstated. On 9/14/10, the Respondent filed an Answer to the Complaint. A hearing was held. In his Initial Decision, issued on 3/18/11, ALJ Johnson recommended that the Complaint be dismissed as settled, and that the matter be closed. The Complainant filed Exceptions to the Initial Decision and the Respondent filed Reply Exceptions. In an Order entered 8/12/11, the Commission: (1) granted in part and denied in part the Complainant's Exceptions; (2) modified the Initial Decision; and (3) denied the Complaint. On 11/10/11, the Complainant filed a Petition for Reconsideration. No response has been filed. RECOMMENDATION: That the Commission adopt a proposed Opinion and Order which denies the Petition.

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	<p>AMERIQUEST AMBULANCE INC</p> <p>- Application filed on 1/11/11 for certain paratransit rights. Notice was published in the PA Bulletin. On 3/1/11, several entities jointly protested the Application. On 3/31/11, the Application was referred to the Office of ALJ for resolution of the Protests. By 5/19/11, the Protests were withdrawn by way of restrictive amendments. On 7/25/11, the Application was referred back to the Commission's BTS for resolution under modified procedure. On 8/11/11, the Applicant was mailed a request to provide statements in support of the Application within thirty days. Per Order of 10/14/11, the Commission noted that the Applicant failed to comply with the information request in a timely manner. Accordingly, the Application was denied and dismissed. On 10/27/11, the Application filed a Petition for Reconsideration of the 10/14/11 Order. No response has been filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which: (1) grants the Petition in part and denies it in part; (2) rescinds the Order entered 10/14/11; and (3) refers the matter to the Bureau of Technical Utility Services for processing.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2201231-OSA (PP from 12/15/2011)	C-2011-2201231	<p>BUR OF TRANSPORTATION & SAFETY VS CAPITAL CITY CAB CO</p> <p>- Complaint filed on 9/27/10, by an individual who alleged that the Respondent's meter was not running and that they were overcharged. Following an investigation, BTS instituted a Complaint against the Respondent on 5/16/11, alleging that the Respondent violated 66 Pa. C.S. § 1303, and 52 Pa. Code § 29.314(b)(7), by not charging in accordance with its current rates on file with the Commission, and by not using a meter to charge a passenger the proper rate. Additionally, during the course of the investigation, the Respondent was unable to provide the driver's log, in violation of 52 Pa. Code §29.313(c). BTS sought a total civil penalty of \$300 for the violations. On 10/24/11 a Settlement Agreement was filed, which reduced the proposed penalty of \$300 to \$150.</p> <p>RECOMMENDATION:</p> <p>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>
2209028-OSA Vote 4-1 with Commissioner Witmer Dissenting.	C-2011-2209028	<p>BUR OF TRANSPORTATION & SAFETY VS BEST VALUE LIMOUSINE, INC.</p> <p>- Complaint instituted on 6/23/11, alleging that the Respondent operated two vehicles that were older than eight model years old, without a waiver, and charged a higher rate than that on file with the Commission. BTS sought a total civil penalty of \$1,500 for the violation, as well as a \$37 refund for the overcharge. The Respondent filed an Answer on 7/11/11. On 11/10/11, 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 \$1,500 would be reduced to \$750. The Respondent also agreed to refund \$37 for the overcharge.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.</p>
2242125-OSA Vote 5-0.	C-2011-2242125	<p>HALEEMA ALKHATIB VS PECO ENERGY COMPANY</p> <p>- Formal Complaint filed on 5/11/11, indicating that she received a notice that her service was being terminated because PECO would not accept the instruments she sent to PECO as payment for electric service. On 6/8/11, PECO filed Preliminary Objections requesting that the Complaint be dismissed. By Initial Decision issued 9/27/11, ALJ Hoyer granted the Preliminary Objections and dismissed the Complaint. On 10/16/11, the Complainant filed Exceptions to the Initial Decision. PECO filed Reply Exceptions on 10/26/11.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions; adopts the Initial Decision, as modified by the Opinion and Order; grants the Preliminary Objections, in part, and denies them in part; and dismisses the Complaint.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2243183-OSA Vote 5-0.	C-2011-2243183	<p>LIDIA SHAN VS VERIZON PA - Formal Complaint filed on 5/24/11, contesting charges for temporarily suspended service. Verizon filed an Answer and New Matter and Preliminary Objections on 6/17/11. In its New Matter and Preliminary Objections, Verizon averred that the Complaint should be dismissed because the Complainant already had an open proceeding before the Commission involving the same issue raised in this proceeding. On 7/10/11, the Complainant filed an Answer to the Preliminary Objections. In the Initial Decision, issued 9/19/11, ALJ Buckley granted the Preliminary Objections and dismissed the Complaint with prejudice. The Complainant filed Exceptions on 10/5/11. Verizon filed Replies to Exceptions on 10/19/11.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the Initial Decision.</p>
2248322-OSA Vote 5-0.	C-2011-2248322	<p>BUR OF TRANSPORTATION AND SAFETY VS LADYBUG TRANSPORTATION & CONSTRUCTION INC - Complaint instituted on 6/30/11, alleging that the Respondent failed to maintain evidence of insurance on file with the Commission. BTS sought a civil penalty of \$500 for the violation. The Respondent filed an Answer on 7/12/11. On 11/21/11, the Respondent and the Commission's Law Bureau Prosecutory Staff, representing BTS, filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$500 would be reduced to \$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>
2256386-OSA Vote 5-0.	A-2011-2256386	<p>RICHARD DAUM JR T/A DAUM TRANSPORT - Order issued on 12/19/11, which denied and dismissed the application for certain paratransit rights. On 1/3/12, 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.</p>
2259338-OSA Vote 5-0.	M-2011-2259338	<p>BOROUGH OF BRADDOCK - Two tracks of CSX Transportation located in the Borough of Braddock, 11th Street crosses, at grade. A field conference was held at the crossing, with representatives of the Borough, PennDOT and CSX in attendance. At the field conference, the Parties discussed the installation, by the Borough, of stop signs at the crossing. After the conference, the Commission was informed that the Borough had installed stop signs at the site. By Secretarial Letter of 9/7/11, the Commission affirmed the action taken by the Borough and noted that the Borough should furnish all material and do all work to maintain the signs. On 9/20/11, the Borough filed the instant Appeal from Staff Action, with reference to the Secretarial Letter of 9/7/11. No response to the Appeal has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Appeal.</p>
2273470-OSA Vote 5-0.	A-2011-2273470	<p>QWEST COMMUNICATIONS and CENTURYLINK - Joint Petition filed on 11/16/11, seeking Commission approval of an Interconnection, Collocation and Resale Agreement 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.</p>

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1183857-FUS Vote 5-0.	A-125125	AGWAY ENERGY SERVICES LLC - Application filed on 5/7/04, for approval to offer, render, furnish, or supply natural gas supply services to residential and small commercial (less than 6,000 MCF annually) customers in the service territory of Columbia Gas and Peoples Natural Gas Co., within PA, as a supplier of natural gas services and as a broker/marketer. On 10/18/11, Agway filed an application to amend its license to include the additional service territory of National Fuel Gas Distribution. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.
2254318-FUS (PP from 12/15/2011) Vote 5-0.	A-2011-2254318	PENNSYLVANIA AMERICAN WATER COMPANY - Application filed on 7/26/11, for approval of the right to offer, render, furnish, or supply water service to the public in an additional portion of Middle Smithfield Township, Monroe County. Proofs of publication and service to appropriate entities were submitted by PAWC. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2267958-FUS Vote 5-0.	R-2011-2267958	AQUA PENNSYLVANIA, INC - Supplement No. 115 to Tariff Water-Pa. P.U.C. No. 1, filed on 11/18/11, proposing an annual increase in revenues of \$38,600,000 (9.4%) to become effective 1/18/12. RECOMMENDATION: That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation.
2269089-FUS Vote 5-0.	M-2011-2269089 M-00920380	WYOMING COUNTY'S 911 - System Renewal Plan filed on 10/21/11, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: That the Commission adopt the proposed Order which approves a contribution rate of \$1.50 per access line per month.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2270389-FUS Vote 5-0.	A-2011-2270389	DUQUESNE LIGHT COMPANY - Letter of Notification filed on 10/28/11, pursuant to 52 Pa. Code Chapter 57.72 for reconductoring both circuits and increasing the voltage on one circuit of a .47 mile long transmission line in the City of Pittsburgh, Allegheny County. Authority for this procedure is provided for at §57.72(d)(1)(iv), (v) and (vi). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2271978-FUS Vote 5-0.	A-2011-2271978	METROPOLITAN EDISON CO. - Letter of Notification filed on 11/2/11, for approval of the construction of the Yorkana-West Hellam 15 kV Tap Line to the Prospect Distribution Substation Project in Lower Windsor Township, York County. Authority for this procedure is provided for at 57.72(d)(1)(v). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2032767-LAW Vote 5-0.	M-2008-2032767	ADDITIONAL NUMBERING RESOURCES SAFETY VALVE PROCESS - By Order entered 11/13/08, the Commission made changes to simplify the current safety valve process for obtaining additional numbering resources by, inter alia, eliminating the requirement for a formal petition and providing that safety valve requests will be disposed of via Secretarial Letters approved at public meeting. Based on further experience since 2008, the staff has recommended that the Commission further streamline the process for obtaining safety valve approvals. RECOMMENDATION: That the Commission adopt the Tentative Order further streamlining the current safety valve process.
2266832-LAW Statement by Commissioner Cawley. Statement by Commissioner Witmer. Vote 5-0.	L-2011-2266832	LICENSING REQUIREMENTS FOR NATURAL GAS SUPPLIERS - By motion adopted at the 10/14/11 Public Meeting, the Commission directed the initiation of a proposed rulemaking to review the exemption from NGS licensing requirements for marketing services consultants and nontraditional marketers at § 62.101 and § 62.102. RECOMMENDATION: That the Commission adopt the proposed Rulemaking Order.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2267850-LAW

M-2011-2267850

Vote 5-0.

WINDSTREAM PENNSYLVANIA LLC
- PA Safety Valve Numbering Resource Request form submitted on 10/14/11, pursuant to our order entered at M-2008-2032767. Windstream PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 724 Number Plan Area (NPA). Windstream PA requests a 1K block from the 724 NPA be assigned to the Jamestown Rate Center because it is deploying a new packet switch in this rate center in order to support a new product offering that cannot be provisioned by the legacy switch located in the rate center. Windstream PA's request comes before the Commission since it did not meet the months-to-exhaust criteria nor the utilization criteria established by the Federal Communications Commission in its Third Report and Order.
RECOMMENDATION:
That the Commission grant the request for additional numbering resources in the 724 Area Code.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2267863-LAW

M-2011-2267863

Vote 5-0.

WINDSTREAM PENNSYLVANIA LLC
- PA Safety Valve Numbering Resource Request form submitted on 10/14/11, pursuant to our order entered at M-2008-2032767. Windstream PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 570 Number Plan Area (NPA). Windstream PA requests a 1K block from the 570 NPA be assigned to the Turbotville Rate Center because it is deploying a new packet switch in this rate center in order to support a new product offering that cannot be provisioned by the legacy switch located in the rate center. Windstream PA's request comes before the Commission since it did not meet the months-to-exhaust criteria nor the utilization criteria established by the Federal Communications Commission in its Third Report and Order.
RECOMMENDATION:
That the Commission grant the request for additional numbering resources in the 570 Area Code.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2268129-LAW Vote 5-0.	M-2011-2268129	<p>WINDSTREAM PENNSYLVANIA LLC - PA Safety Valve Numbering Resource Request form submitted on 10/14/11, pursuant to our order entered at M-2008-2032767. Windstream PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 814 Number Plan Area (NPA). Windstream PA requests a 1K block from the 814 NPA be assigned to the Sigel Rate Center because it is deploying a new packet switch in this rate center in order to support a new product offering that cannot be provisioned by the legacy switch located in the rate center. Windstream PA's request comes before the Commission since it did not meet the months-to-exhaust criteria nor the utilization criteria established by the Federal Communications Commission in its Third Report and Order.</p> <p>RECOMMENDATION: That the Commission grants the request for additional numbering resources in the 814 Area Code.</p>
2276349-LAW Vote 5-0.	M-2011-2276349	<p>VERIZON PENNSYLVANIA INC - PA Safety Valve Numbering Resource Request form submitted on 12/1/11, pursuant to our order entered at M-2008-2032767. Verizon PA is requesting expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 484/610 Number Plan Area for use by a large business customer. Verizon PA requests a 1K block or 1,000 consecutive telephone numbers from the 484/610 NPA be assigned to the Philadelphia Suburban Zone 26 Rate Center. Verizon PA's request comes before the Commission since the Company's current inventory of numbers will not meet the demand of its customer.</p> <p>RECOMMENDATION: That the Commission grant the request for 1,000 telephone numbers in the 484/610 Area Code.</p>

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2281410-LAW

**A-2012-2281410
A-98057**

Vote 5-0.

GEORGE FLEEHER

- Fleeher Sewage Treatment Plant entered into a Settlement Agreement and General Release with Cecil Township Municipal Authority on 5/26/11, wherein Fleeher agreed to abandon its sewage system to CTMA with certain material, rights and easements necessary for conveyance of flows to CTMA's Millers Run Sewage Treatment Plant. Sewage service to Fleeher customers is now being provided by CTMA.

RECOMMENDATION:

That the Commission adopts the Tentative Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2152571-ALJ Statement by Vice Chairman Coleman. Vote 5-0.	C-2010-2152571	WANDA M RAMALEY VS PENN POWER - Formal Complaint filed on 1/14/10, alleging a customer service issue surrounding the termination of services on an account in which the ratepayer was a corporation, Cowshed, Inc. On 2/4/10, Penn Power filed an Answer to the Complaint and New Matter. A hearing was held on 9/7/11. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Initial Decision dismissing the formal complaint.
2176672-ALJ Vote 5-0.	C-2010-2176672	MICHELLE ADDERTON VS PECO ENERGY COMPANY - Formal Complaint filed on 5/12/10, alleging a billing dispute. PPL filed an Answer on 6/9/10. A hearing was held 12/13/10. COMMISSION REVIEW: That the Commission adopt ALJ Pell's Initial Decision dismissing the complaint with prejudice.
2176674-ALJ Vote 5-0.	F-2010-2176674	RAMESES LEE VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 5/11/10, alleging incorrect charges on his bill and requesting that PGW pay his bill. PGW filed an Answer on 6/7/10 denying the allegations. A hearing was held on 7/5/11. COMMISSION REVIEW: That the Commission adopt ALJ Pell's Initial Decision dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2176745-ALJ Vote 5-0.	C-2010-2176745	BUR OF TRANSPORTATION & SAFETY VS COLLEGEVILLE AIRPORT SERVICE - Complaint instituted on 10/6/10, alleging violations of the Commission's regulations at 52 Pa. Code § 32.2(h), by operating its vehicle while under suspension for failing to maintain evidence of insurance on file, 52 Pa. Code § 32.11, by engaging in intrastate commerce without having filed with and having a Commission certificate of insurance and 66 Pa. C.S. § 501(c), by failing to observe, obey and comply with a Commission regulation. BTS requested a civil penalty of \$2,000. Respondent filed an answer denying the allegations in the complaint. A hearing was held 9/27/11. COMMISSION REVIEW: That the Commission adopt ALJ Fordham's Initial Decision sustaining the complaint and order Respondent to pay a civil penalty of \$2,000.
2198869-ALJ Motion by Commissioner Gardner. Vote 5-0.	F-2010-2198869	LIDIA HERRERA VS PPL ELECTRIC UTILITIES CORP - Formal Complaint filed on 9/13/10, alleging an inability to pay for electric service and requested a payment arrangement. PPL filed an Answer on 10/7/10. A hearing was held 12/13/10. COMMISSION REVIEW: That the Commission adopt Special Agent Alexander's Initial Decision sustaining the complaint.
2211621-ALJ Vote 5-0.	C-2010-2211621	JAMES & PATRICIA REAGAN VS DUQUESNE LIGHT CO - Formal Complaint filed on 11/19/10, alleging, inter alia, that the Complainants requested and paid for the provision of underground electric utility service to their building site and that DLC intentionally delayed the provision of this service. On 1/10/11, DLC filed an Answer to the complaint. A hearing was held on 8/10/11. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Initial Decision dismissing the complaint with prejudice.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2243597-ALJ Vote 5-0.	F-2011-2243597	JALLAH BUKU VS PECO ENERGY COMPANY - Formal Complaint filed on 5/16/11, alleging an inability to pay for electric service and requested a reasonable payment plan that would consider his income. On 6/15/11, PECO filed an Answer to the 5/16/11 formal complaint. A hearing was held on 9/16/11. COMMISSION REVIEW: That the Commission adopt ALJ Jones' Initial Decision dismissing the complaint without prejudice.
2255055-ALJ Vote 5-0.	M-2011-2255055	PIKE COUNTY LIGHT & POWER CO-GAS - Gas Cost Rate Section 1307(e) Reconciliation Statement filed on 7/28/11, for the twelve month period ended 6/30/11. A public hearing was held 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2255147-ALJ Motion by Commissioner Cawley. Vote 5-0.	M-2011-2255147	VEOLIA ENERGY PHILADELPHIA, INC - Steam Cost Rate Section 1307(e) Reconciliation Statement filed on 7/29/11, for the twelve-month period ended 6/30/11. A hearing was held on 9/19/11. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision accepting the Statement, insofar as it is undisputed
2255248-ALJ Vote 5-0.	M-2011-2255248	DUQUESNE LIGHT COMPANY - Smart Meter Surcharge Rider Section 1307(e) Reconciliation Statement filed on 8/1/11, for the period of 8/1/09 through 6/30/11. A hearing was held on 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2255253-ALJ Vote 5-0.	M-2011-2255253	PENNSYLVANIA ELECTRIC COMPANY - Smart Meter Technologies Charge Section 1307(e) Reconciliation Statement filed on 8/1/11, for the twelve months ended 6/30/11. A hearing was held on 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2255262-ALJ Vote 5-0.	M-2011-2255262	METROPOLITAN EDISON CO - Smart Meter Technologies Charge Section 1307(e) Reconciliation Statement filed on 8/1/11, for the twelve months ended 6/30/11. A hearing was held on 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2255265-ALJ Vote 5-0.	M-2011-2255265	PENNSYLVANIA POWER CO - Smart Meter Technologies Charge Section 1307(e) Reconciliation Statement filed on 8/1/11, for the twelve months ended 6/30/11. A hearing was held on 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2255303-ALJ Vote 5-0.	M-2011-2255303	PECO ENERGY COMPANY-ELECTRIC - Smart Meter Cost Recovery Surcharge Section 1307(e) Reconciliation filed on 7/30/11, for the twelve months ended 6/30/11. A hearing was held on 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2255775-ALJ Vote 5-0.	M-2011-2255775	VALLEY ENERGY, INC - Gas Cost Rate Section 1307(e) Reconciliation Statement filed on 8/3/11, for the twelve month period ended 6/30/11. A public hearing was held 9/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.
2262958-ALJ Vote 5-0.	M-2011-2262958	PECO ENERGY COMPANY-GAS - Universal Service Fund Charge Section 1307(e) Reconciliation Statement filed on 9/14/11, for the twelve months ending 11/30/11. The Statement showed a total net amount of \$2,304,874 (exclusive of interest) to be refunded. A public hearing was held 11/2/11 COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Recommended Decision accepting the Statement, insofar as it is undisputed.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2264602-ALJ Vote 5-0.	M-2011-2264602	ANDREASSI GAS COMPANY - Gas Cost Rate Section 1307(e) Reconciliation Statement filed on 10/5/11, setting forth the over/under collections for the period ended 8/31/11. A hearing was held on 11/14/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement, insofar as it is undisputed.
2264665-ALJ Vote 5-0.	M-2011-2264665	PINE ROE NATURAL GAS CO., INC. - Gas Cost Rate Section 1307(e) Reconciliation Statement filed on 9/26/11, setting forth the over/under collections for the period ended 8/31/11. A hearing was held on 11/14/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement, insofar as it is undisputed.
2265894-ALJ Vote 5-0.	M-2011-2265894	WALLY GAS CO - Gas Cost Rate Section 1307(e) Reconciliation Statement filed on 9/30/11, setting forth the over/under collections for the period ended 8/31/11. A hearing was held on 11/14/11. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement, insofar as it is undisputed.
2266904-ALJ Vote 5-0.	M-2011-2266904	CHARTIERS NATURAL GAS CO, INC - Gas Cost Rate Section 1307(e) Reconciliation Statement filed on 12/2/11, setting forth the over/under collections for the twelve-month period ended 8/31/11. A hearing was held on 11/22/11. COMMISSION REVIEW: That the Commission adopt ALJ Colwell's Recommended Decision accepting the Statement, insofar as it is undisputed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

January 12, 2012

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2092222-OSA Vote 5-0.	M-2009-2092222 M-2009-2112952 M-2009-2112956	MET-ED, PENELEC, and PENN POWER - First Amended Energy Efficiency & Conservation Plan. On 2/18/11, the Companies filed a Joint Petition for Approval of changes to their current EE&C Plans. On 12/5/11 the Recommended Decision was issued by the Commission. Exceptions were jointly filed by the Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance and the Penn Power Users Group on 12/12/11. Also, on 12/12/11, the Companies filed an Exception Seeking Clarification on a single issue. Replies to Exceptions were not permitted. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2282031-LAW Joint Statement by Chairman Powelson and Commissioner Witmer. Vote 5-0.	M-2012-2282031	ACT 127-GAS & HAZARDOUS LIQUIDS PIPELINES ACT - Governor Corbett signed on 12/22/11, the Gas and Hazardous Liquids Pipelines Act, Act 127 of 2011. The Act provides authority to the Commission to enforce Federal pipeline safety laws as they relate to non-public utility gas and hazardous liquids pipeline equipment and facilities within the Commonwealth of Pennsylvania. The Act enables the Commission to fund an increase in its complement of pipeline safety inspectors by assessments to be paid by Pennsylvania pipeline operators. RECOMMENDATION: That the Commission adopt the Tentative Order.