

# **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

## **PUBLIC MEETING**

---

**FRIDAY, JANUARY 27, 2012 (PW)**

**10:00 A.M.**

**MAIN HEARING ROOM NO. 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, Keystone 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, February 16, 2012 at 10:00 A.M.**

**Minutes of the Meeting of Thursday, December 22, 2011 (WG)**

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

**THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 16, 2012 AT 10:00 A.M. IN THE STATE MUSEUM OF PENNSYLVANIA, 300 NORTH STREET, HARRISBURG, PENNSYLVANIA 17120-0024, AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.**

**ALSO, THE COMMISSION WILL HOLD AN EXECUTIVE SESSION ON FRIDAY, JANUARY 27, 2012, AT APPROXIMATELY 10:30 AM, 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 27, 2012**

**BUREAUS OF TECHNICAL UTILITY SERVICE & INVESTIGATION & ENFORCEMENT (Transportation)**

| <b><u>AGENDA NO.</u></b>               | <b><u>DOCKET NO.</u></b> | <b><u>NAME AND SUBJECT</u></b>   |
|--|--------------------------|--|
| <b>2242692-TAS</b><br><b>Vote 5-0.</b> | <b>A-2011-2242692</b>    | PENNDOT<br>- Approval to reconstruct bridge and appropriate plans.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order<br>approving the application as amended. |

## BUREAU OF AUDITS

| <u>AGENDA NO.</u>   | <u>DOCKET NO.</u>     | <u>NAME AND SUBJECT</u>   |
|---|-----------------------|---|
| <b>2157122-AUD</b><br><b>(PP from 01/12/2012)</b><br><br><b>Vote 5-0.</b> | <b>D-2010-2157122</b> | PECO ENERGY COMPANY- ELECTRIC<br>- Auditor's Report on the Tariff Electric Universal<br>Service Fund Charge for the Twelve Months Ended<br>12/31/08.<br>RECOMMENDATION:<br>That the Commission release the Audit Report to the<br>public.       |
| <b>2279090-AUD</b><br><br><b>Vote 5-0.</b>                                | <b>M-2011-2279090</b> | PECO ENERGY COMPANY-ELECTRIC<br>- Generation Supply Adjustment.<br>RECOMMENDATION:<br>That the Commission approve Supplement No. 30 to<br>Tariff Electric- Pa. P.U.C. No. 4, reflecting the<br>proposed GSA-4 rates to become effective 2/1/12. |

**DIRECTOR OF REGULATORY OPERATIONS**

**AGENDA NO.**

**2279773-DIR**

**Vote 5-0.**

**DOCKET NO.**

**P-2011-2279773  
M-00061957  
M-2008-2032274**

**NAME AND SUBJECT**

PECO ENERGY COMPANY-ELECTRIC  
- Petition for Expedited Approval is submitted pursuant to the Commission's 12/15/11 Secretarial Letter and 12/16/11 Tentative Order, and is a supplement to PECO's Consumer Education Plan for 2008-2012. The Petition seeks approval of PECO's 2012 Consumer Education plan and PECO's recovery of costs for the implementation of the 2012 plan through the existing Consumer Education Surcharge in the current PECO tariff.  
RECOMMENDATION:  
That that the Commission adopt 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>   |
|--|--------------------------|--|
| <b>2185982-OSA<br/>(PP from 01/12/2012)</b><br><br>Statement by Vice Chairman Coleman.<br>Joint Statement by Commissioner<br>Gardner and Commissioner Cawley.<br>Vote 5-0.   | <b>M-2011-2185982</b>    | <b>EQUITABLE GAS CO</b><br>- By letter dated 8/6/10, the Law Bureau Prosecutory Staff informed Equitable Gas that it was initiating an informal investigation regarding the transfer of intellectual property to EQT IP Ventures, LLC and affiliated interest transactions with EQT IP Ventures, LLC. On 12/2/11, the Prosecutory Staff and Equitable filed a Settlement Agreement to resolve the matters relating to the informal investigation.<br><b>RECOMMENDATION:</b><br>That the Commission adopt the proposed Opinion and Order which issues the proposed Settlement Agreement for comments by any interested party.   |
| <b>2189352-OSA<br/>(PP from 01/12/2012)</b><br><br>Motion by Vice Chairman Coleman.<br>Dissenting Statement by Commissioner<br>Gardner.<br>Vote 3-2 with Commissioner Gardner<br>and Commissioner Cawley Dissenting. | <b>C-2010-2189352</b>    | <b>JACQUELINE FIELDER VS VERIZON PA</b><br>- 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.<br><b>RECOMMENDATION:</b><br>That the Commission adopt the proposed Opinion and Order that grants, in part, and denies, in part, the Exceptions and modifies the Initial Decision. |

**OFFICE OF SPECIAL ASSISTANTS**

| <b><u>AGENDA NO.</u></b>     | <b><u>DOCKET NO.</u></b>         | <b><u>NAME AND SUBJECT</u></b>   |
|------------------------------|----------------------------------|--|
| 2190280-OSA<br><br>Vote 5-0. | C-2010-2190280                   | <p>RUSSELL BENNETT VS VERIZON<br/>PENNSYLVANIA</p> <p>- Formal Complaint filed on 7/21/10, alleging improper billing for the bundled service he had ordered. The matter was assigned to ALJ Johnson for hearing. On 9/8/10, Verizon PA filed an Answer to the Complaint. On 8/25/11, ALJ Johnson issued an Initial Decision which granted, in part, and dismissed, in part, the Complaint. Exceptions were filed by Verizon PA on 09/19/11. No Reply Exceptions were filed by the Complainant.</p> <p>RECOMMENDATION:<br/>That the Commission adopt the proposed Opinion and Order that grants the Exceptions in part, denies the Exceptions in part, and modifies the Initial Decision consistent with the proposed Opinion and Order.</p>  |
| 2193243-OSA<br><br>Vote 5-0. | C-2010-2193243<br>C-2010-2193415 | <p>E C SMART VS PECO ENERGY AND<br/>E C SMART VS COMMERCE ENERGY INC</p> <p>- Formal Complaint filed on 8/10/10, alleging that there were incorrect charges on her bill and that PECO terminated her electric service without proper notice. PECO and Commerce each filed an Answer denying the material averments of the Complaint on 10/1/10 and 10/15/10, respectively. The Complainant faxed a Motion for Summary Judgment to ALJ Pell, PECO, and Commerce on 7/28/11. The hearing was held on 7/29/11, and the Complainant was not present. In the Initial Decision, issued 9/6/11, the ALJ denied the Complainant's Motion and dismissed the Complaint with prejudice based on the Complainant's failure to appear at the hearing. On 9/20/11, the Complainant filed a "Sur Motion for Summary Judgment."</p> <p>Commerce filed Replies to Exceptions on 10/5/11.</p> <p>RECOMMENDATION:<br/>That the Commission adopt the proposed Opinion and Order which treats the Sur Motion for Summary Judgment as Exceptions, grants the Exceptions, in part, denies the Exceptions, in part, and modifies the Initial Decision.</p> |

**OFFICE OF SPECIAL ASSISTANTS**

| <b><u>AGENDA NO.</u></b>               | <b><u>DOCKET NO.</u></b> | <b><u>NAME AND SUBJECT</u></b>   |
|--|--------------------------|--|
| <b>2211384-OSA</b><br><b>Vote 5-0.</b> | <b>F-2010-2211384</b>    | <p>MARGARET &amp; ALAN KATZ FOR MICHAEL KATZ VS PPL ELECTRIC UTILITIES</p> <p>- Complainants alleged that PPL erred in billing the customer living at the service location. PPL filed an Answer denying the allegation and filed a Motion to Dismiss asserting that Complainants lacked standing to bring the Complaint. On 3/16/11, ALJ Salapa issued an Initial Decision which granted PPL's Motion and dismissed the Complaint without prejudice. Complainants timely filed Exceptions on 4/29/11 and PPL filed a Reply.</p> <p>RECOMMENDATION:<br/>That the Commission adopt the proposed Opinion and Order which grants the Exceptions, reverses the Initial Decision and remands the proceeding to the Office of ALJ.</p>  |
| <b>2215057-OSA</b><br><b>Vote 5-0.</b> | <b>F-2010-2215057</b>    | <p>BERNICE KEEBLER VS VERIZON PENNSYLVANIA</p> <p>- Formal Complaint filed on 12/9/10, alleging that VZ refused to provide her with the telephone numbers she called which generated a charge of \$4.19 on her bill, unless she served a subpoena or signed up for an itemized billing service. On 2/18/11, VZ filed an Answer and New Matter and Preliminary Objections. A telephonic hearing was held on 5/24/11. In an Initial Decision, issued 7/8/11, ALJ Long sustained the Complaint, in part, and dismissed the Complaint, in part, and imposed a \$1,000 civil penalty on VZ. On 9/12/11, the Parties filed a Joint Petition for Settlement to resolve the issues in the Complaint.</p> <p>RECOMMENDATION:<br/>That the Commission adopt the proposed Opinion and Order which conditionally approves the Joint Petition for Settlement.</p> |



## OFFICE OF SPECIAL ASSISTANTS

| <u>AGENDA NO.</u>   | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u>  |
|---|-------------------|--|
| 2219118-OSA<br>(PP from 01/12/2012)   | C-2011-2219118    | BUR OF TRANSPORTATION & SAFETY VS<br>SUDOL PAVING & EXCAVATION INC<br>- Complaint instituted on 1/13/11, alleging that the Respondent failed to maintain evidence of liability insurance on file with the Commission. BTS requested that a civil penalty of \$500 be imposed. The Respondent filed an Answer on 2/11/11. On 9/20/11, 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 \$250.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.  |
| Motion by Chairman Powelson.<br>Dissenting Statement by Commissioner Gardner.<br>Vote 3-2 with Commissioner Gardner and Commissioner Cawley Dissenting. |                   |  |
| 2239192-OSA   | C-2011-2239192    | BUR OF TRANSPORTATION & SAFETY VS<br>FELIX M SZCZEPANSKI T/A J B TAXI<br>- Complaint instituted on 8/4/11. The Respondent was notified that, if an answer was not filed within 20 days of receipt of the Complaint, BTS would request that the Commission issue an order imposing a penalty. On 8/30/11, the Complaint was returned as "unclaimed - unable to forward." The Complaint was thereupon sent by first class mail on 9/2/11. By Secretarial Letter of 11/2/11, the Commission noted that no timely response to the Complaint was received. Accordingly, the Respondent was directed to pay a civil penalty of \$50 within 20 days. On 11/22/11, the Respondent filed the instant Petition to Appeal Staff Action, with reference to the Secretarial Letter of 11/2/11. No response to the Petition has been received.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Opinion and Order, which, inter alia: (1) grants the Petition; (2) rescinds the Secretarial Letter of 11/2/11; and (3) refers the proceeding to the OALJ for further proceedings, as deemed appropriate. |
| Vote 5-0.   |                   |  |

**OFFICE OF SPECIAL ASSISTANTS**

| <b><u>AGENDA NO.</u></b>     | <b><u>DOCKET NO.</u></b> | <b><u>NAME AND SUBJECT</u></b>   |
|------------------------------|--------------------------|--|
| 2274979-OSA<br><br>Vote 5-0. | A-2011-2274979           | BCN TELECOM INC and VERIZON NORTH<br>- Joint Petition filed on 11/23/11, requesting approval of an Amended, Extended and Restated Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice was published in the PA Bulletin. No comments or protests were received.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Opinion and Order that 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>2212644-FUS</b><br><br>Vote 5-0. | <b>A-2010-2212644</b>    | <p>SOURCEONE INC D/B/A/ SOURCEONE ENERGY INC</p> <p>- Application filed on 1/27/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of facilitating the bidding and purchase of electricity for large commercial and industrial customers in the electric distribution company service territories throughout PA. On 8/26/11, SourceOne filed a request to amend its electric generation supplier license to also serve governmental customers as a broker/marketer throughout all the electric distribution service territories within PA.</p> <p>RECOMMENDATION:<br/>That the Commission adopt the proposed Order which approves the application amendment.</p> |
| <b>2216091-FUS</b><br><br>Vote 5-0. | <b>A-2010-2216091</b>    | <p>PA GAS MARKETING LLC</p> <p>- Application filed on 10/31/11, for approval to begin to offer, render, furnish, or supply natural gas supply services to small and large commercial customers and industrial customers in the natural gas distribution company service territory of Peoples Natural Gas. In addition, PA Gas also seeks approval to modify its license to include service to small commercial customers in the natural gas distribution company service territory of Peoples TWP LLC.</p> <p>RECOMMENDATION:<br/>That the Commission adopt the proposed Order which approves the application.</p>  |

## BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u>  | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u>   |
|--|-------------------|---|
| 2251181-FUS<br><br>Vote 5-0.   | R-2011-2251181    | BOROUGH OF QUAKERTOWN<br>- Supplement No. 14 to Tariff Water – Pa. P.U.C. No. 1 (later corrected to Supplement No. 15), filed on 11/30/11, proposing an annual increase in rates of \$278,854 (87.9%) to become effective 1/29/12, based on a historic test year ending 12/31/10, and a future test year ending 12/31/11. By several letters, the Commission granted the Respondent extensions of time for filing the general rate increase request until 11/30/11. A formal complaint has been filed.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order that suspends the tariff and institutes an investigation. |
| 2258221-FUS<br>(PP from 12/01/2011)<br><br>Vote 4-1 with Commissioner Gardner<br>Dissenting. | S-2011-2258221    | UGI PENN NATURAL GAS COMPANY<br>- 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 several occasions, UGI Penn Natural agreed to voluntarily extend the consideration period.<br>RECOMMENDATION:<br>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<br>(PP from 12/01/2011)<br><br>Vote 4-1 with Commissioner Gardner<br>Dissenting. | S-2011-2258334    | UGI UTILITIES, INC - GAS DIVISION<br>- 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 several occasions, UGI Utilities agreed to voluntarily extend the consideration period.<br>RECOMMENDATION:<br>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.               |

**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>2258347-FUS</b><br><b>(PP from 12/01/2011)</b><br><br><b>Vote 4-1 with Commissioner Gardner</b><br><b>Dissenting.</b> | <b>S-2011-2258347</b>    | UGI CENTRAL PENN GAS, INC<br>- 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 several occasions, UGI Central Penn agreed to voluntarily extend the consideration period.<br>RECOMMENDATION:<br>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.  |
| <b>2260124-FUS</b><br><br><b>Vote 5-0.</b>   | <b>A-2011-2260124</b>    | MABLOCK CONSULTING LLC D/B/A LOCK GROUP<br>- Application filed on 8/26/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer in the electric distribution company service territories of West Penn Power, Duquesne Light, PECO Energy, PPL Electric, and UGI Utilities, within PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order which approves the application.   |
| <b>2262793-FUS</b><br><br><b>Vote 5-0.</b>   | <b>A-2011-2262793</b>    | THE LEGACY ENERGY GROUP LLC D/B/A LEGACY ENERGY<br>- Application filed on 9/13/11, for approval to offer, render, furnish, or supply natural gas supply services to small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial, and governmental customers in the natural gas distribution company service territories of Columbia Gas, Philadelphia Gas Works, UGI Central Penn Gas, UGI Penn Natural Gas, UGI Utilities, Peoples Natural Gas, PECO Energy, National Fuel Gas Distribution, and Valley Energy, within PA.<br>RECOMMENDATION:<br>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>   |
|--------------------------|------------------------------|---|
| 2268759-FUS<br>Vote 5-0. | A-2011-2268759               | CENTERPOINT ENERGY SERVICES INC<br>- Application filed on 10/20/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for the purchase of electricity for commercial and industrial customers in the electric distribution company service territories throughout PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order which approves the application.                              |
| 2268958-FUS<br>Vote 5-0. | A-2011-2268958               | PENNSYLVANIA AMERICAN WATER COMPANY<br>- Application filed on 10/14/11, for approval of the right to offer, render, furnish, or supply water service to the public in an additional portion of Jackson Township, Butler County. Proofs of publication and service to appropriate entities were submitted by PAWC. No protests were filed and no hearings were held.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order that approves the application. |
| 2270788-FUS<br>Vote 5-0. | R-2011-2270788               | VERIZON NORTH LLC<br>- 2012 Annual Price Change Opportunity Filing and Tariff Changes to Telephone Tariff PA PUC Nos. 1, 3, 5, and 6. Verizon North requests a \$682,000 increase in rates from the implementation of its Price Change Opportunity. No protests were filed and no hearings were held.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order approving the proposed rate increase.  |
| 2271946-FUS<br>Vote 5-0. | M-2011-2271946<br>M-00910297 | MIFFLIN COUNTY'S 911<br>- System Renewal Plan filed on 11/7/11, by PEMA requesting a formal review of 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.<br>RECOMMENDATION:<br>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**

| <b><u>AGENDA NO.</u></b>            | <b><u>DOCKET NO.</u></b> | <b><u>NAME AND SUBJECT</u></b>  |
|-------------------------------------|--------------------------|---|
| <b>2272097-FUS</b><br><br>Vote 5-0. | <b>A-2011-2272097</b>    | SOUTHEAST ENERGY CONSULTANTS LLC<br>- Application filed on 10/10/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for the purchase of electricity for residential, large commercial (over 25 kw demand), small commercial (25 kw and under demand), governmental and industrial customers in the electric distribution company service territories throughout PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order which approves the application. |
| <b>2278295-FUS</b><br><br>Vote 5-0. | <b>A-2011-2278295</b>    | CORDIA COMMUNICATIONS CORP<br>- Application filed on 12/12/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the public within PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order approving the application.   |
| <b>2278296-FUS</b><br><br>Vote 5-0. | <b>A-2011-2278296</b>    | NORTHSTAR TELECOM, INC<br>- Application filed on 12/12/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Services to the public within PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order approving the application.  |

## BUREAU OF TECHNICAL UTILITY SERVICES

| <u>AGENDA NO.</u>        | <u>DOCKET NO.</u> | <u>NAME AND SUBJECT</u>  |
|--------------------------|-------------------|--|
| 2278298-FUS<br>Vote 5-0. | A-2011-2278298    | MY TEL CO, INC<br>- Application filed on 12/12/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the public within PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order approving the application.  |
| 2278443-FUS<br>Vote 5-0. | A-2011-2278443    | BUSINESS PRODUCTIVITY SOLUTIONS INC<br>- Application filed on 12/9/11, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the public within PA.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order approving the application.   |
| 2282885-FUS<br>Vote 5-0. | M-2012-2282885    | QUARTERLY EARNINGS REPORT<br>- Bureau of Technical Utility Services' report to the Commission regarding quarterly earnings of Pennsylvania utilities for the quarter ended September 30, 2011. Staff has completed a report representing the earned and adjusted returns on rate base and common equity capital for Pennsylvania 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.<br>RECOMMENDATION:<br>That the Commission make the earnings report public. |



## LAW BUREAU

| <u>AGENDA NO.</u>                   | <u>DOCKET NO.</u>                | <u>NAME AND SUBJECT</u>   |
|-------------------------------------|----------------------------------|---|
| 2093381-LAW<br>(PP from 01/12/2012) | D-2009-2093381<br>D-2009-2093382 | METROPOLITAN EDISON and PENELEC<br>- Tentative Order entered 9/17/09, tentatively approved the accounting procedure regarding allocations of revenues between NUG and non-NUG stranded costs, by which non-NUG over-collection revenue could be used to reduce non-NUG stranded costs when a cumulative NUG stranded cost balance exists. The Commission sought comments from parties to the 1998 Restructuring Settlement Agreement. Comments and answers to reply comments were filed by OCA, OSBA, MEIUG/PICA, ARIPPA and YCSWA. Reply comments were filed by the Companies. This Final Order reviews the positions of the parties as set forth in comments and reply comments and concludes that Met-Ed's revenue allocation did not amount to a "change" in accounting methodology. The Commission agrees with the Companies that it was required under the Restructuring Settlement Agreement to calculate "net stranded costs" not "net-NUG stranded costs."<br>RECOMMENDATION:<br>That the Commission adopt the Final Order approving Met Ed's accounting method whereby NUG over-collection revenue may be used to reduce non-NUG stranded costs, even if a cumulative NUG stranded cost balance exists. |

Statement by Commissioner Witmer.  
Vote 5-0 with Commissioner Cawley  
Concurring in Result Only.

## LAW BUREAU

| <u>AGENDA NO.</u>            | <u>DOCKET NO.</u>            | <u>NAME AND SUBJECT</u>  |
|------------------------------|------------------------------|--|
| 2269052-LAW<br><br>Vote 5-0. | P-2011-2269052<br>M-00011468 | VERIZON PENNSYLVANIA INC<br>- Petition for waiver of certain August 2011 remedies due under the PA Performance Assurance Plan on the grounds that the August 2011 work stoppage and severe weather were extraordinary events warranting force majeure consideration. The petition is unopposed.<br>RECOMMENDATION:<br>That the Commission adopt the proposed Order.  |
| 2280411-LAW<br><br>Vote 5-0. | M-2011-2280411               | WINDSTREAM PENNSYLVANIA LLC<br>- PA Safety Valve Numbering Resource Request form submitted on 12/20/11, pursuant to our order entered at M-2008-2032767, requesting an 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 1,000 telephone numbers from the 814 NPA be assigned to the Shippenville 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. The request comes before the Commission since Windstream did not meet the months-to-exhaust criteria nor the utilization criteria established by the FCC in its Third Report and Order.<br>RECOMMENDATION:<br>That the Commission grant the request for additional telephone numbers in the 814 area code. |

**LAW BUREAU**

| <b><u>AGENDA NO.</u></b>            | <b><u>DOCKET NO.</u></b> | <b><u>NAME AND SUBJECT</u></b>  |
|-------------------------------------|--------------------------|---|
| <b>2280506-LAW</b><br><br>Vote 5-0. | <b>M-2011-2280506</b>    | <p>WINDSTREAM PENNSYLVANIA LLC</p> <p>- PA Safety Valve Numbering Resource Request form submitted on 12/20/11, pursuant to our order entered at M-2008-2032767, requesting an 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 full NXX code or 10,000 telephone numbers from the 814 NPA be assigned to the Brookville Rate Center for Location Routing Number (LRN) purposes, 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. The request comes before the Commission since Windstream did not meet the months-to-exhaust criteria nor the utilization criteria established by the FCC in its Third Report and Order.</p> <p>RECOMMENDATION:</p> <p>That the Commission grant the request for a full NXX code in the 814 area code.</p> |
| <b>2282619-LAW</b><br><br>Vote 5-0. | <b>M-2012-2282619</b>    | <p>TCG NEW JERSEY INC</p> <p>- PA Safety Valve Numbering Resource Request form submitted on 1/16/12, pursuant to our order entered at M-2008-2032767, requesting an expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 610 Number Plan Area (NPA) for use by a large business customer. TCG-NJ requests a 1K block or 1,000 consecutive telephone numbers from the 610 NPA be assigned to the PHPHSBZN30 Rate Center. This request comes before the Commission since the Company's current inventory of numbers will not meet the demand of its customer.</p> <p>RECOMMENDATION:</p> <p>That the Commission grant the request for additional telephone numbers in the 610 area code.</p>  |

**LAW BUREAU**

**AGENDA NO.**

**DOCKET NO.**

**NAME AND SUBJECT**

**2283002-LAW**

**M-2012-2283002**

**Vote 5-0.**

VERIZON PENNSYLVANIA INC

- PA Safety Valve Numbering Resource Request form submitted on 1/11/12, pursuant to our order entered at M-2008-2032767, requesting an expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 570 Number Plan Area (NPA) for use by a large business customer. Verizon PA requests a 1K block or 1,000 consecutive telephone numbers from the 570 NPA be assigned to the Wilkes-Barre Rate Center. This request comes before the Commission since the Company's current inventory of numbers will not meet the demand of its customers.

**RECOMMENDATION:**

That the Commission grant the request for additional telephone numbers in the 570 area code.

**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>2147793-ALJ</b><br><br>Motion by Commissioner Gardner.<br>Vote 5-0.   | <b>C-2010-2147793</b>    | BUR OF TRANSPORTATION & SAFETY VS<br>MILTON B ROMIG<br>- Complaint instituted on 7/17/10, alleging Respondent failed to properly obtain a certificate of public convenience before transporting passengers and property for compensation. BTS requests the Commission fine the Respondent the sum of \$1,000. A hearing was held on 9/29/11.<br>COMMISSION REVIEW:<br>That the Commission adopt ALJ Barnes' Initial Decision sustaining the complaint.  |
| <b>2215379-ALJ</b><br><br>Statement by Commissioner Gardner.<br>Statement by Commissioner Witmer.<br>Vote 5-0. | <b>F-2010-2215379</b>    | NIA PETERSON VS PHILADELPHIA GAS<br>WORKS<br>- Formal Complaint filed on 12/13/10, alleging incorrect charges on her bill, in particular, PGW charging her after replacing her broken gas meter. On 1/5/11, PGW filed an Answer denying the material allegations of the complaint. A hearing was held on 7/12/11.<br>COMMISSION REVIEW:<br>That the Commission adopt ALJ Vero's Initial Decision sustaining the complaint, in part, to the extent that PGW cease and desist from further violations, and denying, in part, the complaint. |
| <b>2215571-ALJ</b><br><br>Motion by Commissioner Gardner.<br>Vote 5-0.   | <b>C-2010-2215571</b>    | REGIS W SCHRUM VS PEOPLES NATURAL GAS<br>COMPANY<br>- Formal Complaint filed on 12/15/10, alleging opposition to the proposed rate increase; and contesting the need to call the natural gas supplier in order to obtain a lower commodity charge. Peoples filed an answer on 1/4/11.<br>COMMISSION REVIEW:<br>That the Commission adopt ALJ Dunderdale's Initial Decision dismissing the complaint.  |
| <b>2267514-ALJ</b><br><br>Vote 5-0.  | <b>M-2011-2267514</b>    | PECO ENERGY COMPANY-ELECTRIC<br>- Section 1307(e) Competitive Transition Charge and Intangible Transition Charge Reconciliation Statement filed on 1/31/11, setting forth the over/under collections for the twelve-month period which ended on 12/31/10. A hearing was held on 12/12/11.<br>COMMISSION REVIEW:<br>That the Commission adopt ALJ Salapa's Recommended Decision accepting the Statement insofar as it is undisputed.   |

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CARRY-IN AGENDA**

**January 27, 2012**

**LAW BUREAU**

| <b><u>AGENDA NO.</u></b>                   | <b><u>DOCKET NO.</u></b> | <b><u>NAME AND SUBJECT</u></b>  |
|--|--------------------------|---|
| <b>2285278-LAW</b><br><br><b>Vote 5-0.</b> | <b>M-2012-2285278</b>    | <p>COMMONWEALTH TELEPHONE CO D/B/A<br/>FRONTIER COMMUNICATIONS COMMONWEALTH<br/>TELEPHONE CO</p> <p>- PA Safety Valve Numbering Resource Request form submitted on 1/26/12, requesting an expedited review of a denial by the Pooling Administrator of its request for additional numbering resources in the 717 Number Plan Area (NPA). Frontier Commonwealth requests that it be reassigned the 1K block that it inadvertently donated to Neustar. Specifically, Frontier Commonwealth requests that the 1K block from the 717 NPA be assigned to the Gap Rate Center. This safety valve request becomes before the Commission because Neustar rejected Frontier Communications' request to get the 1K block back since Frontier Communications did not meet the months-to-exhaust criteria or the utilization criteria established by the FCC in its Third Report and Order to receive additional numbering resources.</p> <p>RECOMMENDATION:<br/>That the Commission grant the request for additional numbering resources in the 717 area code.</p> |