

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, OCTOBER 26, 2017 (DS)
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
David W. Sweet	Andrew G. Place	Gladys M. Brown	Vacant	John F. Coleman, Jr.

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

The Next Public Meeting is Tentatively Scheduled for Wednesday, November 8, 2017 at 10:00 A.M.

Minutes of the Meeting of Thursday, September 21, 2017 (AP)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR WEDNESDAY, NOVEMBER 8, 2017, 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, OCTOBER 25, 2017, AT 1:00 PM IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH 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

**MOTIONS AND STATEMENTS OF THE CHAIRMAN
AND COMMISSIONERS WILL BE AVAILABLE
ON THE COMMISSION'S WEBSITE AT
WWW.PUC.PA.GOV AFTER PUBLIC MEETING.**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

October 26, 2017

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2495409-OSA	C-2015-2495409	<p>PUC - INVESTIGATION AND ENFORCEMENT VS NET TALK.COM INC</p> <p>- Complaint filed on 7/29/15, alleging that the Respondent failed to file an assessment report for the 2013 calendar year, and it failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$1,072 (consisting of the outstanding assessment balance of \$22 and a civil penalty of \$1,050) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 12/17/15, I&E filed a Motion for Default Judgment requesting that the Commission direct the Respondent to pay the outstanding assessment and civil penalty. No Answer to the Motion was filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment, as modified by the Opinion and Order.</p>
2495454-OSA	C-2015-2495454	<p>PUC - INVESTIGATION AND ENFORCEMENT VS MASTER CALL CORPORATION</p> <p>- Complaint filed on 7/29/15, alleging that the Respondent failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$64 (consisting of the outstanding assessment balance of \$14 and a civil penalty of \$50) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 12/29/15, I&E filed a Motion for Default Judgment requesting that the Commission direct the Respondent to pay the outstanding assessment and civil penalty. No Answer to the Motion was filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order which grants the Motion for Default Judgment.</p>

2495609-OSA C-2015-2495609

**PUC - INVESTIGATION AND ENFORCEMENT VS JOHN D
HEBERT T/A JD HEBERT TRANSPORTATION**

- Complaint filed on 7/30/15, alleging that the Respondent failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$80 (consisting of the outstanding assessment balance of \$30 and a civil penalty of \$50) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 1/12/16, the Respondent's Certificate was cancelled. On 2/19/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment.

2498095-OSA C-2015-2498095

**PUC - INVESTIGATION AND ENFORCEMENT VS DEER
HAVEN LLP**

- Complaint filed on 8/14/15, alleging that the Respondent failed to file an assessment report for the 2013 calendar year, and it failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$1,684 (consisting of the outstanding assessment balance of \$134 and a civil penalty of \$1,550) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 2/19/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment and the civil penalty are not paid. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants, in part, and denies, in part, the Motion for Default Judgment.

2499120-OSA C-2015-2499120

PUC - INVESTIGATION AND ENFORCEMENT VS INSTITUTE FOR DEVELOPMENT OF AFRICAN-AMERICAN YOUTH INC

- Complaint filed on 8/19/15, alleging that the Respondent failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$96 (consisting of the outstanding assessment balance of \$46 and a civil penalty of \$50) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 2/19/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty and direct the Bureau of Technical Utility Services to cancel the Respondent's Certificate if the assessment and the civil penalty are not paid. On 5/24/16, the Respondent's Certificate was cancelled. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment.

2499276-OSA C-2015-2499276

PUC - INVESTIGATION AND ENFORCEMENT VS REACH FOR THE STARS LIMOUSINE SERVICE INC

- Complaint filed on 8/19/15, alleging that the Respondent failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$142 (consisting of the outstanding assessment balance of \$92 and a civil penalty of \$50) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 9/2/15, the Respondent's Certificate was cancelled. On 2/19/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment.

2499281-OSA C-2015-2499281

PUC - INVESTIGATION AND ENFORCEMENT VS BUFFALO TOWNSHIP EMERGENCY MEDICAL SERVICES INC

- Complaint filed on 8/19/15, alleging that the Respondent failed to file assessment reports for the 2012 and 2013 calendar years, and also failed to pay its assessment amount for Fiscal Year 2014-2015. I&E requested that the Respondent be ordered to pay \$2,076 (consisting of the outstanding assessment balance of \$26 and a civil penalty of \$2,050) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 2/19/16, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty. On 12/16/16, the Respondent's Certificate was cancelled. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment, as modified by this Opinion and Order.

2515642-OSA M-2015-2515642

PPL ELECTRIC UTILITIES CORPORATION

- On 6/6/17, PPL filed a Petition for Approval of Changes to its Act 129 Phase III Energy Efficiency and Conservation Plan. Comments to the 13 proposed modifications within the Petition were filed by the PP&L Industrial Customer Alliance (PPLICA), the OCA, the Pennsylvania Energy Efficiency for All Coalition and the Keystone Energy Efficiency Alliance on 7/6/17. Reply Comments were filed by PPL and PPLICA on 7/26/17.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

2526206-OSA A-2016-2526206

RELIABLE TAXI OF THE POCONOS LLC

- Application filed on 1/29/16, for the right to begin to transport, as a common carrier, by motor vehicle, persons in call or demand service within a certain bounded area. Protests to the Application were filed by Pocono Cab Company, LLC and WGM Transportation, Inc. on 6/6/16 and 6/9/16, respectively. The Application was assigned to the OALJ for hearing and the issuance of an Initial Decision. By Initial Decision issued 6/14/17, ALJ Vero granted the Application. Pocono Cab and WGM filed their Exceptions to the Initial Decision on 6/30/17 and 7/5/17, respectively. On 7/17/17, Reliable Taxi filed its Reply to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which denies the Exceptions filed by the Protestants, Pocono Cab and WGM, and adopts the ALJ's Initial Decision.

2539492-OSA C-2016-2539492
(PP from 10/05/2017)

KENNETH MCLEAN VS PHILADELPHIA GAS WORKS

- Formal Complaint filed on 3/29/16, challenging his responsibility for the payment of an outstanding balance from a previous account. On 5/2/16, PGW filed an Answer. The Complaint was assigned to the OALJ for hearing and the issuance of an Initial Decision. By Initial Decision issued 9/29/16, ALJ Long partially sustained the Complaint. On 10/19/16, PGW filed Exceptions, and on 10/28/16, Complainant filed a Reply to PGW's Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which denies the Exceptions and adopts the ALJ's Initial Decision.

2559799-OSA C-2016-2559799

JOHN F CARMODY VS PPL ELECTRIC UTILITIES

- Formal Complaint filed on 7/5/16, alleging, inter alia, that PPL made an incorrect finding of the presence of a foreign load on his property. On 8/23/16, PPL filed an Answer. On 11/1/16, an evidentiary telephonic hearing was held before ALJ Cheskis. On 1/31/17, the Commission issued the ALJ's Initial Decision that dismissed the Complaint for failure by the Complainant to satisfy his burden of proof that a foreign load does not exist on the property. On 3/7/17, the Commission entered a Final Order that directed that the ALJ's Initial Decision became final without further Commission pursuant to 66 Pa. C.S. § 332(h) and that the Complaint be dismissed and the docket marked closed. On 3/13/17, the Complainant filed Exceptions to the Initial Decision; on 3/24/17, PPL filed Replies to Exceptions. On 4/11/17, the Complainant filed a letter responding to PPL's Replies to Exceptions.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order.

- 2571197-OSA C-2016-2571197 KEVIN WILSON VS PHILADELPHIA GAS WORKS**
- Formal Complaint filed on 9/29/16, requesting a payment arrangement. On 11/2/16, PGW filed an Answer requesting that the Commission dismiss the Complaint. On 1/10/17, the Complainant filed an Amended Formal Complaint against PGW. On 1/24/17, the hearing in this matter was held as scheduled. The Complainant did not appear at the 1/24/17 hearing and counsel for PGW moved to have the case dismissed with prejudice for failure by the Complaint to prosecute the Complaint. On 2/8/17, the Commission issued the Initial Decision of ALJ Jones, which granted PGW's motion to dismiss the Complaint with prejudice. On 2/16/17, PGW filed an Answer to the Amended Formal Complaint. On 5/4/17, the Complainant filed a Petition for Reconsideration in response to the Initial Decision. PGW filed its Answer to the Petition on 5/18/17.
- RECOMMENDATION:**
- That the Commission adopt the proposed Opinion and Order, which denies the Petition for Reconsideration, adopts the Initial Decision, as modified, and dismisses the Complaint without prejudice.
- 2589346-OSA C-2017-2589346 WEST GOSHEN TOWNSHIP VS SUNOCO PIPELINE LP**
- On 3/30/17, West Goshen Township filed a Complaint against Sunoco Pipeline, L.P. seeking enforcement of a Settlement Agreement between the parties at Docket No. U-2015-2486071. On 7/10/17, the Township filed a Petition seeking, inter alia, an Interim Emergency Order under 52 Pa. Code § 3.6. ALJ Barnes held a hearing on the Petition on 7/18/17. By Interim Emergency Order and Certification of Material Question, issued 7/24/17, the ALJ granted the Township's Petition and certified the decision to grant interim emergency relief to the Commission as a material question under 52 Pa. Code § 5.305. The Township and Sunoco each filed a Brief pertaining to the ALJ's 7/24/17 Order.
- RECOMMENDATION:**
- That the Commission adopt the proposed Opinion and Order that grants the Joint Petition.
- 2620056-OSA A-2017-2620056 UNITED TELEPHONE COMPANY OF PENNSYLVANIA. D/B/A CENTURYLINK AND AIRBUS DS COMMUNICATIONS INC**
- Joint Petition filed on 8/18/17, requesting 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 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>
1184225-TUS	M-00031715F0003	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- On 7/31/17, the PPL Sustainable Energy Fund of Central Eastern Pennsylvania (SEF) filed a Letter Petition for approval of modification to the bylaws that govern its operations. Under the terms of its formation and later revisions at Docket No. R-00973954, the SEF is to be operated according to bylaws approved by the Commission.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2584781-TUS	M-2017-2584781	<p>ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS</p> <p>- EGS cancellations of companies with an expired financial security or insufficient financial security amount. The Commission's regulations at 52 Pa. Code §54.40(a) state that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. 52 Pa. Code §54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained. As of October 17, 2017, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code §54.40(a) and (d).</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
2607469-TUS	A-2017-2607469	<p>ITC GLOBAL NETWORKS LLC</p> <p>- Application filed on 6/2/17, for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in all 37 Incumbent Local Exchange Carrier service territories within PA. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

2614248-TUS	A-2017-2614248	<p>CENTURYLINK PUBLIC COMMUNICATIONS INC</p> <p>- Application filed on 7/12/17, seeking Commission approval for the discontinuance and abandonment of Interexchange Carrier Reseller (IXC-R) services to the public within PA. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2616814-TUS	A-2017-2616814	<p>AEGEAN ENERGY ADVISORS LLC</p> <p>- On 7/31/17, the Commission accepted Aegean Energy's application for a license to offer, render, furnish or supply electricity or electric generation services as a broker/marketer to small commercial, large commercial and industrial customers in all of the electric distribution company service territories throughout PA. The license application is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809. Aegean Energy requests a reduction in the amount of security bond pursuant to 66 Pa. C.S. § 2809 and 52 Pa. Code § 54.40(c).</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2618194-TUS	A-2017-2618194	<p>CAPITAL ENERGY PA LLC</p> <p>- On 8/9/17, the Commission accepted Capital Energy PA 's application for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories throughout PA. The license application is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
2620634-TUS	R-2017-2620634 P-00981410F1000	<p>UNITED TELEPHONE COMPANY OF PENNSYLVANIA D/B/A CENTURYLINK</p> <p>- 2017 Price Stability Index/Service Price Index Report Filing and Supplement No. 154 to Tariff Telephone Pa. P.U.C. No. 27 filed on 9/1/17, requesting an aggregate rate increase of \$269,876. No protests were filed and no hearings were held.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

2624176-TUS

R-2017-2624176

SUEZ WATER BETHEL INC

- Supplement No. 1 to Tariff Water - Pa. P.U.C. No. 4 filed on 9/8/17, to become effective 11/8/17, for approval to make formatting changes on Original Pages 7 and 8 that express a consumption rate per 100 gallons instead of a consumption rate per 1,000 gallons. The proposed rates are equivalent to those of the current effective tariff and do not constitute a rate increase. On 9/18/17, Supplement No. 1 was revised to remove references to quarterly bills and rates on original pages 7 and 8.

RECOMMENDATION:

That the Commission adopt the proposed Order.

2626454-TUS

M-2017-2626454

QUARTERLY EARNINGS REPORT

- Bureau of Technical Utility Services report to the Commission regarding quarterly earnings of Pennsylvania utilities for the quarter ended 6/30/17.

RECOMMENDATION:

That the Commission make the earnings report public.

LAW BUREAU

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2541775-LAW	A-2016-2541775	<p>PENNDOT</p> <p>- On 10/4/17, PennDOT filed a petition with the Commission seeking to transfer jurisdiction to the Court of Common Pleas of Butler County, pursuant to 66 Pa. C.S. § 2704, so that it may file a petition with the court to deposit PennDOT's estimate of just compensation with the Court pursuant to Section 307 of the Eminent Domain Code, 26 Pa. C.S. § 307, as it may apply. PennDOT has determined that the just compensation for the property appropriation is \$4,200.00, which has not been accepted by Bessemer and Lake Erie Railroad Company.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>

OFFICE OF ADMINISTRATIVE LAW JUDGE

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2606103-ALJ	A-2017-2606103	<p>PENNSYLVANIA AMERICAN WATER COMPANY</p> <p>- On 6/14/17, the Application of PAWC pursuant to Sections 1102 and 1329 of the Code requesting, among other things, approval from the Commission to issue certificates of public convenience to PAWC for the transfer to PAWC, by sale, of substantially all of the Municipal Authority of the City of McKeesport's (MACM) assets, properties, and rights related to MACM's wastewater collection and treatment system and to set the fair market value of the acquisition for rate-base ratemaking purposes was accepted as complete by the Commission. An evidentiary hearing was held on 8/3/17. Briefs and reply briefs were filed. On 9/20/17, a Joint Petition for Settlement was filed. The record was closed by interim order on 9/21/17.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission approve the Joint Petition for Settlement without modification.</p>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

October 26, 2017

LAW BUREAU

AGENDA NO.

2621343-LAW

DOCKET NO.

P-2017-2621343

NAME AND SUBJECT

VERIZON PENNSYLVANIA LLC AND VERIZON NORTH LLC

- On 8/25/17, Verizon filed a petition to waive the Commission's late-payment charge regulation at 52 Pa. Code § 64.16(a). At the 10/5/17 Public Meeting, the Commission did not take action on the petition after a split vote occurred. Verizon then filed a Petition for Leave to Withdraw stating that the waiver petition was now moot because it was not possible to recognize any late payment charge changes in its 2018 Price Change Opportunity (PCO) filing and that no further purpose would be served in addressing the waiver petition. No answers were filed in response to the Petition to Withdraw.

RECOMMENDATION:

That the Commission adopt the proposed Order.