

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, APRIL 12, 2012 (JC)

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, April 26, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, March 15, 2012 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 26, 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 WEDNESDAY, APRIL 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

April 12, 2012

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2094616-TAS Vote 5-0.	R-2009-2094616 SP-28207	TRI-STATE HOUSEHOLD GOODS TARIFF CONF. - Extension of the Fuel Cost Recovery Surcharge. RECOMMENDATION: That the Commission adopt the proposed extension Order to be effective 4/18/12, for an additional one year.
2155021-TAS Vote 5-0.	A-2010-2155021	MODERN MOTOR COACHES INC T/A MODERN PIANO MOVING - Petition for waiver of 52 PA Code Section 31.121. RECOMMENDATION: That the Commission adopt the proposed Order granting the Petition and accepting the proposed tariff that was submitted with the Petition.
2266512-TAS Vote 5-0.	A-2011-2266512 A-2008-2020723	DAVID W HAYES - 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.
2269265-TAS Vote 5-0.	A-2011-2269265	ANDRE ENTERTAINMENT LLC T/A LATE NITE LOOP - Application for the right to begin to transport as a common carrier by motor vehicle, persons in experimental service. Berks County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2278139-TAS Vote 5-0.	A-2011-2278139	AFFORDABLE PARTS & SERVICE INC - Application to transport property, excluding household goods in use. RECOMMENDATION: That the Commission adopt the proposed Order.
2284304-TAS Vote 5-0.	A-2012-2284304	AJ&M LIMO SERVICE 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 dismissing the application.

BUREAU OF AUDITS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2249675-AUD

D-2011-2249675

Vote 5-0.

JEFFERSON ESTATES SEWAGE TREATMENT PLANT
- Original Cost Study.
RECOMMENDATION:
That the Commission release the Study to the public.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1072528-OSA (PP from 03/29/2012) Vote 5-0.	A-00106161	ON TIME DELIVERY, INC - Complaint instituted on 11/22/11, alleging that it failed to maintain evidence of insurance on file with the Commission. The Respondent was notified that, if an answer was not filed within 20 days of receipt of the Complaint, BI&E would request that the Commission impose a penalty. On 12/6/11, the Respondent's insurer filed evidence of insurance effective on 6/8/11, verifying that the Respondent did not have evidence on file with the Commission from 10/6/11 to 12/6/11. By Secretarial Letter of 1/24/12, the Respondent was directed to pay a civil penalty of \$500. On 2/6/12, the Respondent filed the instant Petition to Appeal Staff Action. No response has been received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition.
2166554-OSA Vote 5-0.	F-2010-2166554 F-2010-2166976	1-A REALTY VS PPL ELECTRIC UTILITIES CORP - Complaints filed on 3/24/10, regarding PPL's transfer of two customer accounts to the Complainant due to the presence of foreign load. PPL filed Answers to both Complaints, which were consolidated for the purpose of hearing and decision on 3/23/11. After an evidentiary hearing, ALJ Buckley issued an Initial Decision on 12/20/11 that dismissed the Complaints. On 1/4/12, the Complainant filed Exceptions. On 1/17/12, PPL filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying the Exceptions and dismissing the complaints.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2189362-OSA Vote 5-0.	C-2010-2189362	GERALD S LEPRE JR VS EQUITABLE GAS COMPANY - Formal Complaint filed on 7/19/10, alleging, inter alia, improper billing. On 8/6/10, the Respondent filed a Certificate of Satisfaction which stated that the Parties had settled all matters. On 8/12/10, the Complainant filed an Objection to the Certificate. A hearing was held. In his Initial Decision, issued on 3/18/11, ALJ Johnson recommended that the Complaint be dismissed as satisfied. Exceptions and Replies were filed. In an Order entered on 8/12/11, we, inter alia: (1) granted the Complainant's Exceptions, in part; and (2) modified the Initial Decision. On 11/10/11, the Complainant filed a Petition for Reconsideration of that Order, alleging that he had not received a copy. We treated Complainant's Petition as a Motion for Time Extension, which we granted. The Complainant filed a "Motion for Reconsideration" (Petition) on 2/10/12. The Respondent filed an Answer thereto. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies the Petition.
2210014-OSA Vote 5-0.	C-2010-2210014	CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES VS OMNIPOINT COMMUNICATIONS INC D/B/A T-MOBILE ET AL - Opinion and Order entered on 3/15/12 that, inter alia, denied T-Mobile's Preliminary Objections to a Formal Complaint filed by CCES asking the Commission to determine the appropriate intercarrier compensation rate for the termination of T-Mobile's intra-MTA traffic by CCES. On 3/30/12, T-Mobile filed a Petition for Reconsideration; and, in the alternative, a Motion for Certification of Interlocutory Order for Immediate Appeal. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants reconsideration pending further review of the merits of the Petition; and, denies the late-filed Motion.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2243674-OSA Vote 5-0.	C-2011-2243674	NICOLAS MONTAGNA D/B/A MONTAGNA HOMES VS NATIONAL FUEL GAS DISTRIBUTION - Formal Complaint filed on 5/18/11, alleging that NFG misread the gas meter at his rental property and that there were incorrect charges on his bill. On 6/16/11, NFG filed an Answer denying the Complainant's allegations. A telephonic hearing was held on 9/28/11. In an Initial Decision issued 2/14/12, ALJ Buckley denied the Complaint. The Complainant filed Exceptions on 2/23/12. NFG filed Replies to Exceptions on 3/6/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the ALJ's Initial Decision.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1196825-FUS Vote 5-0.	A-311401	CBB CARRIER SERVICES, INC - Application filed 12/9/05, which was further amended on 2/27/12, for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier in the service areas of Verizon PA and Verizon North. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission approve the amended application consistent with the proposed Order.
2150184-FUS Vote 5-0.	A-2009-2150184	ENERGYMARK LLC - Application filed on 2/16/12, to offer, render, furnish, or supply natural gas supply services to residential customers in the service territory of NFG. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.
2231204-FUS Vote 5-0.	A-2011-2231204	BUSINESS POWER SOLUTIONS LLC - Application filed on 2/11/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity PA. Business Power failed to respond to Commission Staff's data requests, as well as failed to respond to a 10-day Secretarial Letter sent on 7/27/11. The Applicant has been given ample opportunity to respond/comply. RECOMMENDATION: That the Commission adopt the proposed Order which denies the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2233558-FUS Vote 5-0.	A-2011-2233558	BLUE PILOT ENERGY LLC - Application filed on 3/28/11, for approval to operate as a supplier of natural gas supply services as a broker/marketer, aggregator engaged in the business of supplying natural gas services to residential, small commercial (less than 6,000 MCF annually) and large commercial (6,000 MCF or more annually) customers in the service territory of Valley Energy, National Fuel Gas, Peoples Natural Gas, PGW and Columbia Gas. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2269098-FUS Vote 5-0.	A-2011-2269098 P-2011-2269411	PPL ELECTRIC UTILITIES CORP - Application filed on 10/24/11, for approval pursuant to 52 Pa. Code Chapter 57 Subchapter G, for approval of the siting and construction of the East Tannersville #1 & #2 138 kV Tap Line in Pocono Township, Monroe County. No protests were filed. Also, a Petition was filed on 10/24/11, for approval for a finding that a building to shelter control equipment at the proposed East Tannersville 138-12 kV Substation in Pocono Township, Monroe County, is reasonably necessary for the convenience or welfare of the public and therefore, exempt from any local zoning ordinance. No protests were filed. A hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application and grants the petition.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2270793-FUS Vote 5-0.	A-2011-2270793	WHITEFENCE INC - Application filed on 10/28/11, for approval to offer, render, furnish or supply electricity or electric generation services as a broker/marketer engaged in the business of online direct marketing company and wishes to market to residential, small commercial customers (25kW and under), large commercial customers, and industrial customers in the electric distribution service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2271125-FUS Statement by Commissioner Cawley. Vote 5-0.	R-2011-2271125	NATIONAL FUEL GAS DISTRIBUTION - Supplement No. 121 to Tariff Gas – Pa. P.U.C. No. 9 filed on 11/3/11, proposing a number of revisions and updates to various sections of the tariff. Supplement No. 121 was originally filed to become effective on 1/2/12. However, NFG filed subsequent tariff supplements to voluntarily postpone the effective date of Supplement No. 121 to 3/14/12, 3/16/12, 3/30/12, and 4/13/12. RECOMMENDATION: That the Commission adopt the proposed Order approving Tariff Gas – Pa. P.U.C. No. 9.
2276675-FUS Vote 5-0.	A-2011-2276675	NATIONAL1 ENERGY LLC - Application filed on 11/21/11, for approval to supply electric generation services as a broker/marketer to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution company service territories of Duquesne Light, Met-Ed, Penelec, PECO Energy, West Penn Power, UGI Utilities-Electric Division, PPL Electric, and Penn Power within 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>
2277881-FUS Vote 5-0.	A-2011-2277881	AGWAY ENERGY SERVICES LLC - Application filed on 12/9/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services for residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers in all electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2284676-FUS Vote 5-0.	M-2012-2284676 M-00930491	ELK COUNTY'S 911 - System Renewal Plan filed on 1/23/12, 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.
2285515-FUS Vote 5-0.	M-2012-2285515 M-00051930	MONROE COUNTY'S 911 - System Renewal Plan filed on 1/27/12, by PEMA requesting a formal review of the costs associated with the contribution rate of \$1.25 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 \$1.25 per access line per month.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2202393-LAW Vote 5-0.	A-2010-2202393	PENNDOT - Right-of-way plan filed 8/19/11, to alter the public at-grade crossing by realigning State Route 4006 (Keister Road), where it crosses the single track of the Bessemer & Lake Erie Railroad (DOT No. 051 748Y) in the Township of Slippery Rock, Butler County. The Commission, by Order entered 10/18/11, approved the right-of-way plan and appropriated property. On 12/20/11, PennDOT filed a petition with the Commission to Transfer Jurisdiction to the Court of Common Pleas of Butler County, pursuant to 66 Pa. C. S. § 2704. RECOMMENDATION: That the Commission adopt the Order which grants PennDOT's petition referring this matter to the Court of Common Pleas of Butler County.
2283563-LAW Vote 5-0.	P-2012-2283563	DPI-TELECONNECT LLC - Petition filed on 1/17/12, to be designated as an ETC in PA. On 2/6/12, the FCC released its Lifeline Reform Order which detailed proposed changes to the Lifeline and Link Up programs that support low income consumers. On 3/6/12, dPi filed a Petition to Withdraw its petition seeking ETC status in PA. RECOMMENDATION: That the Commission adopt the proposed Order.
2289393-LAW Vote 5-0.	P-2012-2289393	TRANS-ALLEGHENY INTERSTATE LINE - Petition requesting waiver of the strict requirements of 52 Pa. Code § 57.72 relating to review of siting and construction of electrical transmission lines. TrAILCo seeks this waiver in order to allow it to file a Letter of Notification in lieu of an Application to construct a 2.14 mile 230 kilovolt electric transmission line in Indiana County. RECOMMENDATION: That the Commission deny TrAILCo's Petition.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2252821-ALJ Vote 5-0.	C-2011-2252821	BEVERLY DILLARD VS DUQUESNE LIGHT COMPANY - Complaint was filed on 7/11/11, alleging a \$2,157 payment was made to DLC on 3/15/11, but DLC never deducted the amount from her balance. Complainant requested an investigation and a better payment arrangement with lower monthly payments. On 8/9/11, DLC filed an Answer. A hearing was held on 1/10/12. COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale's Initial Decision dismissing the complaint with prejudice for failure to prosecute.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

April 12, 2012

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2291005-AUD Vote 5-0.	M-2012-2291005	WEST PENN POWER CO. - Merger Credit RECOMMENDATION: That the Commission approve the proposed Supp. No. 214 to Tariff Electric-Pa. P.U.C. No. 39 to become effective 4/25/12.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2291520-FUS Vote 5-0.	S-2012-2291520 S-2012-2291521	RCN TELECOM SERVICES (LEHIGH) LLC and RCN TELECOM SERVICES OF PHILADELPHIA - Securities certificate filed on 3/5/12, for approval for registration of securities certificates to participate in amended debt arrangements entered into by RCN Telecom Services, LLC and Yankee Cable Acquisition, LLC. RCN Telecom Services (Lehigh), LLC and RCN Telecom Services of Philadelphia, LLC voluntarily extended the statutory consideration period to 4/12/12. RECOMMENDATION: That the Commission register the securities certificate consistent with the proposed Order.

Joint Statement by
Chairman Powelson
and Commissioner
Witmer.

M-2012-2289411

Green Button Initiative