

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MAY 10, 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, May 24, 2012 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 12, 2012 (JC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 24, 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, MAY 9, 2012, AT 2:30 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

May 10, 2012

BUREAU OF TECHNICAL UTILITY SERVICES (Transportation)

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2272889-TAS Vote 5-0.	A-2011-2272889	M & L TRANSPORTATION INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2278094-TAS Vote 5-0.	A-2011-2278094	ACE TRANSIT MANAGEMENT LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Philadelphia RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2289971-TAS Vote 5-0.	A-2012-2289971	STAR EXPRESS TRANSPORT LLC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service. Harrisburg, Dauphin County RECOMMENDATION: That the Commission adopt the proposed Order approving the application.

DIRECTOR OF ADMINISTRATIONS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2301931-BAS

**Statement by Commissioner Witmer.
Vote 5-0.**

EVALUATION OF PROPOSALS TO SELECT A CONTRACTOR
- The Commission is seeking to secure outside legal counsel to advise the Commission regarding local zoning and municipality law, to aid in the implementation of Act 13 (Marcellus Shale Impact Fee). The term of the contract will be from the effective date of the contract until 4/30/13, and, if requested by the Commission, two optional six month terms thereafter.

RECOMMENDATION:

That the Commission approve the contractor selected by the Evaluation Committee.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2183621-AUD Vote 5-0.	D-2010-2183621	METROPOLITAN EDISON CO -Consumer Education Charge for the twelve months ended 12/31/09. RECOMMENDATION: That the Commission release the Audit Report to the public.
2183622-AUD Vote 5-0.	D-2010-2183622	PENNSYLVANIA ELECTRIC CO -Consumer Education Charge for the twelve months ended 12/31/09 RECOMMENDATION: That the Commission release the Audit Report to the public.
2221061-AUD Postponed until the Public Meeting of May 24, 2012.	D-2011-2221061 D-2011-2221062 D-2011-2221063	UGI UTILITIES, UGI CENTRAL PENN AND UGI PENN NATURAL GAS -Focused Management and Operations Audit Report. RECOMMENDATION: That the Commission make the Audit Report and UGI's Implementation Plan public.
2254391-AUD Vote 5-0.	D-2011-2254391	DUQUESNE LIGHT CO - Transmission Service Charge for the twelve months ended 2/28/11. RECOMMENDATION: That the Commission release the Audit Report to the public.
2254392-AUD Vote 5-0.	D-2011-2254392	DUQUESNE LIGHT CO - Consumer Education Surcharge for the years ended 12/31/10, 12/31/09, and 12/31/08. RECOMMENDATION: That the Commission release the Audit Report to the public.
2254393-AUD Vote 5-0.	D-2011-2254393	DUQUESNE LIGHT CO - Energy Efficiency and Conservation and Demand Response Surcharge for the twelve months ended 5/31/11 and for the six months ended 5/31/10. RECOMMENDATION: That the Commission release the Audit Report to the public.
2297347-AUD Vote 5-0.	M-2012-2297347	PECO ENERGY COMPANY-ELECTRIC - Alternative Energy Portfolio Standards Surcharge. RECOMMENDATION: That the Commission approve Supplement No. 40 to Tariff Electric - Pa. P.U.C. No. 4, reflecting the proposed AEPS rates to become effective 6/1/12.
2299554-AUD Vote 5-0.	M-2012-2299554	PECO ENERGY COMPANY-ELECTRIC - Generation Supply Adjustment. RECOMMENDATION: That the Commission approve PECO's Supplement No. 41 to Tariff Electric-Pa. P.U.C. No. 4 to become effective 6/1/12.

DIRECTOR OF REGULATORY OPERATIONS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

1121942-DIR

M-00960890F0015

Vote 5-0.

ELECTRONIC DATA EXCHANGE WORKING GROUP
- Tentative Order issued on 1/13/12, for comment directing electric distribution companies to implement Change Controls #085, addressing net-metering, and #087, addressing account peak load. Upon review of all filed comments, the Commission is now issuing a Final Order on the implementation of these change controls.
RECOMMENDATION:
That the Commission adopt the proposed Final Order which adopts Change Controls #085 and #087, with modifications.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1156465-OSA (PP from 04/26/2012) Vote 5-0.	A-00117258	REACH FOR THE STARS LIMO SERV - Secretarial Letter issued on 8/22/11, cancelling the Certificate of Public Convenience issued to Petitioner at Docket No. A 00117258 on 8/30/00. Reach for the Stars failed to respond to a Complaint by the Bureau of Transportation and Safety at Docket No. C-2011-2245156, involving failure to maintain evidence of insurance on file with the Commission. On 1/5/12, a Petition requesting reinstatement of its Certificate was filed. BTS did not file an answer to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Petition for Reinstatement.
1174446-OSA Vote 5-0.	A-00119454F0002	JEROME P BAYLOR - Complaint instituted on 3/15/06, at Docket No. A-00119454C0601 alleging failure to maintain evidence of insurance on file with the Commission. No answer to the Complaint was timely filed. By Order entered 7/26/06, the Commission cancelled Petitioner's Certificate of Public Convenience and imposed a civil penalty. On 2/21/12, the Petitioner filed a Petition for Rescission seeking rescission of the 7/26/06 Order and reinstatement of its Certificate. No response to the Petition has been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2132453-OSA (PP from 04/26/2012)	C-2010-2132453	BUREAU OF TRANSPORTATION & SAFETY VS OKEY CAB CO - Complaint initiated on 4/9/10, alleging failure to file a valid tariff with the Commission in violation of the Commission's regulations. The Respondent filed an Answer on 6/4/10. A hearing was held on 10/26/11. ALJ Nguyen issued an Initial Decision on 2/2/12, in which he recommended that the Complaint be dismissed because the Respondent had not violated any Commission Regulation. On 2/10/12, the BTS filed Exceptions to the Initial Decision. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that: (1) reverses the Initial Decision; (2) remands the matter to the OALJ for further action as deemed necessary; and (3) orders the Respondent to have its attorney file a Notice of Appearance.
2185982-OSA	M-2011-2185982	EQUITABLE GAS CO - Informal investigation initiated on 8/6/10, 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. By Order entered 1/27/12, the Commission issued the proposed Settlement for comment. Comments were filed by Prosecutory Staff on 2/13/12, and by Equitable and the OCA on 2/16/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which adopts the Settlement.

**Vote 4-1 with Commissioner Cawley
Dissenting.**

**Statement by Vice Chairman Coleman.
Vote 5-0.**

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2202059-OSA Vote 5-0.	F-2010-2202059	STANLEY ELLIOTT VS PECO ENERGY CO - Formal Complaint filed on 9/20/10, alleging that an outstanding electrical bill from his uncle's residence was added to his account and for which PECO alleges he had accepted responsibility. The Complainant disputed the claim and requested that the Commission determine who had the outstanding bill transferred in his name and to make that person responsible for paying it. On 12/22/11, PECO filed its Answer, in which it claimed that the Complainant had requested that service at his uncle's residence be turned on and that he had agreed to be responsible for the outstanding balance. On 12/22/11, the Commission issued ALJ Judge Colwell's Initial Decision sustaining the Complaint and requiring PECO to remove the amount transferred to the Complainant's account including any late fees. On 1/17/12, PECO filed Exceptions to the Initial Decision. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants PECO's Exceptions, in part, denies PECO's Exceptions, in part, and modifies the Initial Decision, consistent with the discussion therein.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2203037-OSA Vote 5-0.	F-2010-2203037	HAROLD GOLDSTEIN VS METROPOLITAN EDISON COMPANY - Formal Complaint filed on 9/19/10, in which he requested a payment arrangement and alleged, inter alia, that there is a reliability, safety or quality problem with his utility service and that he received a notice that his utility service is being terminated. On 11/4/10, Met Ed filed an Answer and New Matter, in which it denied most of the allegations and requested that the Complaint be denied with prejudice. The Complainant did not file an Answer to the New Matter. A telephonic hearing was held on 10/27/11. In an Initial Decision issued 12/8/11, ALJ Cheskis dismissed the Complaint for failure to carry the burden of proof. The Complainant filed Exceptions on 12/20/11. Met Ed filed Replies to Exceptions on 1/3/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Exceptions and adopts the ALJ's Initial Decision.
2231821-OSA Vote 5-0.	C-2011-2231821	WILLIAM FEMEA SR VS UGI PENN NATURAL GAS - Formal Complaint filed on 3/17/11, alleging an inability to pay his natural gas bill. On 4/4/11, UGI PNG filed an Answer denying the allegations. A telephonic hearing was held on 12/6/11. In an Initial Decision issued 2/10/12, Special Agent Alexander denied the Complaint. The Complainant filed Exceptions on 2/15/12. UGI PNG filed Replies to Exceptions on 3/6/12. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Complainant's Exceptions and modifies the Special Agent's Initial Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2253839-OSA Vote 5-0.	C-2011-2253839	CASSIE WRIGHT VS PECO ENERGY COMPANY - Petition for Reconsideration filed on 12/20/11, of the Commission's Opinion and Order entered on 12/15/11 that denied her Formal Complaint, which she filed on 7/1/11. On 4/06/12, PECO filed an Answer to the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Petition.
2284304-OSA Vote 5-0.	A-2012-2284304 A-6414195	AJ&M LIMO SERVICE LLC - Application filed 1/19/12, seeking the initial right to provide limousine service from points in the counties of Montgomery, Bucks, Chester, Delaware and Philadelphia to points in PA and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. By Order entered 4/12/12, the Commission dismissed the application, finding the applicant lacks a propensity to operate legally. On 4/17/12, AJ&M Limo filed a Petition for Reconsideration of the 4/12/12 Order. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Petition for Reconsideration pending review of, and consideration on, the merits.
2291763-OSA Vote 5-0.	A-2012-2291763	COMCAST PHONE OF PA LLC and VERIZON PA - Joint Petition filed on 3/5/12, seeking approval of Amendment No. 3 to an 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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2291794-OSA Vote 5-0.	A-2012-2291794	COMCAST PHONE OF PA LLC and VERIZON NORTH - Joint Petition filed on 3/5/12, seeking approval of Amendment No. 3 to an 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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2291803-OSA Vote 5-0.	A-2012-2291803	COMCAST BUSINESS COMMUNICATIONS and VERIZON PA - Joint Petition filed on 3/5/12, seeking approval of Amendment No. 1 to an 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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2291840-OSA Vote 5-0.	A-2012-2291840	COMCAST BUSINESS COMMUNICATIONS and VERIZON NORTH - Joint Petition filed on 3/5/12, seeking approval of Amendment No. 1 to an 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. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2292112-OSA Vote 5-0.	A-2012-2292112	QUANTUMSHIFT COMMUNICATIONS INC and VERIZON PA - Joint Petition filed on 3/8/12, 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. 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>
2292113-OSA Vote 5-0.	A-2012-2292113	QUANTUMSHIFT COMMUNICATIONS INC and VERIZON NORTH - Joint Petition filed on 3/8/12, 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. 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>
2246617-FUS Postponed until the Public Meeting of May 24, 2012.	A-2011-2246617	BOUNCE ENERGY PA LLC - Application filed on 5/27/11, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity serving residential, small commercial, large commercial, industrial, and governmental customers in the electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2283861-FUS Vote 5-0.	A-2012-2283861 A-2012-2282859 A-2012-2283864	PRINCETON HOSTED SOLUTIONS LLC - Application filed on 1/9/12, 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; and, a Reseller Interexchange Carrier (detariffed) throughout PA. No protests were filed and no hearings were held. RECOMMENDATION: The Commission approve the application consistent with the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2284040-FUS Vote 5-0.	A-2012-2284040	VERDIGRIS ENERGY LLC - Application filed on 1/11/12, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for small commercial (25 kw and under demand), large commercial (over 25 kw demand) and industrial customers in all electric distribution company service territories throughout PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2291572-FUS Vote 5-0.	A-2012-2291572 A-2012-2291575	YORK WATER COMPANY-WASTEWATER and STAHLMAN ENTERPRISES (A/K/A ASBURY POINTE WATER AND SEWER COMPANY) - Joint Application filed on 2/28/12, for approval of: 1) the transfer by sale of certain public wastewater facilities and rights from Stahlman Enterprises (Asbury Pointe Water and Sewer), to York Water; 2) the abandonment by Stahlman Enterprises, (Asbury Pointe Water and Sewer) of wastewater service to the public in East Manchester Township, York County, and 3) the approval for The York Water to supply wastewater service in additional territory in East Manchester Township, York County, abutting the existing territory currently served by Stahlman Enterprises. No protests were filed and no hearings were held. RECOMMENDATION: The Commission adopt the proposed Order that approves the application.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2292200-FUS Vote 5-0.	A-2012-2292200	PPL ELECTRIC UTILITIES CORP - Letter of Notification filed on 3/8/12, pursuant to 52 Pa. Code Chapter 57.72 with respect to the South Akron-Prince #1 and #2 Transmission Line in the Townships of West Earl, Warwick, Manheim, Upper Leacock, and East Lampeter, and the City of Lancaster, Lancaster County. Authority for this procedure is provided for at §57.72(d)(1)(v). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order that approves the application.
2295491-FUS Vote 5-0.	S-2012-2295491	NEWTOWN ARTESIAN WATER CO - Securities certificate filed on 3/26/12, for approval with respect to the modification of debt. No protests were filed and no hearings were held. On 4/20/12, Newtown Artesian Water filed a voluntary extension of the consideration period until 5/11/12. RECOMMENDATION: That the Commission adopt the proposed Order.
2295500-FUS Vote 5-0.	S-2012-2295500	NEWTOWN ARTESIAN WATER CO - Securities certificate filed on 3/26/12, for approval with respect to the modification of debt. No protests were filed and no hearings were held. On 4/20/12, Newtown Artesian Water filed a voluntary extension of the consideration period until 5/11/12. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2295982-FUS Vote 5-0.	S-2012-2295982 G-2012-2296329	EQUITABLE GAS CO - Securities certificate filed on 3/28/12, for approval for the issuance of a long term promissory note in a principal amount of \$338,204,728, and approval of an affiliated interest agreement concerning the issuance of promissory notes between Equitable Gas Company, LLC and EQT Capital Corporation. On 4/12/12, Equitable Gas agreed to voluntarily extend the statutory consideration period of the filing through 5/11/12. RECOMMENDATION: That the Commission adopt the proposed Order which approves the registration of the securities certificate and the affiliated interest agreement.
2296360-FUS Vote 5-0.	A-2012-2296360	HIGH SPEED CONNECTIVITY CONSORTIUM T/A NET BEYOND COMMUNICATIONS INC - Application filed on 3/26/12, seeking the approval of the Company's Discontinuance and Abandonment of Competitive Local Exchange Carrier services to the public within PA. RECOMMENDATION: The Commission adopt the proposed Order approving the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1220177-LAW Vote 5-0.	L-00070186 M-00072036	PROPOSED RULEMAKING-UNIVERSAL SERVICE & ENERGY CONSERVATION REPORTING REQUIREMENTS - Proposed rulemaking was initiated as a result of an investigation into the funding levels and cost recovery mechanisms of customer assistance programs (CAPs) that was completed in 2005. Several developments occurred since the issuance of the proposed rulemaking that impact the proceedings. These developments include changes to the Low Income Home Energy Assistance Program policy and the initiation of a stakeholder process that is studying the treatment of universal service customers in an enhanced competitive retail electricity market. The Commission is discontinuing this rulemaking and will initiate a new rulemaking in the future. RECOMMENDATION: That the Commission adopt the Order that withdraws the proposed rulemaking.
2273535-LAW Vote 5-0.	P-2011-2273535	FULL SERVICE NETWORK LP - Petition filed on 11/11/11, requesting that the previously granted two-year waiver of various regulations set forth in Title 52, Chapter 64 as applied to prepaid landline service be made permanent or extended for a five year period. The petition was served on OCA, OTS and OSBA. No responses were filed to the instant petition. RECOMMENDATION: That the Commission grants in part and denies in part the Petition for Extension of Current Waiver of Various Chapter 64 Regulations as Applied to Pre-Paid Landline Service.

LAW BUREAU

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2288561-LAW

M-2012-2288561

Vote 5-0.

IMPLEMENTATION-UNCONVENTIONAL GAS WELL FEE ACT 13
- Act 13 of 2012 was signed into Law on 2/14/12, the Unconventional Gas Well Impact Fee (Act 13). The Commission's administrative responsibilities for implementing of Act 13 are contained within Chapters 23 and 33. Chapter 23 addresses the determination, collection and disbursement of the impact fees established by Act 13. Chapter 33 addresses uniformity of local ordinances, the processes for obtaining advisory reviews and substantive reviews of disputed ordinances, and the ineligibility of a local government for impact fee disbursements if its local ordinance is inconsistent with Act 13. On 3/15/12, the Commission issued a Tentative Implementation Order for public comment. That Order addressed various issues in Act 13 and provided guidance to interested parties. Comments were filed by various parties.
RECOMMENDATION:
That the Commission adopt the Final Implementation Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2289411-LAW	M-2012-2289411 M-2008-2069887	ACT 129 ENERGY EFFICIENCY PROGRAM - PHASE 2 - The Commission has been charged by the PA General Assembly with establishing an energy efficiency and conservation program (EE&C Program). The EE&C Program requires each electric distribution company (EDC) with at least 100,000 customers to adopt a plan to reduce energy demand and consumption within its service territory. The Commission is also charged with the responsibility to evaluate the costs and benefits of the EE&C Program by 11/30/13, and every five years thereafter. The Commission must adopt additional incremental reductions in consumption if the exceed its costs. With this Tentative Order, the Commission begins the process of evaluating the costs and benefits of the EE&C Program and establishing additional incremental reductions in consumption. RECOMMENDATION: That the Commission adopt the proposed Tentative Implementation Order.

Dissenting Statement by Commissioner Gardner.
Statement by Commissioner Gardner.
Statement by Commissioner Witmer.
Vote 5-0 with Partial Dissents by Commissioner Gardner and Commissioner Cawley.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2293611-LAW Vote 5-0.	M-2012-2293611	DISTRIBUTION SYSTEM IMPROVEMENT CHARGE - ACT 11 - Act 11, amending Chapters 3, 13, and 33 of the Title 66 of the PA Consolidated Statutes, was adopted on 2/14/12. The changes to Chapters 3 and 13 allow jurisdictional utilities to make rate case claims based on a fully projected future test year, allow wastewater utilities to allocate a portion of their revenue requirement to the combined wastewater and water utility customer base, and allows water and wastewater utilities, EDCs and NGDCs or a city natural gas distribution operation to petition for a DSIC. The changes to Chapter 33 increase the civil penalties for gas pipeline violations. This Tentative Implementation Order proposes procedures and guidelines to carry out the ratemaking provisions of Act 11 in Chapters 3 and 13. RECOMMENDATION: That the Commission adopt the Proposed Tentative Implementation Order.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1119111-ALJ (PP from 11/13/2008) Vote 5-0.	I-00930028	SOUTHEASTERN PA. TRANS. AUTH. - Investigation in the 41st Street Bridge crossing for hearing and recommendation for the purpose of whether the crossing should be eliminated, repaired or replaced with a newly constructed bridge consistent with Opinion and Order entered 12/17/08. A prehearing conference was held before ALJ Fordham on 6/18/09, who previously issued a Recommended Decision (1/20/95) and a Recommended Decision on Remand (1/23/02). On 3/19/10, the City filed and served a Stipulation of Counsel. COMMISSION REVIEW: That the Commission adopt ALJ Chestnut's Recommended Decision on Further Remand approving of the Stipulation of Counsel without modification.
2093218-ALJ Dissenting and Concurring Statement by Commissioner Cawley. Vote 5-0 with Commissioner Cawley Partially Dissenting.	M-2009-2093218	WEST PENN POWER CO d/b/a ALLEGHENY POWER - Original EE&C/DR Plan filed on 6/30/09, in conformity with the requirements of Act 129 of 2008. Act 129 requires a 1% reduction in energy consumption by 5/31/11, a 3% reduction in energy consumption by 5/31/13, and a 4.5% peak demand reduction by 5/31/13. A Joint Petition for Settlement with Supporting Statements was filed on 1/6/12, and on 2/17/12, West Penn filed a Motion to Admit into Evidence the Company's Direct testimony in support of the New Plan. COMMISSION REVIEW: That the Commission adopt ALJ Buckley's Recommended Decision approving the Petition and the Motion.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

May 10, 2012

BUREAU OF TECHNICAL UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1150478-FUS Vote 5-0.	A-125051	INTERSTATE GAS SUPPLY, INC - Application filed on 3/28/12, for approval to begin to offer, render, furnish, or supply natural gas supply services to residential, small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial and governmental customers in the additional service territory of the PECO Energy Company, within PA. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application amendment.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2291824-LAW Vote 5-0.	M-2012-2291824	IMPLEMENTATION OF FCC ORDER - Implementation of FCC directives, prescribing templates for tariff supplements, and Protective Order. RECOMMENDATION: That the Commission adopt the proposed Order.