

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MARCH 26, 2009 (TC)

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
Kim Pizzigrilli	Tyrone J. Christy	James H. Cawley	Robert F. Powelson	Wayne E. Gardner

THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.

The Next Public Meeting is Tentatively Scheduled for Thursday, April 16, 2009 at 10:00 A.M.

Minutes of the Meeting of Thursday, February 26, 2009 (KP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, APRIL 16, 2009 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 WILL HOLD AN EXECUTIVE SESSION ON THURSDAY, MARCH 26, 2009, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 10:30 A.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

March 26, 2009

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1200225-TAS Vote 5-0.	A-00124177	SIERRA TRANSPORTATION, LLC - Application for the right to begin to transport as a contract carrier by motor vehicle, persons in paratransit service for Life Pittsburgh, Inc. RECOMMENDATION: That the Commission adopt the proposed order, as amended, approving the application.
2035613-TAS Vote 5-0.	C-2008-2035613	BUR OF TRANSPORTATION & SAFETY VS STAGECOACH LOGISTICS INC - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$250.00.
2036767-TAS Vote 5-0.	C-2008-2036767	BUR OF TRANSPORTATION & SAFETY VS DT EXPRESS LLC - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$250.00.
2042209-TAS Vote 5-0.	C-2008-2042209 A-00123043	BUR OF TRANSPORTATION & SAFETY VS WAYNESBURG CAB SERVICE, INC. - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$350.00.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2043422-TAS Vote 5-0.	C-2008-2043422	BUR OF TRANSPORTATION & SAFETY VS TEGETHOFF, JOHN WESLEY, SR. - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$250.00.
2061209-TAS Vote 5-0.	A-2008-2061209	HAINES TRANSPORTATION SERVICES INC - Application for the rights to begin to transport as a common carrier by motor vehicle, persons in limousine service, which is to be a transfer of all the operating rights under the certificate issued to Michael's Classic Limousine, Inc. Temple, Berks County. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2061302-TAS Vote 5-0.	A-2008-2061302	PJA, INC. - Application for the additional right to transport as a common carrier by motor vehicle, persons in airport transfer service. Erie, Erie County. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2062242-TAS Vote 5-0.	A-2008-2062242	OLD CITY MOVERS INC - Application for the right to begin to transport as a common carrier by motor vehicle, household goods in use. Philadelphia, Philadelphia County. RECOMMENDATION: That the Commission adopt the proposed order approving the application.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2065061-TAS Vote 5-0.	A-2008-2065061	LIMOUSINES FOR LESS, INC. - Application for the additional right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating eleven (11) to fifteen (15) passengers, including the driver. Stroudsburg, Monroe County. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2066599-TAS Vote 5-0.	A-2008-2066599	REUNIFICATION TRANSPORTATION SERVICES - 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.
2066748-TAS Vote 5-0.	A-2008-2066748	TINA L RITTENHOUSE T/A RITTENHOUSE BUSING - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. McVeytown, Mifflin County. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2067092-TAS Vote 5-0.	C-2008-2067092 A-00119945	BUR OF TRANSPORTATION & SAFETY VS VA TAXI INC - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$350.00.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2067096-TAS Vote 5-0.	C-2008-2067096	BUR OF TRANSPORTATION & SAFETY VS SARKAR, INC. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2067437-TAS Vote 5-0.	C-2008-2067437	BUR OF TRANSPORTATION & SAFETY VS VIRK TRANS INC. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2067651-TAS Vote 5-0.	C-2008-2067651	BUR OF TRANSPORTATION & SAFETY VS MALHI, T. S., CAB CO. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2067652-TAS Vote 5-0.	C-2008-2067652	BUR OF TRANSPORTATION & SAFETY VS SINGH MANN, INC. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2067653-TAS Vote 5-0.	C-2008-2067653	BUR OF TRANSPORTATION & SAFETY VS ARMEN CAB CO. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2067658-TAS Vote 5-0.	C-2008-2067658	BUR OF TRANSPORTATION & SAFETY VS SHAWN LIMO, INC. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2069744-TAS Vote 5-0.	R-2008-2069744	BOYER, MARTHA K. T/A VU GAESHT ONNA - Increase in rates. RECOMMENDATION: That Tariff Paratransit Pa. PUC No.3, be approved to become effective on March 30, 2009.
2071223-TAS Vote 5-0.	C-2008-2071223 A-00115812	BUR OF TRANSPORTATION & SAFETY OF VS EXCEL TRANSPORT INC - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$250.00.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2071432-TAS Vote 5-0.	C-2009-2071432 A-00123101	BUR OF TRANSPORTATION & SAFETY VS MCQUEEN, LARRY E. - Complaint alleging failure to file an application for discontinuance. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$100.00 for failure to file an Answer to the Complaint.
2073231-TAS Vote 5-0.	A-2008-2073231	JOSEPH C BROWN T/A ENDLESS MOUNTAIN TRANSPORTATION - Application for the right to transport as a common carrier by motor vehicle, persons in group and party service in vehicles seating eleven (11) to fifteen (15) passengers, including the driver. Tunkhannock, Wyoming. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2078603-TAS Vote 5-0.	A-2008-2078603	ROBERT Z GETZ - 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.
2078682-TAS Vote 5-0.	C-2008-2078682	BUR OF TRANSPORTATION & SAFETY VS TAM CAB CO. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2078683-TAS Vote 5-0.	C-2008-2078683	BUR OF TRANSPORTATION & SAFETY VS LUCKY MAN CAB CO. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2078686-TAS Vote 5-0.	C-2008-2078686	BUR OF TRANSPORTATION & SAFETY VS BALAN CAB CO. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2079225-TAS Vote 5-0.	A-2008-2079225	HILL, HENRY LEE T/A ONE MAN ONE VAN PASSNGR SVC - 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.
2079230-TAS Vote 5-0.	A-2008-2079230	RACING LIMOS OF YORK, LLC - 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 TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2079747-TAS Vote 5-0.	C-2008-2079747	BUR OF TRANSPORTATION & SAFETY VS GROFF, HOWARD E., CO. - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2079752-TAS Vote 5-0.	C-2008-2079752	BUR OF TRANSPORTATION & SAFETY VS HOCKER, ERIC T/A HOCKER EXCAVATING - Complaint alleging respondent abandoned or discontinued service without having first filed an application to discontinue service. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained and that the certificate be canceled.
2079799-TAS Vote 5-0.	A-2008-2079799	CLOUD 9 ENTERTAINMENT, INC. - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in limousine service. Butler, Butler County. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2081006-TAS Vote 5-0.	C-2008-2081006	BUR OF TRANSPORTATION & SAFETY VS RAHMAN & DUNHAM INVESTMENT GROUP INC - Complaint alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission. RECOMMENDATION: That the Commission adopt the order directing that the complaint be sustained, the certificate be canceled and the Respondent be fined \$250.00.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2082641-TAS Vote 5-0.	A-2009-2082641	HERMES TRANSPORTATION CO., INC. - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in group and party service. RECOMMENDATION: That the Commission adopt the proposed order approving the application.
2082778-TAS Vote 5-0.	A-2009-2082778	COLONIAL LIMOUSINE SERVICE INC - Application for the right to transport as a common carrier by motor vehicle, persons in limousine service, which is to be a transfer of all rights authorized under the certificate issued to Futuristic Enterprises, Inc. t/d/b/a Philadelphia Rolls-Royce Service. RECOMMENDATION: That the Commission adopt the proposed order approving the application.

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2067431-AUD Vote 5-0.	D-2008-2067431	NEWTOWN ARTESIAN WATER CO. - Auditor's Report on the Distribution System Improvement Charge for the year ended 12/31/07. RECOMMENDATION: That the Commission approve the audit report and make it a public document.
2087639-AUD Vote 5-0.	D-2009-2087639	AQUA PENNSYLVANIA, INC. - Auditor's report on the Distribution System Improvement Charge for the year ended 12/31/07. RECOMMENDATION: That the Commission approve the audit report and make it a public document.
2089014-AUD Vote 5-0.	M-2009-2089014	WEST PENN POWER CO. - Consumer Education Charge effective 4/1/09. RECOMMENDATION: That the Commissionr approve Supplement No. 189 to Tariff - Electric Pa. PUC No. 39 reflecting a CEC rate of \$0.00 per KWH, and Supplement No. 142 to Tariff - Electric Pa. PUC No. 37 reflecting a CEC rate of \$0.00 per KWH, effective 4/1/09.
2095605-AUD Vote 5-0.	M-2009-2088885 M-2009-2088886	MET ED and PENELEC - Consumer Education Charge effective 4/1/09. RECOMMENDATION: That the Commission approve Med-Ed's Supplement No. 10 to Tariff Electric Pa. PUC No. 50 and Penelec's Supplement No. 9 to Tariff Electric Pa. PUC No. 79 effective 4/1/09.

BUREAU OF CONSERVATION ECONOMICS & ENERGY PLANNING

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2069887-CEP	M-2008-2069887 M-00051865	ENERGY EFFICIENCY CONSERVATION PROGRAM & EDC PLAN - The Commission adopted an energy efficiency and conservation program on 1/15/09, which requires electric distribution companies to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy consumption and peak demand. RECOMMENDATION: That the Commission approve the energy consumption and peak demand reductions for the purpose of the development of the electric distribution companies' energy efficiency and conservation plans.

Vote 5-0.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1119050-OSA Vote 5-0.	I-00870060	MONTOUR RAILROAD CO. - Investigation upon the Commission's own motion into the matters pertaining to all rail-highway crossings-above the grade, below the grade and at the same grade as the tracks of the entire system of the Montour Railroad Company, a wholly owned subsidiary of the Pittsburgh and Lake Erie Railroad Company, in eleven municipalities in the counties of Allegheny and Washington. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order granting the Petition.
1180629-OSA (PP from 03/12/2009) Vote 5-0.	A-00120185 A-00120185C0702 A-2008-1220056	EKAS AUTOMOTIVE SALES & SER,LLC - Bureau of Transportation & Safety on 8/13/07, instituted a Complaint against Ekas Automotive Sales & Service, LLC, alleging failure to maintain evidence of insurance on file with the Commission. By Order entered on 8/12/08, the Commission, inter alia, cancelled the Certificate of Public Convenience. On 8/26/08, Ekas Automotive filed a Petition to Rescind Order issued on 8/12/08. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which grants Respondent's Petition.
1206740-OSA Motion by Commissioner Gardner. Vote 5-0.	C-20077995 C-2008-2029081	JOHNSON, GERARD G. & JEAN H. "ET AL" VS METROPOLITAN EDISON CO. - Formal Complaint filed 7/3/07, alleging that high voltage transmission lines that cross Complainants' property and that are owned by MetEd are not energized, have not been maintained, and are a safety hazard. On 2/21/08, the Dolans filed a formal Complaint against MetEd containing similar allegations. A hearing was held in 5/21/08, and on 11/7/08, ALJ Colwell issued an Initial Decision sustaining both complaints and directing MetEd to either remove or maintain the transmission lines in question, and assessed a \$50,000 civil penalty against MetEd. MetEd filed Exceptions on 12/15/08, and the Complainants filed Reply Exceptions on 12/24/08. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that affirms, in part, the Initial Decision of the ALJ and which denies the Exceptions of MetEd.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2031300-OSA (PP from 03/12/2009) Motion by Commissioner Pizzingrilli. Vote 5-0.	C-2008-2031300 C-2008-2035103	BETTY LOU SHOUP VS PENELEC - Formal Complaints (22), alleging reliability, safety and quality of service disputes were filed between 3/10/08 and 5/30/08. Answers were filed to each complaints. The Complaints were consolidated. A hearing was held on 9/15/08. Twenty of the Complaints were dismissed due to the Complainants' failure to appear. Two of the Complaints were heard. On 11/19/08, ALJ Meehan issued an Initial Decision sustaining both Complaints. On 1/5/09, Penelec filed Exceptions to the Initial Decision. No Reply Exceptions were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that affirms the Initial Decision of the ALJ and denies the Exceptions of Penelec.
2044646-OSA (PP from 03/12/2009) Vote 5-0.	M-2008-2044646	PEOPLES NATURAL GAS CO. - Universal Service and Energy Conservation Plan for the period 2009-2011, was filed on 5/30/08. By Order dated 1/15/09, the Commission approved the Plan. On 1/30/09, the Pennsylvania Utility Law Project, acting on behalf of the Mon Valley Unemployed Committee, filed for Reconsideration and Rehearing. The Petition requests the Commission to reconsider its 1/15/09 Order and reopen the proceeding for full evidentiary hearings after providing public notice through publication in the PA Bulletin. On 2/5/09, the Commission entered an Order granting reconsideration in order to retain jurisdiction pending review of and consideration on the merits. On 2/11/09, the Company filed its Answer, requesting that the Commission deny the Petition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order denying the Petition for Reconsideration.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2056656-OSA Statement by Vice Chairman Christy. Vote 5-0.	M-2008-2056656	LBPS VS UGI UTILITIES, INC. - Complaint filed with BCS against UGI Utilities, Inc., for \$1310 in gas usage due to a faulty valve. UGI did not fix the valve for several months. UGI appealed a BCS decision finding in favor of the customer. ALJ Colwell upheld the BCS decision. The Law Bureau Prosecutory Staff investigated and filed a proposed Settlement on 8/4/08, that was issued for comments by Opinion and Order. No comments were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that adopts the Tentative Order issued for comments on 1/16/09.
2057562-OSA (PP from 03/12/2009) Statement by Commissioner Powelson. Vote 5-0.	M-2008-2057562	LBPS VS PPL ELECTRIC UTILITIES CORP - Joint Petition for Settlement filed 8/13/08, in order to satisfy the informal investigation into PPL's conduct with regard to the termination of service to the residence of Ryan Donachy. By Order entered 11/19/08, afforded interested parties 20 days to comment. Several parties filed Comments and PPL and Prosecutory Staff filed Responsive Comments. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which inter alia approves the Settlement and closes the investigation.
2066530-OSA (PP from 12/04/2008) Statement by Vice Chairman Christy. Statement by Commissioner Powelson. Vote 5-0.	M-2008-2066530	PENNSYLVANIA AMERICAN WATER COMPANY - Joint settlement agreement filed on 9/26/08, between PAWC and the Law Bureau Prosecutory Staff and BCS (Staff), in order to satisfy an informal investigation into the Company's alleged failure to provide required notices of termination. By Order entered on 12/23/08, interested parties were afforded 20 days in which to file Comments. No Comments were filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which, inter alia, approves the Settlement and closes the investigation.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2073938-OSA Vote 5-0.	R-2008-2073938	PHILADELPHIA GAS WORKS - Petition for Reconsideration filed 1/5/09, seeking reconsideration of several issues decided by the Opinion and Order entered 12/19/08. In addition, PGW filed a Motion to Strike OSBA Answer. On 1/15/09 an Order was issued granting the reconsideration, pending further reconsideration on the merits. OSBA filed an Answer to the Motion to Strike on or about 3/24/09. The matter is now ripe for disposition. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which resolves all issues raised by the OSBA Petition and PGW's Motion to Strike.
2085482-OSA Vote 5-0.	A-2009-2085482 A-310190	COMCAST BUSINESS COMMUNICATIONS LLC T/A COMCAST LD and UNITED TELEPHONE - Joint Petition filed 1/16/09, seeking approval of an arbitrated Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2085611-OSA Vote 5-0.	A-2009-2085611	XO COMMUNICATIONS SVC, INC and VERIZON PA INC. - Joint Petition filed 1/21/09, seeking approval of Amendment No. 8 to an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2085734-OSA Vote 5-0.	A-2009-2085734	XO COMMUNICATIONS SVC, INC and VERIZON NORTH INC. - Joint Petition filed 1/21/09, seeking approval of Amendment No. 1 to an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. 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>
2085805-OSA Vote 5-0.	A-2009-2085805	COMCAST BUSINESS COMMUNICATIONS LLC T/A COMCAST LD and CONESTOGA TEL. - Joint Petition filed 1/16/09, seeking approval of an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2086656-OSA Vote 5-0.	A-2009-2086656	IDT AMERICA, CORP. and BENTLEYVILLE COMMUNICATION d/b/a FAIRPOINT COMMUNICATIONS -Joint Petition filed 1/26/09, seeking approval of an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2089546-OSA Vote 5-0.	A-2009-2089546	FRONTIER COMM. OF PA, INC and SPRINT SPECTRUM - Joint Petition filed 1/29/09, seeking approval of 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 were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2090714-OSA Vote 5-0.	A-2009-2090714	FRONTIER COMM/OSWAYO RIVER INC and SPRINT SPECTRUM - Joint Petition filed 1/29/09, seeking approval of 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 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>
2090721-OSA Vote 5-0.	A-2009-2090721	FRONTIER COMM. OF LAKEWOOD, INC and SPRINT SPECTRUM - Joint Petition filed 1/29/09, seeking approval of 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 were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2090726-OSA Vote 5-0.	A-2009-2090726	FRONTIER COMM. OF CANTON INC and SPRINT SPECTRUM - Joint Petition filed 1/29/09, seeking approval of 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 were received. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.
2090728-OSA Vote 5-0.	A-2009-2090728	FRONTIER COMM OF BREEZEWOOD INC and SPRINT SPECTRUM - Joint Petition filed 1/29/09, seeking approval of 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 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>
2090843-OSA Vote 5-0.	A-2009-2090843	IDT AMERICA, CORP. and MARIANNA AND SCENERY HILL TELEPHONE - Joint Petition filed 1/26/09, seeking approval of an Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Joint Petition.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1190220-FUS Vote 5-0.	P-00961024F1000	COMMONWEALTH TELEPHONE CO. - 2009 Price Stability Index/Service Price Index filing. No tariffs were filed. On 2/1/09, the Report was filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
1190962-FUS Vote 5-0.	P-00961115F1000 P-00961116F1000	MAHANOEY & MAHANTANGO TEL CO. - 2009 Joint Price Index/Service Price Index filing. On 2/20/09, the Report was filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
2073166-FUS Vote 5-0.	A-2008-2073166 A-2008-2073167 A-2008-2073165	ONE SOURCE NETWORKS CLEC LLC - Application for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service areas of Verizon Pennsylvania Inc. and Verizon North Inc., and as a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania. On 10/15/08, the subject Application was filed. No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
2084556-FUS Vote 5-0.	A-2009-2084556	PPL ELECTRIC UTILITIES CORP T/A PPL UTILITIES - Letter of Notification filed on 1/14/09, pursuant to 52 Pa. Code Chapter 57.72 with respect to the Millwood – Strasburg 230/69 kV Tie Line in West Lampeter Township, Lancaster County, PA. Authority for this procedure is provided for at § 57.72(d) (1). No protests were filed and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2089565-FUS Vote 5-0.	A-2009-2089565	SHELL ENERGY NORTH AMERICA (US) L.P. - Application filed on 1/29/09, to offer, render, furnish, or supply natural gas supply services to commercial and industrial customers in the service territories of Columbia Gas of Pennsylvania, Inc., Equitable Gas Company, PECO Energy Company, The Peoples Natural Gas Company d/b/a Dominion Peoples, UGI Central Penn Gas, Inc., UGI Penn Natural Gas, Inc. and UGI Utilities, Inc., within the Commonwealth of Pennsylvania, as a broker/marketer engaged in the business of supplying natural gas services. The License Application was filed pursuant to Section 2208 of the Natural Gas Choice and Competition Act (Act) and Title 52, Chapter 62, Subchapter D. RECOMMENDATION: That the Commission adopt the proposed Order.
2090511-FUS Vote 5-0.	A-2009-2090511 A-2009-2090515	AQUA PENNSYLVANIA, INC and CLARENDON WTR - Joint Application for the approval of Aqua to acquire Clarendon's water system assets, the right of Aqua to provide water service to the public in Clarendon's service territory and the abandonment of water service by Clarendon to the public in the Borough of Clarendon and portions of Mead Township, Warren County. No protests, motions or petitions were filed. No hearing was held. RECOMMENDATION: That the Commission adopt the proposed Order
2090870-FUS Vote 5-0.	A-2009-2090870	TRANSCOM COMMUNICATIONS, INC. - Application filed on 2/2/09, seeking the Commission's approval of the Company's Discontinuance and Abandonment of Facilities-based and Reseller Interexchange Carrier services to the public within the Commonwealth of Pennsylvania. RECOMMENDATION: That the Commission adopt the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2094305-FUS Vote 5-0.	S-2009-2094305	AQUA PENNSYLVANIA, INC. - Securities certificate for the issuance of First Mortgage Bonds in a principal amount not in excess of \$58,000,000 to be issued in one or more series. RECOMMENDATION: That the Commission adopt the proposed Order.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2079660-FUS Vote 5-0.	R-2008-2079660	UGI PENN NATURAL GAS COMPANY - Original Tariff Gas-Pa. P.U.C. No. 8, and Supplement No. 15 to Tariff Gas-Pa. P.U.C. No. 1, filed on 1/28/09, to become effective 3/19/09, containing proposed changes in rates, rules, and regulations calculated to produce \$38.1 million (11.42%) in additional annual revenues. Several formal complaints, protests, and petitions to intervene were filed in this case. RECOMMENDATION: That the Commission adopt the proposed Order.
2079660-OTS Adopt 5-0 to the extent that it is consistent with 2079660-FUS.	R-2008-2079660	UGI PENN NATURAL GAS COMPANY - Issued original Tariff Gas-Pa PUC No. 8, on 1/28/09, to replace existing Tariff Gas-Pa PUC Nos. 5 & 7, and issued Supplement No. 15 to Tariff Gas-Pa PUC No. 1, to become effective 3/29/09, proposing an increase of \$38.1 million, or an increase in annual revenues of 11.42 percent. RECOMMENDATION: That the Commission institute an investigation of the proposed rates, rules and regulations contained in the Tariff and Supplement and allow the filing to be suspended by operation of law for a period of 7 months, or through 10/29/09.

COMBINED BUREAU AGENDA

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2079675-FUS Vote 5-0.	R-2008-2079675	UGI CENTRAL PENN GAS, INC. - Supplement No. 38 to Tariff Gas-Pa. P.U.C. No. 3, and Supplement No. 18 to Tariff Gas-Pa. P.U.C. No. 3S, filed on 1/28/09, to become effective 3/29/09, containing proposed changes in rates, rules, and regulations calculated to produce \$19.6 million (12.05%) in additional annual revenues. Several formal complaints, protests, and petitions to intervene were filed in this case. RECOMMENDATION: That the Commission adopt the proposed Order.
2079675-OTS Adopt 5-0 to the extent that it is consistent with 2079675-FUS.	R-2008-2079675	UGI CENTRAL PENN GAS, INC. - Issued supplement No. 38 to Tariff Gas-Pa PUC No. 3 and Supplement No. 8 to Tariff Gas-Pa PUC No. 3s on 1/28/09, to become effective 3/29/09, proposing an increase of \$22,135,000 representing an increase in annual revenues of 13.6 percent. RECOMMENDATION: That the Commission institute an investigation of the proposed rates in Supp. No. 38 to Tariff-Gas-Pa PUC No. 3 & Supp. No. 8 to Tariff Gas-Pa PUC No. 3s & allow the filing to be suspended by operation of law for a period of 7 months, or through 10/29/09.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1200232LAW (PP from 03/12/2009)	L-00060179	RULEMAKING -AMENDMENT TO CH. 64 - Rulemaking Re: Provision of Basic Service Packages Plans by Local Exchange Carriers. RECOMMENDATION: That the Commission adopt the final form on regulation.
Joint Dissenting Statement by Commissioner Pizzigrilli and Commissioner Powelson. Joint Statement by Chairman Cawley and Vice Chairman Christy. Statement by Commissioner Powelson. Vote 3-2 with Commissioner Pizzigrilli and Commissioner Powelson Dissenting.		
2069114-LAW	L-2008-2069114 I-00040103F0002	PROPOSED RULEMAKING - The rulemaking makes possible for the natural gas price to compare to be changed so that it presents a meaningful comparison of NGDC and NGS supply prices. It also starts NGDC purchase of receivables programs and makes other rule changes to help promote retail competition in the natural gas market. RECOMMENDATION: That the Commission approve the proposed rulemaking.
Statement by Chairman Cawley. Statement by Vice Chairman Christy. Vote 5-0.		
2089430-LAW	M-2009-2089430	VERIZON PENNSYLVANIA INC - Performance Metrics & Remedies (PMO III F0014) July 2009 Guidelines Updates. RECOMMENDATION: That the Commission adopt the proposed order.
Vote 5-0.		
2093672-LAW	P-2009-2093672 P-00961116F1000	TDS TELECOM/SUGAR VALLEY TELEPHONE CO. & TDS TELECOM/MAHANOEY & MAHANTANGO TEL - Petition for Protective Order filed on 2/20/09, requesting confidential treatment of certain information contained in their 2009 PI/SPI filing. FUS's order addressing PI/SPI filing is scheduled for Public Meeting of 3/26/09 also. Recommendation is that petition be denied as moot by Secretarial Letter as filing is in compliance with last year's protective order, and no additional petition for protective order needed to be filed. RECOMMENDATION: That the Commission adopt the Secretarial letter denying the TDS companies petition for protective order as moot.
Vote 5-0.		

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2029473-ALJ Postponed until the Public Meeting of April 16, 2009.	C-2008-2029473	BRUCE CARL VS UGI CORP.-GAS UTILITY DIV. - Complaint filed on 2/28/08, alleging that Complainant is a disabled person, that the Respondent had removed the gas meter from his home without notice to him, and that he had no money to pay for a theft of service fee and a security deposit. The Complainant asked that the Commission direct the Respondent to waive the theft of service fee and the security deposit. On 3/31/08, the Respondent filed an answer to the complaint. A hearing was held 9/9/08. COMMISSION REVIEW: Adopting ALJ Nguyen's Initial Decision denying the complaint.
2030999-ALJ Vote 5-0.	C-2008-2030999	MARK L ROSS VS WEST PENN POWER CO - Complaint filed on 3/5/08, alleging that Complainant was overcharged for electric utility service provided to him in the later part of 2006 and in the winter of 2007. WPP filed its answer to the complaint on 4/9/08. A hearing was held 9/16/08. COMMISSION REVIEW: Adopting ALJ Hoyer's Initial Decision dismissing the complaint
2033534-ALJ Postponed until the Public Meeting of April 16, 2009.	C-2008-2033534	EDWARD FLANDERS VS ALLEGHENY POWER COMPANY - Complaint filed on 3/5/08, alleging improper trimming and cutting of trees on and/or near Complainant's property that was resulting in some of his property sliding down a slope. Complainant later filed another complaint on 5/19/08, containing the identical allegations, but listing the address of an adjoining property as the affected property. WPP filed separate Answer's to the complaints. On 8/5/08, WPP filed a Motion to consolidate the complaints. A hearing was held 9/4/08. COMMISSION REVIEW: Adopting ALJ Nemec's Initial Decision dismissing the complaint.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2036388-ALJ Vote 5-0.	C-2008-2036388	SAM C PRESUTTI VS DUQUESNE LIGHT COMPANY - Complaint filed on 4/14/08, alleging that there are incorrect charges on Complainant's electric bill and that he was incorrectly overcharged for a period of eight years the "light commercial rate instead of regular residential rate." On 5/12/08, Duquesne Light filed an Answer to the complaint. A hearing was held 8/12/08. COMMISSION REVIEW: Adopting ALJ Hoyer's Initial Decision dismissing the complaint.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

March 26, 2009

BUREAU OF AUDITS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2087947-AUD Vote 5-0.	M-2009-2087947	PIKE COUNTY LIGHT & POWER CO-ELECTRIC - System Benefits Charge reconciliation and proposed rate change associated with the funding of its expanded universal service programs and consumer education, to become effective 4/1/09. RECOMMENDATION: That the Commission approve Pike County's request to increase the System Benefits Charge to \$.000527 per KWH effective 4/1/09, subject to the provisions of the Commission's Final Order at R-2008-2046518.
2089615-AUD Vote 5-0.	M-2009-2089615	UGI UTILITIES, INC-ELECTRIC DIV - Consumer Education Charge effective 4/1/09. RECOMMENDATION: That the Commission approve a waiver from the Company's CEC Rider rate change requirement and approve the Company's request to withdraw Supplement No. 55 to Electric - Pa. PUC No. 5 reflecting a proposed effective date of 4/1/09.
2095813-AUD vote 5-0.	M-2009-2093366 M-2009-2093372	CITIZEN ELECTRIC CO & WELLSBORO ELECTRIC CO. - Generation Supply Service Rates effective 4/1/09. RECOMMENDATION: That the Commission approve Citizen's Supplement No. 42 to Tariff Electric-Pa. PUC No. 14, reflecting a GSSR of \$0.088099 per KWH and Wellsboro's Supplement No. 43 to Tariff Electric-Pa. PUC No. 8, reflecting a GSSR of \$0.076571 per KWH, effective 4/1/09.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2074972-OSA Vote 5-0.	R-2008-2074972 P-00930715F1000	VERIZON PENNSYLVANIA INC - Petition for Reconsideration filed 3/16/09, seeking reconsideration and stay of the Commission's Opinion and Order entered 2/26/09, with regard to its 2009 Price Change Opportunity filing. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which grants the Petition, pending review of and consideration on the merits.

BUREAU OF FIXED UTILITY SERVICES

2090503-FUS Vote 5-0.	A-2009-2090503	AQUA PENNSYLVANIA, INC. -Application for approval of: 1) the acquisition by Aqua of the water system assets of Kratzerville Municipal Authority in portions of Jackson & Penn Township, Snyder County; and 2) the right to begin to offer, render, furnish and supply water service to the public in portions of Jackson & Penn Township, Snyder County. Aqua submitted proofs of publication and service to appropriate entities. The application was served upon appropriate township and county officials and the county planning commission. The Commission received no protests and no hearings were held. RECOMMENDATION: That the Commission adopt the proposed Order.
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PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

SUPPLEMENTAL

March 26, 2009

COMMISSIONERS

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

C-0007

**Motion by Chairman Cawley.
Vote 5-0.**

**MOTION OF CHAIRMAN CAWLEY
RE: W.P. WATER CO. & W.P. SANITARY CO.
(I-00070114; P-00072313; A-230550F2000)**