

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC MEETING

**THURSDAY, JANUARY 12, 2023 (RY)
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. 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
Kathryn L. Zerfuss	Stephen M. DeFrank	Gladys Brown Dutrieuille	Ralph V. Yanora	John F. Coleman, Jr.

The Next Public Meeting is Tentatively Scheduled for Thursday, February 9, 2023 at 10:00 A.M.

Minutes of the Meeting of Thursday, December 8, 2022 (JFC)

*****ANNOUNCEMENTS*****

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, FEBRUARY 9, 2023, 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.

THE COMMISSION WILL HOLD ITS NEXT EXECUTIVE SESSION ON WEDNESDAY, FEBRUARY 8, 2023, AT 1:30 PM IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING AS WELL AS VIA TELECONFERENCE. THE EXECUTIVE SESSION SCHEDULED FOR WEDNESDAY, JANUARY 11, 2023 AT 1:30 P.M WAS RESCHEDULED TO 10:00 A.M. ON THE SAME DATE IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING IN PERSON AND VIA TELECONFERENCE.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

1. DISCUSSING PERSONNEL MATTERS.
2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF REGARDING INFORMATION AND STRATEGY IN CONNECTION WITH CURRENT OR POTENTIAL LITIGATION.
3. DISCUSSING MATTERS RELATED TO THE INITIATION AND CONDUCT OF INVESTIGATIONS, AND QUASI-JUDICIAL DELIBERATIONS.
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.**

FOR YOUR SAFETY, PLEASE TAKE NOTE OF THE EXITS, DOWN THE STAIRS ON EITHER SIDE OF THE HALLWAY OUTSIDE OF HEARING ROOM 1. IN A TRUE EMERGENCY, A PUC EMPLOYEE IN AN ORANGE VEST WILL BE THERE TO HELP THOSE WHO NEED ASSISTANCE. ONCE YOU MOVE DOWN THE STAIRS, PLEASE EXIT ONTO NORTH STREET. ALSO, FOR YOUR CONVENIENCE, RESTROOMS ARE LOCATED ON THE ATRIUM LEVEL NEAR THE CAFETERIA.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

January 12, 2023

BUREAU OF CONSUMER SERVICES

AGENDA NO. 3029323-BCS

DOCKET NO. M-2021-3029323

NAME AND SUBJECT: PHILADELPHIA GAS WORKS

Philadelphia Gas Works (PGW) filed its proposed 2023-2027 Universal Service and Energy Conservation Plan on 10/29/21, in accordance with the Commission's regulations at 52 Pa. Code § 62.4. On 6/16/22, the Commission issued an Order directing PGW to provide supplemental information and established a comment period. All supplemental information and comments have been filed.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

OFFICE OF SPECIAL ASSISTANTS

AGENDA NO. 2633098-OSA

DOCKET NO. M-2022-2633098

NAME AND SUBJECT: PUC BUREAU OF INVESTIGATION AND ENFORCEMENT VS NATIONAL GAS & ELECTRIC LLC

Based on information referred by the Office of Competitive Market Oversight, the Bureau of Investigation and Enforcement (BIE) opened an Informal Investigation of National Gas & Electric, LLC (NG&E) to examine whether the actions of NG&E violated Commission Regulations or Orders. Based upon its Informal Investigation, BIE determined that NG&E and/or its agents engaged in slamming and engaged in fraudulent, deceptive, or otherwise unlawful acts in the process of marketing and selling electric generation supplier services. On 8/29/22, the Parties filed a Joint Petition for Approval of Settlement (Settlement Agreement) and Statements in Support of Settlement to resolve the Informal Investigation. The Settlement Agreement, *inter alia*, imposes a \$15,250 civil penalty on NG&E. By Order entered 10/27/22, the Commission directed that notice of the Order and the Settlement be published in the Pa. Bulletin for comments (October 2022 Order). On 11/12/22, the October 2022 Order and the Settlement were published in the Pa. Bulletin. No comments were filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3029259-OSA
DOCKET NO. C-2021-3029259

NAME AND SUBJECT: GRAYS FERRY COGENERATION PARTNERSHIP AND VICINITY ENERGY PHILADELPHIA IMC VS PHILADELPHIA GAS WORKS

On 11/28/22, Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (Grays Ferry/Vicinity) filed a Petition for Interim Emergency Relief (Petition), requesting, *inter alia*, that the Commission direct Philadelphia Gas Works (PGW) to extend the contracts at issue in the underlying case under the existing terms and conditions pending resolution of the underlying dispute between the Parties. A hearing was held on 12/6/22. On 12/12/22, ALJ Guhl issued an Order denying the Petition and certifying such denial to the Commission as a Material Question. On 12/13/22, Grays Ferry/Vicinity filed a Brief in Opposition to the ALJ's denial of relief on the Material Question. On 12/16/22, PGW filed a Brief in support of the ALJ's resolution of the Material Question. The Commission engaged in a notational vote process of the Opinion and Order. On 12/28/22, the Commission entered the Opinion and Order which answered the Material Question in the affirmative and denied the Petition.

RECOMMENDATION: That, consistent with 4 Pa. Code § 1.43(c), this action be recorded and entered in the minutes of the public meeting.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerkfuss
Commissioner Coleman

AGENDA NO. 3030364-OSA
(PP from 12/22/2022)
DOCKET NO. A-2022-3030364

NAME AND SUBJECT: PENNSYLVANIA AMERICAN WATER COMPANY - WASTEWATER DIVISION

Application filed on 1/6/22, seeking a Certificate of Public Convenience, pursuant to 66 Pa. C.S. § 1103(a)(1)(i), to offer, render, furnish, or supply wastewater treatment service to the public in an additional portion of Elk Township, Clarion County, Pa. The Commission approved the Application on 8/25/22. On 8/31/22, the instant Petition for Reconsideration (Petition) was filed by Pennsylvania-American Water Company – Wastewater Division. No response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerkfuss
Commissioner Coleman

AGENDA NO. 3032673-OSA

DOCKET NO. A-2022-3032673 A-6425269

NAME AND SUBJECT: DOE UN DOT LLC

Application filed on 5/26/22, to transport, as a common motor carrier, by motor vehicle, persons in paratransit service. A Secretarial Letter (SL) was issued on 8/15/22, notifying the Applicant that a Certificate of Public Convenience shall only be issued upon Applicant's insurance agent/broker filing evidence of bodily injury and property damage liability insurance or Form E and a tariff or tariff adoption supplement, establishing just and reasonable rates. On 10/25/22, a SL (October 2022 SL) was issued dismissing the Application for failure of the Applicant to file an acceptable tariff. On 11/18/22, Applicant filed a Petition for Reconsideration from Staff Action (Petition) relating to the October 2022 SL. No response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3032787-OSA

DOCKET NO. C-2022-3032787

NAME AND SUBJECT: CHRISTOPHER HAYMES VS PHILADELPHIA GAS WORKS

Formal Complaint (FC) filed on 6/3/22, requesting a payment arrangement. On 6/27/22, Philadelphia Gas Works (PGW) filed an Answer to the FC. A hearing was held on 8/17/22. In an Initial Decision issued on 11/21/22, ALJ Brady denied the FC. The Complainant filed Exceptions on 11/21/22. PGW filed its Reply to Exceptions on 12/9/22.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3035356-OSA
DOCKET NO. A-2022-3035356

NAME AND SUBJECT: NORTHEASTERN MOVERS INC

Application filed on 9/12/22, seeking approval to begin the exercise of the right and privilege of operating motor vehicles as a common carrier for the transportation of household goods, between points in Pa. By Secretarial Letter issued on 11/29/22, the Commission dismissed the Application for failure to reply to a Commission Data Request, which sought additional information in support of Northeastern Moving, Inc.'s (Northeastern) required financial fitness. On 11/29/22, Northeastern filed the instant Petition for Reconsideration from Staff Action (Petition) in response to the 11/29/22 Secretarial Letter. No response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036613-OSA

(PP from 12/22/2022)

DOCKET NO. A-2022-3036613 A-8925710

NAME AND SUBJECT: MOVING BY CURY LLC

Application filed on 11/4/22, with corrections filed on 11/8/22, for motor common carrier or motor contract carrier of household goods in use. By Secretarial Letter (SL) issued 11/9/22, and subsequently corrected by SL issued 11/16/22, the Commission denied and dismissed the Application for failure to demonstrate required fitness. On 11/17/22, the Company filed a Petition for Reconsideration of Staff Action (Petition). No response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036789-OSA

DOCKET NO. A-2022-3036789 A-6425731

NAME AND SUBJECT: PHILLY FAST TRACK LIMOUSINE LLC

Application filed on 11/7/22 for motor common carrier of persons in limousine service. By Secretarial Letter (SL) issued 11/8/22, the Bureau of Technical Utility Services (TUS) notified the Company that a correction to the Application was required. On 11/10/22, the Company timely filed the correction. By SL issued 11/16/22 (11/16 SL), TUS notified the Company that additional data was required in order to proceed with the Application. On 11/28/22 and 11/29/22, the Company timely filed its responses to the 11/16 SL. By SL issued 11/30/22, the Commission denied and dismissed the Application for failure to demonstrate required fitness. On 12/2/22, the Company filed a Petition for Reconsideration of Staff Action (Petition). No response to the Petition has been filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 1184239-TUS

DOCKET NO. M-00031715F0004

NAME AND SUBJECT: METROPOLITAN EDISON COMPANY/PENNSYLVANIA ELECTRIC COMPANY SUSTAINABLE ENERGY FUND

Letter Petition filed on 10/11/22, for approval of a Representative to the Advisory Board.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3000172-TUS

DOCKET NO. A-2018-3000172

NAME AND SUBJECT: PENNDOT

Application for the approval to replace the existing bridge where State Route 0183, Section 05B (Schuylkill Avenue) crosses over two tracks of the Norfolk Southern Railway Company (DOT # 592 216 N) in the City of Reading, Berks County, and the allocation of costs incident thereto.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3028125-TUS

(PP from 12/22/2022)

DOCKET NO. A-2021-3028125

NAME AND SUBJECT: MOBILITIE MANAGEMENT LLC

Application filed on 8/25/21, seeking Commission approval for the Discontinuance and Abandonment of Competitive Access Provider Services to the Public within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3030286-TUS

DOCKET NO. M-2022-3030286

NAME AND SUBJECT: ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS

As of 1/3/23, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code § 54.40(a) and (d).

RECOMMENDATION: That the Commission adopt the proposed Tentative Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3033837-TUS

DOCKET NO. A-2022-3033837

NAME AND SUBJECT: PROGRESSIVE LIGHT AND POWER LLC

Application filed on 7/18/22, for a license to offer, render, furnish, or supply electricity or electric generation services as a supplier to residential and small commercial customers in all of the electric distribution company service territories within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3035345-TUS
DOCKET NO. A-2022-3035345

NAME AND SUBJECT: WEST PENN POWER COMPANY

Letter of Notification filed on 9/16/22, for approval to reconductor a section of the Charleroi-Union Junction 138 kV Transmission Line in Fallowfield Township, Washington County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3035953-TUS
DOCKET NO. P-2022-3035953

NAME AND SUBJECT: PITTSBURGH WATER AND SEWER AUTHORITY - WATER

Petition filed on 10/6/22, for approval of Pittsburgh Water and Sewer Authority's (PWSA) Second Long-Term Infrastructure Improvement Plan for its Water Operations. On 11/16/22, via a Secretarial Letter, the Commission issued a data request to PWSA. On 11/26/22, PWSA filed its response. No comments were filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3035956-TUS
DOCKET NO. P-2022-3035956

NAME AND SUBJECT: PITTSBURGH WATER AND SEWER AUTHORITY - WASTEWATER

Petition filed on 10/6/22, for approval of Pittsburgh Water and Sewer Authority's (PWSA) Second Long-Term Infrastructure Improvement Plan for its Wastewater Operations. On 11/15/22, via a Secretarial Letter, the Commission issued a data request to PWSA. On 11/25/22, PWSA filed its response. No comments were filed.

RECOMMENDATION: That the Commission adopt the proposed Opinion and Order.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3036219-TUS

(PP from 12/22/2022)

DOCKET NO. A-2022-3036219

NAME AND SUBJECT: **ZITO MEDIA VOICE LLC**

Application filed on 10/18/22, for approval of the Discontinuance and Abandonment of Competitive Local Exchange Carrier and Competitive Access Provider Services to the public within Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zeffuss

Commissioner Coleman

AGENDA NO. 3036828-TUS

DOCKET NO. S-2022-3036828

NAME AND SUBJECT: **THE YORK WATER COMPANY**

Registration of a Securities Certificate was made on 11/16/22, to issue up to \$40 million principal amount of debt. The York Water Company voluntarily extended the consideration period to 1/12/23.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zeffuss

Commissioner Coleman

OFFICE OF ADMINISTRATIVE LAW JUDGE

AGENDA NO. 3031340-ALJ

DOCKET NO. R-2022-3031340 C-2022-3032868 et al

NAME AND SUBJECT: PA PUC ET AL VS THE YORK WATER COMPANY - WATER AND WASTEWATER

Supplement No. 143 to Tariff Water - Pa. P.U.C. No. 14 filed on 5/27/22 to become effective 8/1/22, Supplement No. 14 to Tariff Wastewater – PA. P.U.C. No. 1 filed on 5/27/22 to become effective on 8/1/22. The York Water Company (YWC) proposed a general increase in water rates in Supplement No. 143, and it proposed a general increase in wastewater rates in Supplement No. 14. By Order entered 7/14/22, the Commission suspended the proposed tariffs until 3/1/23 and instituted an investigation. On 9/4/22, the Joint Petition for Approval of Settlement of All Issues was filed by YWC, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate.

COMMISSION REVIEW: That the Commission adopt ALJ Dunderdale’s Recommended Decision.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

AGENDA NO. 3031660-ALJ

DOCKET NO. C-2022-3031660

NAME AND SUBJECT: HAL HERSHGORDON VS PECO ENERGY COMPANY, GREEN MOUNTAIN ENERGY AND CLEAN SKY ENERGY

Formal Complaint filed 3/29/22, alleging that changes were made to Complainant’s electric generation supplier and his natural gas supplier without his authorization. Complainant alleges his electric service was switched to Clean Sky Energy or Green Mountain Energy without his consent and that PECO Energy Company (PECO) did not provide him reasonable services or timely assist him in addressing the unauthorized switches or electric supply overcharges. PECO filed its Answer on 4/19/22. A hearing was held on 6/8/22.

COMMISSION REVIEW: That the Commission adopt ALJ Darlene Davis Heep’s Initial Decision.

Votes and Notes:

Chairman Dutrieuille
Vice Chairman DeFrank
Commissioner Yanora
Commissioner Zerfuss
Commissioner Coleman

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carry-In Agenda

January 12, 2023

BUREAU OF TECHNICAL UTILITY SERVICES

AGENDA NO. 3037161-TUS

DOCKET NO. A-2022-3037161

NAME AND SUBJECT: COLUMBIA GAS OF PENNSYLVANIA INC

Application filed on 12/8/22, seeking approval for a Certificate of Public Convenience authorizing it to abandon natural gas distribution service to one active residential and two active commercial premises located in Holbrook, Greene County, Pa.

RECOMMENDATION: That the Commission adopt the proposed Order.

Votes and Notes:

Chairman Dutrieuille

Vice Chairman DeFrank

Commissioner Yanora

Commissioner Zerfuss

Commissioner Coleman