

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

WEDNESDAY, DECEMBER 5, 2012 (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 20, 2012 at 10:00 A.M.

Minutes of the Meeting of Wednesday, October 24, 2012 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 20, 2012 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 TUESDAY, DECEMBER 4, 2012, AT 2:00 P.M., IN COMMISSIONER GARDNER'S CONFERENCE ROOM, 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

December 5, 2012

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2290597-OSA Binding Poll. Motion by Chairman Powelson; Partial dissenting statement by Commissioner Cawley; Motion by Commissioner Cawley; Dissenting statement by Commissioner Gardner.	R-2012-2290597	PPL ELECTRIC UTILITIES - Supplement No. 118 to Tariff—Electric Pa. P.U.C. No. 201 filed on 3/30/12, containing changes in distribution rates calculated to produce additional intrastate operating revenues of approximately \$104.6 million, to become effective 6/1/12. Various Complaints were filed and the filing was suspended by operation of law until 1/1/13. Public input hearings were held in Scranton, Wilkes-Barre, Bethlehem, and Allentown in June 2012. Three days of evidentiary hearings were held in August. On 10/19/12 the Commission issued the Recommended Decision of ALJ Colwell. Exceptions were filed on 11/8/12, and Reply Exceptions were filed on 11/19/12. RECOMMENDATION: That the Commission conduct a BINDING POLL of the issues litigated in this proceeding.
2320334-OSA VOTE 5-0	P-2012-2320334 M-2012-2289411 M-2008-2069887	PECO ENERGY COMPANY - ELECTRIC - Phase II Implementation Order adopted on 8/2/12, that established the standards for electric distribution companies' (EDCs) Energy Efficiency and Conservation Plans for 6/1/13 to 5/31/16, pursuant to Act 129 of 2008. The Phase II Implementation Order established specific energy reduction targets for each EDC and provided an opportunity for the EDCs to contest their targets by filing a petition for an evidentiary hearing by 8/20/12. PECO filed its Petition on 8/20/12. The matter was assigned to the OALJ for hearing and ALJ Barnes certified the record to the Commission on 11/2/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that, inter alia, reaffirms PECO's 2.9% energy reduction target.

CASES OF SPECIAL INTEREST

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2320450-OSA	P-2012-2320450	MET-ED, PENELEC, PENN POWER & WEST PENN - Phase II Implementation Order adopted on 8/2/12, that established the standards each electric distribution company's Energy Efficiency and Conservation Plan must meet and provided guidance on the procedures to be followed for submittal, review and approval of all aspects of those plans. Within the Phase II Implementation Order, the Commission tentatively adopted EDC-specific consumption reduction targets and provided that these targets would become final for any covered EDC that did not petition the Commission for an evidentiary hearing by 8/20/12. On 8/20/12, the FirstEnergy Companies filed a Petition for an Evidentiary Hearing on the Energy Efficiency Benchmarks Established for the Period June 1, 2013 through May 31, 2016 by the Phase II Implementation Order. A hearing was held on 10/19/12. On 11/02/12, ALJ Elizabeth Barnes issued an Order Certifying Record to the Commission. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition of FirstEnergy and affirms the Energy Efficiency Benchmarks established in the Phase II Implementation Order for each of the FirstEnergy Companies.
VOTE 5-0	M-2012-2289411	
	M-2008-2069877	
	P-2012-2320468	
	P-2012-2320480	
	P-2012-2320484	

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2152330-TAS VOTE 5-0	A-2010-2152330	TOWNSHIP OF PENN - Application filed 1/13/10, for alteration of the crossing (DOT#535 236W) where Center Street crosses, at grade, the tracks of York Railway Company. Penn Township RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.
2256925-TAS VOTE 5-0	C-2011-2256925 C-2010-2129763	BUR OF INVESTIGATION & ENFORCEMENT VS EMILY TAXI INC - Complaint alleging failure to submit an acceptable tariff. RECOMMENDATION: That the Commission adopt the proposed Order directing the complaint be sustained and revoking the authority at A-00119640.
2282621-TAS VOTE 5-0	A-2012-2282621	PATH TRANS CARE INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2290580-TAS VOTE 5-0	A-2012-2290580	ALSTAR MEDICAL TRANSPORTATION INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Bensalem, Bucks County RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended.
2290603-TAS VOTE 5-0	A-2012-2290603	PHN CHARITABLE FOUNDATION - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Sharon, Mercer County RECOMMENDATION: That the Commission adopt the proposed Order approving the application, as amended.

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2293269-TAS VOTE 5-0	A-2012-2293269	VIOLET PHILLIPS - 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, as amended.
2300445-TAS VOTE 5-0	A-2012-2300445	LENORA'S MOVING COMPANY - Application for the right to begin to transport as a common carrier by motor vehicle, property, excluding household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order denying the application.
2304628-TAS VOTE 5-0	A-2012-2304628	ALITE LIMOUSINE SERVICE LP - 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 denying the application.
2304950-TAS VOTE 5-0	A-2012-2304950	B & N PIANO SALES & SERVICE INC - 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 and dismissing the application.
2305090-TAS VOTE 5-0	A-2012-2305090	WILLIAM EARL REED - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Allegheny, Butler, Clarion, Indiana, Jefferson, Lawrence, Westmoreland and Armstrong Counties RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2305785-TAS VOTE 5-0	A-2012-2305785	CAROL E HIGGINS T/A HIGGINS CLASSIC LIMOUSINE SERVICE - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2306029-TAS VOTE 5-0	A-2012-2306029	THOMAS SHANAFELTER - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Shermansdale, Perry County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2310149-TAS VOTE 5-0	A-2012-2310149	QUAKER RAPID MEDICAL RESPONSE LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2310264-TAS VOTE 5-0	A-2012-2310264	AMEDEO'S 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. West Chester, Delaware County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2310335-TAS VOTE 5-0	A-2012-2310335	MED TRANSIT LLC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia, Philadelphia County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2310563-TAS VOTE 5-0	A-2012-2310563	ETSEL L MAIDENS JR & JODI L MAIDENS T/A MAIDENS TAXI SERVICE - 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.
2314938-TAS VOTE 5-0	A-2012-2314938	AAA CAB CO T/A POTTSTOWN COACH - Application for the right to begin to transport as a common carrier by motor vehicle, persons in contract carrier service. RECOMMENDATION: That the Commission adopt the proposed Order denying and dismissing the application.

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2316131-TAS VOTE 5-0	A-2012-2316131	DZ TAXI 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 denying and dismissing the application.
2316995-TAS VOTE 5-0	A-2012-2316995	LIFESTAR AMBULANCE, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in contract carrier service. RECOMMENDATION: That the Commission adopt the proposed Order denying and dismissing the application.
2318064-TAS VOTE 5-0	A-2012-2318064	FRANK D BIERFREUND - 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 dismissing the application.
2318214-TAS VOTE 5-0	A-2012-2318214	DOROTHY G KNIGHT T/A DOROTHY KNIGHT TRAVELS - 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.
2323974-TAS VOTE 5-0	A-2012-2323974	CORNERSTONE MEDICAL TRANSPORT LLC - 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 denying and dismissing the application.
2334271-TAS VOTE 5-0		INVESTIGATION - CSX CROSSING RT 0281 SOMERSET COUNTY - Application for the purpose of determining whether the existing traffic control system is adequate for the safety of the traveling public. RECOMMENDATION: That the Commission adopt the proposed Order approving the application as amended.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2264752-AUD VOTE 5-0	D-2011-2264752	PPL ELECTRIC UTILITIES CORP - Smart Meter Rider. RECOMMENDATION: That the Commission release the Audit Report to the public.
2326451-AUD VOTE 5-0	M-2012-2326451	PINE ROE NATURAL GAS CO, INC - Interim Gas Cost Rate. RECOMMENDATION: That the Commission approve proposed Supplement No. 35 to Tariff Gas - Pa PUC No. 1 reflecting the interim GCR of \$0.4168 per MCF and associated base cost of gas of \$3.4746 per MCF to become effective with service rendered on and after 12/1/12.

BUREAU OF CONSUMER SERVICES

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2245355-BCS

M-2011-2245355

VOTE 5-0

PEOPLES NATURAL GAS CO. LLC
- Universal Service and Energy Conservation Plan for
2012-2014, filed on 6/1/11, in accordance with the
Commission's regulations at 52 Pa. Code
§§ 62.1-62.8.
RECOMMENDATION:
That the Commission adopt the proposed Final Order,
which addresses PNGC's Plan.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2074802-OSA (PP from 10/24/2012) VOTE 5-0	C-2008-2074802	MITCHELL PFEFFER VS PECO - Formal Complaint filed on 11/6/08, alleging that there were incorrect charges on his electric and gas bills. PECO filed an Answer on 12/8/08. By Initial Decision issued 5/2/12, ALJ Heep: (1) sustained the Complaint, in part; (2) reduced the Complainant's arrearage; and (3) established a payment plan. PECO filed Exceptions on 5/12/12. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) grants the Exceptions, in part, and reverses them, in part; (2) reverses the Initial Decision in part; and (3) remands the case to the OALJ for further development of the record.
2108186-OSA (PP from 10/24/2012) Commissioner Cawley concurs in result only. VOTE 5-0	C-2009-2108186 C-2009-2108239	CORE COMMUNICATIONS VS AT&T PENNSYLVANIA, LLC AND TCG PITTSBURGH INC - Two Formal Complaints filed on 5/19/09, alleging non-payment by AT&T for terminating AT&T transmissions from Verizon tandem switches to Core's end-user customers. On 6/9/09, AT&T filed an Answer denying the allegations. On 11/18/10, an evidentiary hearing was held before ALJ Jones. Main Briefs and Reply Briefs were filed on 12/14/10 and 1/14/11, respectively by both Parties. On 5/24/11, the ALJ's Initial Decision was issued. Exceptions were filed by both Parties on 1/13/11. Replies to Exceptions were filed by both parties on 6/23/11. On 7/20/11, Core filed a Motion for leave to update its Reply Exceptions. The Motion was granted by Secretarial Letter dated 7/15/11. RECOMMENDATION: That the Commission adopt the draft Opinion and Order that grants the Exceptions of the Parties in part and denies them in part, and adopts the ALJ's Initial Decision, as modified consistent with the discussion therein.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2192759-OSA VOTE 5-0	C-2010-2192759	JOHN R STARZMANN VS PECO ENERGY COMPANY-ELECTRIC - Formal Complaint filed 8/5/10, alleging, inter alia, that he received low voltage at his residence and that PECO's customer service process was inadequate. PECO filed an Answer on 9/1/10. By Initial Decision issued 5/21/12, ALJ Cheskis found, inter alia, that the low voltage experienced by Mr. Starzmann constituted a violation of Commission regulations and recommended a fine of \$750. PECO filed Exceptions to the Initial Decision on 6/11/12. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions, reverses the Initial Decision and dismisses the Complaint.
2200201-OSA Commissioner Cawley dissent VOTE 4-1	A-2010-2200201	PEREGRINE KEYSTONE GAS PIPELINE LLC - Application filed on 9/17/10. Evidentiary hearings were held on 1/10/12 and 1/11/12. ALJ Colwell's Recommended Decision was issued on 5/23/12. Peregrine filed a Petition to Withdraw Application on 6/8/12. By Order entered 9/13/12, the Commission granted the Petition to Withdraw Application and vacated the Recommended Decision. On 9/28/12, the Pennsylvania Independent Oil and Gas Association filed a Petition for Reconsideration of the 9/13/12 Order. Answers to the Petition for Reconsideration have not been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition for Reconsideration.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2210130-OSA VOTE 5-0	F-2010-2210130	STEFANI-LEE PILIPIE VS PPL ELECTRIC UTILITIES CORP - Complaint filed on 11/9/10, alleging billing inaccuracies and other issues relating to her account. PPL timely filed an Answer on 12/6/10, which denied the allegations of the Complaint. After receiving notice of the date and time of an evidentiary hearing scheduled for 4/13/12, the Complainant failed to appear at that hearing. PPL moved to dismiss the Complaint with prejudice due to the Complainant's failure to appear. On 5/4/12, the Initial Decision of ALJ Jandebour was issued, which granted the Motion to Dismiss and dismissed the Complaint with prejudice. The Complainant filed Exceptions on 5/24/12. PPL timely filed Replies to Exceptions on 6/6/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions, adopts the Initial Decision and dismisses the Complaint with prejudice.
2246492-OSA VOTE 5-0	C-2011-2246492	MICHAEL INGRAM VS PECO ENERGY CO - Complaint filed on 6/4/11, regarding charges transferred to his account due to the discovery of foreign load on his tenant's meter. On 7/5/11, PECO filed an Answer and New Matter. On 9/22/11, PECO filed a Motion for Judgment on the Pleadings. ALJ Fordham Williams issued an Initial Decision on 8/8/12 granting the Motion and dismissing the Complaint. The Complainant filed Exceptions on 9/4/12. PECO filed Reply Exceptions on 9/7/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Complainant's Exceptions, adopts the ALJ's Initial Decision, and dismisses the Complaint.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2258219-OSA VOTE 5-0	C-2011-2258219	<p>MOHAMAD MANSARAY VS PECO ENERGY - Formal Complaint filed on 8/16/11, alleging there were incorrect charges on his electric bill because PECO started billing in February 2011, although his lease was signed in April 2011. On 9/8/11, PECO filed an Answer and New Matter. A hearing was held on 2/23/12. In an Initial Decision issued 8/8/12, ALJ Fordham Williams dismissed the Complaint. The Complainant filed Exceptions on 8/23/12. PECO filed Replies to Exceptions on 8/31/12.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.</p>
2283641-OSA VOTE 5-0	P-2012-2283641	<p>PECO ENERGY COMPANY - ELECTRIC - Opinion and Order entered on 10/12/12, in the above-captioned proceeding that, inter alia, approved a default service program for PECO for the period 6/1/13 to 5/31/15. On 10/29/12, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Tenants Union Representative Network, and the Action Alliance of Senior Citizens of Greater Philadelphia filed a Joint Petition for Clarification. On 10/31/12, PECO filed a Petition for Clarification and Reconsideration. On 11/8/12, the Commission entered an Opinion and Order to preserve its jurisdiction on this matter. In the interest of expediting the review of the merits in this matter, the Commission engaged in a notational voting process on the final Opinion and Order on 11/19-20/2012. The final Opinion and Order was entered on 11/21/12.</p> <p>RECOMMENDATION: That the Commission, consistent with 4 Pa. Code § 1.43(c), record and enter this action in the minutes of the public meeting.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2294555-OSA VOTE 5-0	F-2012-2294555	NEHEMIAH THOMAS VS PECO ENERGY COMPANY - Formal Complaint filed on 3/19/12, alleging improper charges on his bill and that employees of PECO engaged in criminal conduct. Respondent filed a timely Answer, which denied the allegations of the Complaint, and Preliminary Objections. In its Preliminary Objections, the Respondent argued that the Complaint was barred by the doctrine of res judicata and lack of subject matter jurisdiction. On 5/17/12, the Initial Decision of ALJ Dunderdale was issued, which granted PECO's Preliminary Objections and dismissed the Complaint. The Complainant filed Exceptions on 5/29/12. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions, adopts the Initial Decision and dismisses the Complaint.
2300430-OSA VOTE 5-0	C-2012-2300430	MARIO DEVITO VS PHILADELPHIA GAS WORKS - Formal Complaint filed on 4/19/12, disputing the amount of a gas bill. On 5/15/12, PGW filed an Answer and Preliminary Objections, seeking to dismiss the Complaint for lack of jurisdiction. In an Initial Decision, issued on 6/26/12, ALJ Vero sustained the Preliminary Objections and dismissed the Complaint, finding that the Commission lacks jurisdiction in cases regarding disputes over a municipal lien placed upon a property. The Complainant filed Exceptions on 7/5/12. On 8/3/12, PGW filed a Certificate of Satisfaction. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which vacates the Initial Decision and closes the proceeding based on the Certificate of Satisfaction.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2303046-OSA VOTE 5-0	C-2012-2303046	<p>CARL HILL VS READING BLUE MOUNTAIN AND NORTHERN RAILROAD</p> <p>- Petition for Reconsideration filed on 11/7/12, regarding the Commission's 10/24/12 Order which, inter alia, directed the Railroad to complete repairs at a rail-highway crossing and referred the proceeding to the OALJ for further proceedings. The Railroad also filed a Motion requesting that the Commission: (1) certify the case to Commonwealth Court for appellate review; and (2) grant a stay pending resolution of the appeal. Due to the fact that the thirty day period to act on the Petition closed on 11/26/12, we granted the Petition pending review of the merits. This action rendered the Motion moot. A Final Order was adopted by notational vote and served the same day.</p> <p>RECOMMENDATION: That the Commission, consistent with 4 Pa. Code § 1.43(c), record and enter this action in the minutes of this Public Meeting.</p>
2310196-OSA VOTE 5-0	C-2012-2310196	<p>BUR OF INVESTIGATION AND ENFORCEMENT VS MAJESTY COMPANY INC</p> <p>- Complaint initiated on 6/19/12, alleging that the Respondent failed, inter alia, to pay its total assessment amounts for four fiscal years. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$15,632, consisting of the outstanding assessment balance of \$13,597, and a civil penalty of \$2,035; and (2) the Respondent's Certificate of Public Convenience be cancelled if it failed to pay the amount owing. The Respondent did not file an Answer to the Complaint. As a result, I&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience be revoked.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2316006-OSA VOTE 5-0	C-2012-2316006	BUR OF INVESTIGATION AND ENFORCEMENT VS RALPH J KNOTT - Complaint initiated on 7/26/12, alleging that the Respondent failed, inter alia, to pay its total assessment amounts for the 2011-2012 fiscal year. In the Complaint, I&E requested that: (1) the Respondent be ordered to pay \$1,906, consisting of an outstanding assessment balance of \$791, and a civil penalty of \$1,115; and (2) the Respondent's Certificate of Public Convenience be cancelled if it failed to pay the civil penalty. The Respondent did not file an Answer to the Complaint. As a result, I&E filed a Motion for Default Judgment, requesting that the Complaint be sustained and that the Respondent's Certificate of Public Convenience be revoked. No Answer to the Motion was filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.
2327322-OSA VOTE 5-0	A-2012-2327322 A-2012-2310363 A-2008-2077491	FRONTIER COMMUNICATIONS COMMONWEALTH TELEPHONE AND COMCAST BUSINESS COMMUNICATIONS LLC - Joint Petition filed on 10/2/12, requesting approval of Amendment No. 2 to an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.
2327339-OSA VOTE 5-0	A-2012-2327339 A-2008-2077502 A-2012-2310365 A-2012-2310367	FRONTIER COMM AND COMCAST BUSINESS - Joint Petition filed on 10/2/12, requesting approval of Amendment No. 2 to an Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327524-OSA VOTE 5-0	A-2012-2327524 A-2009-2089546 A-2009-2090714 A-2009-2090721 A-2009-2090726 A-2009-2090723	FRONTIER COMM AND SPRINT SPECTRUM - Joint Petition filed on 10/2/12, requesting approval of Amendment No. 1 to Interconnection Agreements pursuant to Section 252(e) of the Telecommunications Act of 1996. Notice of the Joint Petition was published in the Pennsylvania Bulletin. No comments or protests were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1167840-FUS VOTE 5-0	A-125108	SNYDER BROTHERS INC - Application filed on 4/4/12, for approval to amend its natural gas supplier license to add residential and small commercial (less than 6,000 Mcf annually) customers in the natural gas distribution company service territories of NFG, Peoples Natural Gas, Columbia Gas, and Equitable Gas, as a supplier of natural gas services and a broker/marketer. Snyder Brothers is currently licensed by the Commission to offer, render, furnish or supply natural gas supply services in the Commonwealth of Pennsylvania to large commercial (6,000 Mcf or more annually), industrial and governmental customers in the service territories of NFG, Peoples, Columbia, Equitable, and UGI Central Penn Gas, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2092655-FUS (PP from 11/08/2012) VOTE 5-0	M-2009-2092655	SMART METER TECHNOLOGY - Smart Meter Procurement and Installation Implementation Order adopted on 6/18/09 that, among other things, required the electric distribution companies to work through the Electronic Data Exchange Working Group (EDEWG) to develop electronic data interchange transactions to fully achieve the capabilities of smart meter technology. On 12/7/09, EDEWG submitted a proposal to develop the smart meter data exchange standards. On 6/30/11, the Commission adopted a Tentative Order proposing further direction and clarification about the role of EDEWG and EDCs in the development of statewide smart meter data exchange standards and formats. The Commission received comments and reply comments on the Tentative Order proposal. RECOMMENDATION: That the Commission adopt the proposed Final Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2228643-FUS VOTE 5-0	A-2011-2228643	INTERSTATE GAS SUPPLY D/B/A IGS ENERGY - Application filed on 8/23/12, for approval to amend its electric generation supplier license to serve as a supplier for residential, small commercial (25kw demand and under), large commercial (over 25kw demand), industrial and governmental customers in the additional electric distribution company service territories of West Penn Power, Met-Ed, Penelec, and Penn Power within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.
2278280-FUS VOTE 5-0	A-2011-2278280	C E DUNMIRE GAS COMPANY, INC - Application filed on 12/9/11, for approval to abandon natural gas distribution service to one residential customer located in North Buffalo Township, Armstrong County. The application was filed pursuant to Sections 1102(a)(2) and 1103(a) of the Public Utility Code, 66 Pa.C.S. §§ 1102(a)(2) and 1103(a). RECOMMENDATION: 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>
2289607-FUS (PP from 11/08/2012) Commissioner Gardner concurs in result only. VOTE 5-0	A-2012-2289607 G-2012-2289623	UGI CENTRAL PENN GAS, INC - Application filed on 2/21/12, for approval of the transfer by sale of an approximately 11 mile natural gas pipeline, appurtenant facilities and rights of way located in Tioga County, to UGI Storage Company; for approval of associated reduction in base rates; and, for approval of a related affiliated interest agreement between CPG and UGI Storage Company. On 3/12/12, the OSBA filed a Notice of Appearance, Notice of Intervention and Protest, and a Public Statement; and, the OCA filed a Protest and Public Statement. On 5/18/12, a Joint Petition for approval of Settlement of All Issues was filed by CPG, OCA and OSBA, all of the parties to the proceeding requesting Commission approval of the Settlement. RECOMMENDATION: That the Commission approve the settlement, the application and the affiliated interest agreement consistent with the proposed Order.
2305830-FUS VOTE 5-0	R-2012-2305830	BLAINE E. RHODES SEWER CO - Supplement No. 6 to Tariff Sewer-Pa. P.U.C. No. 2 filed on 9/12/12, proposing an annual increase in rates of \$ 13,247 (19.9%) to become effective 12/10/12. By Secretarial Letters dated 6/21/12 and 8/13/12, the Respondent was granted an extension of time to file until 9/27/12, using a 12/31/11 test year. RECOMMENDATION: The Commission adopt the proposed Order.
2305843-FUS VOTE 5-0	R-2012-2305843	WEST HICKORY WATER COMPANY - Supplement No. 6 to Tariff Water-Pa. P.U.C. No. 3 filed on 9/12/12, proposing an annual increase in revenues of \$17,640 (34.8%) to become effective 12/10/12. By Secretarial Letters dated 6/21/12 and 8/13/12, the Respondent was granted an extension of time to file until 9/27/12, using a 12/31/11 test year. RECOMMENDATION: The Commission adopt the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2305845-FUS VOTE 5-0	R-2012-2305845	PLUMER WATER CO - Supplement No. 12 to Tariff Water-Pa. P.U.C. No. 2 filed on 9/12/12, proposing an annual increase in revenues of \$7,891 (30.0%) to become effective 12/10/12. By Secretarial Letters dated 6/21/12 and 8/13/12, the Respondent was granted an extension of time to file until 9/27/12, using a 12/31/11 test year. RECOMMENDATION: The Commission adopt the proposed Order.
2305872-FUS VOTE 5-0	R-2012-2305872	VENANGO WATER COMPANY - Supplement No. 17 to Tariff Water-Pa. P.U.C. No. 3 filed on 9/12/12, proposing an annual increase in revenues of \$27,475 (22.6%) to become effective 12/10/12. By Secretarial Letters dated 6/21/12 and 8/13/12, the Respondent was granted an extension of time to file until 9/27/12, using a 12/31/11 test year. RECOMMENDATION: The Commission adopt the proposed Order.
2306196-FUS VOTE 5-0	A-2012-2306196	CURVIN W MARTIN T/A CRYSTAL CLEAR MERCHANT CONSULTANTS - Application filed on 5/23/12, for approval to become a licensed electric generation supplier to act as a broker/marketer for residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in all of the electric distribution companies' service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2312950-FUS VOTE 5-0	P-2012-2312950	UNITED WATER PENNSYLVANIA INC - Petition filed on 7/2/12, seeking authority to defer certain expenses associated with storm damage caused by storms beginning 9/7/11, in its service territory for regulatory accounting and reporting purposes. RECOMMENDATION: That the Commission approve the proposed Order approving the petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2313495-FUS VOTE 5-0	A-2012-2313495	URISH POPECK & CO LLC - Application filed on 7/9/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to large commercial (over 25 kW), 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.
2317821-FUS VOTE 5-0	S-2012-2317821	COLUMBIA WATER CO - Securities certificate filed on 8/3/12, to issue a non-revolving line of credit in the amount of \$550,000. Columbia voluntarily extended the consideration period to 12/7/12. RECOMMENDATION: The Commission register the securities certificate consistent with the proposed Order.
2320287-FUS VOTE 5-0	A-2012-2320287	BLACK DIAMOND ENERGY CONSULTANTS INC - Application filed on 8/3/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to residential, small commercial (25 kW and under), large commercial (over 25 kW), industrial and governmental customers classes in all the electric distribution company service territories throughout PA. 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>
2322715-FUS VOTE 5-0	A-2012-2322715	GLOBAL ENERGY CONCEPTS LLC - Application filed on 8/8/12, 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 negotiating and/or re-negotiating third-party supply agreements for the purchase of electricity for residential, small commercial (25 kw and under), large commercial (over 25 kw), 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.
2322722-FUS VOTE 5-0	A-2012-2322722	NORTHEAST ENERGY ADVISORS LLC - Application filed on 8/30/12, 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 negotiating and/or re-negotiating third-party supply agreements for the purchase of electricity for small commercial (25 kw and under), large commercial (over 25 kw), 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.
2325026-FUS VOTE 5-0	M-2012-2325026 M-00920355	PHILADELPHIA COUNTY'S 911 - System Renewal Plan filed on 9/13/12, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.00 per access line per month and to make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: The Commission adopt the proposed Order which approves a contribution rate of \$1.00 per access line per month.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2325309-FUS VOTE 5-0	A-2012-2325309	SHIPLEY CHOICE LLC - Application filed on 8/27/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier, aggregator, and broker/marketer of electricity for residential, small commercial (25 kw and under), large commercial (over 25 kw), industrial and governmental customers in the electric distribution company service territories of PECO Energy, PPL Electric, Met-Ed, Duquesne Light, Penelec, Penn Power, and West Penn Power, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2327736-FUS VOTE 5-0	M-2012-2327736 M-00031704	WARREN COUNTY'S 911 - System Renewal Plan filed on 10/3/12 by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.50 per access line per month and to make a recommendation to PEMA within 90 days of the receipt date. RECOMMENDATION: 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>
2332175-FUS VOTE 5-0	S-2012-2332175	COLUMBIA WATER CO - Securities certificate filed on 10/31/12, for the issuance of a Commercial Promissory Note in the amount of \$534,687.01 to refinance an existing term loan, which matured on 10/31/12, at a lower interest rate. No protests were filed and no hearings were held. Columbia voluntarily agreed to extend the statutory consideration period to 12/6/12. RECOMMENDATION: The Commission register the securities certificate consistent with the proposed Order.
2332603-FUS VOTE 5-0	R-2012-2332603	VERIZON PENNSYLVANIA LLC - 2013 Annual Price Change Opportunity Filing and Tariff Changes to Telephone Tariff PA PUC Nos. 180A, 182, 182A, 185B, 185C, and 304. The Company requests a \$3,576,600 increase in rates from the implementation of its Price Change Opportunity. The report was filed on 11/1/12. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order approving the proposed rate increase.
2332608-FUS VOTE 5-0	R-2012-2332608	VERIZON NORTH LLC - 2013 Annual Price Change Opportunity Filing and Tariff Changes to Telephone Tariff PA PUC Nos. 1, 3, 5, and 6. The Company requests a \$893,900 increase in rates from the implementation of its Price Change Opportunity. The report was filed on 11/1/12. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order approving the proposed rate increase.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1183704-LAW VOTE 5-0	C-20042415 A-120025	LAW BUREAU PROSECUTORY STAFF VS ABLE CO, LTD - Commonwealth Court entered an Order on 11/15/12, finding Michael Harju and Able Co., Ltd. in contempt for failure to comply with the Court's 2/6/12 Order granting the Commission's petition to enforce the Commission's 1/15/10, against Able Co., at C-20042415. The court suspended for thirty days its sentence of ninety days imprisonment of Harju, if Harju agrees to cooperate by filing an application to abandon service with the Commission and by working with the Commission and National Fuel Gas Distribution Corporation to ensure an orderly transfer of Able's customers to National Fuel Gas. RECOMMENDATION: That the Commission adopt the proposed Enforcement Order.
2117193-LAW VOTE 5-0	P-2009-2117193	NORTH AMERICAN NUMBERING PLAN ADM - By Order entered 7/19/10, the Commission adopted an overlay code as the appropriate form of area code relief for the 570 area code. The Commission also established an implementation schedule for the overlay. On 2/21/12, the Joint Carriers filed a Petition to modify the implementation schedule set forth in the Commission's 7/19/10 Order. OCA filed an Answer to the Petition. RECOMMENDATION: That the Commission grant in part and deny in part the Joint Carriers' Petition to Modify the Commission's 7/19/10 Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2208332-LAW VOTE 5-0	L-2010-2208332 M-2010-2185981	RULEMAKING - MARKETING & SALES PRACTICES - Petition for Reconsideration and/or Clarification of the Commission's 10/24/12, Final Rulemaking Order filed by the Retail Energy Supply Association and Pennsylvania Electric Caucus. Due to the fact that the 30 day period to act on the Petition for Reconsideration closed on 11/23/12, we granted the petition pending review of, and consideration on, the merits. A Final Order was adopted by notational vote on 11/19/12 and served the same day. RECOMMENDATION: That the Commission, consistent with 4 Pa. Code § 1.43(c), record and enter this action in the minutes of this Public Meeting.
2241542-LAW VOTE 5-0	P-2011-2241542	TAG MOBILE LLC - Petition filed 5/13/11, seeking approval to be designated as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania. TAG Mobile seeks designation as an ETC for the limited purpose of receiving federal low-income universal service support for prepaid wireless services. TAG Mobile's ETC Petition was published in the Pennsylvania Bulletin on 8/20/11, at 41 Pa.B. 4603. OCA filed comments to TAG Mobile's petition. TAG Mobile filed Reply Comments in response to the OCA's comments. TAG Mobile filed several supplements to its original ETC petition, which set forth revised Lifeline offerings and other additional pertinent information. TAG Mobile's revised Compliance was approved by the FCC on 8/8/12. RECOMMENDATION: That the Commission adopt the proposed Order granting the Petition.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2319920-LAW VOTE 5-0	P-2012-2319920	COLUMBIA GAS OF PA INC - Petition pursuant to 66 Pa. Code § 1701 to defer costs associated with start-up expenses attributable to installation of new computer software related to financial processes. Estimated costs as of the Petition are \$2 million. These costs are requested to be deferred for accounting purposes only. OCA filed an Answer, and requests the Commission deny the petition, or in the alternative, conditions be imposed if the Commission grants the petition. RECOMMENDATION: That the Commission adopt the proposed Order.
2321937-LAW VOTE 5-0	P-2012-2321937	VALLEY ENERGY, INC - Petition filed on 8/30/12, pursuant to 52 Pa. Code §§ 5.41 and 5.43, in which it requested confirmation of compliance with 52 Pa. Code § 62.223 without having to take any further action, or, in the alternative, limited waivers of this regulation to the extent its current practices are inconsistent with the regulation. Valley Energy served its petition on OCA, OSBA and the Commission's Bureau of Investigation and Enforcement. No responses were filed to the petition. RECOMMENDATION: That the Commission grants in part and denies in part the petition.
2323362-LAW (PP from 11/08/2012) Joint motion by Chairman Powelson and Vice Chairman Coleman; Dissenting statement by Commissioner Cawley; Statement by Commissioner Gardner VOTE 4-1	P-2012-2323362	OFFICE OF CONSUMER ADVOCATE & DAVID K EBERSOLE JR - Joint Petition for a Declaratory Order that Verizon PA has not met its legal obligation to the Greensburg Community Service Area 1125 bona Fide Retail Request Group for accelerated deployment of advanced services pursuant to 66 Pa. C.S. § 3014(c) by directing the BFRR applicants to apply to Verizon Wireless for wireless 4G LTE broadband services instead of providing the applicants the lower priced DSL service they had requested in their applications. RECOMMENDATION: That the Commission adopt the proposed Order denying the petition.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2327799-LAW VOTE 5-0	P-2012-2327799 P-2012-2327798 P-2012-2327787 P-2012-2327792 P-2012-2327797 P-2012-2327812	WINDSTREAM COMMUNICATIONS, INC - Six Windstream competitive local exchange carriers filed on 10/2/12, for a waiver of the Commission's regulations at 52 Pa. Code §§ 53.58 and 53.59 relative to their operations in the service areas of three incumbent local exchange carriers. The companies seek: (a) the same regulatory flexibility available to ILECs to detariff and classify as competitive nonprotected services; (b) the same regulatory flexibility granted to Verizon Access and AT&T as CLECs to detariff and to classify as competitive nonprotected services; and (c) the same regulatory flexibility granted to Verizon Access and AT&T as CLECs to detariff protected basic dial tone service. RECOMMENDATION: That the Commission adopt the proposed Order.
2329063-LAW Statement by Commissioner Gardner VOTE 5-0	P-2012-2329063	WINDSTREAM PENNSYLVANIA LLC - Petitions for a bona fide retail request deployment extension of six months to 5/24/13, relating to its Sheffield CSA 09 exchange pursuant to 66 Pa. C.S. § 3014(c)(5). Windstream asserts that the delay in completing the project is attributable to a 9,000 foot segment in the middle of the route that must be rebuilt, including replacing about half of the existing poles along the roadway. RECOMMENDATION: That the Commission adopt the proposed Order granting the petition.2108186
2332569-LAW VOTE 5-0	P-2012-2332569	UNITED TELEPHONE D/B/A CENTURYLINK - Petition for a bona fide retail request deployment extension until 1/31/13, relating to its Osterburg 006-Wallacks Branch Creek CSA, pursuant to 66 Pa. C.S. § 3014(c)(5). Century Link asserts that acquisition of the right-of-way for completion of the deployment is taking much longer than planned. RECOMMENDATION: That the Commission adopt the proposed Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1149189-ALJ VOTE 5-0	A-00116166	SEPTA - Applications filed seeking exemption from platform clearance regulations. Hearings held 4/13/00 and 5/1/00 before Judge Turner. Recommended Decision issued 6/14/00, Exceptions filed, Petition to Reopen the Case also filed. Prehearing conference scheduled for 1/23/01. Recommended Decision issued 6/29/05, but never adopted by the Commission. A Stipulation of Settlement was filed prior to hearings being held. COMMISSION REVIEW: That the Commission adopt ALJ Pell's Recommended Decision approving the Settlement.
2293016-ALJ (PP from 11/08/2012) VOTE 5-0	F-2012-2293016	JOSEPH PALLA VS PEOPLES NATURAL GAS CO - Formal Complaint filed on 3/8/12, alleging improperly charged for natural gas service provided to his tenant over a two-year period and placing service into his name without notifying him of the existence of a foreign load at his rental property. A hearing was held on 6/1/12. COMMISSION REVIEW: That the Commission adopt the Initial Decision of ALJ Dunderdale, sustaining the complaint, issuing a civil penalty against Peoples, and ordering a credit to the account due to overcharges.
2299431-ALJ VOTE 5-0	A-2012-2299431 A-2012-2299433 A-2012-2299434 A-2012-2299394 P-2012-2299711 P-2012-2299712 P-2012-2299713 P-2012-2299714	PENN ESTATES UTILITIES, HIGHSTAR CAPITAL FUND, AND CORIX UTILITIES - Joint Application filed on 4/13/12, seeking the approval of a change of control of Utilities, Inc., and its PA subsidiaries pursuant to § 1102(a)(3) of the Public Utility Code. On 9/7/12, a Joint Petition for Approval of Settlement was submitted resolving all outstanding issues along with a Stipulation for the Admission of Evidence. COMMISSION REVIEW: That the Commission adopt ALJ Cheskis' Recommended Decision approving the Settlement without modification, and granting the Stipulation.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2307827-ALJ VOTE 5-0	P-2012-2307827 P-2012-2307931 C-2012-2311281 C-2012-2311304	CITIZENS ELECTRIC CO OF LEWISBURG AND WELLSBORO ELECTRIC CO - Joint Default Service Plan filed on 5/31/12, for the period of 6/1/13 through 5/31/15. On 6/20/12, OSBA filed protests, complaints, public statements, and notices of appearance. OCA filed notices of intervention, public statements, and answers on 7/2/12. On 10/15/12, a Joint Settlement Petition was filed. COMMISSION REVIEW: That the Commission adopt ALJ Salapa's Recommended Decision approving and adopting the Joint Settlement Petition.
2311725-ALJ VOTE 5-0	R-2012-2311725	HANOVER MUNICIPAL WATERWORKS - Supplement No. 22 to Tariff Water – Pa. P.U.C. No. 3 filed 6/29/12, to become effective 8/28/12; later extended until 8/31/12, containing proposed changes to produce additional annual revenues. By Order entered 8/30/12, the Commission suspended the tariff by operation of law until 3/31/13 and instituted an investigation. On 9/6/12, the Borough filed Revised Suspension Supplement No. 25 to extend the suspension date until 4/5/13. On 10/19/12, the parties filed a comprehensive Joint Petition for Settlement of all issues. Each party also provided a Statement in Support of the Settlement. COMMISSION REVIEW: That the Commission adopt ALJ Melillo's Recommended Decision approving the Settlement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

December 5, 2012

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2152321-OSA VOTE 5-0	A-2010-2152321	TOWNSHIP OF PENN - Application filed on 1/11/10, for approval of the alteration of the crossing (DOT No. 832 107 A) where Center Street crosses, at grade, the tracks of CSX. By Order entered 11/8/12, the Commission approved the Application. On 11/30/12 CSX filed a Petition for Reconsideration and Clarification Nunc Pro Tunc of the 11/8/12 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants CSX's Petition for Reconsideration and Clarification Nunc Pro Tunc pending review of, and consideration on, the merits.
2300615-OSA VOTE 5-0	C-2012-2300615	PATRICIA ROBINSON VS PECO ENERGY COMPANY - Complaint filed on 4/20/12, alleging incorrect charges on her bill. PECO filed an Answer on 4/9/12. The Complainant failed to appear at a hearing on 8/1/12, and PECO moved to dismiss the Complaint for failure to prosecute. By an Initial Decision entered 9/13/12, ALJ Heep granted the Motion to Dismiss. No Exceptions were filed. By Final Order entered 11/9/12, the Commission adopted the ALJ's Initial Decision. A Petition for Reconsideration was filed on behalf of the Complainant on 11/24/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting reconsideration pending review of and consideration on the merits.

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 on 10/22/12, its Administrator's Report with recommendations about the PaUSF's fund size for calendar year 2013. No objections were filed to the report. RECOMMENDATION: That the Commission adopt the Administrator's Report and establishing the PaUSF size at \$35,310,021.98.