

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

THURSDAY, MAY 6, 2010 (RP)

1:00 P.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
Wayne E. Gardner	Tyrone J. Christy	James H. Cawley	Vacant	Robert F. Powelson

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

The Next Public Meeting is Tentatively Scheduled for Thursday, May 20, 2010 at 10:00 A.M.

Minutes of the Meeting of Thursday, April 15, 2010 (WG)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, MAY 20, 2010 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, MAY 6, 2010, IMMEDIATELY FOLLOWING PUBLIC MEETING, AT APPROXIMATELY 1:30 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 6, 2010

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2023883-TAS Vote 4-0	A-2008-2023883	BRIAN EDWARD PRICE - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Glen Mills, Delaware County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2122677-TAS Vote 4-0	C-2010-2122677	BUR OF TRANSPORTATION & SAFETY VS SHAWN & HOWARD GIORDANO, COPTS. T/A ALL OCCASIONS LIMO - Complaint alleging numerous violations of the Code. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and the certificate be canceled.
2137780-TAS Vote 4-0	A-2009-2137780	JOHN C MUMMAU - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Shippensburg, Franklin County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2139829-TAS Vote 4-0	A-2009-2139829	AUTO EFFECTS MOTOR SPORTS, 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. Monaca, Beaver County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2145010-TAS Vote 4-0	A-2009-2145010	RUTH ANN BUBB - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. McClure, Snyder 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>
2146805-TAS Vote 4-0	C-2010-2146805 A-00113039 C-2009-2088890	BUR OF TRANSPORTATION & SAFETY VS DANIEL JAMES GALLAGHER - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2146808-TAS Vote 4-0	C-2010-2146808 A-00118330 C-2008-2049132 C-2008-2049133	BUR OF TRANSPORTATION & SAFETY VS LUTHER STRINE TRUCKING - Complaint alleging respondent failed to pay an outstanding fine. Dover, York County. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2146809-TAS Vote 4-0	C-2010-2146809 A-00122471 C-2008-2073947	BUR OF TRANSPORTATION & SAFETY VS GORTMAN T/A DIAMOND STONE TRUCKING - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained and that the certificate be canceled.
2151839-TAS Vote 4-0	A-2010-2151839	UNIVERSAL CORPORATE ENTERPRISES, 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 approving the application.
2152608-TAS Vote 4-0	A-2010-2152608	ULTRA TRANSPORTATION, INC - Application for the right to begin to transport as a common carrier by motor vehicle, persons in paratransit service. Philadelphia. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2157572-TAS Vote 4-0	R-2010-2157572	DAFIX ENTERPRISES, INC - Increase in rates. Pittsburgh, Allegheny County. RECOMMENDATION: That the Commission approve Supplement No. 1 to Tariff Freight Pa. PUC No. 1.

BUREAU OF TRANSPORTATION & SAFETY

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2157779-TAS Vote 4-0	A-2010-2157779	CENTRAL PENN TRAVEL, LLC - 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. Palmyra, Lebanon County. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2160833-TAS Vote 4-0	C-2010-2160833 A-00109611 C-2009-2126005	BUR OF TRANSPORTATION & SAFETY VS AARON TRANSPORTATION SERVICES, INC - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, the certificate be canceled, and the respondent be fined \$100.
2160834-TAS Vote 4-0	C-2010-2160834 A-00110269 C-2009-2126083 C-2009-2139271	BUR OF TRANSPORTATION & SAFETY VS ASPIRE LIMO SVC, INC T/A DIRECT TOWN CAR - Complaint alleging respondent failed to pay an outstanding fine. RECOMMENDATION: That the Commission adopt the proposed Order directing that the complaint be sustained, that the certificate be canceled, and Respondent be fined \$100.
2161994-TAS Vote 4-0	A-2010-2161994	ADVENTURE LIMOUSINE, 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 approving the application.
2162470-TAS Vote 4-0	A-2010-2162470 A-00119555	RUTH ANN & CARL MCFADDEN - Application for the discontinuance of service and cancellation of its certificate to transport as a common carrier by motor vehicle, persons in service. Peach Bottom, Lancaster County. 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>
2111511-AUD Vote 4-0	D-2009-2111511	METROPOLITAN EDISON CO - Universal Service Charge Audit for the Twelve Months ended 10/31/08. RECOMMENDATION: The Commission release the Audit Report to the public.
2111512-AUD Vote 4-0	D-2009-2111512	METROPOLITAN EDISON CO - Transmission Service Charge Audit for the Twelve Months ended 3/31/09. RECOMMENDATION: The Commission release the Audit Report to the public.
2112251-AUD Vote 4-0	D-2009-2112251	PENNSYLVANIA ELECTRIC CO - Universal Service Charge Audit for the Twelve Months ended 10/31/08. RECOMMENDATION: The Commission release the Audit Report to the public.
2112252-AUD Vote 4-0	D-2009-2112252	PENN POWER CO - Universal Service Charge Audit for the Five Months ended 10/31/08. RECOMMENDATION: The Commission release the Audit Report to the public.
2112253-AUD Vote 4-0	D-2009-2112253	PENNSYLVANIA ELECTRIC CO - Transmission Service Charge Audit for the Twelve Months ended 3/31/09. RECOMMENDATION: The Commission release the Audit Report to the public.

BUREAU OF CONSUMER SERVICES

AGENDA NO.

DOCKET NO.

NAME AND SUBJECT

2094394-BCS

M-2009-2094394

Vote 4-0

Statement by Commissioner Powelson

PECO ENERGY COMPANY-ELECTRIC
- Universal Service and Energy Conservation Plan
for 2010-2012, filed on 12/15/09, in accordance
with the Commission's regulations at 52 Pa. Code
§§ 54.71-78 and 62.1-62.8.
RECOMMENDATION:
That the Commission adopt the proposed Tentative
Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1098439-OSA Vote 4-0	C-00019522	CO-OPERATIVE LEGISLATIVE COMMITTEE, ET AL VS PENN CENTRAL TRANSPORTATION CO - By Reconsideration Order entered 11/9/09, the Commission stated that it would reconsider its Order of 8/1/73 herein (1973 Order). In his Recommended Decision, issued 3/23/10, ALJ Weismandel recommended, inter alia, that Ordering Paragraph 3 of the 1973 Order be rescinded in its entirety due to the fact that it has since been preempted by a federal regulation. On 4/6/10, Norfolk Southern filed Exceptions. No Reply Exceptions have been filed. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order, which denies Norfolk Southern's Exception and adopts the Recommended Decision.
1167655-OSA Vote 4-0	C-20027195	AT&T COMMUNICATIONS OF PA, INC. VS VERIZON NORTH and VERIZON PA - Status Report and Motion to Extend the Stay of its Access Charge Investigation filed on 8/12/09 by Verizon companies. On 8/12/09, AT&T companies also filed Status Reports. Qwest Communications Company filed a letter in lieu of a Status Report. On 9/1/09, VZ filed an Answer to the Status Reports of AT&T and Sprint, and AT&T and Sprint filed their Answers to VZ's Motion. On 9/2/09, a Joint Answer was filed by the PA Telephone Associations and Embarq Pennsylvania. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies Verizon's Motion for further stay and assigns the matter to the Office of ALJ for the conduct of any necessary hearings and the issuance of a Recommended Decision.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1505395-OSA Vote 3-1 Dissenting vote by Vice Chairman Christy	M-2009-1505395	EQUITABLE GAS COMPANY f/k/a EQUITABLE RESOURCES, INC (Natural Gas Supplier) - A Settlement Agreement was submitted to the Commission by the Parties in order to resolve an Informal Investigation, the subject of which concerns allegations of multiple violations of the Code of Federal Regulations and the rules and regulations of the Commission relative to natural gas pipeline safety. The specific incidents that are the subject of the Settlement Agreement occurred on 6/29/07, 5/29/07 (discovered 7/20/07), and 2/14/08. By Opinion and Order entered 11/25/09, the Commission modified the Settlement and asked for comments to the Settlement from interested parties. On 12/15/09, Equitable filed Comments. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that adopts the Settlement Agreement as modified by the Opinion and Order of 11/25/09.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1505396-OSA Postponed until the May 20, 2010 Public Meeting	M-2009-1505396	<p>COLUMBIA GAS OF PA, INC - An excavation contractor at a property in German Township, Fayette County, on 8/7/07 struck an unmarked two-inch plastic gas service line owned by Columbia Gas. On 8/24/07, the Commission's Gas Safety Division evaluated Columbia's pipeline facility damage records for the property. The evaluation found that Columbia's facility locator contractor failed to locate the idle service line. The Commission's Law Bureau Prosecutory Staff (LBPS) alleged that Columbia had violated 49 CFR Part 192.614(5) regarding damage prevention and 52 Pa. Code § 59.37 regarding maps, plans and records. LBPS and Columbia Gas engaged in negotiations and a Joint Petition for Settlement was filed with the Commission on 8/26/09. By Order entered 12/4/09, the Commission solicited comments on the Joint Settlement Agreement from interested parties. On 12/16/09, LBPS filed comments. No other parties filed comments.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Joint Petition for Settlement.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2037411-OSA Vote 3-1 Dissenting vote by Vice Chairman Christy	M-2010-2037411	UGI UTILITIES, INC - A fire occurred on 8/28/07, in Campbelltown, that damaged a mobile home. There were no injuries. A backhoe operator struck an unmarked ¾ inch steel main with 51 PSIG. The excavating crew alerted and vacated residents of a nearby mobile home park and nearby businesses and shops. UGI employees used a backhoe to excavate and squeeze off the steel main. On 8/27/07, another UGI service line was hit at a former business location because the line was not marked correctly. A Commission Gas Safety Inspector was discovered that the main leading to the adjacent mobile home park was not marked or included within any UGI drawing or map. Based on the results of an investigation and Settlement discussions, UGI and Prosecutory Staff filed a proposed Settlement on 1/28/10. In its Order entered 3/30/10, the Commission issued the Settlement for Comments. Comments were received from UGI and Prosecutory Staff, the Dollar Energy Fund and OCA. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that approves the Joint Settlement.

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO.

2046450-OSA

Vote 4-0

DOCKET NO.

**C-2009-2046450
A-00117859**

NAME AND SUBJECT

BUR OF TRANSPORTATION & SAFETY VS
AMERICAN ROAD LINES, INC
- Complaint instituted on 8/17/09, alleging failure to maintain evidence of cargo insurance on file with the Commission. BTS requested that a civil penalty of \$250 be imposed. The Respondent requested and received a 30-day extension to file an Answer. On 10/1/09, the Respondent filed an Answer and New Matter. On 3/1/10, the Respondent and the Commission's Law Bureau Prosecutory Staff filed a Settlement Agreement in order to satisfy the Complaint. As part of the Settlement, the proposed penalty of \$250 is reduced to \$100.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order which approves the proposed Settlement.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2062739-OSA Vote 4-0	P-2008-2062739	<p>PECO ENERGY COMPANY-ELECTRIC - Petition filed on 9/10/08, requesting that the approval of the Default Service Program and Rate Mitigation Plan to establish rates, terms and conditions for the provision of default service for the period 1/01/11 through 5/31/13, for those customers who do not take service from an alternative electric generation supplier (EGS) or whose contracted generation is not delivered. On 3/10/09, a Joint Petition for Settlement was filed by PECO and the Parties to this proceeding. On 6/02/09, the Commission entered an Opinion and Order at this docket adopting the proposed Joint Settlement. On 4/14/10, PECO filed the present Petition requesting that the Commission amend the Joint Settlement and the related Default Service Order at Paragraph 38 to permit PECO to increase the load cap from 65% to 67% for its Spring 2010 default service procurement for the Small Commercial customer class. No objection or answers to the Petition have been received.</p> <p>RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Petition for Amendment of the Joint Settlement and the related Default Service Order.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2086651-OSA Vote 3-1 Dissenting vote by Vice Chairman Christy	M-2009-2086651	PEOPLES NATURAL GAS CO - A Settlement Agreement was submitted to the Commission by the Parties in order to resolve an Informal Investigation, the subject of which concerns allegations of multiple violations of the Code of Federal Regulations and the rules and regulations of the Commission relative to natural gas pipeline safety. The specific incidents that are the subject of the Settlement Agreement occurred on 5/2/07, 7/14/06, and from 5/21/07 through 6/8/07. By Opinion and Order entered 9/10/09, the Commission requested modification of one paragraph of the Settlement by the Parties and asked for comments to the Settlement from interested parties. On 9/30/09, PULP & OCA filed separate Comments. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that further modifies the Settlement Agreement and that adopts and makes final the Opinion and Order of 9/30/09, as modified by the proposed Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2086954-OSA (PP from 04/15/2010) Motion by Commissioner Gardner Vote 4-0	A-2009-2086954	WEST PENN POWER CO - Application filed on 1/26/09, requesting authority to locate, construct, operate and maintain a 138 kV electrical transmission line of approximately 2.2 miles in length in portions of Center Township and Franklin Township, Greene County, (the Pursley Line). Also requesting that the Commission grant it eminent domain authority. On 3/16/09, Cumberland Coal Resources, L.P. (Cumberland) filed a Petition to Intervene. On 3/20/09, Charles E. Hunnell filed a Petition to Intervene. On 8/4/09 an evidentiary hearing was held. On 12/24/09, ALJs Meehan and Hoyer issued their Initial Decision. On 1/25/10, Hunnell filed Exceptions to the Initial Decision. On 2/2/10, Cumberland filed its Reply Exception to the Exceptions of Hunnell. On 2/4/10, West Penn filed its Reply to the Exceptions of Hunnell. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that denies the Exceptions of Hunnell, and adopts the Initial Decision.
2089152-OSA Vote 4-0	A-2009-2089152	EQUITABLE GAS CO - Application filed 2/2/09, seeking approval to abandon natural gas service to 23 field gathering line customers in Washington County. On 2/3/10, an Initial Decision in this matter was issued by ALJ Corbett. On 2/22/10, Equitable filed Exceptions. No Reply Exceptions were filed. On 2/26/10, Equitable filed the present Petition for Reopening Proceedings Prior to a Final Decision. On 3/3/10, Protestants James Holden and Phillip Conklin filed an Answer to the Petition for Reopening. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Petition for Reopening of the Record and remands this proceeding to OALJ for further proceedings consistent with the Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2099508-OSA Vote 4-0	C-2009-2099508	JAMES WILLIAM DEZORT, JR VS VERIZON PA - Formal Complaint filed on 4/3/09, alleging a quality problem with his telephone service. On 2/3/10, ALJ Meehan's Initial Decision was issued wherein the Complaint was sustained, in part, and dismissed, in part. Exceptions were filed by the Respondent on 2/23/10. Reply Exceptions were filed by the Respondent on 3/1/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that grants the Exceptions, in part, and modifies the ALJ Meehan's Initial Decision consistent with the discussion therein.
2099553-OSA (PP from 04/22/2010) Vote 4-0	A-2009-2099553	ARMSTRONG MILLIEN - Application filed on 3/17/09, to provide call and demand service. Lehigh Valley Transportation filed a Protest. After hearing, ALJ Salapa issued his Initial Decision on 2/3/10, in which he recommended that Millien's application be denied. On 2/22/10, Millien filed Exceptions, and on 3/4/10, Lehigh Valley filed Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which: (1) denies Millien's Exceptions and (2) adopts the Initial Decision, consistent with the Opinion and Order.

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2100916-OSA Vote 4-0	C-2009-2100916	<p>JOHN W REVIELLO, SR VS UGI PENN NATURAL GAS, INC - Formal Complaint filed on 4/1/09 opposing the estimated contribution that he would have to make to extend gas service to his building lot. The Complainant requested that the line extension be made at no cost to him. On 1/22/10, ALJ Jandebaur issued an Initial Decision dismissing the Complaint because Mr. Reviello failed to meet the burden of proof that UGI improperly calculated the charge for the service extension. The Complainant filed Exceptions on 2/22/10 and UGI filed Reply Exceptions on 3/8/10. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order which denies the Complainant's Exceptions and adopts the Initial Decision, consistent with the proposed Opinion and Order.</p>
2119948-OSA Vote 4-0	C-2009-2119948	<p>JAMES SMITH JR VS PECO ENERGY COMPANY - Formal Complaint filed on 7/2/09, alleging inaccuracies in his bills for electric service since 2003. PECO filed an Answer and New Matter on 8/10/09. ALJ Chestnut issued a Prehearing Order on 9/24/09. A request from Mr. Smith was received on 11/5/09 to reschedule the hearing, which she granted. Notice of rescheduling the hearing until 2/9/10 was mailed to the Parties. Mr. Smith failed to appear at the hearing. In the Initial Decision issued 3/1/10, the ALJ dismissed Mr. Smith's Complaint with prejudice for failure to prosecute. Mr. Smith filed Exceptions on 3/15/10. PECO did not file Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that adopts the ALJ's Initial Decision and dismisses the complaint with prejudice.</p>

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2142888-OSA Motion by Vice Chairman Christy Vote 3-1 with Chairman Cawley dissenting	C-2009-2142888	ROBERT & CECELIA MERRITT VS PECO ENERGY COMPANY - Formal Complaint filed on 11/10/09, alleging inaccuracies in bills for electric service. PECO filed an Answer and New Matter on 12/16/09. Simultaneously, PECO filed Preliminary Objections requesting that the Complaint be dismissed based on its insufficiency. The Merritts did not file a response to the Preliminary Objections. ALJ Colwell issued an Order on 1/25/10 directing the Merritts to file an Amended Complaint within ten days or the Complaint would be dismissed. The Merritts never filed an Amended Complaint. In the Initial Decision issued 2/26/10, the ALJ granted PECO's Preliminary Objections and dismissed the Merritt's Complaint. The Merritts filed Exceptions on 3/15/10. PECO did not file Reply Exceptions. RECOMMENDATION: That the Commission adopt the proposed Opinion and Order that adopts the ALJ's Initial Decision and dismisses the complaint.
2166904-OSA Vote 4-0	A-2010-2166904	ZAYO BANDWIDTH LLC and VERIZON NORTH - Joint Petition filed on 3/26/10, requesting approval to adopt an existing Agreement pursuant to Section 252(i) 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 FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2121686-FUS Vote 4-0	A-2009-2121686	U S GAS & ELECTRIC, INC d/b/a PENNSYLVANIA GAS & ELECTRIC - Request to amend its natural gas supplier license filed on 2/12/10, requesting 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 (greater than 6,000 Mcf annually), industrial, and governmental customers in the additional service territories of UGI-Penn Natural Gas and Columbia Gas of Pennsylvania. RECOMMENDATION: That the Commission adopt the proposed Order approving the application.
2130754-FUS Vote 4-0	A-2009-2130754	PATRIOT ENERGY GROUP, INC - Application filed on 9/14/09, to offer, render, furnish, or supply natural gas supply services to small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial and governmental customers in the service territory of Peoples Natural Gas, Equitable Gas, UGI Central Penn Gas, National Fuel Gas, PECO Energy, Columbia Gas, and Philadelphia Gas Works, as a supplier of natural gas services and a broker/marketer engaged in the business of supplying natural gas services. RECOMMENDATION: That the Commission adopt the proposed Order, which approves the application.
2139967-FUS Vote 4-0	A-2009-2139967	ENERGETIX, INC - Application filed on 11/2/09, seeking to become a licensed electric generation supplier to residential, small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2150005-FUS Postponed until the May 20, 2010 Public Meeting	A-2009-2150005	UGI CENTRAL PENN GAS, INC - Application filed on 12/23/09, to offer, render, furnish, or supply natural gas supply services to the public in the additional service territory of Portland Borough in Northampton County. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2152263-FUS Vote 4-0	A-2010-2152263 A-2010-2152174 A-2010-2152271 A-2010-2152282 A-2010-2152284 A-2010-2152286	INTELEPEER, INC - Application filed on 12/23/09, for approval to offer, render, furnish or supply telecommunication services as a: CLEC in the service areas of Verizon PA, Verizon North & CenturyLink; IXC Reseller in PA; Facilities-Based IXC in PA; and, a CAP in PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2152506-FUS Vote 4-0	A-2010-2152506	CLEARVIEW ELECTRIC, INC - Application filed on 12/29/09, for a license to offer, render, furnish or supply electricity or electric generation services as a supplier of electricity for 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. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2157066-FUS Vote 4-0	A-2010-2157066	THE LOYALTON GROUP, INC - Application filed on 1/13/10, 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 demand), large commercial (over 25 kw demand) and industrial customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2157453-FUS Vote 4-0	M-2010-2157453	YORK COUNTY'S 911 - System Renewal Plan filed on 2/11/10, by PEMA, requesting formal review the costs associated with the contribution rate of \$1.25 per access line per month and make 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.
2159567-FUS (PP from 04/15/2010) Vote 4-0	A-2010-2159567	BTU ENERGY, LLC - Application filed on 1/28/10, 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 demand), large commercial (over 25 kw demand), industrial and governmental customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2159584-FUS Vote 4-0	A-2010-2159584	GREAT LAKES ENERGY, LLC - Application filed on 2/12/10, 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) and industrial customers in the electric distribution company service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2159620-FUS Vote 4-0	A-2010-2159620	GSE CONSULTING, LP - Application filed on 2/1/10, for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer who will work with small commercial (25 kw and under demand), large commercial (over 25 kw demand), and industrial customers to offer retail energy consulting and procurement services in the electric service territories. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.
2161948-FUS Vote 4-0	A-2010-2161948 A-2010-2161951 A-2010-2161952 A-2010-2161954 A-2010-2161955 A-2010-2161956 A-2010-2161957 A-2010-2161958	METROPOLITAN TELECOM. CORP OF PA - Applications filed on 2/9/10, for approval to offer, render, furnish or supply telecommunication services as a CLEC in the service areas of Citizens Telecommunications of New York; Frontier Communications: of Breezewood, of Canton, Commonwealth, of Lakewood, of Oswayo River, of Pennsylvania; and Windstream Pennsylvania, LLC. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.
2162071-FUS Vote 4-0	S-2010-2162071	WELLSBORO ELECTRIC CO. - Securities certificate filed on 3/2/10, in regards to the issuance of Notes, in an aggregate principal amount of up to \$1,200,000, to its Parent, C&T Enterprises, Inc. RECOMMENDATION: That the Commission adopt the proposed Order for the registration of the securities certificate for the issuance of Notes, in an aggregate principal amount of up to \$1,200,000, to its Parent, C&T Enterprises, Inc.
2167295-FUS Vote 4-0	A-2010-2167295	BRIDGEVOICE, INC - Application filed on 3/19/10, for approval to offer, render, furnish or supply telecommunication services as a detariffed Interexchange Toll Reseller in PA. RECOMMENDATION: That the Commission approve the application consistent with the proposed Order.

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2168504-FUS Vote 4-0	M-2010-2168504	BUREAU OF FIXED UTILITY SERVICE REPORT - Report to the Commission regarding quarterly earnings of PA utilities for the quarter ended 12/31/09. FUS has completed a report representing the earned and adjusted returns on rate base and common equity capital for PA non-telephone fixed utilities with jurisdictional operating revenues of over \$1,000,000. FUS has included detailed, market-based analysis of the current cost of equity across industry-wide groups. RECOMMENDATION: That the Commission make the Earnings Report public.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1095663-LAW Vote 4-0	A-310387	PIONEER TELECOM, INC - Failure to file an abandonment application after advising Commission staff that it planned to discontinue all long distance telephone services. Subsequently after this notification, Commission staff has been unable to reach Pioneer by phone calls. Telephone calls to the last known business address of Pioneer confirmed that the number is disconnected and no information is available for any new phone numbers. The company's website also is no longer in service. RECOMMENDATION: That the Commission adopt the proposed Tentative Order that revokes the company's certificate of public convenience after a 30-day comment period following publication in the PA Bulletin, absent adverse comment.
2137972-LAW (PP from 04/22/2010) Motion by Vice Chairman Christy Vote 4-0	P-2009-2137972 P-2010-2164470 P-2010-2164472	AT&T COMMUNICATIONS OF PA LLC and TCG NJ and TCG PITTSBURGH - Joint Petitions filed on 10/9/09, requesting waivers of 52 Pa. Code § 53.58 and § 53.59 to permit detariffing of service to Enterprise and Large Business Customers. The petitions are unopposed. RECOMMENDATION: That the Commission approve the proposed Order.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2158189-LAW Vote 4-0	P-2010-2158189	ENERGY PLUS HOLDINGS, LLC - Petition filed on 2/16/10, requesting a temporary waiver of the budget billing requirement at 52 Pa. Code § 56.12(7) until PPL's billing period beginning in 9/10. A copy of the petition was served on OCA, OSBA, OTS and PPL. No answers were filed. RECOMMENDATION: That the adopt the Order that granting the waiver request until PPL's billing period beginning in 9/1/10.
2164782-LAW Vote 4-0	P-2010-2164782	BLUESTAR ENERGY SERVICES, INC - Petition filed on 3/18/10, requesting a temporary waiver of the budget billing requirement at 52 Pa. Code § 56.12(7) until the later of PPL's billing periods in 11/10, or the implementation of PPL's billing system that will permit supplier consolidated billing. A copy of the petition was served on OCA, OSBA, OTS and PPL. No answers were filed. RECOMMENDATION: That the Commission adopt the Order granting the waiver request until 11/30/10.

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2111417-ALJ (PP from 04/22/2010) Motion by Commissioner Powelson Vote 3-1 with Chairman Cawley dissenting	C-2009-2111417	JILL MONAHAN VS COLUMBIA GAS OF PA - Formal Complaint filed on 5/21/09, alleging a billing dispute. Columbia filed its answer on 6/24/09. On 9/10/09, a hearing was held by telephone. COMMISSION REVIEW: That the Commission adopt ALJ Hoyer's Initial Decision sustaining the complaint.
2126810-ALJ Statement by Chairman Cawley Vote 4-0 with Chairman Cawley concurring with the result only	C-2009-2126810	MAIELO, BRUNGO & MAIELLO, LLP VS VERIZON PA - Formal Complaint filed on 8/17/09, alleging that there is a reliability, safety or quality problem with its telephone service. On 9/15/09, VZ filed an Answer and New Matter denying the material allegations; and, also, filed Preliminary Objections seeking the dismissal of the complaint. COMMISSION REVIEW: That the Commission adopt Chief ALJ Smith's Initial Decision granting Verizon's Preliminary Objections, and dismissing the complaint.
2135496-ALJ Statement by Chairman Cawley Vote 3-1 with Vice Chairman Christy dissenting Dissenting vote by the Vice Chairman	P-2009-2135496 G-2009-2135510	UGI UTILITIES, INC-ELECTRIC DIVISION - Petition filed 10/1/09, requesting approval of its default service and AEPS plans for its commercial and industrial customers with peak loads of 500 kW or less for the 3-year period of 6/1/11 - 5/31/14. Also seeking approval of a cost recovery plan for its default service administrative costs and other related items. The OTS, OCA, OSBA and Constellation intervened. On 3/5/10, UGI and the OSBA filed a Settlement Petition which the OCA joined in part. The OTS and Constellation indicated they would not oppose it. COMMISSION REVIEW: That the Commission adopt ALJ Cocheres' Recommended Decision approving the Settlement with minor editing and clarifications.

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO.

2148844-ALJ

Vote 4-0

DOCKET NO.

R-2009-2148844

NAME AND SUBJECT

PECO ENERGY COMPANY-ELECTRIC
- Complaint filed 12/16/09 opposing PECO's proposed rate increase to become effective 1/1/10. PECO filed its answer on 2/1/10 denying the material allegations of the complaint. A hearing was held 3/22/10.

COMMISSION REVIEW:

That the Commission adopt ALJ Nguyen's Recommended Decision dismissing the complaint with prejudice and referring PECO's Tariff Supplement No. 97 to the Bureau of Fixed Utility Services for processing.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CARRY-IN AGENDA

May 6, 2010

BUREAU OF FIXED UTILITY SERVICES

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2149584-FUS Vote 4-0	A-2009-2149584	BIDURENERGY, INC - Application filed on 12/22/09, 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 kv and under demand), large commercial (over 25 kv demand), industrial and governmental customers in the electric distribution company service territories. At Public Meeting of 4/15/10, BidURenergy, Inc. was approved to serve customers, but was not approved to serve residential. This Order amends that prior Order to include residential customers. RECOMMENDATION: That the Commission adopt the proposed Order which approves the application.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
1194001-LAW Vote 4-0	A-00121999	PENNDOT - Petition filed on 4/7/10, by the County of Beaver to transfer jurisdiction to the Court of Common Pleas of Beaver County, pursuant to 66 Pa. C.S. § 2704. RECOMMENDATION: That the Commission grant the County of Beaver's Petition to transfer jurisdiction to the Court of Common Pleas of Beaver County.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2134347-LAW Vote 4-0	M-2009-2134347 M-00011468	VERIZON PENNSYLVANIA INC - Proposed tariff filed on 10/1/09, to establish a financial remedy plan relative to VZ PA errors in directories when such errors impact CLEC customers. The proposed plan presents a consensus of the PA Carrier Working Group. In conjunction with the plan, two metrics would be eliminated from the PA Carrier-to-Carrier Guidelines. An Order was entered 4/19/10, making some adjustments to the proposed remedies plan. On 5/4/10, VZ PA filed a Petition for Reconsideration. RECOMMENDATION: That the Commission approve the proposed Order.