

PENNSYLVANIA BULLETIN

Volume 27
Saturday, January 18, 1997 • Harrisburg, Pa.
Number 3
Pages 281—404

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List of Sections and
Chapters Affected
for 1996

Part I

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Turnpike Commission

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 266, January 1997

PENNSYLVANIA

BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$80.50 per year, postpaid to points in the United States. Individual copies \$2. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 340
(800) 334-1429 ext. 340 (toll free, out-of-State)
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530

Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

16 Pa. Code (Community Affairs)		52 Pa. Code (Public Utilities)	
Adopted Rules		Adopted Rules	
15	18	53	301
25 Pa. Code (Environmental Protection)		58 Pa. Code (Recreation)	
Adopted Rules		Adopted Rules	
260	237	141	313
261	237	Statements of Policy	
262	237	57	317
263	237	204 Pa. Code (Judicial System General Provisions)	
264	237	Adopted Rules	
265	237	89	288
266	237	211 (correction)	289
270	237	Proposed Rulemaking	
31 Pa. Code (Insurance)		303	289
Adopted Rules		231 Pa. Code (Rules of Civil Procedure)	
66	19	Adopted Rules	
163	295	200	293
49 Pa. Code (Professional and Vocational Standards)		255 Pa. Code (Local Court Rules)	
Proposed Statements of Policy		Unclassified	8, 12, 16, 17, 188, 294
21	194		

PENNSYLVANIA BULLETIN

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Part II

This part contains the
List of Sections and
Chapters Affected for 1996

Following the subject index is a numerical codification guide of Chapters and Sections of the *Pennsylvania Code* affected by matters published in the *Pennsylvania Bulletin* during the months of January to December 1996 (both months inclusive). This list will be published on the same quarterly and annual basis as the subject index.

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 89]

Adopting Amendments to the Rules and Procedures of the Board relating to Continuing Education Requirements Before Reinstatement; Order No. 49

In this Order, The Disciplinary Board of the Supreme Court of Pennsylvania is adopting amendments to its Rules of Organization and Procedure to clarify the existing provision in the Rules of the Board at 204 Pa. Code § 89.279 regarding the continuing legal education courses that must be completed before a petition for reinstatement is filed.

A formerly admitted attorney who has been disbarred or suspended for more than one year or who has been on inactive status for more than three years is required by 204 Pa. Code § 89.279(a) to complete a minimum number of continuing legal education courses before petitioning for reinstatement. When that requirement was adopted, it was at a time when the Pennsylvania Continuing Legal Education Board had not yet been established. As a result, the current rule refers only to courses offered by the Pennsylvania Bar Institute. The rule amendments adopted by this Order eliminate the reference to the Pennsylvania Bar Institute so that courses offered by other providers approved by the Continuing Legal Education Board may also be accepted by the Disciplinary Board. In order to give the Disciplinary Board flexibility to adjust its requirements to the courses being offered at the time, the rule amendments adopted by this Order also eliminate from § 89.279(c) the list of course subjects that must be taken.

A Notice of Proposed Rulemaking regarding the changes being adopted by this Order was published in the *Pennsylvania Bulletin* on August 3, 1996. No comments were received in response.

The Disciplinary Board of the Supreme Court of Pennsylvania hereby finds that the amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Rule 205(c)(10) of the Pennsylvania Rules of Disciplinary Enforcement, orders:

- (1) Title 204 of the Pennsylvania Code is hereby amended as set forth in Annex A hereto.
- (2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).
- (3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall

apply to all reinstatement proceedings thereafter commenced and, insofar as just and practical, to proceedings pending at the time.

(4) This order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.279. Evidence of competency and learning in law.

(a) *General rule.* Except as provided in subsection (b), in order to permit the Board to determine under Enforcement Rule 218 (relating to reinstatement) whether a formerly admitted attorney who has been disbarred or suspended for more than one year or who has been on inactive status for more than three years possesses the competency and learning in the law required for reinstatement to practice in this Commonwealth, such a formerly admitted attorney shall within one year preceding the filing of the petition for reinstatement take (and prior to hearing on the petition, complete) courses [**or lectures**] meeting the requirements of the current schedule [**of subjects**] published by the Office of the Secretary under subsection (c).

* * * * *

(c) [*Schedule of subjects*] **Publication of schedule.** At least annually the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a schedule of the minimum [**number and type of Pennsylvania Bar Institute courses and lectures which**] amount, type and subjects of continuing legal education courses that will satisfy the requirements of subsection (a). [**Except as otherwise provided in the currently published schedule, courses or lectures on the following subjects will satisfy the requirements of subsection (a):**

- (1) **Estate planning, creditor's remedies and bankruptcy, civil litigation, business law, administration of estates, consumer transactions, real estate transactions, and family law; or**
- (2) **in place of any two of the courses or lectures in the preceding paragraph, criminal procedure, or criminal trial techniques.]**

* * * * *

[Pa.B. Doc. No. 97-73. Filed for public inspection January 17, 1997, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF
PENNSYLVANIA COURTS**

[204 PA. CODE CH. 211]

Promulgation of Consumer Price Index and Judicial Salaries Under Act 51 of 1995; No. 179; Doc. No. 1

[Correction]

A per curiam Order and Annex A were published at 26 Pa.B. 5881 (December 7, 1996). Section 211.1 is corrected as set forth below. The balance of the document was correct as published earlier.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX

§ 211.1. Consumer Price Index.

(a) Pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* the percentage of increase in the Consumer Price Index for the most recent 12-month period and the judicial salaries effective January 1, 1997, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq. See, No. 1 Judicial Administration Docket No. 179.

(b) The Court Administrator of Pennsylvania reports that the percentage of increase in the Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending September 30, 1996, was 2.6 percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Wednesday, October 21, 1996.)

[Pa.B. Doc. No. 96-2051. Filed for public inspection December 6, 1996, 9:00 a.m.]

PENNSYLVANIA COMMISSION ON SENTENCING

[204 PA. CODE CH. 303]

Proposed Offense Gravity Scores for New Offenses and Drug Offenses

The Pennsylvania Commission on Sentencing is hereby

Table 1: Proposed offense gravity scores for new/amended offenses

TITLE	SECTION	OFFENSE	OLD STATUTORY GRADE	NEW STATUTORY GRADE	PROPOSED OGS	1996 REGULAR SESSION	EFFECTIVE DATE
18	907	Possessing instruments of crime					
	(c)	Unlawful body armor	new	F3	5	Act 1996-98	Sep. 9, 1996

submitting proposed offense gravity scores (OGS) for new and amended offenses passed by the legislature during 1996. These proposed scores are for offenses that were not included in the proposed guideline revisions that were published in the July 20, 1996 edition (vol. 26, No. 29) of the *Pennsylvania Bulletin* and were the subject of public hearings in the Fall of 1996.

The Commission is also proposing four changes to the recommendations for drug offenses: 1) that the exception for prescription pills be limited to Schedule II drugs (rather than for all schedules) for convictions under 35 P. S. § 780-113(a)(12); 2) that the categories for prescription pills be changed to align them better with the weight categories; 3) that the offense gravity score for convictions under 35 P. S. § 780-113(a)(12), (14) and (30) involving a schedule V drug be raised from 1 to 3 to make it consistent with the recommendation for simple possession; and 4) that the threshold for the lowest quantity of drugs be lowered from 2.5 grams to 1 gram for convictions under 35 P. S. § 780-113(a)(12), (14) and (30) when the drug is heroin.

The procedure for amending the guidelines is mandated by 42 Pa.C.S. § 2155. This statute requires that all changes to the guidelines be published and that public hearings be held no sooner than thirty days and no later than sixty days from the date of this publication. The Commission will be holding a public hearing for persons to testify on the proposed changes at the following location:

Harrisburg Friday, February 21st, 1997 at 9:00 a.m.
Penn State Downtown Center
Room 101
234 North Front Street

Arrangements to testify can be made by contacting the Commission via phone (814) 863-2797 (extension 1), fax (814) 865-0861 or E-mail (CWD2@psu.edu). Written testimony should be addressed to Dr. John Kramer, Executive Director, Commission on Sentencing, P. O. Box 1200, State College, PA 16804. Persons who are testifying are requested to bring 30 copies of their testimony to the public hearing.

The Commission will evaluate the proposed offense gravity scores for these offenses after consideration of the testimony and comments received. The proposed scores adopted by the Commission will then be incorporated into the entire package of proposed revisions and submitted to the General Assembly for its review, by publication in the *Pennsylvania Bulletin*. At that time, the proposed amendments would become effective within 90 days of their submission unless rejected by concurrent resolution by the legislature.

SENATOR DAVID W. HECKLER,
Chair

TITLE	SECTION	OFFENSE	OLD STATUTORY GRADE	NEW STATUTORY GRADE	PROPOSED OGS	1996 REGULAR SESSION	EFFECTIVE DATE
18	2702(a)(6)	Aggravated assault (fear SBI)	new	F2	6	Act 1996-7	Apr. 23, 1996
18	3304	Criminal mischief					
	(b)	>\$150 under (a)(4)	new	M3	1	Act 1996-198	Feb. 18, 1997
18	3929	Retail theft					
	(b)(1)(v)	>\$2,000, firearm, motor vehicle	new	F3	5	Act 1996-200	Feb. 18, 1997
18	3930	Theft of trade secrets				Act 1996-128	Dec. 16, 1996
	(a)		F3	F2	7		
	(b)		M1	F3	5		
18	4105	Bad checks				Act 1996-201	Feb. 18, 1997
	(c)(1)(ii)	\$200-<\$500	S	M3	1		
	(c)(1)(iii)	\$500-<\$1,000	S/M2	M2	2		
	(c)(1)(iv)	\$1,000-<\$75,000	M2	M1	3		
	(c)(1)(v)	\$75,000 or more	M2	F3	5		
	(c)(2)*	3rd/sub. <\$75,000	M2	M1	3		
	(c)(2)*	3rd/sub.>\$75,000 or more	M2	F3	5		
18	4107	Deceptive/fraud. bus. practices				Act 1996-145	Feb. 3, 1997
	(a.1)(1)(i)	>\$2,000	M2	F3	5		
	(a.1)(1)(ii)	\$200-\$2,000	M2	M1	3		
	(a.1)(1)(iii)	<\$200	M2	M2	2		
	(a.1)(1)(iv)	amount unknown	M2	M2	2		
	(a.1)(3)(i)	>\$2,000, victim 60yrs. +	M2	F2	7		
	(a.1)(3)(ii)	\$200-\$2,000, victim 60yrs. +	M2	F3	5		
	(a.1)(3)(iii)	<\$200, victim 60yrs. +	M2	M1	3		
	(a.1)(3)(iv)	amount unknown, victim 60 yrs. +	M2	M1	3		
18	4116	Copying; recording devices				Act 1996-194	Feb. 18, 1997
	(g)(1)*	100 or more pictures; 1,000 or more recording devices	M1	F3	5		
	(g)(1)*	2nd; sub. conv.	M1	F2	7		
	(g)(2)*	any other violation	M1	M1	3		
	(g)(2)*	2nd; sub. conv.	M1	F3	5		
18	4116.1	Unlawful Operation of recording device in theater				Act 1996-194	Feb. 18, 1997

TITLE	SECTION	OFFENSE	OLD STATUTORY GRADE	NEW STATUTORY GRADE	PROPOSED OGS	1996 REGULAR SESSION	EFFECTIVE DATE
		1st violation	new	M1	3		
		2nd/sub. violation	new	F3	5		
18	4118	Washing titles [vehicles]	new	F3	4	Act 1996-11	May 20, 1996
18	4119	Trademark counterfeiting				Act 1996-128	Dec. 16, 1996
	(c)(1)		new	M1	3		
	(c)(2)	Previous conv. >\$100->\$1,000	new	F3	5		
		or >\$2,000-<\$10,000					
	(c)(3)	2 or more previous conv.					
		>1,000 items or >\$10,000	new	F2	7		
18	4913	Impersonating Notary Public	new	M1	3	Act 1996-11	May 20, 1996
18	6301	Corruption of minors					
	(a)(2)	Aid truancy, subseq. viol.	new	M3	1	Act 1996-98	Sep. 9, 1996
42	9793(e)	Failure to register [Megan's Law]	new	F3	6	Act 1996-46	May 22, 1996
75	7132	Prohibited activities, odometer				Act 1996-11	May 20, 1996
		first offense [subchapter D]	M3	F3	4		
		subsequent offense [subchapter	M1	F3	4		
75	7133	Permissible activities, odometer				Act 1996-11	May 20, 1996
		first offense [subchapter D]	M3	F3	4		
		subsequent offense [subchapter	M1	F3	4		
75	7134	Odometer disclosure requirements				Act 1996-11	May 20, 1996
		first offense [subchapter D]	M3	F3	4		
		subsequent offense [subchapter	M1	F3	4		
75	7135	Odometer mileage statement				Act 1996-11	May 20, 1996
		first offense [subchapter D]	M3	F3	4		

Crime 35 P. S. § 780-113(a)	Description	Grade	Offense Gravity Score
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5-<10 gms)	F	[8] 7
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6
	Schedule V	M	[1] 3
	Prescription Pills involving Schedule II drug (>100 pills)	F	10
	Prescription Pills involving Schedule II drug (51-100 pills)	F	9
	Prescription Pills involving Schedule II drug (21-[100] 50 pills)	F	[9] 8
	Prescription Pills involving Schedule II drug (10-20 pills)	F	[7] 6
	Prescription Pills involving Schedule II drug (1-9 pills)	F	[5] 6
	Schedule V	M	[1] 3
(14)	Delivery by Practitioner:		
	Heroin (1 gram-10 grams)	F	[6]/[8] 7
	Heroin (<1 gram)	F	6
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5-<10 gms)	F	[8] 7
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6
	Schedule V	M	[1] 3
(30)	Possession With Intent to Deliver (PWID):		
	Heroin (1 gram-10 grams)	F	[6]/[8] 7
	Heroin (<1 gram)	F	6
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5-<10 gms)	F	[8] 7
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6
	Schedule V	M	[1] 3

NOTE: These proposed offense gravity scores (OGS) are an addendum to the proposed guideline changes that were published in the July 20, 1996 edition of the *Pennsylvania Bulletin* (vol. 26, No. 29)

[Pa.B. Doc. No. 97-74. Filed for public inspection January 17, 1997, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Damages for Delay

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

* * * * *

ADDENDUM

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for

calculating damages for delay under Pa.R.C.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate</i>
January 2, 1980	15% to 15 1/2%
January 2, 1981	20 1/2% to 21 1/2%
January 4, 1982	15 3/4%
January 3, 1983	11% to 11 1/2%
January 3, 1984	11%
January 2, 1985	10 3/4%
January 2, 1986	9 1/2%
January 2, 1987	7 1/2%
January 4, 1988	8 3/4%
January 3, 1989	10 1/2%
January 2, 1990	10 1/2%
January 2, 1991	9 1/2% to 10%
January 2, 1992	6 1/2%
January 4, 1993	6%
January 3, 1994	6%
January 3, 1995	8 1/2%

<i>Date of Publication</i>	<i>Prime Rate</i>
January 2, 1996	8 1/2%
January 2, 1997	8 1/4%

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 97-75. Filed for public inspection January 17, 1997, 9:00 a.m.]

**Title 255—LOCAL
COURT RULES**
CHESTER COUNTY

**Amendment of Local Orphans' Court Rule
L6.1A: Form; Additional Requirements; Style**

Order

And Now, December 30, 1996, we adopt the following Local Orphans' Court Rule L6.1A, effective immediately.

It will replace the present Local Rule L6.1A.

By the Court

LAWRENCE E. WOOD,
President Judge

Rule L6.1A. Form. Additional Requirements. Style.

(1) *Form in General.* Accounts shall be prepared in substantial conformity with forms approved by the Supreme Court of Pennsylvania.

(2) *Paper.* (No changes)

(3) An account shall have attached thereto a petition for adjudication and statement of proposed distribution.

(4) Accounts must conform to any additional requirements shown on accounts check lists which may be obtained from the Clerk of the Orphans' Court.

(5) Accounts not conforming to all requirements by the call of the audit list will be deferred.

[Pa.B. Doc. No. 97-76. Filed for public inspection January 17, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 163]

Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers

The Insurance Department (Department) adopts Chapter 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers) to read as set forth in Annex A.

Under statutory insurance accounting principles, an insurer is permitted to reduce its liability or reserves for losses that are reinsured. When a reinsurer is neither licensed by the Department to transact insurance business in this Commonwealth nor included on the Department's list of qualified reinsurers, the obligations of the reinsurer must be secured in order for the ceding insurer to be permitted to take accounting credit for the reinsurance in its financial statements. These regulations establish minimum requirements for trust agreements, letters of credit and other forms of security acceptable to the Department for credit for reinsurance with unlicensed, unqualified reinsurers.

Statutory Authority

These regulations are adopted under the authority of sections 319—319.2 of The Insurance Company Law of 1921 (act) (40 P. S. §§ 442—442.2)

Comments

Notice of proposed rulemaking was published at 26 Pa.B. 996 (March 9, 1996) with a 30-day public comment period.

No comments were received from the standing committees. Comments were received during the 30-day public comment period from The Insurance Federation of Pennsylvania, Inc. (IFP). On May 8, 1996, the Independent Regulatory Review Commission (IRRC) submitted its comments and recommendations to the Department. The following is a summary of the comments and the Department's response in its final rulemaking.

1. *Substitution of Assets*

Section 163.6(b) (relating to requirements for assets held in trust accounts) requires prior written instructions from the beneficiary for each individual substitution or withdrawal of assets in a trust account for the following transactions:

- A substitution or withdrawal that occurs within 6 months of the date the trust account is funded.
- A substitution or withdrawal that, combined with other substitutions or withdrawals made within the preceding 12 months, exceeds 50% of the total fair market value of the assets in the trust account.

The IFP commented that § 163.6(b) was overly restrictive and burdensome and should be removed from the regulations. IRRC noted that the requirements in § 163.6(b) were based on the Department's past experience with insolvent insurers and agreed with the Department's position.

As a result of further discussions with the IFP, the Department has agreed to provide for a limited exemption from the requirements in § 163.6(b) for assets that have been designated as Class One or Class Two by the Securities Valuation Office (SVO) of the National Association of Insurance Commissioners (NAIC), as set forth in Annex A. The SVO Class One and Class Two securities are investment-grade, readily marketable assets. These types of assets were not involved in past problems with asset substitutions. Therefore, the Department believes that the amended language retains the restrictions needed to protect the value of assets in trust accounts. The Department also has made some structural changes to improve upon the overall clarity of subsection (b).

2. *Credit for Reinsurance with Unlicensed, Unqualified Reinsurers without Security for the Obligations of the Reinsurer*

The IFP proposed the addition of a new subsection (c) to § 163.20 (relating to other security acceptable to the Commissioner) to permit an insurer with a branch office in an alien jurisdiction to take credit for reinsurance with an unlicensed, unqualified reinsurer domiciled in that alien jurisdiction without collateral for the obligations of the reinsurer, subject to certain conditions. The conditions would place the burden on the Department of determining whether the standards of a foreign country are "substantially similar" to those of the Commonwealth. IRRC agreed with the Department's preliminary analysis that the IFP's proposal would place an inappropriate burden on the Department and did not support the proposal.

The Department has given the IFP's concerns further consideration but has not agreed to change its initial position. The Department believes existing laws and regulations provide sufficient alternatives for receiving credit for reinsurance. As referenced by IRRC, credit is allowed if an alien reinsurer: (1) becomes licensed to transact business in this Commonwealth; (2) becomes designated by the Commissioner as a qualified reinsurer; or (3) provides collateral for its obligations. In addition, § 161.8 (relating to credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States) provides conditions under which partial credit for reinsurance with alien reinsurers may be taken without full collateralization. IRRC also noted the difficulties the Department would face in making an initial determination that an alien jurisdiction has laws and standards comparable to the Commonwealth, and in monitoring the status of those laws and standards on a continuing basis. Therefore, the Department believes that the IFP proposal unnecessarily increases the financial risk to domestic insurers associated with reinsurance agreements and has not included the proposal in its final-form regulations.

3. *Unnecessary Language*

In response to IRRC's comments, the Department has deleted extraneous language to improve the clarity of the regulations as follows:

- The term "reinsurance credit" has been deleted as a term in addition to "credit for reinsurance" in § 163.1 (relating to definitions) and has been replaced in the body of the regulations with "credit for reinsurance."
- The second and third sentences of § 163.2 (relating to purpose) have been deleted.

- The phrase “notwithstanding subsection . . .” has been deleted in § 163.6(c) and §§ 163.8(3) and 163.15(10)(c) (relating to resignation or removal of trustee; and requirements for letters of credit).

- The phrase “subsequent intervals no less frequent than” has been deleted from § 163.7(3) (relating to duties and responsibilities of trustees).

4. Definitions

In response to IRRC’s comments, the Department has revised § 163.1 to facilitate an understanding of the terms used in the regulations, as follows:

- Definitions of “company,” “association,” “exchange,” “ceding insurer” and “qualified United States financial institution” have been added to § 163.1.

- The definitions of “grantor” and “trustee” have been moved from § 163.4(b) (relating to funds held in trust) to § 163.1.

- The definitions of “beneficiary” in § 163.4(b) and § 163.14(b) (relating to letters of credit) have been consolidated into a single definition in § 163.1 that references both trusts and letters of credit. The reference to the definition of “beneficiary” in § 163.19 (relating to actions or rights of the Commissioner) has been changed to reference § 163.1.

5. Allowing for Co-Beneficiaries

In addition to recommending that the definition of “beneficiary” be moved to § 163.1, the IFP recommended that the definition be expanded to allow for co-beneficiaries within the same holding company system. IRRC noted that the Department indicated in preliminary discussions that it did not oppose allowing co-beneficiaries for domestic insurers within the same holding company system, if the insurers are participating in a joint reinsurance pooling arrangement or other arrangement that establishes the respective rights of each insurer. The Department believes that a provision for co-beneficiaries must include an arrangement that precludes one beneficiary from withdrawing assets from the trust to the detriment of the other beneficiaries. IRRC agreed with the Department’s position. Therefore, in response to the IFP’s concerns, the Department has amended the definition of “beneficiary” to allow for co-beneficiaries who are members of the same holding company system and who are participants in a joint reinsurance pooling arrangement or other arrangement establishing the respective rights of each insurer.

The IFP’s recommendation to allow co-beneficiaries included a revision to § 163.17(a) (relating to accounting in statutory financial statements for credit for reinsurance secured by letters of credit) to refer to a domestic ceding insurer “listed” as a beneficiary. The Department agrees that this change is consistent with the change in the definition of “beneficiary” and has made the amendment in these final-form regulations. The IFP also commented that allowing co-beneficiaries would require that the term “beneficiary” be made plural throughout the regulations and that the word “sole” be deleted § 163.5(b) (relating to general requirements for assets trust accounts). The Department believes that the change in the definition of the term is sufficient to allow for more than one beneficiary under the stated circumstances and has not made these further changes in the final-form regulations.

6. Summarizing or Reciting Statutory Provisions Referenced in the Final-Form Regulations.

IRRC recommended that the Department summarize, rather than refer to, the requirements in the authorizing statute, section 319.1(b) of the act (40 P. S. § 442.1(b)), in the final-form regulations as follows:

(a) IRRC recommended that the Department include in § 163.6(a) (relating to requirements for assets held in trust accounts) a list summarizing the types of security permitted by section 319.1(b) of the act. Reinsurance agreements may be subject to a number of statutory and regulatory requirements, including the act and Chapters 161 and 162 (relating to requirements for qualified reinsurers; and life and health reinsurance agreements). The Department believes that domestic insurers have ready access to and are familiar with these laws and regulations, as well as with the statutory accounting principles relating to reinsurance agreements. The Department also believes it is not advisable to summarize these statutory requirements in the regulations because it would increase the potential for misinterpretation and noncompliance with statutory requirements. The Department does not object to reciting, rather than summarizing, statutory language in the regulations if the statute is not lengthy or subject to misinterpretation if taken out of the context of the statute. However, because of the nature and length of section 319.1(b) of the act, the Department does not believe it should be recited in the regulations. Therefore, the Department has not amended § 163.6(a) in these final-form regulations.

(b) IRRC recommended that the Department include a summary of the requirements in section 319.1(b)(4) of the act in § 163.20(a). Because the applicable statutory language is not lengthy and is clearly understood outside the context of the statute, the Department has agreed to recite, rather than summarize, the applicable statutory language in § 163.20(a).

(c) IRRC also recommended that the Department specify in § 163.20(b) that an insurer may take credit for unencumbered funds in the form of cash or securities as identified in section 319.1(b)(1) and (2) of the act, rather than referring to “forms as permitted” under the statute. The Department has agreed to make this recommended change.

7. Resignation or Removal of Trustee

Section 163.8(3) establishes requirements that must be met before a trustee may resign or be removed. The IFP recommended the addition of a subparagraph (iv) to § 163.8(3) to clarify that a trustee may resign or be removed if a trust is replaced by alternative arrangements that qualify for credit for reinsurance under the regulation. IRRC agreed with the IFP’s understanding that nothing in the regulations would otherwise prevent a trust from being replaced with a letter of credit or other forms of security acceptable to the Department. IRRC recommended that the IFP’s provision be included in the final-form regulations.

The Department agrees that nothing in the final-form regulations precludes one form of security being replaced with another. However, the introductory statement in § 163.8 reads:

This section applies if the resignation or removal of a trustee *does not result in the termination of the trust agreement* under § 163.9 (relating to termination of trust agreements). (emphasis added)

Therefore, the restrictions in § 163.8 apply only when there is a change in the trustee for an existing agree-

ment, not when an agreement is terminated and replaced with another form of security. Therefore, the Department has not included the recommended language in its final-form rulemaking because it contradicts, rather than clarifies, existing language.

8. *Required Provisions in Reinsurance Agreements*

Sections 163.11 and 163.16 (relating to requirements for provisions in reinsurance agreements entered into in conjunction with trust agreements; and provisions in reinsurance agreements entered into in conjunction with letters of credit) list provisions that shall be included in reinsurance agreements entered into in conjunction with trust agreements and letters of credit. The IFP recommended that "shall" be replaced by "may" or, in the alternative, that the required provisions be permitted to be included in a document other than the reinsurance agreement. IRRC noted that simply replacing the word "shall" with "may" would turn the requirements into options and recommended that the final-form regulations be clear that the provisions are required to be in either the reinsurance agreement or another specific document.

In response to these comments, the Department has amended the final-form regulations, as follows:

- § 163.11 has been amended to require that the provisions be included in either the reinsurance agreement or the trust agreement.
- § 163.16 has been amended to require that the provisions be included in either the reinsurance agreement or an ancillary agreement thereto.

9. *Nonrenewal of a Letter of Credit*

Section 163.16(3) of the proposed regulations provided that nonrenewal of a letter of credit is an event of default that allows the ceding insurer to draw down the full amount of the letter of credit. The IFP commented that the term "default" was not defined in the proposed regulations and was not appropriate in the event of nonrenewal. The IFP recommended language to specify that notice of nonrenewal is a "reason" that allows the ceding insurer to draw down the full amount of the letter of credit. The Department agrees with the IFP's comment and has included the recommended language in its final-form regulations.

10. *Typographical Errors*

IRRC noted several typographical errors in the proposed regulations and recommended that they be corrected in the final-form regulations.

The following errors were made in the Department's proposed regulations and have been corrected as follows:

- The reference to subsection (c) in § 163.6(e) has been changed to reference subsection (d).
- The reference to § 163.3(b) in § 163.7(a)(4) has been changed to reference § 163.6(b).

Fiscal Impact

The final-form regulations will not have a measurable impact on costs associated with the Department's analyses of financial statements filed by domestic insurers or with the conduct of onsite financial examinations. The final-form regulations will impose no significant costs on domestic insurers or reinsurers. Any costs required to bring existing reinsurance agreements, trust agreements and letters of credit into compliance with the final-form regulations will be mitigated by the 1-year grace period provided in the final-form regulations for existing agreements and letters of credit. The final-form regulations

have no impact on costs to political subdivisions. While the final-form regulations have no immediate fiscal impact on the general public, the general public will benefit to the extent that adoption of the final-form regulations enhance the financial solvency of domestic insurers.

Paperwork

The final-form regulations impose no additional paperwork requirements on the Department, domestic insurers or reinsurers.

Persons Regulated

The final-form regulations apply to domestic insurers that enter into collateralized reinsurance agreements with unlicensed, unqualified reinsurers. The final-form regulations also affect financial institutions that enter into trust agreements or issue letters of credit used as collateral for these reinsurance agreements.

Contact Person

The contact person is Elaine M. Leitzel, Administrative Officer, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-8840.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 27, 1996, the Department submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 996 (March 9, 1996), to IRRC and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the House and Senate Committees on November 20, 1996. IRRC met on November 21, 1996, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.

Findings

The Insurance Commissioner finds that:

- (1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder 1 Pa. Code §§ 7.1 and 7.2.
- (2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Insurance Commissioner, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 31 Pa. Code, are amended by adding §§ 163.1—163.20 to read as set forth in Annex A.
- (b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.
- (c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by Law.

(d) The regulations adopted by this order shall take effect upon publication in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5915 (December 7, 1996).)

Fiscal Note: Fiscal Note 11-135 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 163. REQUIREMENTS FOR FUNDS HELD AS SECURITY FOR THE PAYMENT OF OBLIGATIONS OF UNLICENSED, UNQUALIFIED REINSURERS

Sec.	
163.1.	Definitions.
163.2.	Purpose.
163.3.	Scope.
163.4.	Funds held in trust.
163.5.	General requirements for trust agreements.
163.6.	Requirements for assets held in trust accounts.
163.7.	Duties and responsibilities of trustees.
163.8.	Resignation or removal of trustee.
163.9.	Termination of trust agreements.
163.10.	Permitted provision in trust agreements.
163.11.	Requirements for provisions in reinsurance agreements entered into in conjunction with trust agreements.
163.12.	Accounting in statutory financial statements for credit for reinsurance secured by trust agreements.
163.13.	Existing trust agreements and underlying reinsurance agreements.
163.14.	Letters of credit.
163.15.	Requirements for letters of credit.
163.16.	Provisions in reinsurance agreements entered into in conjunction with letters of credit.
163.17.	Accounting in statutory financial statements for credit for reinsurance secured by letters of credit.
163.18.	Existing letters of credit.
163.19.	Actions or rights of the Commissioner.
163.20.	Other security acceptable to the Commissioner.

§ 163.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Insurance Company Law of 1921 (40 P. S. §§ 341—991.1718).

Association—Individuals, partnerships or associations of individuals, authorized to engage in the business of insurance in this Commonwealth as insurers on the Lloyds plan.

Beneficiary—The domestic ceding insurer, or domestic ceding insurers who are members of the same holding company system and are participating in a joint reinsurance pooling arrangement or other arrangement establishing the respective rights of each ceding insurer within the same holding company system, for whose benefit a trust or letter of credit has been established and any successor of the beneficiary by operation of law. If a successor in interest to the named beneficiary is effectuated by the issuance of an order by a court of law, the successor beneficiary shall include and be limited to the court appointed domiciliary receiver, including a liquidator, rehabilitator or conservator.

Ceding insurer—An insurer that has transferred all or part of the insurance or reinsurance risk it has written to another insurer or reinsurer.

Commissioner—The Insurance Commissioner of the Commonwealth.

Credit for reinsurance—An increase in assets or reduction in liabilities for reinsurance in financial statements filed with the Department by domestic insurers in accordance with statutory insurance accounting principles.

Department—The Insurance Department of the Commonwealth.

Domestic—Incorporated or organized under the laws of the Commonwealth.

Exchange—Individuals, partnerships and corporations, authorized by the laws of the Commonwealth to exchange with each other inter-insurance or reciprocal insurance contracts.

Grantor—An unlicensed, unqualified reinsurer that has established a trust for the benefit of the beneficiary.

Insurer—A stock or mutual insurance company, including a title insurance company, association or exchange.

Qualified United States financial institution—

(i) An institution that meets the following qualifications:

(A) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or a state thereof.

(B) Is regulated, supervised and examined by United States Federal or state authorities having regulatory authority over banks and trust companies.

(C) Has been determined by either the Commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners or a successor thereto to meet standards of financial condition and standing that are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commissioner.

(ii) For purposes of specifying those institutions that are eligible to act as a fiduciary of a trust, the term also means an institution that meets the following qualifications:

(A) Is organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers.

(B) Is regulated, supervised and examined by Federal or State authorities having regulatory authority over banks and trust companies.

Trustee—A qualified United States financial institution as defined in section 319.1(g) of the act (40 P. S. § 442.1(g)).

Unlicensed, unqualified reinsurer—An assuming insurer which is neither:

(i) Licensed by the Department to transact insurance business in this Commonwealth.

(ii) Included on a list of qualified reinsurers published and periodically reviewed by the Commissioner under section 319.1(a) of the act (40 P. S. § 442.1(a)).

§ 163.2. Purpose.

Section 319.1(b) of the act (40 P. S. § 442.1(b)) establishes conditions whereby a domestic ceding insurer may be allowed to take credit for reinsurance when the assuming reinsurer is an unlicensed, unqualified reinsurer. This chapter establishes minimum require-

ments for trust agreements, letters of credit and other forms of acceptable security for which credit will be allowed for reinsurance ceded to unlicensed, unqualified reinsurers.

§ 163.3 Scope.

This chapter applies to licensed domestic insurers subject to section 319.1(b) of the act (40 P. S. § 442.1(b)) relating to credit for collateralized reinsurance with unlicensed, unqualified reinsurers.

§ 163.4. Funds held in trust.

Trust agreements established for funds held on behalf of a domestic ceding insurer as security for the payment of the obligations of an unlicensed, unqualified reinsurer shall comply with section 319.1(b)—(e) of the act (40 P. S. § 442.1(b)—(e)) and this chapter.

§ 163.5. General requirements for trust agreements.

(a) A trust agreement shall be entered into between the beneficiary, the grantor and a trustee.

(b) A trust agreement shall be established for the sole benefit of the beneficiary.

(c) A trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.

(d) A trust agreement may not be subject to any conditions or qualifications outside of the trust agreement.

(e) A trust agreement may not be conditioned upon any other agreements or documents, except for the reinsurance agreement for which the trust agreement is established.

(f) A trust agreement may not transfer liability from the trustee for the trustee's own negligence, willful misconduct or lack of good faith.

(g) A trust agreement shall create a trust account into which the assets shall be deposited.

(h) A trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to or reimbursing the expenses of the trustee.

(i) A trust agreement shall prohibit the grantor from terminating the trust agreement on the basis of the insolvency of the beneficiary.

§ 163.6. Requirements for assets held in trust accounts.

(a) Assets in the trust account shall be in the form of security permitted by section 319.1(b) of the act (40 P. S. § 442.1(b)) and shall be valued at current fair market value.

(b) A trust agreement shall permit substitution or withdrawal of assets from the trust account only as provided by the following:

(1) Within 6 months of the date the trust account is funded, no substitution or withdrawal of assets may occur except on written instructions from the beneficiary for each individual substitution or withdrawal at the time the substitution or withdrawal is executed.

(2) After 6 months from the date the trust account is funded, no substitution or withdrawal of assets may occur except in accordance with prior written instructions from the beneficiary listing specific types of permitted substitutions or withdrawals of assets that the trustee determines are at least equal in market value to the assets withdrawn and that are in the form permitted by section

319.1(b) of the act and subsection (a); except that, if a substitution or withdrawal of assets, together with other substitutions or withdrawals made within the preceding 12 months, exceeds 50% of the total fair market value of the assets as of the first day of the first month within the preceding 12-month period, the substitution or withdrawal shall be made only on written instructions from the beneficiary for each individual substitution or withdrawal at the time the substitution or withdrawal is executed.

(c) The restrictions on substitutions of assets set forth in subsection (b) do not apply to the substitution of assets that have been designated as Class One or Class Two by the Securities Valuation Office (SVO) of the National Association of Insurance Commissioners if the substitution results in the deposit of SVO designated Class One or Class Two securities that are at least equal in fair market value to the assets withdrawn.

(d) Upon call or maturity of a trust asset, the trustee may withdraw the asset without the consent of the beneficiary, if the trustee provides notice to the beneficiary, liquidates or redeems the assets, and the proceeds are paid into the trust account no later than 5 days after the liquidation or redemption of the assets.

(e) A trust agreement shall permit the beneficiary to have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice of the withdrawal from the beneficiary to the trustee.

(f) No statement or document other than the written notice by the beneficiary to the trustee under subsection (e) shall be required to be presented by the beneficiary to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets.

§ 163.7. Duties and responsibilities of trustees.

A trust agreement shall require the trustee to:

(1) Receive and hold the assets in a safe place at an office of the trustee in the United States.

(2) Determine that the assets are in a form so that the beneficiary, or the trustee upon direction by the beneficiary, may negotiate the assets without consent or signature from the grantor or another person.

(3) Furnish to the grantor and the beneficiary a statement of the assets in the trust account upon the inception of the account and at the end of each calendar quarter.

(4) Notify the grantor and the beneficiary within 10 days of any deposits to or withdrawals from the trust account; except as provided in § 163.6(b) (relating to requirements for assets held in trust accounts).

(5) Upon written demand of the beneficiary, immediately take the steps necessary to transfer absolutely and unequivocally all right, title and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary.

§ 163.8. Resignation or removal of trustee.

This section applies if the resignation or removal of a trustee does not result in the termination of the trust agreement under § 163.9 (relating to termination of trust agreements):

(1) The trustee may resign upon delivery of a written notice of resignation, effective no later than 90 days after notice to the beneficiary and grantor.

(2) The trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written

notice of removal, effective no later than 90 days after notice to the trustee and the beneficiary.

(3) The resignation or removal of the trustee may not be effective until the following requirements have been met:

(i) A successor trustee has been appointed and approved by the beneficiary and the grantor.

(ii) A trust agreement has been executed by the successor trustee which complies with section 319.1(b)—(e) of the act (40 P. S. § 442.1(b)—(e)) and this chapter.

(iii) The possession of, and title to, all assets in the trust have been transferred to the new trustee.

§ 163.9. Termination of trust agreements.

(a) The trustee shall deliver written notification of termination to the beneficiary at least 30 days, but not more than 45 days, prior to termination of the trust account.

(b) Upon termination of the trust account, assets not previously withdrawn by the beneficiary may not be delivered to the grantor except with the written approval of the beneficiary.

§ 163.10. Permitted provision in trust agreements.

The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account.

§ 163.11. Requirements for provisions in reinsurance agreements entered into in conjunction with trust agreements.

When a reinsurance agreement is entered into in conjunction with a trust agreement and the establishment of a trust account, either the reinsurance agreement or the trust agreement shall contain provisions that:

(1) Require the reinsurer to enter into a trust agreement and to establish a trust account for the benefit of the reinsured.

(2) Specify what recoverables and reserves, or both, the agreement is to cover.

(3) Require the reinsurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or transfer legal title to the trustee of all shares, obligations or other assets requiring assignments so that the ceding insurer, or the trustee upon the direction of the ceding insurer, may negotiate these assets without consent or signature from the reinsurer or any other entity.

(4) Require that all settlements of account between the ceding insurer and the reinsurer be made in cash or its equivalent.

§ 163.12. Accounting in statutory financial statements for credit for reinsurance secured by trust agreements.

(a) A trust agreement established in compliance with this chapter may be used by a domestic ceding insurer to take credit for reinsurance ceded to an unlicensed, unqualified reinsurer in a financial statement required to be filed with the Department if the trust agreement is executed and the trust account is established and funded on or before the date on which the domestic ceding insurer files the financial statement.

(b) Credit for reinsurance shall be allowed for reinsurance ceded to an unlicensed, unqualified reinsurer only if the trust account is established in compliance with this chapter. The credit may not exceed the lesser of the current fair market value of assets available to be withdrawn from the trust account or the specific obligations under the reinsurance agreement that the trust account was established to secure.

§ 163.13. Existing trust agreements and underlying reinsurance agreements.

Domestic ceding insurers may continue to take credit for reinsurance ceded to unlicensed, unqualified reinsurers under reinsurance agreements with underlying trust agreements when both the reinsurance agreements and the underlying trust agreements were executed prior to January 18, 1997, if the reinsurance agreements and trust agreements were executed in compliance with applicable State laws and regulations in existence immediately preceding January 18, 1997, until January 19, 1998, after which no credit will be allowed until the reinsurance agreements and underlying trust agreements are brought into compliance with this chapter.

§ 163.14. Letters of credit.

Letters of credit held by or on behalf of a domestic ceding insurer as security for the payment of the obligations of an unlicensed, unqualified reinsurer under a reinsurance agreement shall meet the requirements of section 319.1(b)—(e) of the act (40 P. S. § 442.1(b)—(e)) and this chapter.

§ 163.15. Requirements for letters of credit.

(a) A letter of credit shall:

(1) Be clean, irrevocable, unconditional and evergreen as provided under section 319.1(b)(3)(i) of the act (40 P. S. § 442.1(b)(3)(i)).

(2) Contain an issue date and date of expiration with a term of at least 1 year.

(3) Contain an evergreen clause which prevents the expiration of the letter of credit without due notice from the issuer and provides for at least 30 days notice prior to expiration date or nonrenewal.

(4) Stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented.

(5) Indicate that it is not subject to any condition or qualifications outside of the letter of credit.

(6) Be conditioned upon no other agreement, document or entity, except for the reinsurance agreement for which the letter of credit is issued.

(7) Include a clearly marked section which indicates that it contains information for internal identification purposes only and which contains the name of the applicant and other appropriate notations to provide a reference for the letter of credit.

(8) Contain a statement to the effect that the obligation of the qualified United States financial institution, as defined in section 319.1(g) of the act, under the letter of credit is in no way contingent upon reimbursement of the issuer by the applicant with respect thereto.

(9) Contain a statement that the letter of credit is subject to and governed by the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 500 or subsequent updates) and the laws of the Commonwealth, and drafts

drawn thereunder shall be presentable at an office of a qualified United States financial institution.

(10) Contain a provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article 17 of Publication 500 (or subsequent updates) occur.

(b) A letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit under section 319.1(g)(1) of the act.

(c) A letter of credit may be issued by a qualified United States financial institution authorized to issue letters of credit under section 319.1(g)(2) of the act if the following conditions are met:

(1) The letter of credit is confirmed by a qualified United States financial institution authorized to issue letters of credit under section 319.1(g)(1) of the act.

(2) The issuing qualified United States financial institution formally designates the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts.

(3) The letter of credit meets other requirements of this chapter relating to letters of credit.

§ 163.16. Provisions in reinsurance agreements entered into in conjunction with letters of credit.

When a reinsurance agreement is entered into in conjunction with a letter of credit, either the reinsurance agreement or an ancillary agreement thereto shall contain provisions that:

(1) Require the reinsurer to provide letters of credit to the ceding insurer.

(2) Specify what recoverables and reserves are covered by the letter of credit.

(3) Specify that notice of nonrenewal of the letter of credit is a reason that the ceding insurer may draw down the full amount of the letter of credit.

§ 163.17. Accounting in statutory financial statements for credit for reinsurance secured by letters of credit.

(a) A letter of credit may not be used by a domestic ceding insurer to take credit for reinsurance ceded to an unlicensed, unqualified reinsurer unless the letter of credit has been issued with the domestic ceding insurer listed as a beneficiary and is in compliance with section 319.1 of the act (40 P. S. § 442.1) and this chapter.

(b) Credit for reinsurance secured by a letter of credit shall be allowed in an amount not exceeding the lesser of the amount of the letter of credit or the specific obligations under the reinsurance agreement which the letter of credit was issued to secure.

§ 163.18. Existing letters of credit.

Domestic ceding insurers may continue to take credit for reinsurance secured by letters of credit where both the reinsurance agreements and underlying letters of credit were executed prior to January 18, 1997, if the reinsurance agreements and letters of credit were in compliance with applicable State laws and regulations in existence immediately preceding January 18, 1997, until January 19, 1998, or the renewal date of the letter of credit, whichever time is less, after which no credit will be allowed until the reinsurance agreements and letters of credit are brought into compliance with this chapter.

§ 163.19. Actions or rights of the Commissioner.

The failure of a trust agreement or letter of credit to specifically identify the beneficiary as defined in § 163.1 (relating to definitions) to include a court appointed domiciliary receiver may not be construed to prevent the Commissioner from becoming the successor of the beneficiary as a court appointed domiciliary receiver or to otherwise affect any rights which the Commissioner may possess under the laws and regulations of the Commonwealth.

§ 163.20. Other security acceptable to the Commissioner.

(a) A domestic ceding insurer may take credit for reinsurance for funds or letters of credit provided by a noninsurer parent corporation of the ceding insurer if the requirements of section 319.1(b)(4) of the act (40 P. S. § 442.1(b)(4)) are met, as follows:

(1) The funds or letters of credit are held subject to withdrawal by, and under the control of, the ceding insurer.

(2) The type, amount and form of the funds or letters of credit receive the prior approval of the Commissioner.

(b) A domestic ceding insurer may take credit for unencumbered funds deposited with or withheld by the ceding insurer in the United States if the funds are subject to withdrawal, transfer or substitution solely by the domestic ceding insurer, are under the exclusive control of the domestic ceding insurer, and are in the form of cash or securities as identified in section 319.1(b)(1) and (2) of the act.

[Pa.B. Doc. No. 97-77. Filed for public inspection January 17, 1997, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CH. 53]**

[L-930082]

Small Water and Sewer Company Rate Methodologies

The Pennsylvania Public Utility Commission (Commission) at a public meeting held August 8, 1996, adopted an order to promulgate a final regulation regarding the above-referenced subject. The regulations reduce regulatory burdens and paperwork requirements on small water and wastewater utilities seeking rate changes under the provisions of the Public Utility Code. The revisions permit small water and wastewater companies to establish emergency maintenance and operations funds, reserve accounts and to apply for a purchased water clause under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments) if a substantial portion of their finished water is purchased from an independent entity.

At its public meeting of August 8, 1996, the Commission adopted an order issuing revisions and changes to its regulations which reduce regulatory burdens and paperwork requirements on small water and wastewater utilities seeking rate changes under the provisions of the Public Utility Code. The revisions permit small water and wastewater companies to establish emergency maintenance and operations funds, reserve accounts and to apply for a purchased water clause under 66 Pa.C.S.

§ 1307 (relating to sliding scale of rates; adjustments) if a substantial portion of their finished water is purchased from an independent entity.

These provisions were drafted under a petition by an ad hoc coalition of small water and wastewater utilities. They are intended to address the difficulty which some small utilities have in navigating the complex and expensive ratemaking process, and also to address the increasing capital demands placed on small companies as a result of increasingly stringent environmental and water quality regulations.

The contact persons are John A Levin, Law Bureau, telephone (717) 787-5978 and Shirley Leming, Law Bureau, 782-4597.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 754.5(a)), the Commission submitted a copy of the final rulemaking, which was published at 24 Pa. B. 4594, and served on August 30, 1994, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received as well as other documentation.

In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

These final-form regulations was deemed approved by the House Committee on Consumer Affairs and were approved September 25, 1996, by the Senate Committee on Consumer Protection and Professional Licensure, and were disapproved by IRRC on October 3, 1996. A report and order was submitted to the legislative committees under section 7(b) of the Regulatory Review Act (71 P. S. § 754.7(b)) on November 4, 1996. No action was taken by the legislative committees and the regulations are thereby deemed approved.

Public Meeting held
August 8, 1996

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; Robert K. Bloom

Final Rulemaking Order

By the Commission:

I. History of the Proceeding

With this order, the Commission hereby issues new rules with regard to alternative ratemaking for small water and sewer¹ utilities. On June 28, 1993, the Commission issued an advance notice of proposed rulemaking at the above docket, published at 23 Pa.B. 3290 (July 10, 1993) and later issued a notice of proposed rulemaking (NPR) by order entered May 13, 1994, published at 24 Pa.B. 4594 (Sept 10, 1994). Comments on the proposed rulemaking were due on October 25, 1994. Four sets of comments were received.²

This rulemaking proceeding was prompted by a petition filed by an ad-hoc coalition of small water and wastewa-

ter companies (SURG) on May 29, 1992, at P-920583. SURG's petition prompted issuance of an Advance Notice of Proposed Rulemaking, in which the Commission circulated a draft of proposed regulations intended to address what SURG characterized as a serious problem afflicting small water and wastewater companies unable to cope with ratemaking procedures and the cost of rate litigation in a system originally designed to address the rates of large and sophisticated utilities.

These problems tend to afflict smaller, less sophisticated utilities—in particular, small water and sewage companies—many of whom (or whose predecessors) escaped regulation at the outset of operations. When all or most of a utility's rate base is excluded for either of these reasons, the utility earns little or no return on a per-books basis. As a consequence, rate base ratemaking fails to generate a return for small utilities that have little or no net rate base; this lack of return results in a situation where no revenue stream exists to finance normal operations and capital additions or improvements.

SURG petition at 2.

This situation has become even more acute since 1992. Recent changes in environmental and clean water laws affect all water and wastewater utilities, regardless of size. Many small companies are now required to install and maintain expensive filtration, chlorination or waste treatment facilities, engage in sophisticated testing and comply with detailed environmental and safety reporting requirements. These increased obligations have resulted in the doubling or tripling of the annual cost of water for some companies, and has stressed some small water and wastewater company managements beyond their capabilities. Regionalization is one answer (that is, the merging or consolidation of smaller companies into bigger companies). Fifteen years ago, this Commission regulated approximately 400 small water and wastewater companies and company divisions. Through mergers and acquisitions, we now regulate approximately 210. However, regionalization is not a panacea, and many small water and wastewater companies and divisions are geographically isolated from other systems and may not be suitable for acquisition or merger.

We now count 81 of those companies as problem water companies (most of which report less than \$250,000 in annual revenues). Each has recently been the subject of a large number of customer complaints alleging inadequate service, has experienced an income loss over a 2-3 year period, has not filed for a change in rates for a 3-5 year period, has been the subject of Department of Environmental Protection (DEP) water quality complaints or has failed to file annual reports with or pay assessments to this Commission in violation of 66 Pa.C.S. § 504 and 52 Pa. Code § 65.19. Our experience is that those five factors indicate financial and managerial problems which preface a steady downward spiral of service quality, and in serious cases, service interruptions or bankruptcy.

This is not a hypothetical problem. Six small water and wastewater companies in the Commonwealth have filed for Federal bankruptcy protection in the last 5 years. In our view, inflationary and regulatory pressures on small water and wastewater companies will not abate in coming years, but increase. Many communities which have heretofore relied upon individual residential and commercial wells and groundwater have already found or will shortly find such sources no longer available, environmentally restricted or contaminated. At the same time, new development continues in the Commonwealth, along with a

¹"Sewer" utilities are increasingly coming to be known as "wastewater" utilities. We have conformed with this change in the text of this order and in the proposed regulations. We do not intend any substantive change as a result.

²Comments were received from IRRC, Office of Trial Staff, Office of Consumer Advocate and Philadelphia Suburban Water Company as well as correspondence from the Honorable David R. Wright, who was then Chairperson of the Consumer Affairs Committee of the House of Representatives.

continuing need for the creation and continued operation of small, regionally isolated water and wastewater companies. Such companies are often operated by a small developer or other real estate investor incidental to a subdivision of land, and are often staffed by no more than a handful of full time employees. These regulations address companies with gross annual revenues of \$250,000 or less. Based upon typical residential bills of \$250-500 annually per household, such companies might serve 500 to 1000 residential customers, but many are much smaller.

The typical public utility rate case involves the presentation of accounting, managerial, engineering, financial and other expert testimony and evidence. Rate base/rate of return regulation, which has been the ratemaking methodology used most commonly for fixed utilities such as water, wastewater, telecommunications, electric and gas utilities, has been based upon the reasonable assumption that such utilities are heavily capital intensive industries. It also assumes that the level of investment by the owners of the enterprise is a fair measure of the level of return which may be fairly demanded by such owners, and that therefore the valuation of the rate base of such utilities is a necessary element in determining what is a fair return, as a component of overall just and reasonable rates. Contested rate cases often require days of hearings, hundreds or even thousands of pages of transcript and the consideration of a mass of detailed data on plant valuation, depreciation, Federal and State taxation, applicable market rates of return, expected revenues under the proposed rates, expenses, test year normalizations of unusual or nonrecurring revenues and expenses, and rate structure issues. It is not unusual for small utilities to request recovery of \$50,000 to \$100,000 or more in rate case expenses, boosting the overall rate burden on customers. Because such companies have few customers, the burden is correspondingly greater, and rate case expense may easily comprise one quarter or more of the total annual cost of providing water service. Such costs do not include the costs expended by various governmental entities involved in the issues. The Commission and the Office of Consumer Advocate (OCA), the Office of Trial Staff (OTS), and the Office of Small Business Advocate (OSBA) are all funded through utility assessments.

The greatest regulatory problem with the rate base/rate of return paradigm is presented when a small water or wastewater utility has little or no rate base on which to base a return. That circumstance may come about in several different ways. An older utility may have reached full depreciation of its plant (mains, buildings, and the like) over the years, or the utility may have been constructed largely with customer contributions.

The Public Utility Code enjoins upon the Commission the duty to enforce the Public Utility Code (66 Pa.C.S. § 501), to assure that rates are just and reasonable (66 Pa.C.S. § 1301) and that service is adequate, efficient, safe and reasonable, and reasonably continuous (66 Pa.C.S. § 1501). It is nowhere enjoined upon the Commission that it must pursue these ends in an absurd manner, or to adhere to practices that have the paradoxical result of defeating the Public Utility Code's purpose and intent.

We regard the continued application of the rate base/rate of return model to small water and wastewater company rate cases as counterproductive and harmful to the public interest in some cases. It is poor public policy to continue practices which prevent small companies from

obtaining legitimate revenue increases because they are legally or financially unable to navigate or fairly utilize the ratemaking process.

Since issuance of our proposed rulemaking in 1994, the Commonwealth Court has handed down a decision in *Popowsky v. Pa.P.U.C.*, 674 A.2d 1149 (Cmwlth. Ct. 1996) (*LP Water and Sewer*) with direct bearing on this rulemaking. The Court was squarely presented with the question of the lawfulness of the use of the operating ratio methodology in a challenge to a Commission rate order by OCA. The Court found that the Legislature has given the Commission considerable latitude to determine which is the appropriate rate setting methodology in any particular case, and that the Public Utility Code does not limit our discretion to use of the rate base/rate of return methodology. OCA had argued before the Court, as it argued previously in this rulemaking proceeding, that 66 Pa.C.S. § 1311(d) proscribes the use of an operating ratio for setting the rates of any utilities but "common carriers." Our Commonwealth Court found, on the contrary, that:

[T]hat analysis is an incorrect reading of the statute. The statute only provides that public utilities which are engaged exclusively as common carriers may use an operating ratio. Section 1311(d) does not preclude the PUC from using such a ratio to set the rates of other public utilities...The code is silent as to what particular method the PUC must implement at arriving at a reasonable rate, and "as long as there is a rational basis for the PUC's methodology, such decisions are left entirely up to the discretion of the PUC which, using its expertise, is the only one which can properly determine which method is the most accurate given the particular circumstances of the case and economic climate."

LP Water and Sewer at 1155, (citing *West Penn Power v. Pa.P.U.C.*, 607 A.2d 1132, 1135 (1992)). We regard this case as dispositive of the challenges raised regarding the legality of the operating ratio methodology by commentators.

II. Comments

Four sets of comments, in addition to correspondence from the Chairperson of the House Consumer Affairs Committee, have been received with regard to the proposed rules. Comments were received from the Independent Regulatory Review Commission (IRRC), OCA, OTS and the Philadelphia Suburban Water Company (PSWC). The Honorable David R. Wright, who was then Majority Chairperson of the House Consumer Affairs Committee, states in a letter to the Commission that he has no comments with regard to the proposed regulations.

A. IRRC Comments

IRRC adopted OCA's comments with regard to the lawfulness of the operating ratio method of ratemaking. As this issue has now been resolved by the holding in *L.P. Water & Sewer*, we simply note that the operating ratio method is indeed lawful and authorized by the Public Utility Code. IRRC also adopts OCA's suggestion that the "used and useful" rule prohibits use of an Emergency Maintenance and Operation Fund (EMOF). We note that the "used and useful" rule prohibits the collection by a utility of a return upon plant that is not used or useful in the public service. While we allow no return on EMOF contributions, (and indeed, in an operating ratio environment, return on rate base is an irrelevant concept) the EMOF is clearly used and useful in that it provides a reserve for coping with emergencies in a manner similar

to insurance, but with greater regulatory controls. We note, moreover, that customer contributions in aid of construction (with no return) are presumptively legal, commonplace and would be unlawful under IRRC's interpretation of the Public Utility Code.

IRRC has requested that we provide the "approximate proportion of small water and sewer utilities in financial difficulties because of the ratemaking process and explain how the proposed regulation will alleviate this problem." A 1995 survey of water companies (not including small wastewater companies) indicates that nearly 80 companies are considered to be "problem water companies" throughout the Commonwealth and nearly all of which would qualify as small water companies under these rules. We believe that all or nearly all of these water companies are to some extent suffering financial difficulties because of the time, difficulty and expense associated with traditional rate base/rate of return formal ratemaking procedure. As we have noted elsewhere, regionalization is one solution to the problem of troubled small water and sewer companies, not the sole solution.

Neither law, nor sound public policy requires that this Commission pursue one solution to the exclusion of all others. Although IRRC appears to see a conflict between alternative ratemaking procedures for small companies and the regionalization effort, we believe that perception is incorrect. The goal remains, under any ratemaking methodology, to set "just and reasonable" rates. It cannot lawfully be the policy of the Commonwealth to make the ratemaking process so arduous and expensive that small companies cannot obtain the rate relief to which they are otherwise entitled. It is *a fortiori* more improper to, as IRRC and PSWC seem to suggest we do, create a difficult ratemaking environment solely to encourage small water and wastewater companies to sell out to larger companies.

With respect to IRRC's inquiry as to how many small water and sewer companies will qualify as small water and wastewater companies under these rules, according to 1995 annual reports, of 233 water utilities and 90 wastewater utilities reporting actual or estimated revenues in 1995, 172 water utilities and 69 wastewater utilities have revenue of \$100,000 or less, 22 water utilities and 5 wastewater utilities have annual revenues of greater than \$100,000 and less than \$250,000 annually, and 39 water utilities and 16 wastewater utilities have annual revenues of greater than \$250,000.

We believe that § 53.54(b)(2) and (4) adequately define the purpose and applicability of the operating ratio method and properly lays the burden of demonstrating its applicability in any particular rate case upon the utility desiring to employ the methodology. It would therefore be inadvisable to add language, as IRRC suggests, which further limits or defines the applicability of the methodology. We note that small companies may, through new construction, replacement of old plant or otherwise, acquire a sufficiently increased rate base so that use of the operating ratio methodology is no longer appropriate. It would be unwise to require that the operating ratio methodology be the subject of a one-time election, as IRRC suggests.

With respect to use of "rate case history," "quality of service" and "efficiency of operation" and "fairness of the resulting return," listed as subparagraphs (v), (vi) and (x), in § 53.54(b)(2), we note that we have no desire to utilize the operating ratio to "prop up" a hopelessly inefficient or mismanaged utility, nor to unjustly reward a utility with a record of management failure or which frequently files

meritless or frivolous rate claims, and will take such factors into account in setting the operating ratio so as not to improperly reward such behavior. We believe that the operating ratio methodology should be informed, overall, by fairness. Since the ultimate test of all rates is whether they are "just and reasonable," the fairness of the return resulting from the operating ratio method is highly relevant to our deliberations.

With regard to the purchased water cost adjustment, IRRC is correct that a utility which chooses to file such an adjustment tariff will be required to immediately reduce its rates and reflect the full cost reduction if the cost of purchased water goes down, but may only collect purchased water cost increases prospectively from the date of filing. This provision prevents companies from attempting to "net out" cost increases and decreases by delaying the reporting of purchased water cost decreases until later increases have "netted out" the difference.

We also decline IRRC's invitation to limit the applicability of emergency fund or reserve accounts to utilities which utilize an operating ratio. Small water and wastewater companies with limited access to capital have need of both devices whatever the ratemaking methodology.

B. OTS Comments

OTS, the prosecutorial office of the PUC, indicates that it "has the same concerns about the revised proposal as it did regarding the original proposal" and accordingly, attached a copy of its 1993 comments to our advance notice of proposed rulemaking, incorporating them by reference. As our notice of proposed rulemaking has adequately dealt with OTS's 1993 comments, we see no need to engage in further analysis.

OTS further asserts that 66 Pa.C.S. § 1315 prohibits "rate base inclusion and any other form of rate recognition for capital plant expenditures relating to plant which is not yet used and useful in the public service." OTS thus opines that our proposed reserve fund violates § 1315, even though such funds are to be treated as "customer contributions," and as a result do not provide any revenue available for return to the utility.

We believe that OTS has grossly misread § 1315. While the "used and useful" doctrine applies to all utilities, the cited section clearly applies only to "electric utilities," and not to other utilities. This rulemaking proceeding is clearly limited to small water and wastewater utilities.

If we read OTS's comments to be founded instead upon the "used and useful doctrine," again, we believe that OTS has misread the law. The EMOF and reserve fund provisions do not represent either an addition to rate base or a return of interest upon invested capital. Instead, both provisions are akin to customer contributions in aid of construction, or prepaid insurance provisions. A utility may not collect any interest or include any portion of either contribution in its rate base, assuming that it chooses to employ a rate base/rate of return methodology for claiming rate relief. We therefore reject OTS's comments with regard to the reserve fund.

C. OCA Comments

OCA filed more extensive comments. OCA suggests that raising the §§ 53.52(b)(2) and 53.54(a)(6) eligibility caps (for small water company rate treatment) is inappropriate. OCA suggests that the proposed cap, \$250,000, would discourage regionalization. As we have noted elsewhere in this order, much regionalization has already been accomplished over the last 15 years and equally important, inflation continues to impact the present \$100,000 thresh-

old. It is only proper that fixed threshold numbers such as these either be indexed or periodically adjusted. Our judgment is that the annual revenue threshold of \$250,000 will reach most of the smallest companies, that is to say, those with fewer than approximately 500 customers. While we support regionalization, it is not an end in and of itself, but a means of assuring service to customers who would otherwise be served by ailing or insolvent management. There may be many companies within the proposed threshold that are not easy candidates for regionalization, but which may be rehabilitated by the availability of appropriate rate relief.

OCA suggests that instead of utilizing operating ratio, we engage in an annual "generic rate of return" process for all small water companies. Small water companies would then file rate cases that would be resolved within the "predetermined generic range of common equity" determined in such annual proceedings. We do not understand how OCA's suggestion reduces the expense and difficulty of small water company rate proceedings, and note that OCA suggests that "parties would retain the right to argue on the record as to the company's appropriate return on equity within the Commission's generic range or to argue that the company's return on equity should be outside that range." In our view, OCA's suggestion amounts to adding a generic annual proceeding on top of our existing rate setting process, with no benefit to either ratepayers or small water companies. For similar reasons, we reject OCA's suggestion to add additional filing requirements for small water and wastewater utilities.

OCA supports our proposed "purchased water" adjustment, but suggests that certain information be required to be filed to substantiate such cost changes. We believe the suggested language is appropriate and have largely adopted it.

OCA suggests that we adopt time limits for certificates of public convenience and certain notice requirements for initial service, abandonment or transfers of utility assets. While these are interesting concepts to which we have given some previous informal consideration, they are outside the scope of this rulemaking. We suggest that OCA raise these issues in a future application proceeding, or in the alternative, prepare a more detailed petition describing these proposals.

OCA argues that operating ratios are not permitted by the Public Utility Code. As noted above, the Commonwealth Court has held otherwise. With respect to the public policy arguments and suggested changes raised by OCA, they have been previously considered and rejected.

With respect to the proposed EMOF fund, OCA continues to oppose it on grounds similar to its comments in the proposed rulemaking proceeding. We note that a persistent theme in small water company crises and service difficulties is that inability of small companies to obtain access to capital. While larger companies can easily issue long-term debt or equity, small companies have neither the skill, financial stability nor economies of size and scale to consider borrowing from the public capital markets. Traditional borrowing sources are also difficult to access. Banks are understandably reluctant to lend money to small, troubled water companies. OCA's objections to EMOFs bear no rational relationship to the real problems faced by the small water and wastewater companies in this Commonwealth. Given the final rules' emphases on reporting and other requirements, there appears to be no need to impose third party escrow

obligations on EMOFs.³ We reject OCA's comments with respect to reserve accounts for the same reasons.

D. PSWC Comments

PSWC filed comments essentially suggesting that these regulations would make it harder for PSWC to acquire small companies in regionalization efforts.

PSWC is concerned that, by making it easier for small troubled water companies to obtain rate relief, the Commission might inadvertently perpetuate their existence and/or encourage new, similarly ill-equipped, systems to commence operations, such as those created by real estate developers that become public utilities as a result of their building activities.

It should be pointed out that not every troubled small water or wastewater company is well suited for acquisition by an existing large company. Regionalization has already been pursued for a number of years, and many of the obvious or easiest candidates for regionalization have already been merged into or acquired by stronger companies. Further, we do not regard the remedies as mutually exclusive. Finally, as PSWC correctly points out, many small water and wastewater companies are created as an incident to land development. We find PSWC's suggestion that these regulations will cause the sprouting of a new crop of financially unviable small water and wastewater utilities to be an unlikely scenario.

III. Conclusion

Accordingly, in order to enable the Commission to carry out its responsibilities under the Public Utility Code to ensure that water and wastewater service is rendered in accordance with the provisions of the Public Utility Code's requirements that service be rendered in a safe, adequate and reliable fashion at just and reasonable rates, the Commission is amending its regulations as described above and as set forth in the final-form regulations contained in Annex A. Under 66 Pa. C.S. §§ 1301—1304, 1307—1309, the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq., and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission adopts these final-form regulations amending existing regulations at 52 Pa. Code §§ 53.52 and 53.54, as noted above and in the manner set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The Commission's regulations at 52 Pa. Code Chapter 53, §§ 53.52 and 53.54 are amended as set forth at Annex A with ellipses referring to existing text.

2. The Secretary shall submit this order and Annex A to the House and Senate designated standing committees, and IRRC for formal review.

3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality and to the Governor's Budget Office for review of fiscal impact.

4. A copy of this order and Annex A shall be served upon the OCA, the OSBA, the OTS, and those persons who filed comments in response to our notice of proposed rulemaking.

5. The Secretary shall certify and deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. These amendments shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

³OCA did not supply amendatory language for any of its suggested changes, as we requested in paragraph 2 of our order.

Public Meeting held
November 1, 1996

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; Robert K. Bloom

REPORT AND ORDER

By the Commission:

On October 11, 1996¹, the Independent Regulatory Review Commission (IRRC) disapproved our final-form regulation with regard to an alternative form of rate regulation of small water and wastewater utilities, which we adopted at public meeting on August 8, 1996, and which was presented for regulatory review on September 13, 1996. On October 18, 1996, the Public Utility Commission (Commission) notified the Governor, the designated standing committees of the Legislature, and IRRC of our intention to implement the final-form regulations without revisions or further modification, pursuant to the relevant provisions of the Regulatory Review Act, 71 P.S. § 745.7(a). Pursuant to the act, we are required to:

submit a report to the designated standing committee of each House of the General Assembly, and [IRRC] within 40 days of the agency's receipt of [IRRC's] disapproval order. The agency's report shall contain the final-form regulation, the findings of [IRRC], and the response and recommendations of the agency regarding the final-form regulation.

As we have noted in earlier orders at this docket, this rulemaking was prompted by a call for help from an ad hoc group of small water and sewer utilities who told the Commission in a 1992 petition that the expense and complexity of the existing regulatory scheme was endangering the viability of very small water and sewer utilities.

The call for help was in the form of a petition filed by an ad-hoc coalition of small water and wastewater companies (SURG) on May 29, 1992 at P-920583. At that time, SURG told the Commission that:

At issue are problems with exclusion of plant due to inadequate original cost records or findings of indirect or imputed contributions in aid of construction. These problems tend to afflict smaller, less sophisticated utilities—in particular, small water and sewage companies—many of whom (or whose predecessors) escaped regulation at the outset of operations...Small water and sewage utilities with little or no rate base must be given an opportunity to earn real and reasonable revenues (as opposed to the hypothetically adequate revenues which result when the majority of plant in use and in service is deleted from the ratemaking process), if they are to be able to render safe, adequate and reasonable service...Some attempt should be made to at least use per books income and expenses as a check as to the adequacy of revenues, because viability is not truly a ratemaking function, but a function of business reality. And, neither the industry, nor the regulators can, in the long-term, ignore the fact that the capital improvements now facing large and small water companies alike will require massive infusions of capital which will not be forthcoming if the borrowing utility is a real-world financial cripple. Furthermore, PENNVEST cannot

¹IRRC amended its order on October 15, 1996, correcting its erroneous statement that this rulemaking had been disapproved by the Senate Committee on Consumer Affairs and Professional Licensure. In fact, the rulemaking was approved by the Senate Committee on September 25, 1996, and was "deemed approved" by the House Consumer Affairs committee through inaction at its meeting on October 2, 1996.

and will not be available for all the necessary borrowing because its funds are limited and because even PENNVEST requires some level of financial well-being.

SURG proposed amendments to Title 52, Chapter 53 which formed the basis of these final regulations, but which were extensively modified by the Commission during the promulgation of these regulations. It is notable, however, that the SURG draft contained provisions permitting use of an operating ratio method of ratemaking for small water and sewer utilities, permitted creation of an *Emergency Maintenance and Operation Fund* and a *Reserve Account* to be funded as "customer contributions in aid of construction." The significance of that accounting designation is that such funds would be considered to be ratepayer capital, not shareholder capital, and the utility would not be permitted to earn a return upon, nor charge depreciation upon assets or expenditures derived from either fund.

It is also significant that the Office of Consumer Advocate (OCA), which responded to the SURG petition on June 19, 1992, supported such a rulemaking, although it "disagrees with several of the specific statements and recommendations contained in the Petition." OCA proposed that with regard to the "reserve account" proposed by SURG, that:

the utility should be required to request the establishment of a reserve account as part of its initial rate filing...In addition, any type of reserve account mechanism must have certain protections. For example, the money contained in the fund should be treated as customer contributions...In short, the OCA sees a reserve account with proper restrictions as a possible short term measure until the utility is in an improved financial position.

OCA Answer to SURG Petition, page 2.

OCA similarly approved of the use of the operating ratio methodology and the Emergency Maintenance and Operation Fund in principle, although it wished to impose much stronger safeguards than those originally proposed by SURG.

In response to SURG's petition and the responses thereto, including OCA's response, the Commission issued an Advance Notice of Proposed Rulemaking (ANPR) at 23 Pa. B. 3290 (July 10, 1993). The ANPR utilized SURG's petition as a model, although SURG's provisions were significantly redrafted and modified to better meet the public interest and impose safeguards of the kind suggested by OCA.

OCA did not like the ANPR draft, and (for the first time) suggested that not only was the ANPR unwise, but as to the operating ratio and funding provisions, that it was statutorily without support and contrary to the provisions of the Public Utility Code. OCA's change in legal position has formed the primary basis of IRRC's opposition to and disapproval of these regulations, and has already proven to be erroneous when tested before our appellate courts.

After these regulations were promulgated in proposed form in 1994, 24 Pa. B. 4594 (September 10, 1994), OCA continued its opposition, asserting, among other things, that the operating ratio methodology was unlawful, pursuant to OCA's interpretation of 66 Pa.C.S. § 1311. IRRC filed comments on November 28, 1994, which essentially adopted OCA's legal position. IRRC, echoing the OCA analysis, specifically asserted in its comments that 66 Pa.C.S. § 1311(d) is evidence that "if the legisla-

ture had intended to allow operating ratios to be used to establish rates for water and small utilities (sic), it would have expressly provided for such as it did for common carriers in Section 1311(d)."

That judgment, which turned upon an erroneous application of statutory construction principles, was finally revealed as erroneous by a 1996 decision of the Commonwealth Court of Pennsylvania, *Popowsky v. Pa.P.U.C.*, 674 A.2d 1149 (Cmwlth. Ct. 1996) (*LP Water and Sewer*), in which OCA had an opportunity to test its legal theories in front of a panel of experienced appellate judges. The Court was squarely presented with the question of the lawfulness of the use of the operating ratio methodology in a challenge to a Commission rate order by OCA. The Court found that the Legislature has given the Commission considerable latitude to determine which is the appropriate rate setting methodology in any particular case, and that the Public Utility Code does not limit our discretion to use of the rate base/rate of return methodology.

OCA had argued before the Court, as it argued previously in this rulemaking proceeding, that 66 Pa.C.S. § 1311(d) proscribes the use of an operating ratio for setting the rates of any utilities but "common carriers." Commonwealth Court found, on the contrary, that:

[T]hat analysis is an incorrect reading of the statute. The statute only provides that public utilities which are engaged exclusively as common carriers may use an operating ratio. Section 1311(d) does not preclude the PUC from using such a ratio to set the rates of other public utilities...The code is silent as to what particular method the PUC must implement at arriving at a reasonable rate, and "as long as there is a rational basis for the PUC's methodology, such decisions are left entirely up to the discretion of the PUC which, using its expertise, is the only one which can properly determine which method is the most accurate given the particular circumstances of the case and economic climate."

LP Water and Sewer at 1155, (citing *West Penn Power v. Pa.P.U.C.*, 607 A.2d 1132, 1135 (1992))

IRRC's 1994 comments also cited and adopted a variety of other reasons for its opposition: that there was no evidence that an operating ratio method was supported by economic and financial theory, that establishment of an EMOF fund and Reserve account were prohibited by the "used and useful" rule of utility ratemaking (another legal position espoused by OCA), and that the proposed purchased water provision should be drafted so as to require water utilities to reflect both decreases and increases in an updated purchased water rate (as drafted, the provision requires passthrough of decreases, but allows utilities to absorb increases at their discretion).

We carefully considered the comments of IRRC and those of the other three commenting parties, and on August 14, 1996, issued final rules substantially similar to those issued in proposed form. On September 25, 1996, the Senate Consumer Affairs and Professional Licensure Committee approved this final-form rulemaking. The House Consumer Affairs Committee took no action with respect to these rules at its October 2, 1996, meeting, causing these regulations to be "deemed approved" pursuant to 71 P. S. § 745.5(c).

On October 3, 1996, IRRC met to consider this rulemaking, among others. While the IRRC Commissioners expressed sympathy for the goals of this rulemaking, they also expressed an opinion, based upon the OCA legal

analysis, that the Public Utility Code prohibited the result. As discussed below, neither the Public Utility Code, nor the "used and useful" rule are inimical to these regulations. IRRC's opinion to the contrary is based upon an erroneous reading of the law and a misreading of ratemaking procedures.

Before discussing the legal issues, it is desirable to revisit the policy considerations which prompted the original petition and the final-form rulemaking.

According to 1995 annual reports, of 233 water utilities and 90 wastewater utilities reporting actual or estimated revenues in 1995, 172 water utilities and 69 wastewater utilities have revenue of \$100,000 or less, 22 water utilities and 5 wastewater utilities have annual revenues of greater than \$100,000 and less than \$250,000 annually, and 39 water utilities and 16 wastewater utilities have annual revenues of greater than \$250,000. Since the final-form rules target small water and wastewater utilities with annual revenues of \$250,000 or less, we believe that they are properly designed to address the problems we have identified as unique to small water and wastewater utilities.

There is a continuing crisis for small water and wastewater utilities in the Commonwealth due to several recurring factors. First, small companies have problems of economy of scale, management, and access to capital that do not weigh as heavily upon larger companies. Secondly, all water and wastewater utilities, but especially the smaller companies, have been hard pressed to meet the increasingly stringent requirements of environmental legislation and regulation. Third, navigating the sometimes highly complex, technical and arduous process of public utility ratemaking can challenge even a well funded utility with expert legal assistance. Small companies may find that their relatively modest requests for rate relief are largely eaten up, or even dwarfed, by the cost of preparing technical and legal submissions that are required in a traditional, full-blown, rate base/rate of return proceeding.

It is our intention under these rules to relieve the smallest water and wastewater utilities of a significant portion of the unnecessary regulatory burden of justifying necessary rate relief, while retaining all of our necessary powers to curb waste, fraud and managerial abuse of discretion. In addition, we intend to provide such small utilities with the ability to meet their obligations to timely comply with their environmental and operational obligations by providing them a way to fund such obligations in a manner that substantially benefits their ratepayers.

Finally, we intend to permit small water utilities, many of whom purchase the bulk of their water in finished form from another utility, to quickly reflect purchased water cost increases and decreases without the need for filing a comprehensive and logically unnecessary base rate case.

Recent changes in environmental and clean water laws affect all water and wastewater utilities, regardless of size. Many small companies are now required to install and maintain expensive filtration, chlorination or waste treatment facilities, engage in sophisticated testing and comply with detailed environmental and safety reporting requirements. These increased obligations have resulted in the doubling or tripling of the annual cost of water for some companies, and has stressed some small water and wastewater company managements beyond their capabilities. Regionalization is one answer (that is, the merging or consolidation of smaller companies into bigger compa-

nies). Fifteen years ago, this Commission regulated approximately 400 small water and wastewater companies and company divisions. Through mergers and acquisitions, we now regulate approximately 210. However, regionalization is not a panacea, and many small water and wastewater companies and divisions are geographically isolated from other systems and may not be suitable for acquisition or merger.

We now count 81 of those companies as problem water companies (most of which report less than \$250,000 in annual revenues). Each has recently been the subject of a large number of customer complaints alleging inadequate service, has experienced an income loss over a 2-3 year period, has not filed for a change in rates for a 3-5 year period, has been the subject of Department of Environmental Protection (DEP) water quality complaints or has failed to file annual reports with or pay assessments to this Commission in violation of 66 Pa.C.S. § 504 and 52 Pa. Code § 65.19. Our experience is that those five factors indicate financial and managerial problems which presage a steady downward spiral of service quality, and in serious cases, service interruptions or bankruptcy.

This is not a hypothetical problem. Six small water and wastewater companies in the Commonwealth have filed for Federal bankruptcy protection in the last 5 years. In our view, inflationary and regulatory pressures on small water and wastewater companies will not abate in coming years, but increase. Many communities which have heretofore relied upon individual residential and commercial wells and groundwater have already found or will shortly find such sources no longer available, environmentally restricted or contaminated. At the same time, new development continues in the Commonwealth, along with a continuing need for the creation and continued operation of small, regionally isolated water and wastewater companies. Such companies are often operated by a small developer or other real estate investor incidental to a subdivision of land, and are often staffed by no more than a handful of full time employees. These regulations address companies with gross annual revenues of \$250,000 or less. Based upon typical residential bills of \$250-500 annually per household, such companies might serve 500 to 1,000 residential customers, but many are much smaller.

The typical public utility rate case involves the presentation of accounting, managerial, engineering, financial and other expert testimony and evidence. Rate base/rate of return regulation, which has been the ratemaking methodology used most commonly for fixed utilities such as water, wastewater, telecommunications, electric and gas utilities, has been based upon the reasonable assumption that such utilities are heavily capital intensive industries. It also assumes that the level of investment by the owners of the enterprise is a fair measure of the level of return which may be fairly demanded by such owners, and that therefore the valuation of the rate base of such utilities is a necessary element in determining what is a fair return, as a component of overall just and reasonable rates. Contested rate cases often require days of hearings, hundreds or even thousands of pages of transcript and the consideration of a mass of detailed data on plant valuation, depreciation, Federal and State taxation, applicable market rates of return, expected revenues under the proposed rates, expenses, test year normalizations of unusual or nonrecurring revenues and expenses, and rate structure issues. It is not unusual for small utilities to request recovery of \$50,000 to \$100,000 or more in rate case expenses, boosting the overall rate burden on customers.

Because such companies have few customers, the burden is correspondingly greater, and rate case expense may easily comprise one quarter or more of the total annual cost of providing water service. Such costs do not include the costs expended by various governmental entities involved in the issues. The Commission, the Office of Consumer Advocate, the Office of Trial Staff, and the Office of Small Business Advocate are all funded through utility assessments.

The greatest regulatory problem with the rate base/rate of return paradigm is presented when a small water or wastewater utility has little or no rate base on which to base a return. That circumstance may come about in several different ways. An older utility may have reached full depreciation of its plant (mains, buildings, and the like) over the years, or the utility may have been constructed largely with customer contributions.

The Public Utility Code enjoins upon the Commission the duty to enforce the Public Utility Code (66 Pa.C.S. § 501), to assure that rates are just and reasonable (66 Pa.C.S. § 1301) and that service is adequate, efficient, safe and reasonable, and reasonably continuous (66 Pa.C.S. § 1501). It is nowhere enjoined upon the Commission that it must pursue these ends in an absurd manner, or to adhere to practices that have the paradoxical result of defeating the Public Utility Code's purpose and intent.

We regard the continued application of the rate base/rate of return model to small water and wastewater company rate cases as counterproductive and harmful to the public interest in some cases. It is poor public policy and false economy to prevent small companies from seeking and obtaining otherwise legitimate revenue increases simply because of an inability to legally or financially navigate or fairly utilize the ratemaking process.

IRRC Order of Disapproval

IRRC's *Order on Regulation No. 57-149, Small Water and Sewer Company Rate Methodologies* raises three major issues: the purported unlawfulness of the Emergency Operations and Maintenance Fund (EMOF) and Reserve Accounts, the justification for use of an operating ratio, and finally, the technical construction of the purchased water adjustment clause. We will take each of those objections in order:

IRRC Challenge to Lawfulness of EMOF and Reserve Account

As noted above, OCA originally had no legal objection to these funds, but suggested that both should be accompanied by stronger safeguards against misuse. We have significantly strengthened and improved such safeguards from the proposal originally made by OCA. Such safeguards ensure both that the funds are administered reasonably, and that the funds are applied for the purpose of providing service to the public.

IRRC and OCA now contend that both funds run afoul of the "used and useful" rule, which has been applied in many years of decisions both in this Commonwealth and in other states, and as explicated by the Supreme Court in *Barasch v. Pa.P.U.C.*, 516 Pa. 142, 532 A.2d 325 (1987), *affirmed sub nom: Duquesne Light Co. v. Barasch*, 488 U.S. 299, 102 L.Ed. 2d 646, 109 S. Ct. 609, (1989). In that case, the Supreme Court heard an appeal from this Commission's allowance of the \$34.7 million cancellation cost of four nuclear power plants. The Supreme Court, interpreting the provisions of a newly enacted provision of the Public Utility Code, 66 Pa.C.S. § 1315, held that it was an expression of general ratemaking law in Pennsyl-

vania which prohibited utilities from earning a return upon, or recovering the costs through rates of any facility which not "used and useful" in the public service.

In that decision, the Supreme Court took pains to distinguish the matter at issue (cancellation costs for a facility which would never provide service to the public) from costs for plant which could and probably would provide service to the public in the future. Citing *Barasch v. Pa.P.U.C.*, 507 Pa. 430, 490 A.2d 806 (1985), the Supreme Court distinguished the inclusion in rate base of nuclear fuel purchased for use in an uncompleted nuclear power plant, stating:

In that case, we held that a utility could properly include in its rate base the cost of nuclear fuel purchased for use in an uncompleted nuclear plant. However, an important fact in that case was that the fuel could also have been used in other facilities that were currently in service. Utilities have traditionally been allowed to recover the cost of useable supplies and materials.

Barasch, 516 at 163, 532 A.2d at 335 (note 8)

The major problem with IRRC's analysis is that it lacks an essential grounding in the distinction between plant which may be included in rate base, akin to a utility investment (the basis of the utility's claim for a fair return) and customer contributions, which are decidedly not utility investments, and upon which the utility is entitled to no return, nor depreciation, and which are for the benefit of ratepayers, not utility shareholders. Funding through customer contributions does not create a rate base issue which is susceptible to the "used and useful" analysis employed by IRRC and OCA. IRRC's analysis is also not informed by the myriad of situations, even in traditional rate base/rate of return proceedings, in which utilities are permitted to recover expenses, or to claim rate base costs² which have some element of future service to them. Insurance premiums are one example of "rates now for future benefits" on the expense side, cash working capital, decommissioning expense, capitalized pension benefits and qualified land held for future use constitute examples on the rate base side.

More recently, the *Barasch* "used and useful rule" has been narrowed by the Supreme Court. In *Popowsky v. Pa.P.U.C.*, 165 Pa. Commonwealth Ct. 605, 645 A.2d 912 (1994), the Commonwealth Court found that it was error for the Commission to permit Metropolitan Edison to recover \$68 million in decommissioning costs (the cost of radiological decommissioning and the costs of removing nonradiological facilities and structures of Three Mile Island 2, a plant which was destroyed by a 1979 accident), because the plant "will not now or ever provide utility service to MetEd's customers." The Supreme Court reversed in *Popowsky v. Pa.P.U.C.*, 542 Pa. 99, 665 A.2d 808, narrowing its 1987 *Barasch* case, and holding that:

Given what we have already said about the fundamental principles of this state's public-utility jurisprudence, it should be clear that no utility of any type is permitted, without express and valid legislative authorization, to charge ratepayers for property which is not used and useful in the production of current utility service (citation omitted). Neverthe-

²The distinction between a rate base and an expense claim is directly related to the expected duration of the service life of the item acquired. Capital assets, that is, plant or other expenditures with a service life in excess of 1 year, are generally considered to be includible in rate base, may serve as the basis of a return by the utility, and are depreciable over time. Noncapital expenditures constitute expenses for ratemaking purposes, and the ratemaking process establishes a test year for the purpose of analyzing all such expenses to establish a "normal" annual expense claim. Expenses may not serve as the basis for a utility return.

less, to charge ratepayers for decommissioning costs is perfectly consistent with the cited language from *Barasch*. When ratepayers pay decommissioning costs, they are not reimbursing the utility for the cost of the power plant itself. Nor are they providing a rate of return on the utility's investment in the plant...*Barasch* was not intended as a sweeping change in the law defining ratepayer liability for operating expenses of utilities. Rather, it was an application of 66 Pa.C.S. § 1315, holding that construction costs for canceled nuclear power plants could not be charged to ratepayers, regardless of whether the utility labeled the expenditures as construction costs or operating expenses.

Utilities have not been limited to charging ratepayers for only those expenses which directly and immediately supply commodities to their customers (citations omitted). Clearly the costs of providing present utility service are more encompassing. One such cost is that of maintaining compliance with federal laws governing removal of radioactive contamination...In determining just and reasonable rates, the PUC has discretion to determine the proper balance between interests of ratepayers and utilities...There is ample authority for the proposition that the power to fix "just and reasonable" rates imports a flexibility in the exercise of a complicated regulatory function by a specialized decision-making body and that the term "just and reasonable" was not intended to confine the ambit of regulatory discretion to an absolute or mathematical formulation, but rather to confer upon the regulatory body the power to make and apply policy concerning the appropriate balance between prices charged to utility customers and return as on capital to utility investors consonant with constitutional protections applicable to both...Further, the PUC is obliged to consider broad public interests in the rate-making process.

Popowski, at 542 Pa. 106-107, 665 A.2d at 811-812 (1995).

It should be emphasized that the "used and useful" line of cases are specifically concerned with rate base claims, that is, utility assets which are claimed by a utility as part of its rate base, upon which it is entitled to earn a return. These regulations have been specifically drafted to prevent either EMOF or Reserve Account funds from being claimed as part of a utility's rate base. Instead, they are specifically drafted and defined as "customer contributions" which may not be the basis of a utility return claim, may not be the basis of a utility depreciation claim, and are subject to strict and extensive PUC oversight with regard to utilization and disbursement. Moreover, with regard to the EMOF fund, the regulations specifically prescribe that if claimed, it shall be in lieu of any "cash working capital" claim, a rate base claim that is both lawful for ratemaking purposes and a component of nearly every utility rate filing in Pennsylvania. *Pittsburgh v. Pa.P.U.C.*, 169 Pa. Superior Ct. 400, 82 A.2d 515.

IRRC's error arises out of its dismissal of the material distinction between plant constructed with investor assets, and customer contributions in aid of construction. Customer contributions in aid of construction have a long history in the ratemaking process, both in Pennsylvania and elsewhere. There are many situations in which utility plant may be funded with customer contributions rather than with ratepayer investment. In the end, the decision is based upon the Commission's determination of the public interest.

The Commission has found that small water and sewer companies have significant and continuing problems financing both ordinary needed improvements to their systems, and the additional improvements required as a result of the recent tightening of environmental and water quality laws. Small companies are typically unable to obtain access to bond or equity financing in the National capital market, are not attractive candidates for bank or other secured loan financing, and may have few or no cash reserves from which to self fund such improvements. The improvements and expenditures which will be made through the EMOF and Reserve Account funds directly benefit all customers of such small utilities. Not only is there no practical alternative to customer contributed funds, such funding actually saves ratepayers money in that they are not required to pay the utility a return on contributed capital, nor to pay annual depreciation charges on plant and facilities constructed through customer contributions. Given the choice between no service or poor service and good service at reasonable rates, it appears that customer contributed funding of the EMOF and Reserve Accounts is in the public interest.

IRRC also cites *Barasch, et al v. Pa.P.U.C.*, 127 Pa. Commonwealth Ct. 544, 562 A.2d 414 (1989) (*Staffaroni*) [which it incorrectly styles as *Staffaronei v. Pa.P.U.C.*]. *Staffaroni* involved recovery of interest expense related to PENNVEST financed facilities which were not used after construction because they were found to be contaminated with high levels of barium. The *Staffaroni* court found that the facilities were not "used and useful" because they were not, in fact of use to the public. That case is easily distinguished as a classic application of the "used and useful" doctrine to prohibit the earning of a return upon facilities that do not serve the public. We conclude that the *Staffaroni* case simply does not speak to the issue of the lawfulness of these regulations which create a fund from customer contributions that does not result in any profit or return to the utility and which is directly supervised by the Commission to ensure that the fund is used for projects which do in fact benefit the public. The Commission urges the Legislature to approve these provisions as being manifestly in the public interest.

IRRC Challenge to Use of Operating Ratio

As noted above, IRRC originally adopted OCA's position during consideration of the proposed form of these regulations that use of an operating ratio methodology for small water and wastewater utilities is prohibited by 66 Pa. C.S. § 1311(d), despite our explanation that that provision is permissive rather than prohibitory. The Commission was able to lay that erroneous interpretation to rest in the *LP Water & Sewer* decision of Commonwealth Court. IRRC's fallback position is to question the wisdom of the operating ratio, contending its appropriateness. It appears that IRRC both overlooks the long history of the use of the operating ratio methodology in transportation rate proceedings in the Commonwealth, and also overlooks the obvious benefits in rate case streamlining which the operating ratio methodology offers small companies.

First, the operating ratio methodology is not new. It has been specifically authorized for use in transportation rate proceedings for many years. In summary, the operating ratio methodology permits the Commission and the parties to a rate case to agree upon a barometer group of similar companies, analyse their ratio of revenues to a reasonable estimate of expenses and derive an appropriate operating ratio to determine what level of operating revenue (profit) is reasonable under the circumstances. It does not foreclose a detailed analysis of the instant utility's

actual operating expenses, which continue to be subject to examination for reasonableness and prudence.

It should be pointed out that the traditional rate base/rate of return methodology is a legal construct and not the product of academic research. Because utilities are traditionally capital intensive, Pennsylvania, and many other jurisdictions have utilized the value of the utility rate base as a measure of the utility's investment and have applied market derived earnings data to that rate base as the basis for estimating what constitutes a fair return to the company.

What works for a large utility is not necessarily appropriate for a small utility or one without a substantial rate base. The cost of presenting a traditional rate base/rate of return case is driven partly by legal expense and partly by the expense of presenting witnesses in the various specialized issues. Utilization of an operating ratio methodology both ensures just and reasonable rates and substantially reduces rate case expense by eliminating the need for valuation and rate of return testimony and the compilation of expensive studies on those two subjects. While IRRC questions the rate case savings which may result from a switch in methodologies, our extensive experience with rate case litigation over many years persuades us that the savings are real and will be significant.

Secondly, use of the operating ratio methodology substantially simplifies and reduces many of the complex and somewhat arcane disputes which surround every rate case with regard to the determination of the appropriate test year rate base level, and the appropriate determination of market data to be employed to determine the appropriate fair rate of return to apply to the utility's rate base. For very small companies, these weighty disputes may have little impact in terms of overall rates, but drive up the cost, and time required to complete a contested ratemaking proceeding. Sending small water and wastewater companies through a rate setting procedure designed and tested for setting rates for sophisticated multi-million dollar utilities is like swatting a fly with a trip hammer. Accordingly, the Commission urges the General Assembly to approve these regulations with regard to use of the operating ratio methodology.

IRRC Opposition to Purchased Water Adjustment

IRRC appears not to have any objection to the purchased water provision of § 53.54(c) in general, but objects to its application in certain situations. As written, the provision permits any small water utility to file a sliding scale rate tariff, pursuant to 66 Pa.C.S. § 1307, to recover the cost of water it purchases from another water system. Small systems often purchase finished water from other systems, often from municipal systems, and distribute it for resale to their own customers. Even a system with its own supply and treatment facilities may need to purchase water on occasion in the event of facility unavailability. Section 53.54(c) requires that small utilities immediately reflect and pass through to their rate payers any reduction in the cost of purchased water, but leaves it up to management discretion whether to, and when to pass through any increases. If management decides to recover such increases, they must act promptly to file for a change in the sliding scale rate, as recovery of increases is permitted only from the date of filing. IRRC finds that distinction to be unfair, and opines that "this could result in a utility not being able to recover a significant portion of all its costs."

The provision was drafted to give utility managers some leeway and discretion. A generally applied rule of

ratemaking is that utilities should always be permitted to voluntarily absorb cost increases instead of passing those increases on to customers. We can envision a number of reasons why a prudent management would wish not to pass along a temporary or relatively minor increase in purchased water costs. We also expect utility management to be aware of their rights and obligations. We therefore do not completely understand IRRC's insistence that utility management needs to be protected from itself by requiring the pass through of cost increases which might otherwise be absorbed at management's discretion. We believe the provision to be a major improvement from the present situation in which small utilities must file a comprehensive rate case to recover any change in purchased water costs.

In sum, we believe these provisions are in the public interest and urge the General Assembly to approve them as drafted; *Therefore,*

It is Ordered:

1. This Report and Order containing the response and recommendations of this Commission, and Annex A, consisting of the final-form regulations and the findings of IRRC shall be served forthwith upon the designated standing committees of each House of the General Assembly, and IRRC.

5. Upon approval or acquiescence in accordance with 71 P. S. § 745.7(d), the Secretary shall certify and deposit this order and the final-form regulations with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. These regulations shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5181 (October 26, 1996).)

Fiscal Note: Fiscal Note 57-149 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

INFORMATION FURNISHED WITH THE FILING OF RATE CHANGES

§ 53.52. Applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies.

* * * * *

(b) Whenever a public utility other than a canal, turnpike, tunnel, bridge or wharf company files a tariff, revisions or supplement which will increase or decrease the bills to its customers, it shall submit in addition to the requirements of subsection (a), to the Commission, with the tariff, revision or supplement statements showing all of the following:

* * * * *

(2) The operating income statement of the utility for a 12-month period, the end of which may not be more than 120 days prior to the filing. Water and wastewater

utilities with annual revenues under \$250,000 and municipal corporations subject to Commission jurisdiction may provide operating income statements for a 12-month period, the end of which may not be more than 180 days prior to the filing.

* * * * *

(c) If a public utility files a tariff, revision or supplement which it is calculated will increase the bills of a customer or a group of customers by an amount, when projected to an annual basis, exceeding 3% of the operating revenues of the utility—subsection (b)(4) divided by the operating revenues of the utility for a 12-month period as defined in subsection (b)(2)—or which it is calculated will increase the bills of 5% or more of the number of customers served by the utility—subsection (b)(3) divided by subsection (a)(2)—it shall submit to the Commission with the tariff, revision or supplement, in addition to the statements required by subsections (a) and (b), all of the following information:

(1) A statement showing the utility's calculation of the rate of return or operating ratio (if the utility qualifies to use an operating ratio under § 53.54 (relating to small water and wastewater utilities)) earned in the 12-month period referred to in subsection (b)(2), and the anticipated rate of return or operating ratio to be earned when the tariff, revision or supplement becomes effective. The rate base used in this calculation shall be supported by summaries of original cost for the rate of return calculation. When an operating ratio is used in this calculation, it shall be supported by studies of margin above operation and maintenance expense plus depreciation as referred to in § 53.54(b)(2)(B).

* * * * *

§ 53.54. Small water and wastewater utilities.

(a) *Procedures.*

(1) Whenever a small water or wastewater utility desires to file a change in its tariff which increases annual revenues, it may advise the Commission of its intention in letter form and request the necessary Commission forms. When filing, the utility shall set forth its proposed tariff changes and reasons for the changes, together with the necessary completed Commission forms. If the utility is unable to fully complete the necessary forms, it may request assistance from the Commission staff.

(2) The small water utility or wastewater utility is required to fully cooperate with the Commission staff in providing the necessary information to complete these forms if the utility is unable to do so on its own.

(3) Upon completion of the Commission forms in a manner satisfactory to the Commission staff, the small water or wastewater utility shall file a tariff or tariff supplement, along with the completed forms, incorporating the proposed changes. The effective date of the proposed increase contained in the tariff or tariff supplements may not be less than 61 days after the filing, and customers shall be notified in accordance with § 53.45(a)(2) (relating to notice of new tariffs and tariff changes).

(4) On the basis of the tariff filing, the accompanying data and completed forms, the staff shall determine tentative allowable revenues and submit a report to the Commission.

(5) If the proposed revenues exceed the tentative allowable revenues, the Commission will suspend the supple-

ment but with a "condition subsequent" added, to the effect that if the utility within a specified number of days files a superseding supplement which produces the allowable revenues found by the staff and which has a rate structure satisfactory to the Commission, the suspension and investigation orders of the Commission shall be deemed inoperative and terminated. However, if the utility fails to meet the "condition subsequent," or if a customer files a formal complaint, the utility may present the supporting data and the additional facts referred to in this section in formal proceedings. Additionally, in these formal proceedings, the utility may agree to accept the most recent rate of return or operating ratio allowed a water or wastewater utility by the Commission in a fully-litigated water or wastewater utility rate case, but the agreement will not be binding on the Commission or any formal complainant.

(6) A water or wastewater utility with a gross revenue of less than \$250,000 annually shall be considered a small water or wastewater utility for purposes of short-form rate filings.

(b) *Operating ratio methodology.*

(1) This ratemaking method develops a revenue requirement where little or no rate base exists. The operating ratio at present rates shall be calculated as a ratio of operating expenses to operating revenues, where the numerator shall include operations and maintenance expense, annual depreciation on noncontributed facilities, amortization of multiyear expenses and applicable taxes and the denominator shall consist of the utility's operating revenues at present rates.

(2) The appropriate target operating ratio in a particular case shall be determined by considering at least the following factors:

(i) The operating ratios of comparable water or wastewater utilities.

(ii) Coverage of actual hypothetical, or both, interest expense.

(iii) A comparison of the cost of service with the cost of service of similar companies which do not employ an operating ratio rate methodology.

(iv) Current market conditions, including price inflation.

(v) The quality of service and efficiency of operations.

(vi) The rate case history.

(vii) Whether there is any rate base and, if so, whether any depreciation expense is being claimed in the filing.

(viii) An acquisition adjustment, if any.

(ix) Financial resources.

(x) The fairness of the resulting return.

(3) An increase or decrease in operating revenues shall be determined by dividing the utility's reasonable and legitimate operating expenses by the target operating ratio determined in paragraph (2), and subtracting that amount from the test period operating revenues.

(4) The operating ratio methodology shall be available to water and wastewater utilities with annual gross revenues (excluding current year Contributions In Aid of Construction (CIAC)) of less than \$250,000. If a water or wastewater utility wishes to employ an operating ratio methodology in calculating its rates, it shall make this request in the context of a rate case, and shall bear the burden of proving all necessary elements thereof.

(c) *Purchased water cost adjustment—sliding scale of rates.*

(1) A water utility with annual gross revenues of less than \$250,000, may establish a sliding scale of rates under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments) upon 60 days' notice to customers, to recover the cost of purchased water obtained from municipal authorities or entities which are not affiliated interests as defined in 66 Pa.C.S. § 2101 (relating to the definition of affiliated interest). The purchased water cost adjustment filing shall be accompanied with a tariff or tariff supplement which establishes the new rates to be placed into effect, a calculation showing the application of the new rate schedule to the company's average level of customer usage, an income statement demonstrating the effect of the tariff or tariff supplement upon the utility's revenues for the period in which the proposed tariffs would be in effect, a copy of the notice provided to customers and a verification that all customers have received notice of the proposed rate change.

(2) A purchased water cost adjustment shall be revised and refiled within 60 days of a decrease in purchased water costs, and shall be designed to pass through to customers the entire reduction in purchased water costs from the date the reduction becomes effective. A purchased water adjustment may be revised and refiled at any time after an increase in purchased water costs, and shall be designed to recover cost increases prospectively from the date of filing only.

(3) Within 30 days following the end of the calendar year, every public utility utilizing a purchased water cost adjustment shall file the report prescribed by 66 Pa.C.S. § 1307(e) for the preceding 1-year period ending December 31st. These reports shall be reviewed by the Commission's Bureau of Audits, and, if no complaint or objection is raised within 45 days after filing, either by the Commission's Bureau of Audits or another person, the reports shall be deemed approved.

(d) *Emergency Maintenance and Operation Fund (EMOF).*

(1) *EMOF.* An expense claim in lieu of a cash working capital claim which may be allowable in anticipation of emergencies such as extraordinary repairs and maintenance, drought conditions, extraordinary environmental and physical damages to sources of supply, floods, storms, freeze-ups, or other health and welfare-threatening situations. The burden of demonstrating that actual or proposed disbursements from the fund are reasonable and in the public interest shall be borne by the utility.

(2) *Methodology.* The Fund expense may not exceed 45 days of average operating expenses, excluding taxes and depreciation. If a claim for Fund expense is made, no additional claim for cash working capital shall be made or considered.

(3) *Procedures.* The amounts allocated for an EMOF shall be kept in a separate cash account and disbursements shall be restricted to the uses in paragraph (1). The utility shall report all disbursements from the Fund to the Commission within 10 days and shall provide a summary of each year's disbursements on its Annual Report. Disbursements from the Fund which are found by the Commission to have been made improperly, or in violation of a statute, regulation or order of the Commission or other Commonwealth agency shall be returned to

the account or be refunded to ratepayers as the Commission may direct. A person or individual who makes, authorizes or directs disbursement from a Fund which is improper or in violation of any statute, regulation or order of the Commission shall be subject to 66 Pa.C.S. § 3301 or § 3301 (relating to civil penalties for violations); and criminal penalties for violations).

(4) *Availability.* The Commission may authorize funding a Fund for water and wastewater utilities with annual gross revenues (excluding current year CIAC) of less than \$250,000.

(e) *Reserve account*

(1) *Reserve account.* A segregated account to be funded by customer contributions collected through base rates for the purpose of making capital improvements to utility plant pursuant to a long-range plan developed in conjunction with the Commission or the Department of Environmental Protection, or as required to assure compliance with State or Federal safe drinking water statutes or regulations. The burden of demonstrating that actual or proposed expenditures are reasonable and in the public interest shall be borne by the utility.

(2) *Procedures.* The amounts to be allocated to the reserve account will be determined by the Commission after review of the utility's proposed capital budget and the justification for that budget. Funds in the reserve account shall be kept in a separate interest bearing cash account. Interest accrued shall be credited to the reserve account and shall become part of the corpus of the reserve account. Funds from the account shall not be employed for a purpose other than those permitted under this section. Disbursements from the fund shall not be made without written authorization by the Commission upon petition, shall be restricted to the uses in subsection (d)(1), and shall be made in accordance with a capital budget submitted with the initial rate filing or as modified with the consent of the Commission. In proposing any modifications of the capital budget, the Commission or a party may solicit the advice or testimony of the Department of Environmental Protection. The utility shall report all disbursements from the reserve account by written notice to the Commission and to other persons as the Commission may direct. Disbursements from the reserve account which are found by the Commission to have been made improperly, or in violation of any statute, regulation or order of the Commission or other Commonwealth agency shall be returned to the account or be refunded to ratepayers as the Commission may direct. A person who makes, authorizes or directs a disbursement from a reserve account without authorization by the Commission in accordance with these rules shall be subject to 66 Pa.C.S. § 3301 or § 3302.

(3) *Accounting.* Plant capitalized by means of the Reserve Account shall be accounted for as a contribution in aid of construction.

(4) *Availability.* The Commission may authorize funding of a reserve account for water and sewage utilities with annual gross revenues (excluding current year CIAC) of less than \$250,000.

[Pa.B. Doc. No. 97-78. Filed for public inspection January 17, 1997, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Game Lands and Goose Hunting

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following change:

Amend § 141.25 (relating to early and late goose hunting seasons) by establishing new season dates with the guidelines approved by the United States Fish and Wildlife Service (USFWS) and establishing new geographical boundaries for this season.

The amendment is adopted under 34 Pa. Code (relating to the Game and Wildlife Code) (code).

1. Introduction

The Commission, at its October 8, 1996, meeting proposed, and by notational vote finally adopted amendments to § 141.25 for 1997. The change provides for a late Canada goose hunting season from January 15 through February 15 unless one of those dates is a Sunday, in most of this Commonwealth with the exception of parts of the northwestern and southeastern regions.

These special seasons, which were originally adopted under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of Commission; and regulations) will be established with the approval of the Atlantic Waterfowl Council (AWC) and the USFWS. The primary purpose of the early and late seasons is to reduce resident Canada goose populations which should reduce crop damage and nuisance goose complaints.

2. Purpose and Authority

Resident Canada goose populations have been increasing in most of this Commonwealth since the 1970's. Associated with these increases have been increases in crop damage and nuisance complaints. The Commission has sought to direct harvest pressure at growing resident goose populations through longer seasons and larger bag limits. At the same time, the USFWS has closed the regular goose season because of concerns about migratory populations.

The early and late Canada goose seasons allowed in prior years were successful in harvesting nuisance geese and providing additional recreational opportunities. This solution to the nuisance resident goose problem can only work over a period of time, however. That is why the Commission has adopted a late season for 1997. Part of northwestern Pennsylvania has been excluded from the late season because the USFWS has allowed a regular goose season. Part of southeastern Pennsylvania has been excluded by the USFWS because of a concern that a high percentage of migratory geese may be harvested.

Section 322 of the code specifically empowers the Commission to "... fix seasons ... and daily, season, and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits. The authority for the permit aspects of the amendment is section 2901(b) of the code (relating to authorization to issue permits).

3. Regulatory Requirements

The changes do not involve regulatory requirements above what is already in § 141.25. A migratory game bird license is required to hunt Canada geese in the late season.

4. Persons Affected

Persons wishing to hunt Canada geese in this Commonwealth in the late season would be affected by this amendment. Farmers and others experiencing crop and other goose damage in the affected area would benefit from the reduction in populations.

5. Comments and Response Summary

No written comments were received.

6. Cost and Paperwork Requirements

There is no additional cost or paperwork.

7. Effective Dates

The effective date is January 15, 1997, until modified or rescinded by the Commission.

8. Contact Person

For further information on the proposed changes, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.25 and Appendix E to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication and applies retroactively to January 15, 1997.

DONALD C. MADL,
Executive Director

(Editor's Note: The proposed amendment of § 135.2 (relating to unlawful actions), included in the proposal at 26 Pa.B. 5442 (November 9, 1996), will be considered by the Commission at a later date.)

Fiscal Note: 48-95-A. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

§ 141.25. Early and late goose hunting seasons.

(a) *Early season and description.*

(1) Subject to approval of the United States Fish and Wildlife Service, there will be an early Canada goose hunting season starting on September 1 (except when Sunday, then September 2), and ending on September 25 (except when Sunday, then September 24) Statewide. Geese may be taken on the Pymatuning State Park Reservoir and an area to extend 100 yards inland from the shoreline of the reservoir excluding the area east of L. R. 20006.

(2) Geese may not be taken in that portion of Crawford County which is in the area south of Route 6 from the Ohio line to its intersection with Route 322 in the town of Conneaut Lake and north of Route 322 west to the Ohio line, or in Lancaster/Lebanon Counties in the area east of S. R. 501 from Shaefferstown to the Pa. Turnpike, north of the Pa. Turnpike to S. R. 272, west of S. R. 272 to S. R. 897, and south of S. R. 897 to Shaefferstown, referred to as closed areas.

(3) *Bag limit.* There is a daily bag limit of three and a possession limit of six with the exception of the closed areas in Crawford and Lancaster/Lebanon Counties.

(b) *Late season and description.*

(1) *Areas.* Subject to approval of the United States Fish and Wildlife Service, there is a late Canada goose hunting season beginning on January 15 (except when Sunday, then January 16), and ending on February 15 (except when Sunday, then February 14) Statewide, with the exception of Erie, Mercer, Butler, Crawford and the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to intersection of I-283, east of I-283 to I-83, east of I-83 to intersection of I-81, east of I-81 to intersection of I-80, and south of I-80 to the New Jersey State line.

(2) *Bag limit.* There is a daily bag limit of five and a possession limit of ten geese.

(3) *Map.* See map of Late Canada Goose Areas in Appendix E.

(c) *Shooting hours.* Shooting hours for goose hunting during the early and late goose hunting seasons is 1/2 hour before sunrise to sunset.

(d) *Permit required.*

(1) Licensed hunters wishing to hunt Canada geese during the early or late season shall obtain a permit and goose harvest report card for the respective season in one of the following ways:

(i) By sending their name, address and telephone number together with a self-addressed stamped envelope to the Harrisburg Office of the Commission.

(ii) By submitting their name, address and telephone number at the sales counter of the Commission's Harrisburg Office or one of its regional offices.

(2) Early and late goose hunting permits will be issued free-of-charge.

(3) Individuals hunting geese during the early or late goose season shall have in their possession a valid

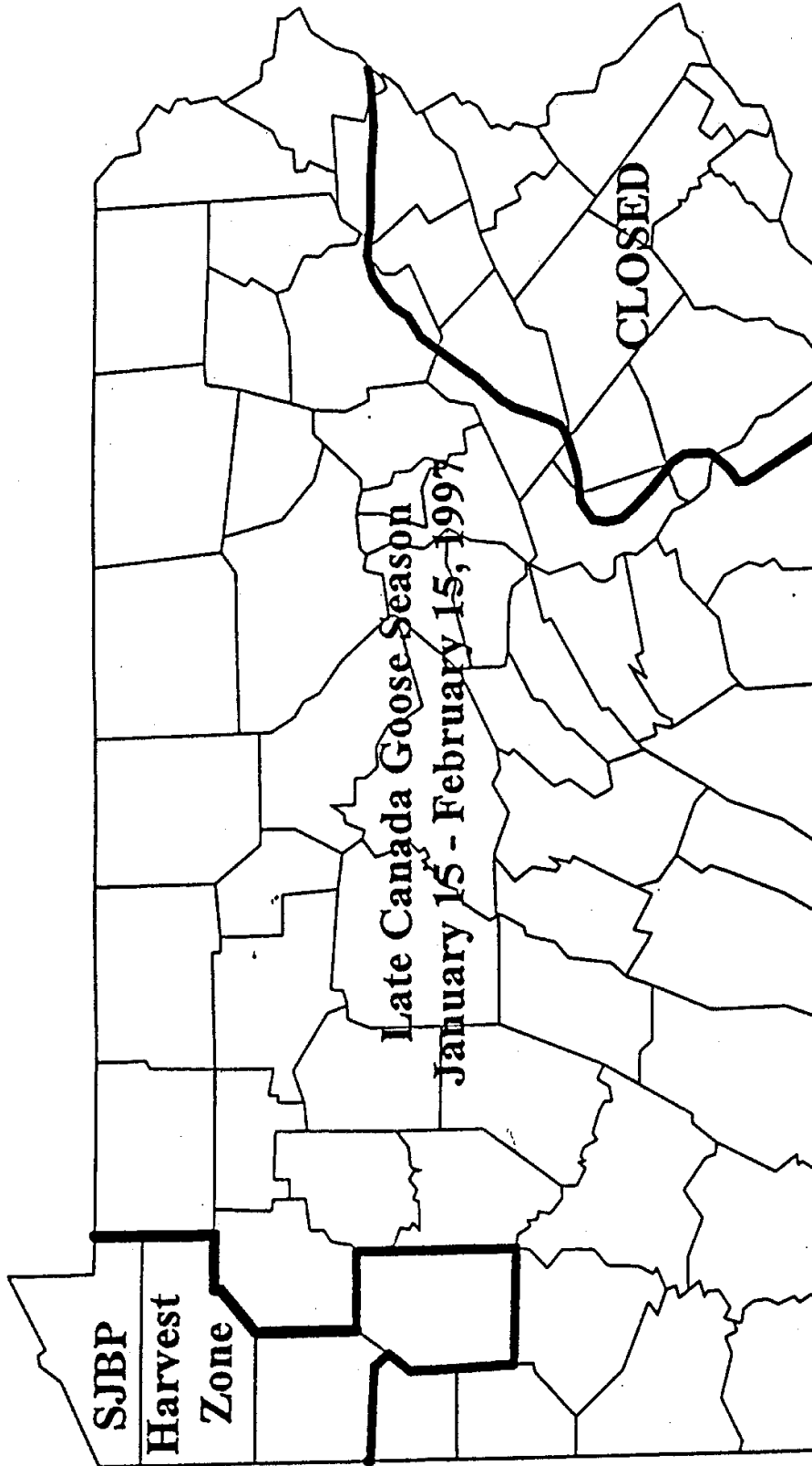
Pennsylvania hunting license, the appropriate early or late goose hunting permit and a Migratory Bird Hunting and Conservation (Duck) Stamp, if they are 16 years of age or older.

(4) Recipients of early and late goose hunting permits shall return a properly completed goose harvest report card to the Harrisburg Office of the Commission within 10 days following the close of the respective early and late seasons. Failure to return a properly completed goose harvest report card could result in the loss of eligibility to receive future early or late goose season permits.

(e) *Unlawful acts.* It is unlawful to:

- (1) Hunt Canada geese during the early or late goose hunting seasons inside the boundaries of the closed area.
- (2) Hunt Canada geese during the early or late goose hunting seasons without the required permit for the respective season.
- (3) Fail to return the goose harvest report card within the allotted time, even if no harvest occurred.
- (4) Provide false information on the goose harvest report card.

APPENDIX E



[Pa.B. Doc. No. 97-79. Filed for public inspection January 17, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Boating

The Fish and Boat Commission (Commission) adopts a statement of policy to read as set forth in § 57.81 (relating to policy on special boating regulations on waters with no public access). The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The statement of policy relates to boating.

A. *Effective Date*

This statement of policy will go into effect immediately upon publication of this order adopting the statement of policy.

B. *Contact Person*

For further information on the statement of policy, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P.O. Box 67000, Harrisburg, PA 17106-7000.

C. *Statutory Authority*

This statement of policy is published under the statutory authority of sections 322(2) and 5123 of the code (relating to rules and regulations; and general boating regulations).

D. *Purpose and Background*

In the past few years, the Commission has received a number of requests for regulations and formal petitions for regulations asking the Commission to impose and enforce special boating regulations on lakes with no public access. These requests for regulations are sometimes generated by property-owner groups or cottage associations. The number of these requests creates the need to spell out the Commission's policy for adopting and enforcing special boating regulations on lakes with no public access.

E. *Summary of the Statement*

The statement of policy encourages local interests to resolve issues related to lakes with no public access by means of deed restrictions, contract or agreement without resort to the regulatory process. The statement of policy also sets forth the limited conditions under which the Commission will consider exercising its regulatory discretion to make special boating regulations on these waters.

F. *Paperwork*

The statement of policy hereby adopted will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The statement of policy imposes no new costs on the private sector or the general public.

H. *Public Involvement*

Because this order adopts a statement of policy, and not a regulation, the Commission was not required to publish a notice of proposed rulemaking in the *Pennsylvania Bulletin* or to solicit public comments.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The statement of policies of the Commission, 58 Pa. Code Chapter 57, are amended by adding § 57.81 to read as set forth at Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order will take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-63. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter E. BOATING POLICIES

§ 57.81. Policy on special boating regulations on waters with no public access

(a) As used in this subchapter, the phrase "waters with no public access" means lakes, ponds, impoundments or other waters on which there is located no public access area, launch ramp or other launch facility owned, controlled or operated by Federal, State or local government agencies.

(b) The Commission has statutory authority to make and enforce special boating regulations for particular areas of water "limiting, restricting or prohibiting the operation or navigation of boats thereon to promote the interests of the public or to preserve aquatic life." See section 5124 of the code (relating to particular areas of water). The Commission's statutory authority to make general and special boating regulations preempts local regulation of boating—based on exercise of police powers—on the waters of this Commonwealth.

(c) It is the policy of the Commission to encourage local interests—residents, property owners and other users—to resolve issues relating to special boating restrictions on waters with no public access by means of agreement, deed, deed restriction or contract without resort to special boating regulations.

(d) It is the policy of the Commission to exercise its discretion to promulgate special boating regulations on waters of this Commonwealth with no public access only in circumstances when:

(1) The public interest and the interests of the boating public clearly show the need for the special regulations as evidenced by a formal resolution requesting the regulations approved by the governing body (for example, township supervisors, borough council, county commissioners) of the political subdivision in which the waters are located. The resolution also should include evidence of

the political subdivision's willingness to enforce the additional restrictions under to the reciprocal enforcement provisions of section 903 of the code (relating to delegation of enforcement powers).

(2) The Bureau of Law Enforcement determines that the proposed special boating regulations are readily enforceable without unduly diverting officers from enforcement activities on waters with public access.

(3) The proponent of the special regulations makes a clear and convincing showing that the proposed regula-

tions are necessary in the particular circumstances to provide for the health and safety of persons on, in and along the waters in question, including persons who boat on those waters, or to protect aquatic life in those waters or both.

[Pa.B. Doc. No. 97-80. Filed for public inspection January 17, 1997, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on Wednesday, January 22, 1997. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference among the Commissioners and staff will be held at 10 a.m. at the same location and will include presentations on the GIS and Commission Web Site, U. S. Geological Survey's National Water Quality Assessment Program for the Delaware River Basin and a review of Basin States' policies on discharges to intermittent streams.

In addition to the subjects listed below, which are scheduled for public hearing at the business meeting, the Commission will also address the following matters: Minutes of the December 11, 1996 business meeting; announcements; General Counsel's report; report on Basin hydrologic conditions; a resolution to adopt the 1996-1997 Water Resources Program and public dialogue.

The subjects of the hearing will be as follows:

Current Expense and Capital Budgets. A proposed current expense budget for the fiscal year beginning July 1, 1997, in the aggregate amount of \$3,445,500 and a capital budget (Water Supply Storage Facilities Fund) reflecting revenues of \$2,187,500 and expenditures and transfers of \$2,074,500. Copies of the current expense and capital budget are available from the Commission on request by contacting Richard C. Gore.

Applications for Approval of the Following Projects Under Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Manetas Farms, Inc. D-81-40 Renewal 3.* An application for the renewal of a groundwater withdrawal project to supply up to 46.5 million gallons (mg)/30 days of water to the applicant's agricultural irrigation system from pond nos. 1, 2 and 3. Commission approval on June 19, 1991 was limited to 5 years. The applicant requests that the total withdrawal from all ponds remain limited to 46.5 mg/30 days. The project is located in Fairfield Township, Cumberland County, NJ.

2. *CS Water and Sewer Associates D-87-96 CP Renewal.* An application for the renewal of a groundwater withdrawal project to supply up to 4.88 mg/30 days of water to the applicant's distribution system from well nos. 1, 4 and 5. Commission approval on April 26, 1989 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 4.88 mg/30 days. The project is located in Lackawaxen Township, Pike County, PA.

3. *Stockton Water Company D-95-51 CP.* An application for approval of a groundwater withdrawal project to supply up to 1.5 mg/30 days of water to the applicant's distribution system from new well no. 5, and to limit the withdrawal from all wells to 6 mg/30 days. The project is located in Stockton Borough, Hunterdon County, NJ.

4. *AlliedSignal, Inc. D-96-20.* A project to expand the Rohm & Haas Frankford Plant barge dock, operated by AlliedSignal, Inc., on the Delaware River near the Bridesburg area in the City of Philadelphia, PA. The project entails new dredging of approximately 0.44 acre adjacent to the existing barge berth to enable simultaneous mooring of two barges.

5. *P & S Development Company D-96-40.* A project to construct a 30,000 gallon per day sewage treatment plant (STP) to replace an existing malfunctioning septic system. The STP will continue to serve The Village Center at Hamlin, a commercial complex located along State Route 590 approximately 1 mile west of the State Route 191 intersection in Salem Township, Wayne County, PA. The STP will provide secondary biological treatment with the sequencing batch reactor activated sludge process as well as tertiary filtration, chlorine disinfection and dechlorination prior to discharge to an unnamed tributary of the West Branch Wallenpaupack Creek in Salem Township, Wayne County, PA.

6. *PECO Energy Company D-96-63.* A project to continue operation of the existing United States Steel (USS) Fairless Works Powerhouse and transfer the ownership to PECO Energy Company. PECO proposes to operate the two steam turbines at up to 78 megawatts of electrical capacity to provide electric energy to its regional service center (which in turn can serve the Pennsylvania-Maryland-New Jersey Interconnection Grid). The steam energy will continue to be used by the USS steel fabrication facilities. PECO will divert up to 4,641 mg/30 days (154.7 mgd) of water via the existing USS withdrawal facilities on the Delaware River, primarily for use as cooling water; however, USS will continue to own and operate the intake facilities. The existing cooling water discharge to the Delaware River, just downstream of the intake, will be operated under the responsibility of PECO. The project is located adjacent to the Delaware River in Falls Township, Bucks County, PA, just upstream of the Newbold Island area.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

ANNE M. ZAMONSKI,
Acting Secretary

[Pa.B. Doc. No. 97-81. Filed for public inspection January 17, 1997, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 31, 1996.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-96	Twin Rivers Community Bank Easton Northampton County	1003 W. Broad St. Bethlehem Lehigh County	Opened
12-23-96	Sun Bank Selinsgrove Snyder County	Old Routes 11 and 15 and Corner of Route 17 Liverpool Perry County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-6-96	Northwest Savings Bank Warren Warren	<i>From:</i> 537 Main Street Clarion Clarion County <i>Into:</i> 601 Main Street Clarion Clarion County	Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-27-96	Harrisburg Belco Federal Credit Union Harrisburg Dauphin County <i>To:</i> Belco Credit Union Harrisburg Dauphin County	Harrisburg	Filed

Application represents conversion from a Federally-chartered credit union to a State-chartered credit union.

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 7, 1997.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-31-96	Prime Newco, Inc. (to be renamed Prime Bancorp, Inc.), Philadelphia, to merge with First Sterling Bancorp, Inc., Devon, and so indirectly acquire First Sterling Bank, Devon	Philadelphia	Effective

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-2-97	Patriot Interim Bank Pottstown Montgomery County	Pottstown	Filed

Application to charter an interim commercial bank will be used to facilitate the conversion of Patriot Bank, Pottstown, from a Federally-chartered savings bank to a State-chartered commercial bank.

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
1-2-97	Patriot Bank Pottstown Montgomery County	Pottstown	Filed

To:
Patriot Savings Bank
Pottstown
Montgomery County

Application represents conversion from a Federally-chartered savings bank to a State-chartered savings bank.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-31-96	Omega Bank, N. A., State College, and Montour Bank, Danville surviving institution— Omega Bank, N. A., State College	State College	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-2-97	Peoples Bank of Glen Rock Glen Rock York County	2701 Eastern Blvd. York York County	Approved
1-6-97	First Capitol Bank York York County	2170 White Street York West Manchester Twp. York County	Opened

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-31-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	760 Cumberland St. Lebanon Lebanon County	Effective

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
1-7-97	Community Bank and Trust Company Forest City Susquehanna County	To Restate Article 8 of the Articles of Incorporation re indemnification of directors, officers, employees or agents of the institution.	Approved and Effective

SAVINGS ASSOCIATIONS**Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
12-31-96	Schuylkill Savings and Loan Association Schuylkill Haven Schuylkill County	Schuylkill Haven	Effective

Represents conversion from a Pennsylvania-chartered mutual savings association to a Federally-chartered mutual savings association.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
12-27-96	St. Edmond's Federal Savings Bank, Philadelphia, and Keystone Savings and Loan Association, Philadelphia surviving institution— St. Edmond's Federal Savings Bank, Philadelphia	Philadelphia	Effective

Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
1-2-97	Slovenian Savings and Loan Association of Franklin-Conemaugh Conemaugh Cambria County	Riverside Shopping Center Jefferson Avenue Windber Somerset County	Approved

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-82. Filed for public inspection January 17, 1997, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 1997

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of February is 9 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.63 to which was added 2.50 percentage points for a total of 9.13 that by law is rounded off to the nearest quarter at 9 1/4%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-83. Filed for public inspection January 17, 1997, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Shelter Grant Program; Request for Applications

The Department of Community and Economic Development (DCED) has been invited to apply for funding through the U. S. Department of Housing and Urban Development.

The Emergency Shelter Grant Program is established within subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. §§ 11371—11378). The program authorizes grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness.

Applications may be submitted to the Department by local governments on behalf of homeless service providers through February 28, 1997. Application forms and instructions may be obtained by contacting the Department's regional offices or the main office in Harrisburg. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, braille, and the like) should contact David Chittister, Room 358 Forum Building, Harrisburg, PA 17120, telephone (717) 787-5327 to discuss how the

Department may best accommodate their needs. The following is the listing of DCED Regional Offices and the counties they serve:

Department of Community and Economic Development Regional Offices

Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia counties

Department of Community and Economic Development
908 State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2256

Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming counties

Department of Community and Economic Development
Suite 201 Samters Building
101 Penn Avenue
Scranton, PA 18503-2025
(717) 963-4571

Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union counties

Department of Community and Economic Development
576 Forum Building
Harrisburg, PA 17120
(717) 787-7347

Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland counties

Department of Community and Economic Development
413 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren counties

Department of Community and Economic Development
Third Floor—Rothrock Building
121 West 10th Street
Erie, PA 16501
(814) 871-4241

Main Office

358 Forum Building
Harrisburg, PA 17120
(717) 787-5327

THOMAS B. HAGEN,
Secretary

[Pa.B. Doc. No. 97-84. Filed for public inspection January 17, 1997, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Act 101 Program Eligibility

In accordance with 22 Pa. Code § 44.4 (relating to eligible students), notice is hereby given that for the 1997-98 academic year the maximum adjusted annual family income to be used for including students in an Act 101 program is \$18,750. This figure was determined by increasing the maximum adjusted annual family income of \$18,600 for the 1996-97 academic year by 25% of the increase in the consumer price index between July 1995 and July 1996 (3.0%), rounded to the nearest \$50.

Notwithstanding the above information, please be advised that a process is currently underway to restructure the definition of economically disadvantaged. When a new income level is approved, it will be published in a subsequent *Pennsylvania Bulletin* issue.

Questions can be directed to Kathleen R. Kennedy, Act 101 State Coordinator, at (717) 783-9188.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-85. Filed for public inspection January 17, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the Field Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

PA 0095338A1. Industrial waste, SIC: **Kelly Run Sanitation, Inc.**, P. O. Box 333, Elizabeth, PA 15037.

This application is for amendment of an NPDES permit to discharge treated stormwater from Kelly Run Landfill in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Fallen Timber Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Pennsylvania American Water Company, located at Becks Run Station, 18.2 miles below the discharge point.

Outfalls 002, 003 and 004: new discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

The discharge from these outfalls shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

PA 0205443. Industrial waste, SIC: 1442, **Davison Sand and Gravel Company**, P. O. Box 5P, 400 Industrial Boulevard, New Kensington, PA 15068.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from New Kensington Land Plant in Lower Burrell Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Allegheny River, classified as a water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Oakmont Borough, located at Oakmont, 4.6 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.13 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			60		110
pH	6.0—9.0				

The EPA waiver is in effect.

PA 0044679. Sewage, **Pigeon Creek Sanitary Authority**, P. O. Box 504, 513 Main Street, Bentleyville, PA 15314.

This application is for amendment of an NPDES permit to discharge treated sewage from the Pigeon Creek Sewage Treatment Plant in Fallowfield Township, **Washington County**.

The following revisions are proposed to the above referenced NPDES permit for discharge to the receiving waters, known as Pigeon Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company—Becks Intake.

Outfall 001: existing discharge, design flow reduced from 1.02 mgd to 0.9 mgd. Mass limitations changed to reflect reduction in flow rate. All previous limitations expressed in terms of concentration remain the same. Frequency of monitoring reduced from 2/week to 1/week for all parameters except total residual chlorine and flow.

The EPA waiver is not in effect.

PA 0097594. Sewage, **Ron Davidson Chevrolet**, 3885 Admiral Perry Highway, Ebensburg, PA 15931.

This application is for renewal of an NPDES permit to discharge treated sewage from the Ron Davidson Chevrolet Sewage Treatment Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Stewart Run, which are classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .00037 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Oil and Grease	15.0			30.0
Trichloroethylene	0.35			0.70
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

Other Conditions: None

The EPA waiver is in effect.

PA 0217531. Sewage, **Laurel View Manor, Inc.**, R. D. 2, Box 337, Mt. Pleasant, PA 15666.

This application is for issuance of an NPDES permit to discharge treated sewage from Hawkeye Mobile Home Park STP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stauffer Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Service.

Outfall 001: new discharge, design flow of .0079 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

Northwest Regional Office: Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

PA 0037974. Sewage, **Washington Township**, 11800 Edinboro Road, Edinboro, PA 16412.

This application is for renewal of an NPDES permit to discharge treated sewage from Imperial Point South sewage treatment plant to an unnamed tributary of Darrows Run in Washington Township, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Franklin City General Authority, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on average design flow of 0.080 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow		monitor only
CBOD ₅	10	20
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	2.5	5
(11-1 to 4-30)	7.5	15
Total Residual Chlorine	0.5	1.2
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0102636. Sewage. **J.W.B., Inc.**, Riverside Golf Course, R. D. 2, Box 281, Cambridge Springs, PA 16403.

This application is for renewal of an NPDES permit to discharge treated sewage to an unnamed tributary to French Creek in Cambridge Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is French Creek and is used by the Cambridge Springs Water Company which is 2.49 miles below the discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia			
(5-1 to 10-31)	11		22
(11-1 to 4-30)	monitor and report		
Dissolved Oxygen	at least 3.0 mg/l at all times		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

PA 0062863. Sewerage, **Pike County Commissioners**, Attn: Sally Thomson, Blooming Grove Township, Pike County.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Billings Creek in Blooming Grove Township, **Pike County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Stroudsburg/East Stroudsburg Intake located on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0484 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0	20.0
Total Suspended Solids	30.0	60.0
NH ₃ -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus as "P"	2.0	4.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
NO ₂ + NO ₃ as "N"	13.5	27.0

The EPA waiver is in effect.

PA 0063592. Sewerage, **Borough of Gilberton**, Municipal Building, Main Street, Gilberton, PA 17934.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Mahanoy CK in Gilberton Borough, **Schuylkill County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Danville Water Supply on Susquehanna River at Lat. 40°56'43" and Long. 76°36'12".

The proposed effluent limits for Outfall 001 based on a design flow of .100 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

The EPA waiver is in effect.

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be

published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. Third Street, Williamsport, PA 17701, telephone (717) 327-3669.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.

NPDES Permit PAS10D090. Stormwater. **John Hagan**, 6450 Middleton Lane, New Hope, PA 18938 has

applied to discharge stormwater from a construction activity located in Solebury Township, **Bucks County**, to Paunacussing.

Clinton County Conservation District, District Manager, 2 State Route 150, Mill Hall, PA 17751, telephone (717) 726-3798.

NPDES Permit PAS101911. Stormwater. **WalMart Stores Inc.**, 701 S. Walton Boulevard, Bentonville, AR 72716-0095 has applied to discharge stormwater from a construction activity located in Bald Eagle Township, **Clinton County**, to Fishing Creek and Bald Eagle Creek.

Cumberland County Conservation District, District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.

NPDES Permit PAS10H065. Stormwater. **Summerdale Enterprises**, Charles Vandenberg, 3719 Walnut Street, Harrisburg, PA 17109 has applied to discharge stormwater from a construction activity located in East Pennsboro Township, **Cumberland County**, to UNT to the Susquehanna River.

Lycoming County Conservation District, District Manager, 240 W. 3rd Street, P. O. Box 68, Williamsport, PA 17703, telephone (717) 326-5858.

NPDES Permit PAS103912. Stormwater. **Lycoming County Water & Sewer Authority**, P. O. Box 39, Montoursville, PA 17754 has applied to discharge stormwater from a construction activity located in Fairfield Township and Montoursville Borough, **Lycoming County**, to the Susquehanna River, Loyalsock Creek and Leffertown and Tules Runs.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Colledgeville, PA 19426, telephone (610) 489-4506.

NPDES Permit PAS10T077. Stormwater. **L F Driscoll Company**, 9 Presidential Boulevard, P. O. Box 468, Bala Cynwyd, PA 19004 has applied to discharge stormwater from a construction activity located in Horsham Township, **Montgomery County**, to Davis Grove tributary.

Washington County Conservation District, District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.

NPDES Permit PAS10W056. Stormwater. **Jim Dick**, P. O. Box 395, Meadowlands, PA 15347 has applied to discharge stormwater from a construction activity located in South Strabane Township, **Washington County**, to UNT to Chartiers Creek.

York County Conservation District, District Manager, 118 Pleasant Acres Rd., York, PA 17402, telephone (717) 840-7430.

NPDES Permit PAS10Y060. Stormwater. **Stees Corporation**, 2510 E. Market Street, York, PA 17402 has applied to discharge stormwater from a construction activity located in York Township, **York County**, to UNT to Mill Creek.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection. Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or

application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protests. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

WQM Permit No. 6196402. Sewage. **VisionQuest National Ltd.**, P. O. Box 168, Franklin, PA 16323. This project is to construct an extended aeration type sewage treatment plant and approximately 1,000 feet of collection sewer and effluent sewer together with six manholes, four pipe anchors and an end wall. The project will provide a sanitary sewerage system for the Fort Charles Young facilities in Sandycreek Township, **Venango County**.

WQM Permit No. 1694201. Industrial waste. **County Environmental of Clarion**, P. O. Box 237, Leeper, PA 16233. This project is for construction and operation of a leachate treatment facility in Farmington Township, **Clarion County**.

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Northwest Regional Office: DEP Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.

Location: Walnut Heights Sewer Extension, Fairview Twp., Erie County, c/o Barbara Partchey, Secretary, 7471 McCray Road, Fairview, PA 16415.

The approved plan provided for design and construction of a gravity sewer collection system. Sewage will be conveyed to the Erie Sewage Treatment Plant for final treatment and disposal. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

A. 1097501. Public water supply. **Mt. Chestnut Golden "L" Mobile Home Park**, 135 Golden Lane,

Butler, PA 16001. This proposal involves the modifications to the existing public water supply system to incorporate corrosion control in Franklin Township, **Butler County**.

A. 4297501. Public water supply. **Port Allegany Borough**, 1 Maple Street, Port Allegany, PA 16743-1318. This proposal involves the installation of corrosion control treatment facilities in three existing well houses, nos. 7, 8 and 9. Also to construct and operate a pressure pump station to service the Laurel Lane and Katherine Street area in Port Allegany Borough, **McKean County**.

Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.

A. 0196505. Public water supply. **Castle Hill Mobile Home Park**, Straban Township, **Adams County**, (David J. Rimmel, General Partner, Pike Management, 20 Erford Road, Suite 215, Lemoyne, PA 17043), new well no. 2 to serve the Castle Hill Mobile Home Park. A permitted capacity of 35 gpm is sought for well no. 2. Proposal also includes modification of treatment facilities to include Hypochlorite Disinfection and Manganese Sequestration. The distribution system will also be expanded to serve a total of 44 lots, (Janet R. McNally, P. E., William F. Hill and Associates, Inc., 207 Baltimore Street, Gettysburg, PA 17325).

Acknowledgment of Notices of Intent to Remediate

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Sun Pipeline Abbottstown, Berwick Township, **Adams County**. Sun Company, Inc., Twin Oaks Terminal, 4041 Market Street, Aston, PA 10014, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published December 13, 1996, in the *Evening Sun*.

A Plus Printing, City of Altoona, **Blair County**. A Plus Printing, Inc., Michael A. Colledge, Miriam K. Colledge, and Alex Namey, 500 32nd Street, Altoona, PA 16602, have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with naphthalene, benzene, toluene, ethylbenzene, total xylene, m-, p-xylene, and o-xylene. The applicants propose to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* during the week of December 30, 1996.

Reopening of the Administrative Record; Interim Response under the Hazardous Sites Cleanup Act

Quality Container Corporation Site Philadelphia City and County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, (HSCA) (35 P. S. §§ 6020.101—6020.1305) has completed an interim response at the Quality Container Corporation Site. Notice of this response was published in the *Pennsylvania Bulletin*, vol. 24, no. 37, on September 10, 1994. The Quality Container Corporation site (site) was located at 2135 E. Ontario Street, in the Port Richmond neighborhood of Philadelphia.

The site operated as a drum reconditioning facility until going out of business in 1990. It consisted of a 1.25 acre property with several connected buildings and two open, unpaved courtyards. The original planned HSCA response involved the removal of hazardous wastes and materials abandoned on the site. During the response activities, the quantity of hazardous wastes and materials was found to be far greater than the original estimates.

In addressing the release of hazardous substances at the site, the Department's major objective was to eliminate the human health and environmental threat caused by the abandoned hazardous wastes and materials on the site. In order to achieve this objective, the Department selected a response which included sampling and analysis for waste characterization and for treatment and disposal purposes, and arranging and providing for off site removal of the wastes to appropriate treatment/disposal facilities. All wastes involved in this response were removed from the site between March 20, 1995 and February 8, 1996.

Under section 506(g) of HSCA, documentation of the Department's costs incurred in order to perform the above mentioned interim response have been added to the Administrative Record. The Department is providing this notice under section 506(h) of HSCA. The publication of this notice in the *Pennsylvania Bulletin* initiates an additional 60-day public comment period, as provided, under HSCA. The sole purpose of this additional comment period is to accept comments relating to costs incurred by the Department. Comments not related to costs will not be considered.

The Administrative Record, which contains the information that forms the basis for and documents the costs of this response, is available for public review and comment. The Administrative Record is located at the Richmond Branch of the Free Library of Philadelphia, and is available for review Mondays and Wednesdays noon to 8 p.m., Tuesdays, Thursdays and Fridays 10 a.m. to 5 p.m., and Saturdays 1 to 5 p.m. The Administrative Record may also be reviewed at the Department's Regional Office located at 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.

Written comments concerning the Department's costs and related to the information contained in the Administrative Record regarding the Department's costs will be accepted in person, if delivered, or by mail, if postmarked on or before March 19, 1997. Written comments should be directed to the attention of April Flipse, DEP Project Officer, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428, (610) 832-5937.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing is scheduled for 7 p.m. on March 5, 1997, at the Department's Southeast Regional Office, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA. Persons wishing to present oral comments should register on or before March 3, 1997, by contacting Rob Goldberg, DEP Community Relations Coordinator, at (610) 832-6010. For more information about the hearing, contact April Flipse at (610) 832-5937.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Rob Goldberg or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 to discuss how the Department may accommodate their needs.

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

A. 603451. Meadow View Farms, Jim's Septic Service, Inc., (R. R. 3, Box 362, Palmyra, PA 17078-9731). Application for operation of an agricultural utilization of sewage sludge site in South Londonderry Township, **Lebanon County**. Application determined to be administratively complete in the Regional Office December 31, 1996.

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources.

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

21-2003A. Installation of a tire tread extrusion line by **Carlisle Tire & Wheel Company** (P. O. Box 99, Carlisle, PA 17013) in Carlisle, **Cumberland County**.

28-318-035. Construction of two surface coating booths by **Jerr-Dan Corp.** (1080 Hykes Road, Greencastle, PA 17225) at their Route 11/State Line facility in Antrim Township, **Franklin County**.

36-310-006A. Modification of an existing limestone crushing plant by **Binkley and Ober, Inc.** (P. O. Box 7, East Petersburg, PA 17520) in East Hempfield Township,

Lancaster County. The source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

36-320-026D. Installation of one printing unit and dryer by **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601-5885) at their Lancaster East Plant located in Lancaster City, **Lancaster County**.

38-2009A. Construction of one internal combustion engine-generator by **Lebanon Methane Recovery, Inc.** (920 Rosstown Road, Lewisberry, PA 17339) at their Russel Road facility in North Lebanon Township, **Lebanon County**.

67-323-016A. Modification of an existing chrome electroplating operation by **Hard Chrome Specialists, Inc.** (41 Leigh Drive, York, PA 17402) in Manchester Township, **York County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

36-2031. The Department intends to issue an Air Quality RACT Operating Permit to **Bollman Hat Company** (Willow Street Plant, 110 East Main Street, Adamstown, PA 19501) for hat dipping and drying operations in Adamstown Borough, **Lancaster County**.

36-2073. The Department intends to issue an Air Quality RACT Operating Permit to **Bollman Hat Company** (Main Street Plant, 110 East Main Street, Adamstown, PA 19501) for hat dipping and drying operations in Adamstown Borough, **Lancaster County**.

67-323-029B. The Department intends to issue an Air Quality Operating Permit to **Berg Electronics, Inc.** (Emig and Busser Roads Plant, Emigsville, PA 17318-0248) for three electroplating lines controlled by wet scrubbers in Manchester Township, **York County**.

Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

65-323-002. The Department intends to issue an Air Quality Operating Permit to **Latronics Corporation**, (1001 Lloyd Avenue, Box 469, Latrobe, PA 15650) for a fume scrubber—fan watermist on the plating operation at its Latrobe Plant located in Unity Township, **Westmoreland County**.

26-313-013. The Department intends to issue an Air Quality Operating Permit to **Welland Chemical, Inc.**, (P. O. Box 26, Mill Street, Newell, PA 15466) for a nitric acid facility at its Newell Works located in Newell Borough, **Fayette County**.

Notice of Intent to Issue

Title V Operating Permit
Permit No. TV-05-05007
Bedford County

The Department of Environmental Protection intends to issue a Title V Operating Permit to Texas Eastern Transmission Corporation for the Bedford Compressor Station located in Bedford, Bedford County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-05-05007).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

Applications received for Plan Approval under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

Southwest Regional Office: Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-56-197A. Meyersdale Area School District (615 West Highland Avenue, Ebensburg, PA 15931) for boilers at its Meyersdale High School facility located in Summit Township, **Somerset County**.

PA-63-649B. Polycom Huntsman, Inc. (55 Galiffa Drive, Donora, PA 15033) for a thermoplastic compounding operation at its Donora Plant no. 1 facility located in Donegal Township, **Washington County**.

PA-65-378A. BP Exploration & Oil, Inc. (Logistics HSE, 200 Public Square 7-T, Cleveland, OH 44114) for an I F R Storage Tank at its Greensburg Terminal facility located in Hempfield Township, **Westmoreland County**.

PA-56-232A. Resource Conservation Corporation (R. R. 1, Box 305, Cairnbrook, PA 15924) for a landfill gas management system at its Shade Township Waste Management Facility located in Shade Township, **Somerset County**.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed

mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

Coal Mining Applications Received

03841312. Stanford Coal Operations, Inc., (301 East Main St., Lexington, KY 40507), to transfer the permit for the Spaces Corner bituminous deep mine in Rayburn Township, **Armstrong County** from Hays Run Coal Company, no additional discharge. Application received November 18, 1996.

30841310. Duquesne Light Company, (P. O. Box 457, Greensburg, PA 15338), to renew the permit for the Warwick No. 3 bituminous deep mine in Dunkard Township, **Greene County**, no additional discharge. Application received December 2, 1996.

03871302. Triple K Coal Company, (R. D. 1, Box 308, Rural Valley, PA 16249), to revise the permit for the Triple K No. 1 bituminous deep mine in Burrell Township, **Armstrong County** to add 735 permit acres, no additional discharge. Application received December 16, 1996.

30871301. Genesis, Inc. d/b/a, Meadow Run Genesis, Inc., (P. O. Box 317, Stoystown, PA 15563), to revise

the permit for the Meadow Run bituminous deep mine in Dunkard Township, **Greene County** to add 114 permit and subsidence control plan acres, no additional discharge. Application received December 23, 1996.

03841601. Rosebud Mining Company, (R. D. 1, Box 379A, Kittanning, PA 16201), to renew the permit for the Bostonia Preparation Plant in Perry Township, **Armstrong County**, no additional discharge. Application received January 2, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

19930101C. Burnrite Coal Company, (325 Mulberry Street, Atlas, PA 17851), incidental boundary correction on an existing anthracite surface mine operation in Mt. Carmel Township, **Northumberland County** affecting 5.2 acres, receiving stream none. Application received December 19, 1996.

22851601R. Underkoffler Coal Service, Inc., (6833 State Rte. 209, Lykens, PA 17048), renewal of an existing coal preparation plant facility in Wiconisco Township, **Dauphin County** affecting 13.0 acres, receiving stream none. Application received December 30, 1996.

District Mining Operations, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

56860107. Permit Renewal, Shaffer Brothers Coal Company, Inc. (Jay Street, Windber, PA 15963), commencement, operation and restoration of bituminous strip mine in Paint Township, **Somerset County**, affecting 106.8 acres, receiving stream unnamed tributary to Seese Run, application received December 20, 1996.

32860106. Permit Renewal, Kent Coal Mining Company (P. O. Box 729, Indiana, PA 15701), commencement, operation and restoration of bituminous strip mine in Blacklick Township, **Indiana County**, affecting 233.1 acres, receiving stream four unnamed tributaries to Aultmans Run and Aultmans Run, application received December 24, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

09870302C3. Delaware Valley Concrete Company, Inc., (248 East County Line Road, P. O. Box 457, Hatboro, PA 19040), correction to existing sand and gravel quarry to include additional mining depth and blasting on site in Tinicum Township, **Bucks County**, affecting 114.5 acres, receiving stream Delaware River. Application received December 23, 1996.

09890303C3. Miller & Son Paving, Inc., (1371 West Street Road, Warminster, PA 18974), revisions to include wet processing and to modify water handling to existing Argillite Quarry operation in Plumstead Township, **Bucks County**, affecting 132.68 acres, receiving stream Branch of Neshaminy. Application received December 23, 1996.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial

requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

E20-440. Encroachment. 99th RSC U. S. Army Reserve, 5 Lobaugh Street, Oakdale, PA 15701-5001. To fill 2.53 acres of a 16.0-acre wetland system for the construction of a new military equipment concentration site. These wetlands are not exceptional value and are classified as Palustrine, Forested, Broad-leaved, Deciduous, Seasonally Flooded, Fresh Water, Mineral Soil wetlands. Project includes construction of 3.8 acres of replacement wetland at the same project site. The project is approximately 34 acres in size and is located north of T-600 approximately 1 mile from its intersection of S. R. 0285 (Geneva, PA Quadrangle N: 9.8 inches; W: 15.0 inches) located in Greenwood Township, **Crawford County**.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-532. Encroachment. Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove an existing single span steel bridge and to construct and maintain a two span prestressed concrete box beam bridge which carries Marshall Road (SR 4033) over the east branch of the Brandywine Creek on a new alignment approximately 90 feet upstream of the existing bridge. The proposed bridge will have an effective width of 44.5-foot in each span and a minimum vertical clearance of 4.3-foot. Work also includes realignment of existing SR 4033, and intersection improvements of SR 4033 with SR 0282 and T-410 including associated drainage improvements. This bridge is located (Wagontown, PA Quadrangle N: 13.9 inches; W: 0.7 inch) in Wallace Township, **Chester County**.

E09-737. Encroachment. Borough of Morrisville, 35 Union Street, Morrisville, PA 19067. To construct and maintain a 16.5-foot by 13-foot concrete slab for the purpose of providing a foundation for a proposed emergency generator at the Borough of Morrisville's Water Filtration Plant located in the floodplain of the Delaware River (Trenton West, PA-NJ Quadrangle N: 17.3 inches; W: 5.0 inches) in Lower Makefield Township, **Bucks County**.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

E36-626. Encroachment. Parkway Development Corporation, Joseph Nadu, Lancaster County, 1730 Columbia Avenue, Lancaster, PA 17603. To fill a deminimus area of wetlands less than or equal to .05 acre and to remove an open water pond for grading and construction of a stormwater detention basin within the Willow Run subdivision. The development is located south of Willow Street and along the east side of Willow Street Pike (SR 272) (Conestoga, PA Quadrangle N: 16.8 inches; W: 3 inches) in Pequea and West Lampeter Townships, **Lancaster County**.

ACTIONS

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Permits Issued

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

NPDES Permit No. PA0001228. Industrial waste, **Westinghouse Electric Corporation**, Low Grade Road at Lemon Lane, Cheswick, PA 15024 is authorized to discharge from a facility located at Cheswick Facility, Harmar Township, **Allegheny County** to unnamed tributary to Allegheny River.

NPDES Permit No. PA0204170. Industrial waste, **Mayfair Creamery**, 1019 North Center Avenue, Somerset, PA 15501 is authorized to discharge from a facility located at Somerset Borough, **Somerset County** to unnamed tributary of the east branch of Coxes Creek.

NPDES Permit No. PA0217468. Industrial waste, **Beaver Falls Municipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA 15010 is authorized to discharge from a facility located at Eastvale Water Treatment Plant, Eastvale Borough, **Beaver County**, to Beaver River.

NPDES Permit No. PA0028673. Sewage, **Gallitzin Borough Sewer & Disposal Authority**, 702 Jackson Street, Gallitzin, PA 16641 is authorized to discharge from a facility located at Borough of Gallitzin Wastewater Treatment Plant, Gallitzin Township, **Cambria County** to Bradley Run.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.

NPDES Permit No. PA0046418. Sewage. **Municipal Authority of Middleboro**, P. O. Box 189, McKean, PA 16426 is authorized to discharge from a facility located in McKean Borough, **Erie County** to receiving waters named Elk Creek.

NPDES Permit No. PA0033821. Sewage. **Pymatuning Lab of Ecology—University of Pittsburgh**, 13142 Hartstown Road, Linesville, PA 16424 is authorized to discharge from a facility located in North Shenango Township, **Crawford County** to receiving water named Pymatuning Reservoir.

NPDES Permit No. PA0023957. Sewage. **Georgetown Heights Subdivision**, P. O. Box 62, McKean, PA 16426 is authorized to discharge from a facility located in McKean Township, **Erie County** to an unnamed tributary to Elk Creek.

NPDES Permit No. PA0103373. Sewage. **Foxburg Area Water and Sewer Authority**, P. O. Box 2, Foxburg, PA 16036 is authorized to discharge from a facility located in Foxburg Borough, **Clarion County** to receiving waters named Allegheny River.

NPDES Permit No. PA0222101. Sewage. **Honey Estates, Inc.**, 1202 Ponderosa Drive, Erie, PA 16509 is authorized to discharge from a facility located in Summit Township, **Erie County** to receiving waters named Walnut Creek.

NPDES Permit No. PA0101052. Industrial waste. **Municipal Authority of the Borough of Union City**, 12 South Main Street, Union City, PA 16438 is authorized to discharge from a facility located in Union Township, **Erie County** to receiving waters named Bentley Run.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

NPDES Permit No. PA-0013064. Industrial waste. **Harcros Pigments, Inc.**, 1525 Wood Avenue, Easton, PA 18042 is authorized to discharge from a facility located in the City of Easton, **Northampton County** to Bushkill Creek.

Notices of Intent for Coverage Under NPDES General Permit for Construction Activities and Department Final Actions

Allegheny County Conservation District, District Manager, 875 Greentree Rd., Rm. 208 Acacia Bldg., Pittsburgh, PA 15220, telephone (412) 921-1999.

Bedford County Conservation District, District Manager, Fairlawn Ct. Ste. 4, 702 W. Pitt St., Bedford, PA 15522, telephone (814) 623-6706.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.

Cumberland County Conservation District, District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.

Erie County Conservation District, District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.

Franklin County Conservation District, District Manager, 550 Cleveland Ave., Chambersburg, PA 17201, telephone (717) 264-8074.

Fulton County Conservation District, District Manager, 216 N. Second St., McConnellsburg, PA 17233, telephone (717) 485-3547.

Lackawanna County Conservation District, District Manager, 395 Bedford St., Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.

Lancaster County Conservation District, District Manager, 1383 Arcadia Rd., Rm. 6 Farm & Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.

Luzerne County Conservation District, District Manager, Smith Pond Road, Lehman, PA 18627, telephone (717) 674-7991.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Collegetown, PA 19426, telephone (610) 489-4506.

Union County Conservation District, District Manager, 60 Bull Run Crossing, Lewisburg, PA 17837, telephone (717) 523-8782.

York County Conservation District, District Manager, 118 Pleasant Acres Rd., York, PA 17402, telephone (717) 840-7430.

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A192	West Mifflin School District 515 Camp Hollow Rd. West Mifflin, PA 15122	Allegheny Co. W. Mifflin Boro.	Thompson Run
PAR100420	Joe Klucker R. D. 1, Box 66A New Paris, PA 15554	Bedford Co. E. St. Clair Twp.	UNT to Adams Run
PAR100421	William Walent 18 Gephart Ave. Bedford, PA 15522	Bedford Co. Napier Twp.	UNT to Shawnee Br.
PAR10E060	Kenneth Brennan R. D. 3 Evans City, PA 16033	Butler Co. Adams Twp.	Beaver River
PAR101731	David Carns R. D. 1, Box 205 Clearfield, PA 16830	Clearfield Co. Lawrence Twp.	UNT to Moose Crk.
PAR10H115	Enola Constr. Company P. O. Box 121 Carlisle, PA 17013	Cumberland Co. Dickinson Twp.	Conodoguinet Crk.
PAR10K075	Timothy Birkmire 1612 Filmore Ave. Erie, PA	Erie Co. McKean Twp.	Bear Run
PAR10M131	Boro of Chambersburg 100 S. Second Street Chambersburg, PA 17201	Franklin Co. Boro of Chambers.	Conococh. Crk.
PAR102805	JLG Industries Inc. 1 JLG Drive McConnellsburg, PA	Fulton Co. Ayr Twp.	UNT to Cove Crk.
PAR10N046	Colleen Lando St. Marys Villa Nursing Home Elmhurst, PA	Lackawanna Co. Elmhurst Twp.	Roaring Brook
PAR10-O-199	CGE Assocs. & Carl Esbenshade 1547 Oregon Pike Lancaster, PA 17601	Lancaster Co. Mount Joy Twp.	UNT to Donegal Crk.
PAR10-O-229	Manheim Twp. Dev. Co. 1001 Lititz Pike Lititz, PA 17543	Lancaster Co. Rapho Twp.	Chickies Crk.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10-O-235	Skiadas Brothers 215 E. Chestnut St. Coatesville, PA 19320	Lancaster Co. E. Lampeter Twp.	Mill Crk.
PAR10R101	Robert Tambur 1140 Rt. 315 Wilkes-Barre, PA	Luzerne Co. Dorrance Twp.	Big Wapwallopen
PAR10R102	Frank Crossin Luzerne Co. Flood Protection Authority 200 N. River	Luzerne Co. Swoyersville/ Forty Fort Boros	Susquehanna Rvr.
PAR10T318	Cutler Group Inc. 5 Sentry Pkwy, W Ste. 100 Blue Bell, PA 19422	Montgomery Co. U. Providence Twp.	UNT to Schoolhouse Run
PAR10T294	Michael Clement Office Court at Walton Point 484 Norristown Rd. Blue Bell, PA 19422	Montgomery Co. U. Providence Twp.	UNT to Schuylkill River
PAR10T303	Acme Store Properties P. O. Box 30658 Salt Lake City, UT 84130	Montgomery Co. Towamencin Twp.	N/A
PAR106822	Dustin Hill, Phase III Lot No. 1 West Milton, PA 17886	Union Co. Kelly Twp.	UNT to Susquehanna River
PAR10Y234	Jacobus Borough Sewer Authority 126 N. Cherry Ln. Jacobus, PA 17407	York Co. Jacobus Boro and Springfield Twp.	E. Br. Codorus Crk.
PAR10Y231	James Gray R. D. 7, Box 7362 Spring Grove, PA	York Co. N. Codorus Twp.	UNT to Codorus Crk.
PAR10Y236	St. John Chyrsostom Antiochian Orthodox Church P. O. Box 86 York, PA 17405	York Co. Springettsbury Twp.	Codorus Crk.
PAR10Y237	Keith Beatty 3076 Quail Ln. York, PA	York Co. N. Codorus Twp.	UNT to S. Br. Codorus Crk.

NOI Received and Final Actions Under NPDES General Permits

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR808361	PAG-3	Roadway Express Inc. 2215 Powell Ave. Erie, PA 16506	Erie Mill Creek Twp.	Unnamed tributary to Lake Erie	4231
PAG048414	PAG-4	Mary and Glenn Franceschina 531 Glade Mill Rd. Valencia, PA 16059	Butler Middlesex Twp.	Glade Run	

The following approvals for coverage under NPDES Individual Permit for Discharges of Stormwater from Construction Activities have been issued.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10E054	Municipal Authority of Buffalo Township 707 South Pike Road Sarver, PA 16055	Butler County Buffalo Twp.	Buffalo Creek Little Buffalo Creek Sarver Run and tributaries

Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

WQM Permit No. 1096406. Sewage. **Municipal Authority of Buffalo Township**, 707 South Pike Road, Sarver, PA 16055. This project is for construction and operation of a proposed sewage treatment facility in Buffalo Township, **Butler County**.

WQM Permit No. 1096410. Sewerage, **Mary and Glenn Franceschina**, SRSTP, 531 Glade Mill Rd., R. D. 3, Valencia, PA 16059. Construction of Mary and Glenn Franceschina SRSTP located in Middlesex Township, **Butler County**.

WQM Permit No. 2594413. Sewage. **Tracy Golf Course** (Crabapple Ridge), 10234 Sharp Road, Waterford, PA 16441. This project is for the construction and operation of a small flow treatment facility with spray irrigation in Waterford Township, **Erie County**.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

Permit No. 3996403. Sewerage. **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. Permit to construct and operate a bar screen unit at the Upper Saucon Wastewater Treatment Plant, located in Upper Saucon Township, **Lehigh County**.

Permit No. 4896401. Sewerage. **Bethlehem Township Municipal Authority**, 2740 Fifth Street, Bethlehem, PA 18017-3499. Permit to construct and operate a sanitary sewer extension to serve New Orchard Estates, located in Bethlehem Township, **Northampton County**.

Permit No. 5496405. Sewerage. **Minersville Sewer Authority**, Two East Sunbury Street, Minersville, PA 17859. Permit to construct and operate sanitary sewer pump stations to serve Norwegian Woods Development, located in Norwegian Township, **Schuylkill County**.

Approvals for coverage under the General NPDES Permit for Discharge from Stripper Oil Well Facilities—Permit PAG310001.

Northwest Regional Office: Regional Oil and Gas Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6860.

6194001. James L. Beck, 15852 Pleasant Valley Drive, Pleasantville, PA 16341 is again approved for three discharges (Outfalls 002, 003 and 004) to the Allegheny River in President Township, **Venango County**. This is a renewal of an existing approval.

Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(2) and 303(h)(2)).

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports:

Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

AMP Larue Building 31, Codorus Township, **York County**. AMP Incorporated, P. O. Box 3608, Harrisburg, PA 17105, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

AMP Building 2, Old Gettysburg Road Facility, Lower Allen Township, **Cumberland County**. AMP Incorporated, P. O. Box 3608, Harrisburg, PA 17105, has submitted a Final Report concerning remediation of site groundwater contaminated with volatile organic compounds. The report is intended to document remediation of the site to meet the Statewide health standard.

Buck Run Property Site, including 19 Buck Run Road, 26 Buck Run Road, and the Buck Run Road Right-of-Way, South Heidelberg Township, **Berks County**. C. D. Schneck, Inc., 1200 Columbia Avenue, Sinking Spring, PA 17569, has submitted a Final Report concerning remediation of site soils contaminated with

BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

Pennsylvania Power & Light Company (PP&L)—distribution pole #64481S47671 (Sherman and Allen Streets), City of Allentown, **Lehigh County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant remediated the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #62101S46421 (Reading Road), City of Allentown, **Lehigh County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant remediated the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #62898S45606 (28th Street SW at Lehigh Street), City of Allentown, **Lehigh County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant remediated the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #42446S49389 (Elk Avenue), City of Pottsville, **Schuylkill County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant remediated the site to meet the Statewide health standard.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4588.

Permit No. 602119. Wival, Harold Drager, and Nelson Drager Farms, Marietta Donegal Joint Sewer Authority, P. O. Box 167, Marietta, PA 17547. Application for operation of an agricultural utilization of sewage sludge site in East Donegal and Rapho Townships, **Lancaster County**. Permit issued in the Regional Office December 30, 1996.

Permit No. 602571. Donald E. Brean Farm, Peck's Sanitary Septic Service, (68 Pine School Road, Gardners, PA 17324). Renewal application for the operation of an agricultural utilization of sewage sludge site in South Middleton Township, **Cumberland County**. Permit issued in the Regional Office December 30, 1996.

Permit No. 602972. Charles Groff Farm, Groff's Septic Service, (R. D. 2, Box 155, Newville, PA 17214). Application for operation of an agricultural utilization of sewage sludge site in Upper Mifflin Township, **Cumberland County**. Permit issued in the Regional Office December 30, 1996.

Permit No. 603376. Jim Chestnut Farm, (Jim Chestnut, R. D. 1, Box 240, McConnellsburg, PA 17233). Application for operation of an agricultural utilization of septage onto fields in Ayr Township, **Fulton County**. Permit issued in the Regional Office December 30, 1996.

Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources or air cleaning devices.

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

22-322-001. On December 23, 1996, the Department issued a Plan Approval to **Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061) for the installation of a landfill gas extraction system controlled by an enclosed ground flare in Upper Paxton and Washington Townships, **Dauphin County**.

28-3001. On December 23, 1996, the Department issued a Plan Approval to **G. S. Electric** (P. O. Box 400, Carlisle, PA 17013) for the installation of an armature coating line controlled by a combination electrostatic precipitator/carbon adsorption module in Chambersburg Borough, **Franklin County**.

28-318-034. On December 23, 1996, the Department issued a Plan Approval to **Ingersoll-Rand Company** (312 Ingersoll Drive, Shippensburg, PA 17257) for the installation of a paint spray booth in Shippensburg Borough, **Franklin County**.

31-309-029A. On December 23, 1996, the Department issued a Plan Approval to **Owens-Corning Fiberglas Corporation** (1200 Susquehanna Avenue, Huntingdon, PA 16652) for the construction of a glass batch mixing, blending and delivery system controlled by fabric filters at their Batch House, South Forming, in Huntingdon Borough, **Huntingdon County**.

38-323-006. On January 3, 1997, the Department issued a Plan Approval to **Aluminum Company of America** (3000 State Drive, Lebanon, PA 17042) for the construction of a refractory machining/fabrication process controlled by a fabric filter in South Lebanon Township, **Lebanon County**.

Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-63-014A. On December 17, 1996, a Plan Approval was issued to **Duquesne Light Company**, (411 Seventh Avenue, Mail Drop 14-705, Pittsburgh, PA 15230) for a fossil fuel fired power plant at its Elrama Station facility located in Union Township, **Washington County**.

PA-04-468B. On December 17, 1996, a Plan Approval was issued to **S. H. Bell Company**, (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238) for a low carbon ferro chrome crusher at its State Line Terminal facility located in Glasgow Borough, **Beaver County**.

26-000-119. On December 20, 1996, a Plan Approval was issued to **Anchor Glass Container Corporation**, (1 Anchor Plaza, 4343 Anchor Plaza Parkway, Tampa, FL 33634) for a A/F Ratio Control on nos. 1, 2, and 3 furnaces, and combustion staging on nos. 2 and 3 furnaces of the glass container manufacturing operation at its Plant 5 facility located in South Connellsville Borough, **Fayette County**.

Plan Approval extensions under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and operate air contaminant sources or air cleaning devices.

Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

63-307-023A. On December 20, 1996, a Plan Approval expiration date was extended to March 31, 1997 for **Washington Steel Corporation**, (P. O. Box 494, Washington, PA 15301) for baghouses on two electric arc furnaces (EAF) at its Houston Plant facility located in Houston Borough, **Washington County**.

04-310-016. On December 20, 1996, a Plan Approval expiration date was extended to April 30, 1997 for **Heckett MultiServ**, (612 North Main Street, Butler, PA 16001) for a slag reprocessing plant at its Plant 53—Koppel facility located in Koppel Borough, **Beaver County**.

04-310-012. On December 20, 1996, a Plan Approval expiration date was extended to May 1, 1997 for **Tajon Warehousing Corporation**, (2701 Midland-Beaver Road, Industry, PA 15052) for dust collectors, baghouses, and atomized water spray systems on the barge/rail terminal at its Arver Terminal facility located in Industry Borough, **Beaver County**.

04-313-065A. On December 20, 1996, a Plan Approval expiration date was extended to May 1, 1997 for **Nova Chemicals, Inc.**, (400 Frankfort Road, Monaca, PA 15061) for a Pentane Emission Reduction System and baghouse on the Dylite Unit at its Beaver Valley Plant facility located in Potter Township, **Beaver County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.

Coal Permits Issued

26910107R. Theodore R. Genovese II Coal Co. (General Delivery, Chalk Hill, PA 15421). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in German Township, **Fayette County**, affecting 89.3 acres. Receiving streams unnamed tributary to Dunlap Creek. Renewal application received October 25, 1996. Renewal permit issued December 23, 1996.

03920103R. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine with portable crusher and clay, shale and sandstone removal, located in West Franklin Township and Worthington Borough, **Armstrong County**,

affecting 289.6 acres. Receiving streams Buffalo Creek and Claypoole Run. Renewal application received October 29, 1996. Renewal permit issued December 23, 1996.

03860101R. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in Boggs Township, **Armstrong County**, affecting 170.6 acres. Receiving streams North Fork of Pine Creek. Renewal application received October 29, 1996. Renewal permit issued December 23, 1996.

26783002. T. L. Hill Coal Company (R. D. 3, Box 690-A, Uniontown, PA 15401). Permit revised to include blasting on an existing bituminous surface mine located in Georges Township, **Fayette County**, affecting 56.9 acres. Receiving streams York Run to Georges Creek to the Monongahela River. Application received August 7, 1996. Revision issued December 30, 1996.

03960108. Dutch Run Coal, Inc. (A02-366, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Plumcreek Township, **Armstrong County**, affecting 39.6 acres. Receiving streams unnamed tributary to Crooked Creek and Crooked Creek. Application received September 17, 1996. Permit issued December 31, 1996.

65960111. Sosko Coal Company, Inc. (R. D. 3, Box 330, Mt. Pleasant, PA 15666). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in East Huntingdon Township, **Westmoreland County**, affecting 53.5 acres. Receiving streams unnamed tributaries of Buffalo Run to Sewickley Creek to Youghiogheny River. Application received July 26, 1996. Permit issued January 2, 1997.

03960106. Reichard Contracting, Inc. (R. D. 3, New Bethlehem, PA 16242). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Wayne Township, **Armstrong County**, affecting 33.0 acres. Receiving streams unnamed tributaries to Camp Run and Scrubgrass Creek. Application received July 12, 1996. Permit issued January 3, 1997.

District Mining Operations, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

56850108. Permit renewal, **Svonavec, Inc.** (140 West Union Street, Somerset, PA 15501), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation only, in Somerset Township, **Somerset County**, affecting 377.5 acres, receiving stream west branch of Coxes Creek and unnamed tributary to east branch Coxes Creek, application received December 17, 1996, permit issued December 19, 1996.

11910102. Permit renewal, **Black Oak Development, Inc.** (Box 176, Glen Campbell, PA 15742), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Susquehanna Township, **Cambria County**, affecting 26.9 acres, receiving stream unnamed tributary to the west branch of the Susquehanna, application received December 16, 1996, permit issued December 19, 1996.

11960102. Dunamis Resources, Inc. (P. O. Box 846, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip-auger-CFBC Fly Ash Disposal and Beneficial Use mine in Adams Township and South Fork Boro, **Cambria County**, affecting 215 acres, receiving stream South Fork Branch Little Conemaugh River, application received February 13, 1996, permit issued December 23, 1996.

56960106. Dunamis Resources, Inc. (P. O. Box 846, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip-auger mine in Lincoln Township, **Somerset County**, affecting 351.6 acres, receiving stream north branch Quemahoning Creek and Horner Run, application received July 17, 1996, permit issued December 23, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

10920112. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201), renewal of an existing bituminous strip and auger operation in Concord Township, **Butler County** affecting 230.1 acres. Receiving streams four unnamed tributaries of Bear Creek and Bear Creek. Application received September 18, 1996. Permit issued December 13, 1996.

33950106. Urey Coal Company (222 Forest Ridge Road, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip operation in Perry Township, **Jefferson County** affecting 148.4 acres. Receiving streams unnamed tributary to Mahoning Creek, unnamed tributary to Sawmill Run and unnamed tributary to Rose Run. Application received September 5, 1995. Permit issued December 13, 1996.

102834-33950106-E-1. Urey Coal Company (222 Forest Ridge Road, Indiana, PA 15701), application for a stream encroachment to conduct mining activities no closer than 50 feet to unnamed tributary no. 1 to Mahoning Creek for the purposes of mineral extraction and support facility construction and maintenance. Receiving streams unnamed tributary to Mahoning Creek, unnamed tributary to Sawmill Run and unnamed tributary to Rose Run. Application received September 5, 1995. Permit issued December 13, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

30841312. Consolidation Coal Company, (P. O. Box 1314, Morgantown, WV 26507-1314), to renew the permit for the Blacksville No. 2 bituminous deep mine in Wayne Township, **Greene County**, no additional discharge. Permit issued December 30, 1996.

32881301. Mears Enterprises, Inc., (P. O. Box 157, Clymer, PA 15728), to renew the permit for the Penn Run bituminous deep mine in Cherryhill Township, **Indiana County**, no additional discharge. Permit issued December 30, 1996.

32841317. Helvetia Coal Company, (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Lucerne No. 9 bituminous deep mine in Conemaugh and Young Townships, **Indiana County** for reclamation only, no additional discharge. Permit issued December 30, 1996.

03841308. Rosebud Mining Company, (R. D. 1, Box 379A, Kittanning, PA 16201), to renew the permit for the Rosebud No. 1 bituminous deep mine in Perry Township, **Armstrong County**, no additional discharge. Permit issued December 30, 1996.

32841315. Stanford Mining Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Chestnut Ridge bituminous deep mine in Cherryhill Township, **Indiana County** for reclamation only, receiving stream Allen Run. Permit issued December 30, 1996.

30743705. Duquesne Light Company, (Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 3 coal refuse disposal area in Dunkard

Township, **Greene County**, receiving stream Dunkard Creek. Permit issued December 30, 1996.

District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Permits Issued

65930601. Timothy M. Hoover (R. D. 3, Box 47, Saltsburg, PA 15681), permit revised to add 9.2 acres to the permit area for an existing noncoal surface mine (sandstone quarry) located in Loyalhanna Township, **Westmoreland County**, previously affecting 68.2 acres, now affecting 77.4 acres. Receiving streams unnamed tributary to the Conemaugh River. Application received March 13, 1996. Revision issued January 3, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

48940301T. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), transfer of an existing quarry operation in Upper Mt. Bethel Township, **Northampton County** affecting 17.02 acres, receiving stream none. Transfer issued December 23, 1996.

5478SM2T2. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), transfer of an existing quarry operation in Upper Mt. Bethel Township, **Northampton County** affecting 39.53 acres, receiving stream unnamed swampy area tributary to Jacoby Creek. Transfer issued December 23, 1996.

5276SM5C4. Eureka Stone Quarry, Inc., (Pickerton and Lower State Roads, Chalfont, PA 18914), renewal of NPDES Permit #PA0595217 in Dingman Township, **Pike County**, receiving stream tributary of Sawkill Creek. Renewal issued December 30, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

Coal Applications Received

37910108. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), renewal of an existing bituminous surface strip operation in Perry Township, **Lawrence County** affecting 43.5 acres. Receiving streams two unnamed tributaries to Camp Run. Application for reclamation only. Application received December 16, 1996.

16960109. Milestone Crushed, Inc. (521 Second Street, Clarion, PA 16214), commencement, operation and restoration of a bituminous surface strip operation in Perry Township, **Clarion County** affecting 32.5 acres. Receiving streams an unnamed tributary to Dunlap Creek and Dunlap Creek. Application received December 12, 1996.

102896-16960109-E-1. Milestone Crushed, Inc. (521 Second Street, Clarion, PA 16214), application for a stream encroachment to reconstruct a township road across two unnamed tributaries to Dunlap Creek for the purpose of coal removal and reclamation of an abandoned highwall. This relocation is temporary. This relocation is situated in Perry Township, **Clarion County**. Application received December 12, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received

37910305. G. L. McKnight, Inc. (R. D. 3, Box 272-B, Slippery Rock, PA 16057), renewal of NPDES Permit #PA0208485, Plain Grove Township, **Lawrence County**.

Receiving streams Taylor Run and unnamed tributary to Taylor Run. Application received December 23, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

66960802. William T. McNeice, (R. R. 6, Box 6364, Montrose, PA 18801), commencement, operation and restoration of a small quarry operation in Lemon Township, **Wyoming County** affecting 5.0 acres, receiving stream none. Authorization granted December 30, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

20960802. Andrew M. Kosturick (R. D. 3, Box 111, Conneaut Lake, PA 16316), commencement, operation and restoration of a small noncoal sand and gravel operation in East Fallowfield Township, **Crawford County** affecting 6.5 acres. Receiving streams none. Application received July 23, 1996. Permit issued December 18, 1996.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certification

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

E45-303. Encroachment. Connaught Laboratories Inc., Route 611, P. O. Box 187, Swiftwater, PA 18370. To construct and maintain a prestressed concrete, spread box beam bridge having a normal span of 57 feet on an 80° skew and an underclearance of approximately 7.3 feet across Swiftwater Creek. This project is located at the Connaught laboratories complex on the south side of S. R. 0314, approximately 700 feet downstream of the S. R. 0611 bridge (Mount Pocono, PA Quadrangle N: 17.1 inches; W: 10.4 inches) in Pocono Township, **Monroe County**.

E52-143. Encroachment. U. S. Department of the Interior, National Park Service, Delaware Water Gap National Recreation Area, River Road, Bushkill, PA 18324. To remove the existing structures and to construct and maintain two pedestrian bridges having spans and underclearances of 79 × 8.1 feet and 68 × 9.9 feet at separate locations across Dingmans Creek. This project is located approximately 2,000 feet upstream of the Dingmans Falls Access Road Bridge (Lake Maskenozha, PA Quadrangle N: 19.2 inches; W: 2.0 inches and N: 19.0 inches; W: 1.7 inches) in Delaware Township, **Pike County**.

DEP Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

E10-237. Encroachment. Buffalo Township Municipal Authority, 707 South Pike Road, Sarver, PA 16005. To authorize the following structures or activities associated with the Phase III sanitary sewer project: (1)

Construct and maintain a total of 70 sanitary sewer line stream crossings throughout the township. Of these crossings, 14 are across Little Buffalo Creek, 42 are across tributaries to Little Buffalo Creek, 8 are across Sarver Run and 6 are across tributaries to Sarver Run. (2) Construct and maintain a sewage pump station and associated fill within the right floodway of Little Buffalo Creek immediately upstream of S. R. 2015 (Freeport, PA Quadrangle N: 14.9 inches; W: 12.25 inches). (3) Replace the superstructure, rehabilitate and maintain the former railroad bridge across Little Buffalo Creek approximately 350 feet upstream of the confluence with Buffalo Creek (Freeport, PA Quadrangle N: 15.2 inches; W: 11.0 inches). (4) Remove the existing structure and construct and maintain two 48-inch diameter culverts in a tributary to Buffalo Creek on the former railroad grade at the sewage treatment plant upstream of S. R. 28 (Freeport, PA Quadrangle N: 14.5 inches; W: 9.65 inches). (5) Realign and stabilize a total of 195 feet of the channel of a tributary to Buffalo Creek extending upstream from the two 48-inch diameter culverts authorized above (Freeport, PA Quadrangle N: 14.5 inches; W: 9.65 inches). (6) Construct and maintain portions of the sewage treatment plant within the mapped 100-year Flood Plain of Buffalo Creek and in the floodway of a tributary to Buffalo Creek upstream of S. R. 28 (Freeport, PA Quadrangle N: 14.5 inches; W: 9.7 inches), located in Buffalo Township, **Butler County**.

E10-250. Encroachment. Treesdale Golf and Country Club, One Arnold Palmer Drive, Gibsonia, PA 15044. To fill 0.15 acre of wetland for the modification and expansion of the existing Treesdale Golf and Country Club Driving Range along Treesdale Drive approximately 1,800 feet south of Warrendale Road (S. R. 3019) (Mars, PA Quadrangle N: 10.1 inches; W: 3.3 inches) located in Adams Township, **Butler County**.

E25-542. Encroachment. Norman G. Porter, 14505 Porter Road, Waterford, PA 16441. To construct and maintain a 4-foot diameter by 20-foot long CM pipe culvert in a tributary to French Creek as an agricultural equipment crossing approximately 2,000 feet downstream of Woods Road and 700 feet west of Porter Road (Millers Station, PA Quadrangle N: 21.3 inches; W: 1.2 inches) located in LeBoeuf Township, **Erie County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E27-053. Encroachment. Hickory Township Supervisors, P. O. Box 85, Endeavor, PA 16322. To construct and maintain a steel girder bridge having a single clear span of 17.5 feet and an underclearance of 5 feet across Prather Run on Old Route 62 approximately 250 feet upstream of S. R. 62 in the village of East Hickory (West Hickory, PA Quadrangle N: 15.0 inches; W: 3.77 inches) located in Hickory Township, **Forest County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E62-326. Encroachment. Game Commission, R. D. 2, Box 140, Corry, PA 16407-9119. To install and maintain a pier bent support at mid span of the existing bridge across west branch Tionesta Creek on State Game Land No. 29 road approximately 1 mile upstream of Chapman State Park Dam (Cherry Grove, PA Quadrangle N: 21.0 inches; W: 9.0 inches) located in Watson Township, **Warren County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

E07-273. Encroachment. Crossman, Castle, & Morina Partnership. Joseph Crossman, 307 Coventry Court, Hollidaysburg, PA 16648. To place fill in 0.18 acre of wetlands in conjunction with the commercial development of 1.092 acres of property located along the north side of Scotch Valley Road (T-424) about 0.5 mile north of its intersection with SR 0022 (Hollidaysburg, PA Quadrangle N: 11.8 inches; W: 0.1 inch) in Hollidaysburg Borough, **Blair County**. The permittee will provide for 0.18 acre of replacement wetlands by making a monetary contribution to the National Fish and Wildlife Fund.

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Southcentral Regional Office: Water Supply and Community Health Program, One Ararat Boulevard, Harrisburg, PA 17110-9333.

Permit Issued

WA 38-1004. Water allocation. Fredericksburg Sewer & Water Authority, Lebanon County. The right to purchase a maximum of 500,000 gallons per day, based on a 30-day average, from The City of Lebanon Authority, located in **Lebanon County**, through one interconnection located in Bethel Township in Lebanon County.

[Pa.B. Doc. No. 97-86. Filed for public inspection January 17, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996, edition of the *Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. One version of the list of the documents contained in this edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center, scroll down to the "Technical Guidance Document" heading and (under this heading) click on "Basic Inventory."

Paper copies of the Inventory are being printed and will be available mid-January. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. The link to draft technical guidance documents is listed under the heading "Proposals Open to Comment." The link to recently finalized technical guidance documents is listed under the heading "Recently Finalized Proposals." Two links are under the heading "Technical Guidance Documents:" one link is to the "Basic Inventory" and one link is to "Final Documents" on the Web. The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance Documents

DEP ID: 012-0700-002 Title: Guidance for the Implementation of the Agricultural Land Preservation Policy Description: DEP will, where it has regulatory and decision-making discretion under legal authority, protect primary agricultural land through its regulatory programs. Page length: 13 pages. Location: Volume I, Tab 6A. Contact: Nina Huizinga at (717) 783-8727.

Notice of Intent to Rescind Technical Guidance—Waste Management

DEP ID: 250-4700-317 Title: Referral of Solid Waste Management Act Violations to Environmental Crimes Background: This is an outdated policy which no longer reflects the current referral procedures that the Department uses. Moreover, the current referral procedures do not belong on the Technical Guidance Document Inventory because they are internal procedures and not technical guidance. (See DEP ID: 012-0900-001.)

Notice of Intent to Rescind Technical Guidance—Bureau of Water Quality Protection

As a part of DEP's Regulatory Basics Initiative, the Bureau of Water Quality Protection reviewed all of its regulations and technical guidance. As a part of this Initiative, the Bureau is rescinding the following documents. Persons who have any questions or comments should call Lou Bercheni at (717) 787-4317.

<i>DEP ID</i>	<i>Title</i>	<i>Reason for Rescission</i>
363-0900-001	Division of Storage Tanks Program Guidance	Redundant with 012-0820-001 and 012-0900-001
363-0900-002	ASNT Level II Certification	Redundant with 363-2318-001
363-0900-003	Posting Registration Fee Payments to the Old Fee System	Obsolete
363-0900-004	Modification Activities for Categories AMMX and AMNX	Obsolete
363-0900-005	STDS Revision Procedures and Documentation Requirements	Information being incorporated into Division's administrative procedures
363-0900-007	Registration Roles of the Regional Offices	Information being incorporated into Division's administrative procedures

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-87. Filed for public inspection January 17, 1997, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board; Meeting Location Change

The location for the Cleanup Standards Scientific Advisory Board (CSSAB) meeting of January 29-30, 1997, has been changed. The meeting will be held at the Atherton Hilton in State College, PA, beginning at 9 a.m.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 787-8179 or e-mail to Wooding.Marilyn@a1.dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Wooding.Marilyn directly at (717) 787-8179 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-88. Filed for public inspection January 17, 1997, 9:00 a.m.]

The Department will implement its TANF Program on the day following the end of the 45-day comment period, March 3, 1997.

Future amendments to the Plan will incorporate suggestions and recommendations received during the comment period.

Copies of the State Plan are available for all interested individuals and groups upon written request to Patricia H. O'Neal, Attention: TANF State Plan, Director, Bureau of Policy, Office of Income Maintenance, Room 431 Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675. You may also request copies via facsimile machine at (717) 787-6765, using the above address on your cover document.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use a Department of Public Welfare TDD by calling 1 (717) 787-3616. Persons who require another alternative should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

PENNSYLVANIA TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STATE PLAN

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DEPARTMENT OF PUBLIC WELFARE

Publication and Availability of the Temporary Assistance for Needy Families State Plan

The Department of Public Welfare is publishing, in its entirety, the Temporary Assistance for Needy Families (TANF) State Plan. The State Plan has been developed in accordance with the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193) which ended the Federal Aid to Families with Dependent Children entitlement program. In its place, the Act provides each state with a TANF Block Grant and the opportunity, within broad Federal guidelines, to design and operate its own programs. The State Plan was submitted to the U. S. Department of Health and Human Services (DHHS) on January 17, 1997 to begin the official 45-day comment period required by law.

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FUNDING

I. PURPOSE

This document outlines the Commonwealth of Pennsylvania's plan for providing assistance to families with children from funds provided under Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193). The Act amends Section 402 of the Social Security Act to require that states submit a plan to the U.S. Department of Health and Human Services (DHHS) that outlines how the state will provide Temporary Assistance for Needy Families (TANF) benefits. Implementation is effective March 3, 1997.

II. INTRODUCTION

On May 16, 1996, Pennsylvania Governor Tom Ridge signed into law Act 1996-35—a dramatic welfare reform plan designed to move families off the welfare rolls and into the work force. The provisions of the Act encourage personal and parental responsibility, emphasize self-sufficiency through employment, strengthen child support requirements, and increase penalties for welfare fraud. It is a common-sense approach that provides Pennsylvania with the core components for reform of our welfare system. The TANF provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provide the opportunity to make that reform a reality.

When signed into law on August 22, 1996, the Act ended the 60-year federal welfare entitlement program known as Aid to Families with Dependent Children (AFDC) and the federal JOBS employment and training program. In its place, each state is provided with a block grant for designing and operating its own welfare program within broad TANF requirements. These requirements include stringent work activity participation rates and a lifetime limit of five years for the receipt of benefits. The TANF Block Grant provides Pennsylvania with the opportunity to build on the core components of Act 35 to create a welfare system that makes the best use of welfare dollars.

Pennsylvania's TANF Program is designed to provide short-term assistance to families when the support of one or both parents is interrupted. It also provides supplemental support when family income from employment and other sources is not sufficient to meet basic needs. It is not intended to provide long-term support or become a way of life. The TANF Program is based on the following basic principles:

- Welfare should support the efforts of families to become self-sufficient.
- Parents, whether they live with their child or not, have a fundamental responsibility to create a supportive, nurturing environment for that child.
- Employment is the best way for families to become self-sufficient and end their dependence on welfare payments.

III. PROGRAM GOALS

The primary goal of Pennsylvania's TANF Program is to provide support to families as they make the transition from dependence on welfare to self-sufficiency and, finally, to long-term self-support. The following goals provide the framework on which the Program is designed:

1. Promote Personal Responsibility

Pennsylvania's TANF Program is designed around the principle that welfare should provide temporary assistance to families and individuals, providing basic support that enables them to move to self-sufficiency. Inherent in this belief is the notion that the welfare recipient must be personally responsible for taking the necessary steps to end his or her dependence on a welfare check.

2. Move Recipients into Jobs

For most recipients, the way to self-sufficiency and economic independence is through a job. Stressing private-sector employment, Pennsylvania's TANF approach provides the client with the opportunity to build work skills and a work history.

3. Provide Work Incentives and Supports

If we are to encourage employment, families must be better off if they work than if they depend on welfare. By allowing families to keep more of their earnings, TANF rewards work and helps them establish a financial base that will support self-sufficiency. The Program also supports family efforts to work with allowances for work-related expenses, such as child care and transportation.

4. Break the Cycle of Dependency Through Education

Attainment of a high school diploma is critical to both short-term and long-term prospects for independence through employment. It opens the door to meaningful, productive employment. Training in a skill or trade, on-the-job training in the private sector, job search and preparation classes and workshops, among other activities, will provide a menu of opportunity for long-term self-sufficiency.

5. Strengthen Families and Support Children

Recognizing the importance both parents play in achieving self-sufficiency, the TANF Program requires parents to fulfill their fundamental responsibilities to their children through a strengthened child support system.

6. Simplify Program Administration

Pennsylvania must be able to use resources productively—to assist the client in developing and successfully implementing his or her own plan for self-sufficiency. As administrators of the public welfare system, we must have two goals: to help recipients of public assistance become self-sufficient and to ensure that tax dollars spent on welfare programs are spent wisely.

IV. MEASURING RESULTS

Monitoring implementation progress and evaluating attainment of program goals is an integral component of Pennsylvania's TANF plan. The primary focus of the monitoring and evaluation activities is to gather data about a comprehensive set of performance indicators and performance measures which are used to document clear, specific program outcomes and results directly related to the established TANF goals.

The detailing of a definitive set of performance indicators and measures will evolve as final program planning decisions are made and modified, but the ongoing program evaluation information system will include such performance indicators and measures as:

- The proportion of the active TANF caseload working
- The proportion of TANF applicants diverted from ongoing caseload status to employment

- The average length of stay in active TANF status
- The average number of stays of active TANF status
- The relationships among provision of work incentives and family support allowances and successful, long-term employment
 - The relationships among program components which focus on clients assuming personal responsibility, implemented primarily through the use of an Agreement of Mutual Responsibility, and successful long-term employment
 - The relationships among a variety of program components designed to provide education and training and successful, long-term employment
 - The relationships of program components designed to strengthen and support families and appropriate indicators of success
 - The relationship between program simplification changes and timely and accurate benefits
 - The relationship between TANF program changes and indicators of fraud, waste and abuse
 - The use (or continued use after cash benefits end) of other subsidized or social service support programs

A primary focus of the program evaluation efforts associated with implementing the TANF Program is to develop, maintain and refine, where necessary, an integrated and comprehensive evaluation information system which will provide the sort of data and information necessary to document the many facets of the outcome and performance measures related to key components of TANF. These data will be used to provide ongoing monitoring assessments of incremental phases of program implementation and to provide summary statements describing attainment of program goals. In order to ensure the appropriate degree of program accountability, the measures used will be defined by data and information which is timely, accurate, valid, reliable, credible, and easily communicated.

This information system will be composed of existing, currently-available data for pre-TANF welfare programs, but will be supplemented by those data and information necessary to track the provisions of the TANF legislation and satisfy the mandated reporting requirements. This collection of data about TANF participants, combined with data detailing critical program components, will provide the documentation of specific outcome and performance measures established for the TANF goals. Additionally, analyses of the data available in this information system will provide important information about the configurations of participant and program characteristics which produce the most favorable long-term outcomes. Comparisons of these sorts of relationships between participant and program characteristics and their effects on outcome measures across time will permit systematic, evolutionary, incremental shaping of TANF programs to effectively meet the TANF goals.

V. PUBLIC INVOLVEMENT

A. Advance Public Availability and Review

The Commonwealth of Pennsylvania's TANF State Plan was made available for public review on January 17, 1997.

The Plan was also submitted to key stakeholder groups for review and comment. These groups include members of the legislature and the Governor's Cabinet, as well as associations representing county government, client advoca-

cacy groups, business interests and community agencies providing a variety of services to recipients of public assistance.

Concurrently, copies of the TANF State Plan were made available at the 104 County Assistance Offices around the State.

B. Additional Outreach

The TANF State Plan will be published in its entirety in the *Pennsylvania Bulletin* on January 18, 1997. The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania and is the temporary supplement to the *Pennsylvania Code*, the official codification of agency rules and regulations. The *Bulletin* also serves as the vehicle whereby agencies publish proposed programmatic and regulatory changes. The Notice published in the *Bulletin* will indicate that comments on the TANF State Plan are to be directed to the Department of Public Welfare, Office of Income Maintenance.

The Income Maintenance Advisory Committee (IMAC) is scheduled to receive an extensive briefing on the proposed TANF State Plan in January 1997. IMAC is composed of current and former welfare recipients, representatives of welfare rights organizations, employment and training specialists and others concerned with the welfare system. IMAC advises the Department of Public Welfare on policies, procedures, and other activities related to the programs administered by the Office of Income Maintenance.

During the 45-day public review time frame, the Department of Public Welfare will be holding public forums at locations and times still being determined. During this time period, the Department also will be presenting the proposed TANF State Plan, fielding questions, and receiving input during a variety of forums, including but not limited to the following:

- The State conference of the Pennsylvania Association of County Human Service Administrators.
- The State conference of the Pennsylvania Association of Children and Youth Administrators.
- The State conference of the Pennsylvania Association of Housing and Redevelopment Authorities.

In addition, the Department will continue to participate in the collaborative "Building our Communities" meetings begun in May 1996. This series of meetings—10 of which occurred prior to the public review time frame—are a joint effort of the Department of Public Welfare, United Way of Pennsylvania, Pennsylvania Association of County Human Service Administrators, and the Commonwealth Community Foundations. The intent of the locally-planned meetings is to facilitate community collaborations and to begin a discussion of the implications of Federal and State welfare reform. It is anticipated that, during the 45-day comment period, additional community meetings will occur in the Erie, Northwestern, and Southwestern areas of the State.

C. Public Comments

The Department's ongoing review of the TANF program will include review and consideration of public comments along with the tracking of initial outcomes of the TANF Program. The Department intends to submit any needed amendment to the State Plan approximately six (6) months from the date of the implementation of the TANF Program.

VI. OUTLINE OF PENNSYLVANIA'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

Although the TANF Program replaces the former federal cash benefits program known as Aid to Families with Dependent Children (AFDC), most of the rules and procedures under which the Department administered AFDC, including the "New Directions" JOBS Program, remain in effect as part of the new TANF Program. These rules and procedures are contained in Chapter 55 of the *Pennsylvania Code* (55 Pa. Code), Notices of Rule Change to the Code published in the *Pennsylvania Bulletin*, Office of Income Maintenance (OIM) Bulletins, OIM Operations Memoranda, and Departmental Handbooks.

New or revised rules and procedures which apply to the TANF Program are set forth in the State Plan. These changes and revisions are adopted pursuant to the authority of the Personal Responsibility Act of 1996, Pennsylvania's Act 1996-35, and sections 201(2) and 403(b) of Title 62 of the Public Welfare Code (62 P. S. §§ 201(a) and 403(b)). Most of these new or revised rules and procedures will be effective upon implementation of the TANF State Plan. Others will become effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

A. GENERAL PROVISIONS

1. Program Administration

The Pennsylvania Department of Public Welfare, Office of Income Maintenance, is responsible for administering the TANF Program in 67 counties through 104 local offices. Program requirements are applied consistently Statewide; however, the maximum TANF benefit will vary from county to county based on the four benefit schedules currently in effect.

The Department intends to continue the use of private contractors to supplement the work of the County Assistance Offices to provide services, such as job search preparation, education and training, and to assist clients to enter the work force.

Persons who apply for TANF benefits on or after March 3, 1997 are subject to all requirements of the TANF Program. Recipients are subject to the 60-month lifetime limit and 24-month work participation time limit beginning March 3, 1997. Other changes and requirements, such as the Agreement of Mutual Responsibility and job search, will be applied at next contact, but no later than the month following the next scheduled redetermination of eligibility. Prior to implementation, the Department of Public Welfare will mail each family receiving AFDC benefits a written notice of program changes.

2. Access to Benefits

Pennsylvania continues to provide access to TANF benefits and related services in each of the Commonwealth's 67 counties based on the policies and procedures in effect prior to TANF implementation.

3. Defining Needy Families

A family is defined as a minor child and his parent(s) or other adult specified relative with whom he lives. Eligibility for TANF is also extended to pregnant women who have no other children living with them.

Minor Child

A minor child is under age 18 or is age 18 and is a full-time student in a secondary or in the equivalent level of vocational or technical training.

Specified Relative

A specified relative is defined as an adult who:

- Is exercising responsibility for the care and control of the child by making and carrying out plans for the support, education and maintenance of the child and applying for assistance on behalf of the child. The finding that a relative is exercising care and control of the child is made whether the relative is the parent or other relative of the child.

- Is maintaining a home where the child lives with him, or is in the process of setting up a home where the child will go to live with him within 30 days after he receives the first TANF payment.

- Is related to the child as follows:

- A blood relative who is within the fifth degree of kinship to the dependent child, including a first cousin once removed. Second cousins and more remote cousins are not within the fifth degree of kinship. A first cousin once removed is the child of one's first cousin or the first cousin of one's parent. The fifth degree of kinship includes great-great grandparents and great-great-great grandparents. The fifth degree of kinship also includes other relationships prefixed by great, great-great, grand or great-grand. Blood relatives include those of half-blood.

- A parent by legal adoption and any of the adopting parent's blood or adoptive relatives as described above.

- Stepfather, stepmother, stepbrother and stepsister.

- A spouse of any of the relatives described above even though the marriage is terminated by death, separation or divorce.

Minor Parent

An individual who is under 18 years of age, is not married, and has a minor child in his or her care, or is pregnant, must reside in a place of residence maintained by a parent, legal guardian, other adult relative or other appropriate adult-supervised supportive arrangement unless one of several exemptions is met.

If the minor parent cannot return to the home of a parent, legal guardian, or other relative, the Department, in consultation with county children and youth agencies, will provide assistance to the minor parent and dependent child in locating a second-chance home, maternity home, or other appropriate adult-supervised supportive arrangement unless the agency determined that the minor parent's living situation is appropriate.

When both parents are living with a child, the family may qualify for TANF only if one or both parents is incapacitated or unemployed according to the deprivation requirements in effect prior to TANF implementation.

Certain persons who live with the minor child must be included in the application for assistance. These members of the mandatory TANF budget group include the TANF child, the biological or adoptive parents of the TANF child and blood-related siblings of the TANF child as long as they also qualify as a TANF child.

A family, for purposes of the 60-month time limit, is defined as a minor child and his parent(s) or other adult specified relative with whom he lives and who is applying on the child's behalf. A specified relative who is not required to be part of the TANF budget group is considered a member of the family regardless of whether he is included in the child's application for TANF benefits or is applying only on behalf of the minor child.

□ *Absence of a Minor Child*

Under TANF, a specified relative may continue to receive benefits for an otherwise eligible minor child who is absent, or expected to be absent, from the home. The State may choose between several periods of temporary absence: not less than 30 days, up to 45 days, up to 180 days, or more than 180 days if good cause is established.

Pennsylvania elects to define temporary absence as one that does not exceed 180 consecutive days.

A caretaker relative of a minor child who fails to notify the County Assistance Office of the minor child's absence by the end of the five-day period that begins with the date it becomes clear that the child will be absent for more than 180 consecutive days is ineligible for TANF for a period of 30 days.

4. *Personal Responsibility—The Agreement of Mutual Responsibility*

Pennsylvania is exercising the TANF option to establish an individual responsibility plan. The following persons are required to enter into a written agreement, known as the Agreement of Mutual Responsibility, that establishes the obligations to be undertaken by the recipient to achieve self-sufficiency and the activities of the Commonwealth to support those efforts:

- Adult applicants and recipients who are required to sign the Application for Benefits.
- Pregnant teens or minor parents who sign the Application for Benefits on their own behalf.
- Persons under age 18 who have not earned a high school diploma or equivalent and who are not attending school as defined by the school district.

The Agreement stresses the temporary nature of cash assistance and focuses on the steps the recipient must take to gain self-sufficiency. The Agreement also specifies the penalties for failure to comply and the actions to be taken by the Department to support the efforts of the recipient. Beginning March 3, 1997, refusal to sign the Agreement will result in ineligibility of the person required to enter into the Agreement.

As part of completion of the Agreement, the County Assistance Office determines if the client is exempt from participation in work activities. For all nonexempt clients, the Agreement includes a requirement to begin a job search for a minimum of eight weeks. The job search will serve as the initial assessment of the skills, work experience and employability of each adult recipient. In addition to the initial job search, the Agreement is also used to outline other work participation activities and obligations for nonexempt clients. Penalties for noncompliance, without good cause, with work-related requirements set forth on the Agreement will be applied beginning March 3, 1997.

Pursuant to Act 35, the Agreement will include the following obligations, when appropriate to the individual or family situation. The Department of Public Welfare will establish penalties and good cause criteria for non-compliance before implementing sanctions associated with these obligations. These penalties will not be implemented on March 3, 1997; they will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.

- Receive prenatal care as recommended by the doctor or clinic and/or ensure that children are immunized, receive periodic health screening and appropriate medical treatment.

- Take steps, if needed, which will improve a child's school attendance and improve his or her chances for earning a high school diploma.

- Submit to a substance-abuse assessment by the local county authority if the county assistance office determines that a person may have a substance-abuse problem that presents a barrier to employment. If the assessment indicates that a drug or alcohol problem exists, the client will be required to participate in and complete an approved treatment program. If a person fails to enter or complete a program, he or she can comply by providing proof of substance-free status by submitting to periodic drug testing.

- Make appropriate payments to service providers from allowances given for day care and other special needs provided to enable the client to fulfill his or her commitment to engage in work or a work-related activity.

- Meet other obligations specified in the Agreement of Mutual Responsibility related to self-sufficiency and parenting responsibilities.

These obligations are basic personal and parental responsibilities which are important to the physical and mental well-being of the family. If not addressed, they not only represent potential barriers to employment, but could increase the likelihood that welfare dependency will be passed from one generation to the next.

5. *Time Limits on Receipt of TANF*

Receipt of TANF assistance is limited to a total of 60 months (five years) in an adult's lifetime. Assistance received as an adult (over age 18), as a minor child who is head of household, or as a minor child married to the head of household, will count toward the limit. Periods of receipt need not be consecutive to count toward the 60 months. Assistance may not be provided to a family that includes an adult who has received his or her lifetime limit of 60 months of assistance.

The State reserves the right to exclude up to 20 percent of its average monthly caseload from the 60-month limit due to situations determined to constitute a hardship.

After receiving a total of 24 months of assistance, an individual who is required to meet work requirements must be working for at least an average of 20 hours per week.

The first day of both the 60 and 24-month limit will begin on March 3, 1997 for current recipients and on the date of authorization for applicants authorized on or after that date. The 60 months will be counted as 1,830 days. The 24 months will be counted as 732 days.

6. *Determining Eligibility*

Pennsylvania is following rules, regulations and procedures in effect prior to the TANF implementation date, except for the following revised provisions that are authorized or required by State law (Act 35) or by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996:

□ *Earned Income Disregard*

The gross earned income of recipients is subject to a continuous 50 percent disregard. The increased disregard will encourage recipient families to work and will provide additional financial support as they make the transition from welfare to self-sufficiency. Applicants may qualify for the 50 percent disregard if they have received TANF in one of the four months prior to application or if their income is equal to or less than the standard of need. The

deduction for the cost of dependent care related to employment will be deducted following application of the 50 percent disregard.

Income Exclusions

Income excluded under current State regulations remains the same under TANF except for the following:

- Educational assistance in the form of loans, grants and scholarships is excluded as income.
- Income-in-kind for services rendered is excluded from consideration in the determination of eligibility.
- The first \$50 per budget month of court-ordered or voluntary support payments received is not excluded as income. All support received is counted when determining eligibility.

Resources

Resources that are excluded from determining eligibility under current regulation remain the same except for the following:

- The cash value of life insurance is excluded as a resource.
- An educational savings account established to pay for post-secondary educational expenses directly to an approved educational institution is excluded as a resource. Pennsylvania is exercising the TANF option to exclude this account under the TANF individual development account provision.
- Educational assistance in the form of loans, grants and scholarships is excluded as a resource.
- One motor vehicle, regardless of value, is excluded as a resource.
- The nine-month time period for disposing of nonresident real property, during which time a family may receive TANF, is extended as long as the family is continuing to make a good faith effort to sell the property.

Lump Sum Income

Lump sum income is counted as income only in the month that it is received. Any funds that remain from the lump sum in months following the month of receipt will be counted as a resource.

Budgeting Method

The income of applicants and recipients affects the TANF benefit as follows:

- For the first two months in which income is received, the income adjustment is based on the best estimate of the expected income (prospective budgeting). The estimate is based upon information provided by the client. The adjustment is made for the first TANF payment for which deadline can be met. Income that is prospectively budgeted will not be reconciled with actual income received in the first two months. Overpayments (underestimates) will not be processed and underpayments (overestimates) will not be corrected.
- After the first two months, the income received in the first month is adjusted in the third month, the second month is adjusted in the fourth month and so on (retrospective budgeting).
- Income adjustments are removed from the grant as soon as possible after the income stops.

This revised budgeting method will not be implemented on March 3, 1997; it will be implemented upon final rule making as published in the *Pennsylvania Bulletin*.

Penalty for Noncooperation with Child Support Requirements

If a parent or other caretaker relative fails to cooperate in establishing paternity or in establishing, modifying or enforcing a child support order, without good cause in accordance with Act 35, the parent or caretaker relative will be removed from the cash assistance grant. The resulting reduction in the cash assistance grant will be no less than 25 percent of the cash grant. The grant is reduced until the parent or caretaker relative demonstrates cooperation.

Penalty for Conviction of Welfare Fraud

An individual who is disqualified on or after the date of TANF implementation for either the Food Stamp Program, the General Assistance Program or the Medical Assistance Program because of fraud is ineligible for TANF during the period of disqualification.

Satisfaction of Criminal Penalties

An individual who has been sentenced for a felony or misdemeanor offense and who has not satisfied the penalty imposed by the court is ineligible for TANF. An individual who is required to pay fines, cost and restitution, and who is in compliance with an approved payment plan, may be eligible for TANF.

Fraudulent Misrepresentation of Residence

An individual is ineligible for TANF for a period of ten years if he is convicted in a Federal or state court of fraudulent misrepresentation of residence for the purpose of receiving TANF, Medical Assistance, Food Stamps or Supplemental Security Income (SSI) in two or more states.

Penalty for Conviction of a Felony for Possession, Use or Distribution of a Controlled Substance

In accordance with Federal TANF requirements, an individual who is convicted on or after August 22, 1996 under Federal or state law of a felony offense related to the possession, use or distribution of a controlled substance is permanently ineligible for TANF.

Pennsylvania's Act 35 specifies that a person convicted of a felony is ineligible for assistance until he has satisfied the penalty imposed by the court. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 allows states to opt out of the permanent ineligibility provision; however, to do so, a state must enact a law after enactment of the Federal Act. Pennsylvania reserves the right to opt out of the Federal requirement to impose a permanent bar. The General Assembly may consider this matter during the next session.

Failure To Appear At Criminal Court Proceeding

An individual who, as a defendant, fails to appear at a criminal court proceeding when issued a summons or bench warrant is ineligible for TANF.

Fugitive Felon

An individual who is fleeing to avoid prosecution or custody or confinement following a conviction for a felony or who is violating probation or parole is ineligible for TANF unless the individual is exempt on the basis of a Presidential pardon.

7. Child Support Requirements

Cooperation with the court in identifying an absent parent, establishing paternity, and establishing an order for support continue to be prerequisites to receiving

benefits. Current State policies with respect to child support are revised as follows:

- Applicants must appear before, and obtain from, the Domestic Relations Section of the Court of Common Pleas a certification of cooperation with child support enforcement requirements prior to authorization of TANF benefits. The Secretary of the Department may waive the personal appearance requirement for a county court or Domestic Relations Section following review of a written request from the county which establishes that another procedure would be as efficient and effective.

- The definition of cooperation is expanded by requiring an applicant or recipient to take the following actions:

- Identify the parent(s) of any child for whom assistance is sought or received. This includes an appearance by the applicant or recipient, with the child, for scheduled genetic testing.

- Keep scheduled appointments with the Department or Domestic Relations Section.

- Provide truthful and accurate information and documents requested by the Department or Domestic Relations Section.

- Sign and return any forms requested by the Department or Domestic Relations Section.

- Appear as a witness and provide testimony at judicial and other hearings as requested by the Domestic Relations Section.

- Pay to the Department any support payment received directly from the absent parent after an assignment of support has been made.

- The failure of the mother to identify by name the father of a child creates a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

- If an applicant or recipient provides the names of two putative fathers subsequently excluded from paternity by genetic testing, the second exclusion creates a presumption of noncooperation, which may be rebutted only by clear and convincing evidence.

- Either the Title IV-A agency (County Assistance Office) or the local Title IV-D agency (Domestic Relations Section of the Court of Common Pleas) will be permitted to determine whether the applicant or recipient has failed to cooperate and lacked good cause for such failure.

- In accordance with Act 35, the state will retain court-ordered support payments up to the amount of the monthly assistance grant. The Support Pass-Through payment of up to \$50 from monthly child support payments will no longer be provided to families.

8. *Work and Self-sufficiency*

As established by Act 35, recipients of TANF in Pennsylvania are enrolled in an employment and training program known as The Road to Economic Self-Sufficiency through Employment and Training (RESET) to enable them to obtain employment and become self-sufficient. The primary means to achieve self-sufficiency is through work. This approach emphasizes a work-first approach as part of a continuum of services which can establish a work history, preferably in the private sector, with increasing wages and benefits that lead, over time, to economic independence and self-sufficiency.

□ *Exemptions*

To be considered exempt from RESET, recipients must be:

- under the age of 18 and pursuing a high school diploma or GED;

- verified as physically or mentally disabled and temporarily or permanently precluded from any form of employment or work-related activity;

- the parent/caretaker relative of a child under the age of 6 with no available child care; or

- the single, custodial parent of a child under the age of 12 months. Pennsylvania is exercising the option to allow this exemption; however, it may only be granted for a total of 12 months in the parent's lifetime. The 12 months do not need to be consecutive.

An individual who is exempt because of a physical or mental disability is required to participate in work or a work-related activity when the condition ceases as follows:

- If the condition ceases in the first 22 months that the recipient receives cash assistance, the recipient is required to participate immediately.

- If the condition ceases after the recipient has received cash assistance for 22 months or more, the recipient is required to participate within eight weeks.

A specified relative who is exempt for providing care for a child under the age of six is required to participate in work or a work-related activity as soon as child care is available.

Determinations of good cause will be made using the criteria found in Title 55 Pa. Code, section 165.52.

An exempt individual under 18 years of age is required to participate upon:

- becoming 18 years of age;

- attaining a high school diploma or a certificate of high school equivalency; or

- ceasing to pursue a high school diploma or a certificate of high school equivalency.

An exempt single, custodial parent of a child under the age of 12 months is required to participate when the child becomes 12 months old or when the client has exhausted the 12-month lifetime limit for this exemption.

A person who is exempt may volunteer to participate in RESET.

All mandatory or volunteer RESET participants will be assessed and, if appropriate, be required to conduct an independent job search as their initial work-related activity. Nonexempt recipients who remain on welfare for more than 24 months will be required to work or perform community service for a minimum of 20 hours per week to maintain their eligibility for benefits.

Pennsylvania will make a determination by August 22, 1997 whether or not to opt out of the provision to require a parent or caretaker to participate in community service if that parent or caretaker has received assistance for two months, is not exempt from work participation, and is not engaged in work. Pennsylvania would prefer to emphasize job search and other job preparation more likely to lead to paid employment. However, Pennsylvania will consider not opting out of this requirement if we are in danger of not meeting Federal minimum work participation requirements.

□ *Requirements During the First 24 Months*

During the first 24 months, the individual must, as an initial activity, conduct an independent job search for a minimum of eight weeks or until employment is found, whichever occurs first. All nonexempt persons who are receiving cash assistance when TANF is implemented are required to conduct an independent job search within eight weeks of their next redetermination. If at the end of eight weeks the recipient has not found employment, the individual is required to participate in additional work-related activities specified in the Agreement of Mutual Responsibility, which may include additional job search.

EXCEPTION: Individuals with Employment Development Plans which were approved prior to the implementation of TANF will be allowed to continue in their activities until the approved Plans are completed.

If the recipient does not secure employment for an average of at least 20 hours per week during the job search, the work-related activity requirement can be met by participation in any one or combination of the following:

- job search;
- job readiness/preparation activities;
- subsidized employment;
- work experience;
- on-the-job training;
- workfare;
- community service;
- any employment and training program funded or approved by the Department;
- vocational education;
- general education;
- education in English-as-a-second-language; or
- job skills training.

After 12 months of participation in vocational education, general education, education in English-as-a-second-language, or job skills training, the recipient will be required to participate in another work-related activity in addition to the education or training.

EXCEPTION: Individuals between 18 and 22 years of age who have not earned a high school diploma or a certificate of high school equivalency can fulfill the work-related activity requirement for a maximum of 24 months by pursuing a high school diploma or a certificate of high school equivalency.

The Department will assess at six month intervals whether there is a need to impose a 20-hour per week work-activity requirement for job-ready clients in order to meet the minimum Federal work participation rate.

□ *Requirements After 24 Months*

After 24 months, for an average of 20 hours per week, the individual must work in unsubsidized employment or participate in:

- subsidized employment;
- work experience;
- on-the-job training;
- community service; or
- workfare.

□ *Special Allowances for Supportive Services for Work-related Activities*

TANF clients who are required to participate in work-related activities may be eligible for supportive services provided by the Department, including costs for transportation and other work supports. Payments for work supports, when available, will be made by the County Assistance Office for actual costs up to the Department's established maximums.

9. *Noncompliance with the RESET Program*

A sanction is imposed on any individual required to participate in RESET who, without good cause:

- fails to cooperate with the work or work-related activity requirement;
- voluntarily terminates employment;
- voluntarily reduces earnings;
- fails to apply for work; or
- fails to accept a referral to or a bona fide offer of employment.

If good cause is not established, the client will receive an Advance Notice advising of the proposed sanction.

The sanctions for failure to comply with employment and work-related activity requirements are required by Section 432.3 of Act 35.

□ *Sanctions for Failure to Comply with RESET Requirements*

A mandatory participant who fails to cooperate with the work or work-related activity requirement, participate in RESET or accept a bona fide offer of employment, or who terminates employment, reduces earnings or fails to apply for work, without good cause, is ineligible for cash assistance. Pennsylvania is exercising the option that allows for reduction in the family's assistance grant by more than the pro rata amount when an individual refuses to engage in work.

The period of the sanction is:

- | | |
|-------------------|--|
| First occurrence | —30 days or until the failure to comply ceases, whichever is longer. |
| Second occurrence | —60 days or until the failure to comply ceases, whichever is longer. |
| Third occurrence | —permanently. |

If the reason for sanction occurs in the first 24 months, the sanction applies only to the individual.

If the reason for the sanction occurs after the first 24 months, the sanction applies to the entire assistance group.

In lieu of the sanctions set forth above, if an employed individual voluntarily, without good cause, reduces his earnings by not fulfilling the 20-hour work requirement during the first 24 months, the cash grant is reduced by the dollar value of the income that would have been earned if the recipient would have fulfilled his 20-hour work requirement, until the 20-hour requirement is met.

NOTE: If an employed individual voluntarily, without good cause, reduces his earnings by not fulfilling the 20-hour work requirement after having received cash assistance for 24 months, the household is ineligible.

The Department has opted not to impose a sanction on Medical Assistance benefits for recipients who fail to comply with employment and work-related activity requirements.

10. *Supporting Employment with Day Care*

The Department will provide information about its plans for child care programs in the Child Care Development Block Grant State Plan to be submitted, as required, by July 1, 1997. Support for child care costs for eligible TANF recipients participating in approved work-related activities will provide access to a full range of child care opportunities. Consumer education materials and information about minimal health and safety standards are available to all TANF clients and participating providers. Information about day care options, as well as availability and location of care, continues to be available through the Department's contracted Local Management Agencies.

11. *Safeguarding Information*

Pennsylvania continues to operate its welfare program in a manner that safeguards information about individuals and families receiving assistance. The State intends to adhere to the provisions on the safeguarding of information in effect prior to implementation of TANF, with the addition of the following provisions:

- The Department of Public Welfare will exchange information with the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Department of Corrections, county law enforcement and corrections agencies, and local law enforcement and corrections agencies. This information will be used to identify persons who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law, fugitive felons and persons convicted of drug-related felonies. The Pennsylvania State Police and the Pennsylvania Board of Probation and Parole will have access to the records of the Department of Public Welfare's Assistance Recipient Identification Program (fingerprinting file).

- The Department of Public Welfare will furnish the address of an individual to a Federal, state or local law enforcement officer who certifies that the individual has information that is necessary for the officer to conduct his official duties and the location of the recipient is within such official duties.

12. *Transfers of TANF Block Grant Funds*

Pennsylvania continues to provide supportive and emergency assistance through TANF or other State programs as follows:

- TANF funds will be transferred to Child Care and Social Services Block Grants.

- TANF funds will be transferred to support Office of Children, Youth and Families programs which provide emergency assistance and services to children only.

- TANF funds may be transferred to the Department's Office of Social Programs to augment the existing Homeless Assistance Program, thereby creating a single program to respond to emergency shelter needs.

13. *Reductions of Out-of-Wedlock Births*

The Pennsylvania Department of Public Welfare, through its Office of Social Programs, is the agency responsible for services which can reduce out-of-wedlock births. This reduction is being addressed from two perspectives:

- Provision of family planning services for low-income families and without regard to income for those who are 16 and 17 years old; and

- Abstinence education for adolescents with family incomes less than 185 percent of the federal poverty income guidelines. Pennsylvania is exercising the option to provide mentoring, counseling and adult supervision to promote abstinence from sexual activity.

For TANF, services will be focused on adolescents and provided by current contractors.

In 1994, there were 51,354 out-of-wedlock births, of which 14,843 or 28.9 percent were to women 19 years of age or younger. In 1995, there were 49,042 out-of-wedlock births, of which 14,436, or 29.4 percent, were to women 19 years of age or younger. Pennsylvania proposes to reduce the number of out-of-wedlock births to teenagers to 28.15 percent in 1998 (one percentage point less than the average for 1994-1995) through support of family planning services and abstinence education.

14. *Education and Training to Reduce Statutory Rape*

The Pennsylvania Department of Public Welfare will establish an initial Intergovernmental Agency Task Force to explore the best means of reducing statutory rape through education and training. This Task Force will then be expanded to include participants from stakeholders in the successful delivery of services including representatives from county agencies and local entities.

15. *Identifying Domestic Violence*

Pennsylvania is exercising the Federal TANF option to certify that it will screen for and identify victims of domestic violence. The Department of Public Welfare will work with the Pennsylvania Coalition Against Domestic Violence (PCADV), its statewide contractor providing services to victims of this abuse, to develop a program to screen for and identify domestic violence victims among TANF applicants and recipients. In general, this program will provide training for those who do intake of new clients for TANF so that appropriate and sensitive screening is done to identify individuals who are suffering, or have a history of, such abuse while maintaining their confidentiality to assure their safety. Those so identified will be referred to the extensive array of services available through the PCADV. Identification of domestic violence situations is also critical to the application of other TANF requirements, such as those related to time limits on the receipt of assistance and the determination of good cause for noncooperation with child support requirements or with employment and training requirements.

B. SPECIAL PROVISIONS

1. *Families Entering Pennsylvania from Another State*

When a family moves to Pennsylvania from another state and has resided in the State for less than 12 months, Pennsylvania will exercise the Federal TANF option to provide benefits based on the level provided by the former state, if less than Pennsylvania's monthly family size allowance (based on family size and applicable payment schedule).

2. *Treatment of Noncitizens*

Pennsylvania is exercising the option in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to continue or to authorize TANF benefits for qualified aliens who arrived in the U.S. prior to August 22, 1996 and who meet all other eligibility requirements.

3. *Delivery of Benefits*

Pennsylvania continues to operate the TANF Program based on the rules, regulations and procedures for delivery of benefits in effect prior to implementation. Eligible

recipients will receive continuing benefits in two semi-monthly cash payments delivered either by mail, bank delivery, or direct delivery to nonbank financial institutions.

During the fiscal year 1997-1998, Pennsylvania will exercise the option to implement a statewide electronic benefits transfer (EBT) system to replace its current paper-based welfare benefits issuance system. EBT is a state-of-the-art means for electronically issuing welfare recipient benefits through a statewide network of automatic teller machines (ATMs) and point-of-sale (POS) devices to electronically deliver cash assistance and food stamp benefits throughout the Commonwealth.

4. *Right to Appeal*

Pennsylvania will continue to follow the appeal and fair hearing regulations and procedures consistent with Title 55, Chapter 275.

5. *Community Service Option*

Pennsylvania will make a determination by August 22, 1997 whether or not to opt out of the provision to require a parent or caretaker to participate in community service if that parent or caretaker has received assistance for two months, is not exempt from work participation, and is not engaged in work.

CERTIFICATIONS

The State will operate a program to provide Temporary Assistance for Needy Families (TANF) so that children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

This program is known as Temporary Assistance for Needy Families (TANF)

Executive Officer of the State: Governor Tom Ridge

In administering and operating a program which provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State certifies the following:

CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.

The Department of Public Welfare will operate a child support enforcement program under the approved Title IV-D State Plan.

CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.

The Department of Public Welfare will operate, during the fiscal year, a foster care and adoption assistance program under the State plan approved under part E, and the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for Medical Assistance under the State plan under Title XIX of the Social Security Act.

CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.

The Department of Public Welfare will administer and supervise the program known as Temporary Assistance for Needy Families for the fiscal year. Local governments

and private sector organizations will be consulted regarding the plan and design of welfare services in Pennsylvania so that services are provided in a manner appropriate to local populations; and these same local governments and private sector organizations will have had at least 45 days to submit comments on the plan and the design of such services.

CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.

The Commonwealth of Pennsylvania, during the fiscal year, will provide each member of an Indian tribe, who resides in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State's TANF Program.

CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.

The Commonwealth of Pennsylvania has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.

The Department of Public Welfare will establish and enforce standards and procedures to:

- screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- refer such individuals to counseling and supportive services; and
- waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving TANF assistance to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

FUNDING

The information below is provided in accordance with the draft document entitled "State Plan for Temporary Assistance for Needy Families Program" developed by the Department of Health and Human Services, Administration for Children and Families.

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive for each of the fiscal years 1996 through 2002, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B).

I. Payments to Agency Administering the TANF Program.

Please provide payment for the TANF Program to the same organization administering the AFDC/JOBS programs as of August 22, 1996.

II. State Payments for TANF Program

Payments for the TANF Program are to be made to the Pennsylvania Department of Public Welfare.

The Commonwealth of Pennsylvania's estimate for each quarter of the fiscal year by percentage is:

For FY 1997			
1st quarter NA	2nd quarter 38%	3rd quarter 37%	4th quarter 25%
For FY 1998 and Future Years			
1st quarter 25%	2nd quarter 25%	3rd quarter 25%	4th quarter 25%

[Pa.B. Doc. No. 97-89. Filed for public inspection January 17, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Armstrong, Butler, Clarion, Indiana and Jefferson Counties Project Reference No. 08430AG2043

The Department of Transportation will retain an engineering firm for an open-end contract for various engineering services and environmental studies on various projects located in Armstrong, Butler, Clarion, Indiana and Jefferson Counties in Engineering District 10-0. The contract will be for a minimum 30 month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The emphasis of this contract will be on the performance of various engineering services. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), SAMI studies, SAMI final design, capital improvement projects (bridges or roadways), and minor location studies. The amount of the open-end contract will be a minimum of \$750,000.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

1. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts. The specific experience of individuals who constitute the firms shall be considered.
2. Specialized experience and technical competence of firm.

3. Available staffing for this assignment.
4. Current workload.
5. Location of consultant in respect to the District.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Pennsylvania Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad-related cost estimates, permits, insurance, approvals and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications and estimates.

The firm may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socio-economic; cultural; Section 4(f) and Section 106 documents; threatened and endangered species including the services of a qualified malacologist; hazardous waste investigations; public involvement coordination; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts, conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports, NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The firm may be required to perform design phase partnering moderation on projects designed by consultants and/or in-house forces.

The firm may also be required to perform landscape architect duties which involve preparing landscaping plans, terrestrial mitigation plans, wetland mitigation planting plans and other associated duties.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this open-end contract.

The District's copy of the letter of interest and required forms (see general requirements and information section) shall be submitted to: F. Thomas Fruehstorfer, P.E. Acting District Engineer, Engineering District 10-0, Route 286 South, P. O. Box 429, Indiana, PA 15701.

Technical questions concerning the requirements for this project should be directed to Craig Chelednik, P.E., District 10-0, at (412) 357-2842.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Delaware County
Reference No. 08430AG2044**

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design and construction consultation for S. R. 0261, Section M00, Foulk Road, and S. R. 0491, Section M00, Naamans Creek Road in Concord, Bethel, Upper and Lower Chichester Townships, Delaware County. This project involves roadway overlay and shoulder construction, drainage improvements, curve adjustments, guide rail upgrade traffic signal upgrading, replacement of the parapets and abutment posts on S. R. 0261 over S. R. 0322 and appurtenant work. The project length encompassing both S. R. 0261 and S. R. 0491 is 12.6 kilometer (7.8 miles) that is S. R. 0261, Section M00, Foulk Road from the Pennsylvania/Delaware State line to Green Glen Drive and S. R. 0491, Section M00, Naamans Creek Road from the Pennsylvania/Delaware State line to S. R. 0202. The estimated project construction cost is \$4.5 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross-sections; guide rail system, erosion and sedimentation control design; highway lighting design; right-of-way investigation and plan; structure design; preparation of traffic control, pavement marking, and signing plans; traffic signal design; utility coordination and design; coordination with PUC, municipal officials, and the public; preparation of final plans, specifications; and estimates; shop drawing reviews; and construction consultation.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total

contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

We encourage small firms to submit a letter of interest for this assignment.

The District's copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Andrew L. Warren, District Administrator, 200 Radnor-Chester Road, St. Davids, PA 19087.

Technical questions concerning the requirements for this project should be directed to Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526 or Joseph L. Capella, District 6-0, at (610) 964-6611.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Montgomery and Philadelphia Counties
Project Reference No. 083430AG2045**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately 20 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following three projects:

1. S. R. 0076, Section PM2—Restoration of the Schuylkill Expressway including milling, concrete pavement patching, bituminous overlay and structure repairs from the Blue Route, I-476 to Belmont Avenue in Lower Merion Township.
2. S. R. 0076, Section PM3—Restoration of the Schuylkill Expressway including milling, bituminous overlay and structure repairs from Belmont Avenue to the City Line in Lower Merion Township.
3. S. R. 0076, Section PM4—Restoration of the Schuylkill Expressway including milling, bituminous overlay and structure repairs (some in the Schuylkill River) from the City Line to South Street in the City of Philadelphia.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. The availability of inspectors in each payroll classification to work nights and weekends.
- b. Past performance on previous construction inspection assignments.
- c. Review of inspectors' resumes with emphasis on Department experience, construction inspection capabilities and specialized experience in bituminous paving, maintenance and protection of traffic and structure repairs.
- d. In the letter of interest, describe how inspectors will be trained on safety while working at night and adjacent to high speed traffic, such as the Schuylkill Expressway.
- e. Understanding of Department's requirements, policies and specifications.

f. Ability to provide three "CDS" operators, (TCIS classification or someone capable of inputting data into a personal computer).

g. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employes will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	6 (4)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	11 (7)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (0)

In addition to the resumes for the required number of personnel in each Department Payroll Classification, a

Payroll Classification

Transportation Construction Inspector Supervisor
 Transportation Construction Inspector
 Technical Assistant

maximum of one alternate resume per payroll classification will be acceptable.

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 1997 will be the following rates:

	<i>Rate Per Hour</i>	
(TCIS)	\$38.90 (ST)	\$44.88 (OT)
(TCI)	\$34.42 (ST)	\$39.28 (OT)
(TA)	\$24.60 (ST)	\$27.00 (OT)

Maximum reimbursable per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting. The maximum rate per hour of inspection includes all costs to have the inspector on the project site.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; perform material acceptance testing, input data on a personal computer for CDS system and perform other duties as may be required.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The maximum number of resumes to be included with the letter of interest shall be eight resumes for the TCIS positions and 14 resumes for the TCI positions. No resumes are required for the TA positions.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information Section after the advertised projects.

The District's copy of the letter of interest and required forms (see the general requirements and information section) shall be sent to: Andrew Warren, District Administrator, Engineering District 6-0, 300 Radnor-Chester Road, St. Davids, PA 19083.

Technical questions concerning the requirements for this project should be directed to Joseph Meehan, District 6-0, at (610) 964-6555.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Mifflin County
 Reference No. 08430AG2039**

In the December 21, 1996 and January 4, 1997 publications of the *Pennsylvania Bulletin*, the Department's advertisement for this project reference number contained incorrect requirements. Letters of interest received in response to the earlier advertisement will be considered if you notify the Department in writing by January 31, 1997 that you believe the letter of interest that you previously submitted satisfies the requirements of this advertisement.

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately 16 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0322, Section B01, Milroy Bypass project, Mifflin County.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evalu-

ation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- b. Past performance.
- c. Understanding of Department's requirements, policies and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employes will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector—Materials	1 (1)

Payroll Classification

Transportation Construction Manager 1
Transportation Construction Inspector Supervisor
Transportation Construction Inspector—Materials
Transportation Construction Inspector
Technical Assistant

Maximum reimbursable rate per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting. The maximum rate per hour of inspection includes all costs to have the inspector on the project site.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity

<i>Classification</i>	<i>No. of Inspectors</i>
(TCI—Materials) (NICET Highway Materials Level 2 or equivalent)	
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	8 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 1997 will be the following rates:

	<i>Payroll Rate</i>	
(TCM-1)	\$43.96 (ST)	\$40.96 (OT)
(TCIS)	\$38.90 (ST)	\$44.88 (OT)
(TCI-M)	\$35.42 (ST)	\$40.53 (OT)
(TCI)	\$34.42 (ST)	\$39.28 (OT)
(TA)	\$24.60 (ST)	\$27.00 (OT)

provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-1 and TCIS positions, giving their approval to use their name in the letter of interest for this specific project.

Transmittal letters for the letters of interest shall be four pages or less.

The maximum number of resumes to be included with the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	2
TCI-M	2
TCI	10

No resumes are required on the TA classification.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: District Engineer, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required forms for each Project Reference Number for which the applicant wishes to be considered.

One copy of the letter of interest and required forms must be submitted to Director, Bureau of Design, Consultant Selection Committee, Forum Place, 555 Walnut Street, 7th Floor, Harrisburg, PA 17101-1900.

The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required forms must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project,

firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following:

1. The project reference number for which the applicant wishes to be considered.
2. The firm's legal name, factious name (if applicable), and the firm's Federal identification number.
3. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate the names and license number of individuals who are directing heads or employes of the firm who is responsible of the firm's engineering activities, and whose names and seal shall be stamped on all plans, specifications, plats and reports issued by the firm.
4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project." The Standard Form 255 must be signed, dated and filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project the DBE must be currently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item No. 6.

If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor of a Company, unless an acceptable Standard Form 254 for the prie and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office of Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest the transmittal letter shall indicate the

dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

6. A "Workload Projection" form for the prime and each subconsultant/subcontractor. The "Workload Projection" form should indicate the firms current and anticipated workload compared to the anticipated capacity available during the agreement projected time frame.

7. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. The latest audited overhead rate of the prime consultant and each subconsultant.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to this project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-90. Filed for public inspection January 17, 1997, 9:00 a.m.]

Training Certification of Municipal Police Officers

The Department of Transportation, Bureau of Maintenance and Operations, under the provisions of section 4704(f) of the Vehicle Code (75 Pa.C.S. § 4704(f)), certifies the following municipal police officers have successfully completed the training prescribed by the Department of Transportation and are hereby certified as "Qualified Commonwealth Employees" as defined in section 4102 of the Vehicle Code (75 Pa.C.S. § 4102) for the calendar year ending December 31, 1997. Accordingly, local police so qualified are authorized to conduct systematic vehicle inspections of any vehicle, driver, documents, equipment and load and enforce any law or regulation pertaining to same.

Robert C. Baum	Wyomissing Borough, Berks County
Kenneth E. Beard	Swatara Township, Dauphin County
Robert M. Bellan, Jr.	Ross Township, Allegheny County
Nicholas L. Bolognese	Cumru Township, Berks County
William G. Bradley	Orwigsburg, Schuylkill County
John E. Burlett	Edgeworth Borough, Allegheny County

John F. Byerly	Elizabethtown, Lancaster County
William C. Camlin	West Goshen Township, Chester County
Dennis W. Cassel, Jr.	Robeson Township, Berks County
Nicholas A. Colonna	Vanport Township, Beaver County
Richard J. Creese	Baden Borough, Beaver County
Edward E. Cross	Leet Township, Allegheny County
Alfred D. DeCarbo	Pulaski Township, Lawrence County
Thomas P. Donaldson	Franklin Township, Butler County
Thomas P. Dougherty	Muhlenberg Township, Berks County
Robert D. Eberly	Muhlenberg Township, Berks County
Kurt L. Emerich	Pine Grove Borough, Schuylkill County
David M. Faulkner	East Whiteland Township, Chester County
Ronald A. Frederick	Williamstown, Dauphin County
William F. Gearhart	Northern York County Regional, York County
Larry P. Geist	Fleetwood, Berks County
Albert W. Gesullo	Franconia Township, Montgomery County
Thomas J. Glenn	Allegheny County, Allegheny County
Ronald G. Harvey	Monroeville, Allegheny County
Kelly J. Hogan	Potter Township, Beaver County
Roger Heins	Northeast Berks Regional, Berks County
Kenneth M. Henry	Mt. Joy Township, Lancaster County
Brian S. Hughes	Tredyffrin Township, Chester County
Leon E. Jaskuta	Tredyffrin Township, Chester County
Thomas J. Kauffman	Upper Allen Township, Cumberland County
Bryan B. Kelly	Shaler Township, Allegheny County
Duane E. Koons, Sr.	Warwick Township, Lancaster County
Paul Anthony Kotasenski	Oxford Borough, Chester County
William D. Leighty	East Cocalico Township, Lancaster County
Paul W. Lewis	Potter Township, Beaver County

Gerard M. Lindenlauf New Garden Township,
Chester County

James D. Loder Exeter Township, Berks
County

Peter H. Lunn Upper Chichester Township,
Delaware County

Michael J. Margavage, Jr. Schuylkill Haven Borough,
Schuylkill County

T.A. Marshall Edgeworth Borough, Alle-
gheny County

Kenneth F. Massey Upper Chichester Township,
Delaware County

F. Allan Mauger, Jr. Uwchlan Township, Chester
County

Steven Mawhinney Bristol Township, Bucks
County

John McCarthy Montgomery Township, Mont-
gomery County

Dale V. McClure Uwchlan Township, Chester
County

Kenneth J. McNally Bedminster Township, Bucks
County

Stephen J. Meacham West Whiteland Township,
Chester County

Gary R. Metzger Lancaster City, Lancaster
County

Paul F. Miller, Jr. Cumru Township, Berks
County

Gary F. Moore West Whiteland Township,
Chester County

Christopher L. Neidert Exeter Township, Berks
County

Allan J. Nocera Shenango, Lawrence County

R. Scott Ohs State College Borough, Centre
County

David M. Pavelko Butler Township, Luzerne
County

Robert M. Peloquin Moore Township, North-
ampton County

Eric D. Ruggeri Kennett Square Borough,
Chester County

Donald J. Rusnak Mount Joy Borough,
Lancaster County

Christopher M. Sam Wyomissing Borough, Berks
County

Robert P. Schaeffer Schuylkill Haven Borough,
Schuylkill County

Mark F. Schmidt Upper Makefield Township,
Bucks County

Robert G. Schortemeyer Middletown Borough, Dau-
phin County

Ronald H. Shank Manheim Borough, Lancaster
County

Brian K. Strand Bern Township, Berks County

Sean Stuber Bushkill Township, North-
ampton County

William B. Wentz York City, York County

Richard D. White Ross Township, Allegheny
County

Daniel E. Wilson East Whiteland Township,
Chester County

Timothy Woll Cumru Township, Berks
County

Douglas L. Womer Lower Paxton Township, Dau-
phin County

Ronald L. Yocum, Jr. Shoemakersville Borough,
Berks County

The Department of Transportation, from time to time, during the calendar year, will publish addenda to the listing of Qualified Commonwealth Employees as the same become certified.

Comments, suggestions or questions may be directed to Daniel R. Smyser, P.E., Chief, Motor Carrier Division, Bureau of Maintenance and Operations, 555 Walnut Street - 7th Floor, Harrisburg, PA 17101-1900, telephone (717)787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-91. Filed for public inspection January 17, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Blue Cross; Community General Osteopathic Hospital; Member Hospital Prospective Payment Agreement; Filing No. 96-KK

By filing no. 96-KK, Capital Blue Cross submits for the Insurance Department's review and approval a Member Hospital Prospective Payment Agreement with Community General Osteopathic Hospital. The proposed contract has an effective date of July 1, 1996. This filing consists of 28 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Insurance Department File No. 9612310055001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-92. Filed for public inspection January 17, 1997, 9:00 a.m.]

Capital Blue Cross; Good Samaritan Regional Medical Center; Member Hospital Prospective Payment Agreement; Filing No. 96-LL

By filing no. 96-LL, Capital Blue Cross submits for the Insurance Department's review and approval a Member

Hospital Prospective Payment Agreement with Good Samaritan Regional Medical Center. This filing consists of 36 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Insurance Department File No. 9612310056001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-93. Filed for public inspection January 17, 1997, 9:00 a.m.]

Capital Blue Cross; Pinnacle Health Hospitals; Member Hospital Prospective Payment Agreement; Filing No. 96-JJ

By filing no. 96-JJ, Capital Blue Cross submits for the Insurance Department's review and approval a Member Hospital Prospective Payment Agreement with Pinnacle Health Hospitals. The proposed contract has an effective date of January 1, 1996. This filing consists of 35 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Insurance Department File No. 9612310054001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-94. Filed for public inspection January 17, 1997, 9:00 a.m.]

Delta Dental of Pennsylvania; Proposed Form to Schedule II; Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. SII-BP-SP-P-O-1-IN (REV)

Delta Dental of Pennsylvania has submitted Schedule II, Form No. SII-BP-SP-P-O-1-IN (REV) for approval. This form combines recent language approved in Form No. SII-BP-SP-P-O-1 (Revised) and will be used with Delta Dental Service Contract MC-3. This filing consists of 19 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Insurance Department File No. 9701060024001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-95. Filed for public inspection January 17, 1997, 9:00 a.m.]

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of May 8, 1996 published at 26 Pa.B. 2672 (June 1, 1996).

Persons who have any questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, telephone (717) 787-2735.

**Pennsylvania Insurance Department
Eligible Surplus Lines Insurer List**

As Of: January 2, 1997

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4001	Acceptance Insurance Company	222 South 15th Street Suite 600 North Omaha NE 68102
4002	Admiral Insurance Company	1209 Orange Street Wilmington DE 19801
4005	Adriatic Insurance Company	314 East Thayer Avenue Bismarck ND 58501

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4010	Agricultural Excess and Surplus Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington DE 19801
4014	Alliance General Insurance Company	6 West Hubbard Chicago IL 60610
4017	Allianz Underwriters Insurance Company	3400 Riverside Drive Suite 300 Burbank CA 91505-4669
4025	Alpine Insurance Company	311 South Wacker Drive Suite 500 Chicago IL 60606
4044	American Country Insurance Company	222 N. LaSalle Street Chicago IL 60601-1105
4047	American Dynasty Surplus Lines Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington DE 19801
4050	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington DE 19801
4052	American Equity Insurance Company	8370 East Via De Ventura Building K Scottsdale AZ 85258
4055	American International Specialty Lines Insurance Company	550 West 7th Street Anchorage AK 99501
4062	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City OK 73102
4070	Americas Insurance Company	400 Poydras Street Suite 2200 New Orleans LA 70130
4081	Appalachian Insurance Company	Allendale Park P. O. Box 7500 Johnston RI 02919-0500
4085	Assicurazioni General Di Trieste	Piazza Duca Degli Abruzzi, 2 34132 Trieste Italy
4090	Associated Electric & Gas Insurance Services Limited	Argus Insurance Building P. O. Box HM1064 Hamilton Bermuda HMEX
4095	Associated International Insurance Company	21860 Burbank Boulevard Woodland Hills CA 91367-6493
4100	Audubon Indemnity Company	2829 Lakeland Drive Suite 1400 Jackson MS 39208
4135	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London EC3A 8EQ England
4140	CNA International Reinsurance Company Limited	Fountain House 125-135 Fenchurch Street London EC3M 5DJ England
4158	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham AL 35209
4159	Century American Insurance Company	3401 West End Avenue Suite 600 Nashville TN 37209
4160	Century Surety Company	2400 Corporate Exchange Drive Columbus OH 43231
4170	Chubb Custom Insurance Company	32 Loockeman Square Dover DE 19901

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4180	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-3053
4193	Columbia Casualty Company	CNA Plaza Chicago IL 60685
4196	Commercial Underwriters Insurance Company	100 Corporate Pointe Suite 350 Culver City CA 90230
4200	Commercial Union Assurance Company plc	St. Helen's 1 Undershaft London EC3P 3DQ England
4210	Commonwealth Insurance Company	Suite 1500 595 Burrard Street—Bentall Cent Vancouver, B. C. Canada V7X 1G4
4213	Connecticut Specialty Insurance Company	9 Farm Springs Drive Farmington CT 06032
4216	Copenhagen Reinsurance Company (UK) Limited	25/26 Lime Street London EC3M 7HR England
4220	Coregis Indemnity Company	181 West Madison Avenue Suite 2600 Chicago IL 60602
4232	Diamond State Insurance Company	1600 Capital Ctr. S. 201 N. Illinois Street Indianapolis IN 46204
4245	Eden Park Insurance Company	One Indiana Square Suite 1800 Indianapolis IN 46204
4255	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City OK 73118
4268	Essex Insurance Company	1209 Orange Street Wilmington DE 19801
4270	Evanston Insurance Company	Shand Morahan Plaza Evanston IL 60201
4280	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury CT 06070-7683
4315	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati OH 45202
4317	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati OH 45202
4319	First Financial Insurance Company	538 South Fifth Street Suite 210 Springfield IL 62701-1822
4321	First Specialty Insurance Corporation	237 East High Street Jefferson City MO 65102
4326	Florida International Indemnity Company	27 East Robinson Street Orlando FL 32801
4329	Frontier Pacific Insurance Company	4250 Executive Square Suite 200 La Jolla CA 92037
4331	Fulcrum Insurance Company	199 Water Street New York NY 10038-3526
4332	Gan Insurance Company Limited	Gan House 12 Arthur Street London EC4R 9BJ England
4335	General Agents Insurance Company of America, Inc.	4308 North Glassen Boulevard Oklahoma City OK 73118

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4338	General Star Indemnity Company	695 East Main Street P. O. Box 10354 Stamford CT 06904-2354
4350	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck ND 58501
4360	Gotham Insurance Company	330 Madison Avenue New York NY 10017
4370	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Court Mincing Lane London EC3R 7AA England
4390	Gulf Underwriters Insurance Company	9200 Watson Road St. Louis MO 63101
4395	Hallmark Insurance Company, Inc.	Three Bala Plaza, East Suite 300 Bala Cynwyd PA 19004
4410	Home Insurance Company of Illinois (N. H.)	286 Commercial Street Manchester NH 03101-1138
4420	Houston Casualty Company	13403 Northwest Freeway Houston TX 77040-6094
4425	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford CT 06115
4427	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook IL 60521-1978
4430	Illinois Insurance Exchange	311 South Wacker Drive Suite 400 Chicago IL 60606
4432	Illinois Union Insurance Company	8755 West Higgins Road Chicago IL 60631
4438	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4441	Indian Harbor Insurance Company	316 North 5th Street Bismarck ND 58501
4444	Insurance Company of North America (UK) Limited	Cigna House 8 Lime Street London EC3M 7NA England
4451	Interstate Fire & Casualty Company	55 East Monroe Street Chicago IL 60603
4453	Investors Insurance Company of America	200 Schulz Drive Red Bank NJ 07701-6741
4469	La Concorde Compagnie D'Assurances	5, rue de Londres 75009 Paris France
4471	Landmark American Insurance Company	9800 South Meridian Boulevard Englewood CO 80112
4472	Landmark Insurance Company	777 South Figueroa Street Los Angeles CA 90017
4475	Legion Indemnity Company	123 North Wacker Drive Chicago IL 60606
4478	Lexington Insurance Company	1209 Orange Street Wilmington DE 19801
4482	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London EC3R 7AA England
4489	Lincoln Insurance Company	Two Mill Road Wilmington DE 19806-2114
4492	Lloyd's (Underwriters at)	One Lime Street London EC3M 7HA England

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4510	London and Edinburgh Insurance Company Limited	Excess House 13 Fenchurch Avenue London EC3M 5BT England
4530	Marine Insurance Company Limited	34/36 Lime Street London EC3M 7JE England
4565	Monticello Insurance Company	1209 Orange Street Wilmington DE 19801
4575	Mt. Hawley Insurance Company	7400 College Boulevard Suite 330 Overland Park KS 66210
4590	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis IN 46268
4598	National Fire & Marine Insurance Company	3024 Harney Street Omaha NE 68131-3580
4605	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale AZ 85260
4626	Neumann Insurance Company	6021 South Syracuse Way Suite 205 Englewood CO 80111-4747
4637	North American Capacity Insurance Company	650 Elm Street Manchester NH 03101-2524
4645	Northern Assurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4652	Northfield Insurance Company	12935 North Forty Drive St. Louis MO 63141
4665	Nutmeg Insurance Company	Hartford Plaza Hartford CT 06115
4667	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4668	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago IL 60601
4700	Pacific Insurance Company	4201 Wilshire Boulevard Los Angeles CA 90010
4710	Paradigm Insurance Company	2450 One Indiana Square Indianapolis IN 46204
4720	Phoenix Assurance plc	1 Bartholomew Lane London EC2N 2AB England
4730	Preferred National Insurance Company	210 University Drive Suite 900 Coral Springs FL 33071
4755	QBE International Insurance Limited	14 Fenchurch Avenue London EC3M 5BS England
4757	Realm National Insurance Company	125 Maiden Lane New York NY 10038
4760	Reliance Insurance Company of Illinois	233 South Wacker Drive Suite 9220 Chicago IL 60606
4787	Rock River Insurance Company	3400 80th Street Moline IL 61265
4793	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury CT 06033
4802	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle WA 98185
4804	SR International Business Insurance Company Limited	71-77 Leadenhall Street London EC3A 2PQ England

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4806	St. Paul Reinsurance Company Limited	52 Lime Street London EC3M 7BS England
4807	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover DE 19901
4810	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City MO 64112-1802
4816	Scottsdale Insurance Company	One Nationwide Plaza Columbus OH 43215
4819	Sheffield Insurance Corporation	3760 River Run Drive Birmingham AL 35243
4823	Skandia International Insurance Corporation	S-103 50 Stockholm Sweden
4840	Sphere Drake Insurance plc	52-54 Leadenhall Street London EC3A 2BJ England
4845	Steadfast Insurance Company	Suite 202 37 Loockerman Square Dover DE 19901
4849	Stonewall Insurance Company	31 Inverness Center Parkway Suite 200 Birmingham AL 35242
4870	TIG Specialty Insurance Company	444 Market Street San Francisco CA 94111
4875	Terra Nova Insurance Company Limited	41/43 Mincing Lane London EC3R 7SP England
4880	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P. O. Box HM655 Hamilton HMCX Bermuda
4884	Tudor Insurance Company	91 Court Street Keene NH 03431
4887	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock AR 72201-3525
4889	Underwriters Indemnity Company	8 Greenway Plaza Suite 400 Houston TX 77046
4890	Unionamerca Insurance Company Limited	The London Underwriting Centre 3 Minster Court, Mincing Lane London EC3R 7DD England
4893	U. S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck ND 58501
4897	United Capitol Insurance Company	400 Perimeter Center Terrace Atlanta GA 30346
4900	United Coastal Insurance Company	40 North Central Avenue Phoenix AZ 85004
4950	WASA International (UK) Insurance Company Limited	WASA House 26/27 Regency Square Brighton, East Sussex BN1 2FX England
4955	Wausau General Insurance Company	901 Warrenville Road Suite 500 Lisle IL 60532-4344
4957	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2700 Atlanta GA 30328-5346
4962	Western Heritage Insurance Company	6263 N. Scottsdale Road Scottsdale AZ 85250

Key Number	Company Name	Statutory Home Office Address
4963	Western Indemnity Insurance Company	820 Gessner Suite 1000 Houston TX 77024
4966	Western World Insurance Company	91 Court Street Keene NH 03431
4980	Yorkshire Insurance Company Limited	Pitheavlis Perth PH2 0NH Scotland
4985	ZC Specialty Insurance Company	3445 Executive Center Austin TX 78731
4990	Zurich International (Bermuda) Ltd.	Crawford House 50 Cedar Avenue Hamilton HM 11 Bermuda
4995	Zurich Re (UK) Limited	The Zurich Building 90 Fenchurch Street London EC3M 4JX England

Since publication of the May 8, 1996 eligible surplus lines insurer list, the following significant changes have occurred:

Additions:	(Key Number)	(Company Name)	(Date)
	4213	Connecticut Specialty Insurance Company	10/30/96
	4329	Frontier Pacific Insurance Company	12/19/96
	4331	Fulcrum Insurance Company	12/16/96
	4441	Indian Harbor Insurance Company	12/19/96
	4530	Marine Insurance Company Limited	7/13/96
	4730	Preferred National Insurance Company	10/30/96
	4787	Rock River Insurance Company	10/30/96
Deletions:	4330	Folksam International Insurance Company	12/11/96
	4780	River Thames Insurance Company Limited	12/11/96
Name Changes:	From:	4225 Dearborn Insurance Company	
	To:	4475 Legion Indemnity Company	
	From:	4495 Lloyds New York Insurance Company	
	To:	4757 Realm National Insurance Company	
	From:	4960 Western Alliance Insurance Company	
	To:	4985 ZC Specialty Insurance Company	

[Pa.B. Doc. No. 97-96. Filed for public inspection January 17, 1997, 9:00 a.m.]

Export List of Insurance Coverages; Request for Comments

In February 1996, the Insurance Commissioner determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 26 Pa.B. 5 (February 3, 1996). Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in Pennsylvania is not required before placement of the coverages in the surplus lines market.

The Insurance Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Insurance Commissioner is soliciting comments regarding the current export list. Any person may request in writing that a coverage be added or removed from the list.

All comments regarding the list shall be addressed to Cressinda Bybee, Office of Company Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, telephone (717) 787-2735, within 30 days of the

publication of this notice in the *Pennsylvania Bulletin*. Any changes to the list will be published in the *Pennsylvania Bulletin* during February 1997, or a notice will be published stating that the current list remains in effect.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-97. Filed for public inspection January 17, 1997, 9:00 a.m.]

Highmark Blue Cross Blue Shield; Amendatory Riders to Incorporate BlueCard Program Language in Traditional Group and Direct Payment Products; Filing No. 1-BLUECARD-96-WP

By filing no. 1-BLUECARD-96-WP, Highmark Blue Cross Blue Shield proposes to amend group and certain individual traditional contracts to include the BlueCard Program language. The BlueCard Program allows members to receive covered services from participating providers located outside the geographic area served by

Highmark Blue Cross Blue Shield. This filing consists of ten pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie. Please refer to Insurance Department File No. 9612240038001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 10 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-98. Filed for public inspection January 17, 1997, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-96-326, Dated December 17, 1996. Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the United Plant Guard Workers of America, Security Rank and File Unit (R1)—175 employees.

Resolution #CB-96-327, Dated December 17, 1996. The Commonwealth of Pennsylvania entered into a side letter of agreement with the American Federation of State, County, and Municipal Employees. This agreement stipulates the method for calculating promotions and demotions between the Corrections Officer/Forensic Security Employee Pay Schedule (Schedule H) and Corrections Officer/Forensic Security Employee Pay Schedule (Schedule K), and dissimilar pay schedules.

Resolution #CB-96-337, Dated December 20, 1996. The Commonwealth of Pennsylvania entered into a side letter with the Pennsylvania Association of State Mental Hospital Physicians Union to extend "oncall" payments.

Governor's Office

Management Directive No. 230.10—Travel and Subsistence Allowances, (Revision No. 8), dated December 4, 1996.

Management Directive No. 515.12—Confidential Employees, Amended, December 4, 1996.

Management Directive No. 530.22—Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions," amended, November 20, 1996.

Administrative Circular No. 96-51—Strategic Direction for Information Technology Acquisitions, November 26, 1996.

Administrative Circular, 96-52—Relocation—Commonwealth Media Services.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 97-99. Filed for public inspection January 17, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Montgomery County, Wine & Spirits Shoppe # 4617, Harleysville.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within 1 mile radius of the intersection of Route # 63 and Route # 113 in the Community of Harleysville.

Proposals due: February 14, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-100. Filed for public inspection January 17, 1997, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

[OFFICIAL OPINION 1996-2]

Pennsylvania Liquor Control Board; Constitutionality of Section 210(g) of the Liquor Code

December 30, 1996

Honorable John E. Jones, III
Chairman
Pennsylvania Liquor Control Board
Northwest Office Building
Harrisburg, PA 17124-0001

Dear Chairman Jones:

You have requested my opinion regarding the constitutionality of Section 210(g) of the Liquor Code, 47 P. S. § 2-210(g), as applied to attorneys formerly employed by the Pennsylvania Liquor Control Board. Section 210 provides that "[n]o former member or employee of the board or enforcement bureau may represent a person,

with or without compensation, on any matter before the board or enforcement bureau for one year after leaving the board or enforcement bureau."

Under Section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(1), the Attorney General is authorized to render legal advice to the head of a Commonwealth agency, but only with respect to matters "arising in connection with the exercise of the official powers or the performance of the official duties of the . . . agency." I am presented, therefore, with the threshold question of whether the Liquor Control Board has the power or duty to enforce Section 210(g). If it does not, then I am not authorized to render the advice that you have requested.

Pursuant to Section 210(m)(3) of the Liquor Code, 47 P. S. § 2-210(m)(3), a violation of Section 210(g) is a misdemeanor, punishable by a fine or imprisonment or both. Since the violation of Section 210(g) is a crime, the authority to enforce Section 210(g) lies not with the Liquor Control Board, but rather with appropriate law enforcement authorities. Accordingly, I am not authorized to provide you with legal advice regarding the constitutionality of Section 210(g).

In *Pennsylvania Public Utility Commission Bar Association v. Thornburgh*, 62 Pa. Cmwlth. 88, 434 A.2d 1327 (1981), *aff'd per curiam*, 498 Pa. 589, 450 A.2d 613 (1982), the Commonwealth Court held that a provision of the Ethics Act virtually identical to Section 210(g) of the Liquor Code is unconstitutional as applied to attorneys formerly employed by the Public Utility Commission, because it intrudes impermissibly upon the Supreme Court's power to regulate the conduct of attorneys. That decision, presumably, would present an obstacle to the prosecution of any alleged violation of Section 210(g). It suggests, moreover, that the Court would invalidate any rule or order of the Liquor Control Board that would exclude from practice before the Board any attorney duly licensed to practice law in Pennsylvania.

Of course, the Board has proffered no such rule or order, nor have you requested my opinion regarding the Board's authority to do so. It is sufficient, therefore, that I should advise you that the Liquor Control Board has no power or duty to enforce Section 210(g) of the Liquor Code.

You are further advised that, pursuant to Section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(1), you are required to follow the advice set forth in this Opinion and shall not in any way be liable for doing so.

THOMAS W. CORBETT, Jr.,
Attorney General

[Pa.B. Doc. No. 97-101. Filed for public inspection January 17, 1997, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Code 53 Pa.C.S. § 881.101 *et seq.* (relating to Pennsylvania Municipal Retirement Board), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102

February 24, 1997 City of Harrisburg 1:30 p.m.
(Payment of
Administrative
Expenses)

Persons with a disability who wish to attend the above-listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251 unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 97-102. Filed for public inspection January 17, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before February 10, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the right to *begin* to operate as a *broker* for the transportation of *persons* as described under each application.

A-00113632. Gold Glove Sports Tours, Inc. (R. D. 1, Box 1577, Schuylkill Haven, Schuylkill County, PA 17972), a corporation of the Commonwealth of Pennsylvania—brokerage license, evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* Patrick F. McCormick, Balliet and Spring Streets, Frackville, PA 17931.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00113619. Empire Limousine Corporation (60 Kenwood Drive, Levittown, Bucks County, PA 19055), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the counties of Bucks, Montgomery and Philadelphia, and from points in said counties to points in Pennsylvania and return. *Attorney:* Mark S. Karpo, 137 North Ninth Street, Philadelphia, PA 19107.

A-00113633. Affordable Limousine, Inc. (5930 Timothy Road, Harrisburg, Dauphin County, PA 17112), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the townships of Lower Paxton and Susquehanna, Dauphin County, and from points in said townships to points in Pennsylvania and return. *Attorney:* John E. Fullerton, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00111258, Folder 3. Hermes Transportation Co., Inc. (460 Eagleview Boulevard, Exton, Chester County, PA 19341), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, between points in the counties of Philadelphia, Bucks, Chester, Montgomery and Delaware, and from points in said counties to points in Pennsylvania and return; subject to the following conditions: (a) that no right, power or privilege is granted to render service in vehicles having a seating capacity of more than 25 passengers, excluding the driver; (b) that the equipment used shall be luxury-type motor vehicles, containing at least the following appointments: air conditioning, AM/FM radio, stereo, CD player, and deluxe leather or fabric upholstery. *Attorney:* Raymond A. Thistle, Jr., 726 Fitzwatertown Road, Suite 3, Willow Grove, PA 19090.

Applications of the following for the approval of the transfer of stock as described under each application.

A-00100359, F. 5000. Baker's Transportation Service, Inc. (1221 Liberty Street, Franklin, Venango County, PA 16323), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 100 shares of the issued and outstanding stock from Donald L. Baker to Nancy L. Baker. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before February 3, 1997.

A-00113050, F. 2 Premier Delivery Service, Inc.
708 B Pulaski Highway, Joppa, MD
20185: J. Robert Witmer, Esquire,
Stevens, Bigilante and Witmer,
P. C., Suite 300, 223 North Monroe
Street, Media, PA 19063

A-00113636 Robert T. Hankinson, Jr.,
R. T. Hankinson Trucking
P. O. Box 268, Ottsville, PA 18942

A-00113637 Norman Hills, t/d/b/a Norman Hills
Trucking
Route 60, Webster Road, Fredonia,
NY 14063

A-00113639 James A. Pileggi
500 Foxclove Circle, Glenmoore, PA
19343

A-00113640 Charles E. Hine, t/d/b/a H & H Mobile
Home Service
25 Catatunk Creek Road, Candor,
NY 13743

A-00113641 J. Mastrocola Hauling, Inc.
2828 Breckenridge Boulevard, Nor-
ristown, PA 19403

A-00113642 A Action Family Moving Company,
Inc., t/d/b/a Transtar Moving
Systems
P. O. Box 570, Moorestown, NJ
08057-0570

A-00113643 C. T. Cox, Inc.
712 Fulmer Road, Pottstown, PA
19465

A-00113644 Liberty Bulk Transport, Inc.
P. O. Box 232, Columbia, NJ 07832

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Raritan River Terminals, Inc.; Doc. No. A-00110795C96

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Raritan River Terminals, Inc., respondent, maintains a principal place of business at 100 Bayview Avenue, Keasbey, NJ 08832.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110795.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Raritan River Terminals, Inc. at Docket No. A-00110795, for failure to maintain current evidence of insurance on file with the Commission and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Kenneth E. Nicely
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to:

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-103. Filed for public inspection January 17, 1997, 9:00 a.m.]

**Telephone Service
Without Hearing**

A-310113F2000. United Telephone Long Distance, Inc. Application of United Telephone Long Distance, Inc., for approval of the abandonment or discontinuance of interexchange reseller service.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 3, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: H. Kay Dailey, Esquire, United Telephone Long Distance, Inc., 1201 Walnut Bottom Road, Carlisle, PA 17013.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-104. Filed for public inspection January 17, 1997, 9:00 a.m.]

**Water Service
Without Hearing**

A-210870F2000. Evansburg Water Company. Application of Evansburg Water Company for approval of the abandonment of water service to the public in portions of Perkiomen and Lower Providence Townships, Montgomery County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 3, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Lillian S. Harris, Thomas J. Sniscak, Malatesta, Hawke and McKean, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-105. Filed for public inspection January 17, 1997, 9:00 a.m.]

**PUBLIC SCHOOL
EMPLOYEES' RETIREMENT
BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 5, 1997 Rosemary Heller-Capps 1 p.m.
(Multiple Service
Membership)

February 19, 1997 Roger Alexis
Franklin W. Sasso
(Final Average Salary) 1 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 97-106. Filed for public inspection January 17, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for:

1) Trailer Mounted Vacuum Unit

Open Date: February 3, 1997 at 11 a.m.

2) Highway Tractor Mowers, Quantity 3

Open Date: February 5, 1997 at 11 a.m.

3) 3-1/2 Ton Self-Propelled Rollers with Trailer, Quantity 5

Open Date: February 5, 1997 at 11:30 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-107. Filed for public inspection January 17, 1997, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

0007-01 Fine paper.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

0021-01 Roll labels.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

0025-10 MA/GA Voucher system.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

0071-11 Keystone Wild Notes publication.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA
Duration: 4/1-3/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

0095-01 Silk screening.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

4710-01 Corrugated polyethylene pipe.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6830-02 Gases, commercial.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6830-05 Gases, specialty/DER.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6840-03 Disinfectants and detergents.

Department: General Services
Location: Commodity Warehouse, Harrisburg, Dauphin County, PA
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6850-04 Antifreeze preparations.

Department: General Services
Location: Commodity Warehouse, Harrisburg, Dauphin County, PA
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7110-01 Filing equipment, visible.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7125-01 Shelving, PA Liquor Store.

Department: All using agencies
Location: Various locations
Duration: 6/1-5/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7485-02 Laser and ink jet printer supplies.

Department: All using agencies
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7920-01 Cleaner, toilet bowl.

Department: General Services
Location: Commodity Warehouse, Harrisburg, Dauphin County, PA
Duration: 6/1-5/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8105-03 Bags, plastic, disposable trash.

Department: General Services
Location: Commodity Warehouse, Harrisburg, Dauphin County, PA
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8415-01 Gloves, work.

Department: All using agencies
Location: Various locations
Duration: 6/15-6/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8415-06 Uniforms, school.

Department: Education
Location: Scotland School for Veterans' Children, Scotland, Franklin County, PA
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8430-02 Boots, rain and slush.

Department: All using agencies
Location: Various locations
Duration: 6/1-5/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8920-06 Non-perishable food.

Department: All using agencies
Location: Various locations
Duration: 6/1-5/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9135-05 Aviation fuel.

Department: Transportation and State Police
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9905-02 Delineation devices with Stimsonite/Safehit.

Department: Transportation
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9905-09 Delineation devices.

Department: Transportation, Environmental Protection, Conservation and Natural Resources
Location: Various locations
Duration: 5/1-4/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9905-13 Traffic signs.

Department: Transportation
Location: Various locations
Duration: 5/15-5/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1560116 Agricultural supplies—various quantities; snap bean seeds, bush, green, 54 day, Mosaic virus resistant, round shape, minimum 5" length, medium thick tagged and packed in 50 lb. bags and sweet pea seeds, corn seeds.

Department: Corrections
Location: Correctional Industries, Bellefonte, Center County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1561116 Agricultural supplies—214 ton; fertilizer. Analysis tags required for all materials.

Department: Corrections
Location: Correctional Industries, Bellefonte, Centre County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1570236 Clothing and individual equipment—1164 each, long sleeve silvertan shirts.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1542356 Construction, mining, excavating and highway maintenance equipment—1 each latest model (current year) backhoe.

Department: Environmental Protection
Location: Ebensburg, Cambria County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1600116 Containers, packaging and packing supplies—2114M, milk carton, one half (1/2) pint with tucked bottoms.

Department: Corrections
Location: Correctional Industries, Huntingdon, Huntingdon County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1604386 Firefighting, rescue and safety equipment—100 each extinguisher, fire, water (vinyl with polyester fabric back-pack type).

Department: Conservation and Natural Resources
Location: Halifax, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1539356 Instruments and laboratory equipment—56 each polished stainless steel air sampling canisters. Six liter. Single NVPRO SS4H or equivalent valve. Cleaned to TO14 (EPA method) standards. Valve guard. Brass plug for inlet.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1546046 Instruments and laboratory equipment—1 each semiautomatic elutriator for nematode extraction from soil.

Department: Agriculture
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1554356 Instruments and laboratory equipment—5 each air samplers for collecting up to 16 whole air samples in pressurized (25 PSOG) stainless steel canisters. Systems must be certified free of contamination per TO-14 specification.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8217140 Instruments and laboratory equipment—6 each James Instruments, Inc. REBAR Datascan or approved equal.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1437226 Motor vehicles, trailers and cycles—1 each 1997 model HD 4x4 pickup truck; 1 each 1997 model utility body truck.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1548216 Motor vehicles, trailers and cycles—1 each 1997 model 12 passenger van wagon.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1575166 Paper and printing—130M; survey forms.

Department: Education
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1611236 Paper and printing—1600M; antlerless deer license envelopes.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1605368 Weapons—35 each Smith & Wesson Model 5906 9MM handguns (pistol) and three (3) clips.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Advertising—01

PGC-2536 Proposals for furnishing high quality illustrations, paintings, charts, diagrams, graphs, overlays, lettering and other visuals for the Game Commission's GAME NEWS magazine; the SPORT, Working Together For Wildlife, Hunter-trapper Education and other educational promotional programs; Hunting Digest; bumper stickers; decals; posters; placemats; brochures; pamphlets; maps; folders; training guides; booklets; bulletins; books; and such other photographic and printed materials as required by the Game Commission will be solicited and opened by the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Department: Game Commission
Location: 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: July 1, 1997 to June 30, 2000
Contact: Bob Mitchell, (717) 787-3745

Audio/Video—04

205496 Contractor to maintain and repair FM radio equipment for the Youth Development Center at New Castle and the South West Secure Treatment Unit at Torrance, PA. Call for specifications at the YDC New Castle purchasing department, (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center, R. R. 6, Box 21A, Frew Mill Road, New Castle, Lawrence County, PA 16101
Duration: 7-1-97 through 6-30-2000
Contact: T. E. Mateja, Purchasing Agent, (412) 656-7310

Computer Related Services—08

RFP No. 1-97 This RFP is to operate a Statewide integrated Pennsylvania Automated Recipient Identification System (PARIS) designed for the capture and storage of digitized finger, photo, and signature images. This RFP presents a proposal for a turn-key (PARIS) which includes an integrated network of workstations in County Assistance Offices (CAOs), as well as a PARIS central data base site.

Department: Public Welfare
Location: PARIS workstations will be located at approximately 106 CAO/District sites. The Central Server Site will be located at the Willow Oak Office Building, Harrisburg, PA
Duration: The contract will be for a period of five years with a possible two one-year extensions upon approval of the Commonwealth
Contact: Polly Hahn, (717) 787-7585

Construction and Construction Maintenance—09

080940 Columbia County; SR 487 (38S); Cumberland County, SR 11 (008); Berks County, SR 562-01M and SR 1021-02M.

Department: Transportation
Location: Districts 3-0, 8-0, 5-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

DGS 371-1 Revised Rebid Project title: Purchase and Installation of Two (2) Medium Security Prefabricated Units with a Capacity of 256 Cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Precast concrete and/or pre-assembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC system, plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$450.00 per set. Payable to: Kostecky Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Kostecky Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Tuesday, February 11, 1997 at 11:00 a.m. Any and all bulletins issued prior to January 15, 1997 are hereby canceled.

Department: General Services
Location: State Correctional Institution, Albion, Erie County, PA
Duration: 365 or 300 calendar days from date of initial job conference depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

DGS 372-1 Revised Rebid Project title: Purchase and Installation of Two (2) Medium Security Prefabricated Units with a Capacity of 256 Cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Precast concrete and/or pre-assembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC system, plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$450.00 per set. Payable to: Kostecky Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Kostecky Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Thursday, February 13, 1997 at 11:00 a.m. Any and all bulletins issued prior to January 15, 1997 are hereby canceled.

Department: General Services
Location: State Correctional Institution, Franklin Township, Greene County, PA
Duration: 365 or 300 calendar days from date of initial job conference depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

DGS 373-1 Revised Rebid Project title: Purchase and Installation of Two (2) Medium Security Prefabricated Units with a Capacity of 256 Cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Precast concrete and/or pre-assembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC system, plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$450.00 per set. Payable to: Kostecky Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Kostecky Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Wednesday, February 19, 1997 at 2:00 p.m. Any and all bulletins issued prior to January 15, 1997 are hereby canceled.

Department: General Services
Location: State Correctional Institution, Mahanoy, Schuylkill County, PA
Duration: 365 or 300 calendar days from date of initial job conference depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

DGS 374-1 Revised Rebid Project title: Purchase and Installation of Two (2) Medium Security Prefabricated Units with a Capacity of 256 Cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Precast concrete and/or pre-assembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC system, plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$450.00 per set. Payable to: Kostecky Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Kostecky Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Wednesday, February 12, 1997 at 11:00 a.m. Any and all bulletins issued prior to January 15, 1997 are hereby canceled.

Department: General Services

Location: State Correctional Institution, Somerset, Somerset County, PA

Duration: 365 or 300 calendar days from date of initial job conference

depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

DGS 579-3 Revised Rebid Project title: Purchase and Installation of Two (2) Medium Security Prefabricated Units with a Capacity of 256 Cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Precast concrete and/or pre-assembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC system, plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$450.00 per set. Payable to: Kostecky Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Kostecky Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Wednesday, February 18, 1997 at 2:00 p.m. Any and all bulletins issued prior to January 15, 1997 are hereby canceled.

Department: General Services

Location: State Correctional Institution, Houtzdale, Clearfield County, PA

Duration: 365 or 300 calendar days from date of initial job conference

depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

Demolition—11

Contract No. FDC-208-185 Demolition of existing bridge and construction of a new bridge (multi-stringer steel beams, wood deck and guide rails, and reinforced concrete abutments and wingwalls with stone masonry facing). All work is located in Linn Run State Park.

Department: Conservation and Natural Resources

Location: Cook Township, Westmoreland County, PA

Duration: 120 days

Contact: Construction Management Section, (717) 787-5055

Environmental Maintenance Services—15

16-97-24 Drilling and testing of three (3) water wells to supply drinking water at several recreational facilities along Pine Creek.

Department: Conservation and Natural Resources

Location: Tioga State Forest, Shippen and Morris Townships, Tioga County and Brown Township, Lycoming County

Duration: Ninety (90) days after the notice to proceed

Contact: David Gregg, District Forester, (717) 724-2868

Extermination Services—16

CUS 002 Contractor shall provide pest control/extermination services as required to the State Correctional Institution at Smithfield.

Department: Corrections

Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

Duration: July 01, 1997 through June 30, 2000

Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

205497 Contractor to provide pest control services for buildings located on the grounds of the Youth Development Center at New Castle. Call for specifications at the YDC New Castle purchasing department, (412) 656-7310.

Department: Public Welfare

Location: Youth Development Center, R. R. 6, Box 21A, Frew Mill Road, New Castle, Lawrence County, PA 16101

Duration: 7-1-97 through 6-30-2000

Contact: T. E. Mateja, Purchasing Agent, (412) 656-7310

Firefighting Services—18

CUS 001 Annual testing and calibration of Kidde automated fire alarm and smoke detection system.

Department: Corrections

Location: State Correctional Institution at Smithfield, 1120 Pike Street, P. O. Box 999, Huntingdon, PA 16652

Duration: July 1, 1997 through June 30, 2000

Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

Food—19

V-2 Fresh product—to be delivered 2 times weekly during contract period.

Department: Military Affairs

Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475

Duration: April 1, 1997 through June 30, 1997

Contact: Ronda Millard, Purchasing Agent, (610) 948-2492

V-3 Bread and rolls—to be delivered 3 times weekly during contract period.

Department: Military Affairs

Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475

Duration: April 1, 1997 through June 30, 1997

Contact: Ronda Millard, Purchasing Agent, (610) 948-2492

V-5 Meat—to be delivered weekly during contract period.

Department: Military Affairs

Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475

Duration: April 1, 1997 through June 30, 1997

Contact: Ronda Millard, Purchasing Agent, (610) 948-2492

V-6 Poultry—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1997 through June 30, 1997
Contact: Ronda Millard, Purchasing Agent, (610) 948-2492

V-7 Frozen foods—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1997 through June 30, 1997
Contact: Ronda Millard, Purchasing Agent, (610) 948-2492

B-1 through B-12 Processed white American cheese, solid block, pre-sliced or shredded, 30 lb. containers or any other related products as required. To be bid out on a monthly basis.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-13 through B-24 Fresh eggs, shell, white Grade A, Class 1, medium natural 30 dozen per case. PA Spec. E-10 approximate monthly usage 9,000 dozen. To be bid out monthly or as needed. To include any other related items.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-25 through B-36 Pizza, cheese, frozen, ready to bake. Portion cut made with natural cheese and no sauce extenders. To include any other related products. To be bid out monthly or as needed.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-49 through B-60 Fresh fruit and vegetables. Items to be bid out monthly. To include any other related items.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-61 through B-72 Fish, pre-cooked and oven ready. To include any other related product. To be bid out monthly on an as needed basis. Average monthly usage—6,000 lbs.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-73 through B-84 Meat items for the months of March 1997 through February 1998. To be bid out monthly on an as needed basis. To include any other related items.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-85 through B-96 Oleo, Type II Style A, in 30 lb. plastic buckets. PA Spec. C-94, eff. Amend. No. 1, 21 May 1973. To include any other related items. To be bid out on an as needed basis.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-97 through B-108 Frozen eggs, average monthly usage, 10,000 lbs. To include any other related products. Items to be bid out monthly, as needed basis.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-109 through B-120 Diet dinners, TV dinners. Dinners cannot contain any pork or pork products. To be bid out on an as needed basis.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-121 through B-132 Ice cream, average monthly usage 1,500 gallons. Ice cream sandwich, and any other related products. Items to be bid out on a monthly basis, as needed.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-133 through B-144 Frozen food items. Pancakes, French toast, waffles. Cannot contain any pork or pork products. Equal to Aunt Jemima frozen products. To include any other related items. To be bid out monthly or as needed.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-145 through B-156 Broccoli, chopped fresh frozen. PA Spec. V-14 packed 30 lb. bulk. Cauliflower fresh, frozen. PA Spec V-14 packed 30 lb. bulk. Approximate pounds used per month, 4,000 lbs. To include any other related items. To be bid out monthly.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-157 through B-168 Coffee, institutional blend, Grade 1, 20 lb. bags, to be bid out on an as needed basis. To include any other related products.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-181 through B-192 Cheddar cheese sauce mix, dry. Add water only. Equal to Gage brand Mfg. by Gage Food Products Co. Ingredients shall be as follows: cheddar cheese solids, malto dextrin, buttermilk solids, modified food starch, sweet whey, partially hydrogenated soybean oil, sodium caseinate, salt, guar gum, yeast, potassium phosphate, polysorbate and monoglyceride. No Monosodium Glutamate. 4 x 10 cans/cs. No. 10 can = 8 3/4 quart. To include any other related products. To be bid out monthly, on an as needed basis.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-277 through B-289 Milk, whole and skim. 1/2 pint individual container. Must be pasteurized and homogenized. To be bid out monthly or as needed.

Department: Corrections
Location: State Correctional Institution-Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

Heating, Ventilation, Air Conditioning—22

Project No. 123 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, R. D. 12, Box 232, Greensburg, Westmoreland County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 124 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, R. D. 2, Box 2828, Grove City, Mercer County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 125 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 321 North 5th Street, Hamburg, Berks County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 126 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 51 West Clearview Road, Hanover, York County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 127 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 14th and Calder Streets, Harrisburg, Dauphin County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 128 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 515 East Samuels Avenue, Hazleton, Luzerne County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 129 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 740 North Hermitage Road, Hermitage, Mercer County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 130 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 1720 East Caracas Avenue, Hershey, Dauphin County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 131 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, P. O. Box 431, Honesdale, Wayne County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 132 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 236 Standing Stone Avenue, Huntingdon, Huntingdon County, PA
Duration: 1 July 97—30 June 2000
Contact: Emma Schroff, (717) 861-8518

AE-3005 Vehicle exhaust system. Fax (717) 783-7971.

Department: Transportation
Location: County Maintenance District 1-1 Building, Meadville, Crawford County, PA
Duration: 75 calendar days—proposed bid date February 1997
Contact: Tina Chubb, (717) 787-7001

DLR 003 Preventive maintenance and repairs of refrigeration and air conditioning equipment.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1997 through June 30, 2000
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

SP 274325 Sealed bids will be received at the Raccoon Creek State Park Office, 3000 State Route 18, Hookstown, PA 15050 and then publicly opened and read. A bid opening date has not yet been set. For electrical repair and/or maintenance of the electrical systems at Raccoon Creek State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Raccoon Creek State Park.

Department: Conservation and Natural Resources
Location: Raccoon Creek State Park, 3000 State Route 18, Hookstown, PA 15050
Duration: 7/1/97 to 6/30/2000
Contact: Raccoon Creek State Park, (412) 899-2200

Janitorial Services—23

300750 Window cleaning services: to provide window cleaning services, contract includes cleaning inside and outside surfaces of all exterior windows, all doors, storm windows, front and rear entrance way glass. Vendor must visit site prior to bid opening.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105
Duration: August 1, 1997 to September 30, 1997, a period of 8 weeks
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

Laboratory Services—24

DLR 001 Laboratory services for the testing of institutional waste water.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1997 through June 30, 2000
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

Medical Services—29

No. 8179 The contractor will provide physician/medical care to individuals residing in Commonwealth operated Mental Retardation Centers at Altoona, Ebensburg and Embreeville Centers. Service to include all aspects of medical care and treatment.

Department: Public Welfare
Location: Altoona Center, Ebensburg Center and Embreeville Center, PA
Duration: June 1, 1997 through June 30, 2000 with 2 one-year renewal options
Contact: Cora Davis, Purchasing Agent I, (814) 472-0259

205494 Optometry services for male and female students residing at the Youth Development Center at New Castle. Services are to be provided on the grounds of the institution, as needed, in an office already set up with optical equipment. Call for specifications at the YDC New Castle purchasing department, (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center at New Castle, R. R. 6, Box 21A, Frew Mill Road, New Castle, Lawrence County, PA 16101
Duration: 7-1-97 through 6-30-2000
Contact: T. E. Mateja, Purchasing Agent, (412) 656-7310

205495 Emergency and routine ambulance service for the Youth Development Center at New Castle, as needed, during the contract period 7-1-97 through 6-30-2000. Call for specifications at the YDC New Castle purchasing department, (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center at New Castle, R. R. 6, Box 21A, Frew Mill Road, New Castle, Lawrence County, PA 16101
Duration: 7-1-97 through 6-30-2000
Contact: T. E. Mateja, Purchasing Agent, (412) 656-7310

CRE-0189 The contractor shall provide dental laboratory services for inmate dental prosthesis requirements as prescribed by the institutional dentist at the State Correctional Institution at Cresson. Bid prices will be from vendor's fee schedule which becomes part of bid proposal. Vendor to supply postage paid labels to Institution Dental Clinic. Bid requirements on file in agency purchasing department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001
Duration: July 1, 1997 to June 30, 1999 (2 years)
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

GCO No. 1 PGC-2428 Administer medical and physical evaluations and swimming test to approximately 25 candidates for the position of Game Conservation Officer trainees. The medical evaluation will include EKG, visual acuity, color perception, hearing and complete chemical and clinical tests. The physical evaluations will include physical characteristics, flexibility, strength, power and swimming tests in accord with job related duties and standards. Provide complete written report on all candidates. Evaluations and tests must be performed during the period April 7 to 11, 1997, with a verbal report including pass or fail results provided on April 18, 1997. All forms and questionnaires used in conjunction with the testing must be in compliance with the Americans With Disabilities Act.

Department: Game Commission
Location: One (1) location in Central PA to accommodate candidates throughout the Commonwealth
Duration: 03-31-97 to 06-30-97
Contact: Jane Peyton, (717) 787-7836

SP-568 Speech/Dysphagia therapy services to approximately 500 residents as directed by physicians of the Hollidaysburg Veterans Home. Services provided for this contract will be on a consultant basis as an Independent Contractor.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648
Duration: 01 April 1997 through 30 June 1998
Contact: James E. Trimer, Purchasing Agent, (814) 696-5211

Property Maintenance—33

SP 331528 Vegetation removal per herbicide application on approximately 2806 acres in various State Forest areas throughout Pennsylvania. Herbicide application to be applied between July 1, 1997 and September 30, 1997. This bid could result in 3 individual contracts.

Department: Conservation and Natural Resources
Location: Bureau of Forestry-State Forest Management, various areas throughout Pennsylvania
Duration: 7/1/97—6/30/98
Contact: Cory Gaiski, (717) 783-0760

Sanitation—36

DLR 002 Pick up and removal of municipal waste and specific residual waste.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1997 through June 30, 2000
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

SP 274333 Sealed bids will be received at the Regional Park Office No. 2, P. O. Box 387, 195 Park Road, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For Solid Waste Disposal at Keystone State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager at Keystone State Park.

Department: Conservation and Natural Resources
Location: Keystone State Park, R. D. 2, Box 101, Derry, PA 15627-9167
Duration: April 1, 1997 to December 31, 2000
Contact: Keystone State Park, (412) 668-2939

Security Services—37

RFP 96-22 The objective of this RFP is to provide security service to PennDOT's Riverfront Office Center Facility. FAX all requests to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Harrisburg, PA
Duration: 1 year with renewal to total 5 years
Contact: Tina Chubb, (717) 787-7001

Vehicle, Heavy Equipment and Powered Machinery Services—38

4620-02 The Department is advertising for the monthly rental of a pothole patching machine comparable to Patchrite 5 ton machine. To be utilized throughout District 9-0 including Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset.

Department: Transportation
Location: Bureau of Maintenance and Operations, District 9-0 Engineering Office
Duration: March 1, 1997—June 30, 1998
Contact: Greg Buterbaugh, (717) 787-6522

Miscellaneous—39

300768 Drug and Alcohol Sessions: Individual to provide consultation to the drug and alcohol program concerning addiction and recovering of the mentally ill. He/she will meet with the D & A staff on a monthly and/or on an as needed basis for consultation and will also be a resource for individual patients or D & A groups. Individuals combined training and experience in the areas of substance abuse and mental health treatment and recovery qualified this person to provide peer support services and education.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105
Duration: July 1, 1997 to June 30, 2000, a period of three years
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

SP 298703 Site preparation, installation and all materials for a woven wire fence around a portion of land located on Bald Eagle State Forest. The site is located at Breon Road, Greene Township, Clinton County, approximately 7,644 feet perimeter.

Department: Conservation and Natural Resources

Location: Bureau of Forestry, Bald Eagle State Forest, District No. 7, P. O. Box 147, Laurelton, PA 17835

Duration: 1/23/97 to 6/30/97

Contact: Andrew J. Glodek, Forester, (717) 922-3344

SP 298704 Site preparation, installation and materials (except power service and wire) for 6-strand electric deer fence around a portion of a timber sale located on Bald Eagle State Forest. The site is located at Stover Gap Road in Hains Township, Centre County, approximately 6,150 feet perimeter.

Department: Conservation and Natural Resources

Location: Bureau of Forestry, Bald Eagle State Forest, District No. 7, P. O. Box 147, Laurelton, PA 17835

Duration: 1/23/97 to 6/30/97

Contact: Andrew J. Glodek, Forester, (717) 922-3344

[Pa.B. Doc. No. 97-108. Filed for public inspection January 17, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
0005-08	01/09/97	Bethesda Engravers	16,000.00	5610-15	01/03/97	Milestone Materials, Inc., Montoursville	34,751.00
0013-08	01/09/97	Boyer Printing and Binding Co., Inc.	5,111.96	5610-15	01/03/97	Silver Hill Quarry Div. of Haines & Kibblehouse	5,000.00
0092-09	01/09/97	Boyer Printing and Binding Co., Inc.	35,107.50	5610-15	01/03/97	Milestone Materials, Bloomsburg	5,000.00
1321216-01	12/30/96	Medical and Surgical Center, Inc.	6,511.25	5610-15	01/03/97	Pennsy Supply, Inc.	104,300.00
1337726-01	12/30/96	Macro Computer Products, Inc.	73,554.00	5610-15	01/03/97	Milestone Materials, Inc., Glen Mills	5,000.00
1510216-01	01/02/97	American Coal and Minerals Co.	40,613.35	5610-15	01/03/97	Milestone Materials, Boalsburg	138,025.00
2550-02	01/10/97	Industrial Motor Supply, Inc.	102,790.00	5610-15	01/03/97	HB Mellott Estate, Inc.	5,000.00
2550-02	01/10/97	Sunbury Motor Co.	99,414.00	5610-15	01/03/97	G. L. McKnight	5,000.00
2550-02	01/10/97	Groff Tractor and Equipment Co.	30,500.00	5610-15	01/03/97	Meckleys Limestone Prod., Inc.	5,000.00
2550-02	01/10/97	Leshner Mack Sales and Service	118,892.99	5610-15	01/03/97	Medusa Aggregates	5,000.00
2550-02	01/10/97	Plasterer Equipment Co., Inc.	141,956.00	5610-15	01/03/97	Atlantic States Materials of PA	5,000.00
2550-02	01/10/97	Joseph L. Pinto, Inc.	8,147.85	5610-15	01/03/97	Kibblehouse Quarries, Inc.	5,000.00
2550-02	01/10/97	Cleveland Bros. Equipment Co., Inc.	25,240.00	5610-15	01/03/97	Eastern Industries-West	51,609.00
2550-02	01/10/97	Exto, Inc.	126,450.00	5610-15	01/03/97	Codorus Stone and Supply Co., Inc.	5,000.00
2610-09 (Rebid in Part No. 1)	01/10/97	Export Tire Co.	10,000.00	5610-15	01/03/97	Hempt Brothers, Inc.	11,250.00
2610-09 (Rebid in Part No. 1)	01/10/97	Good Tire Service, Inc.	2,500.00	5610-15	01/03/97	Tarmac America, Hanover	20,225.00
2610-09 (Rebid in Part No. 1)	01/10/97	TPS Distributing Co., Inc.	2,500.00	5610-15	01/03/97	Buffalo Crushed Stone, Inc.	28,250.00
2610-09 (Rebid in Part No. 1)	01/10/97	Bastian Tire Sales	12,500.00	5610-15	01/03/97	Milestone Materials, Downingtown	5,000.00
5610-15	01/03/97	G. F. Edwards	5,000.00	5610-15	01/03/97	Milestone Materials, Stroudsburg	5,000.00
5610-15	01/03/97	New Enterprise Stone and Lime Co.	245,850.00	5610-15	01/03/97	Milestone Materials, Lake Ariel	8,250.00
5610-15	01/03/97	Naceville Materials	5,000.00				

STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	01/03/97	Simpson Stone Quarry	5,000.00	5610-15	01/03/97	Tarmac America, Annville	28,350.00
5610-15	01/03/97	National Limestone Quarry, Inc.	24,730.00	5610-15	01/03/97	Bedrock Quar- ries	40,610.00
5610-15	01/03/97	Small Moun- tain Quarry, Inc.	5,000.00	5610-15	01/03/97	Davidson Sand and Gravel	209,175.00
5610-15	01/03/97	Atlantic States Limestone	5,000.00	5610-15	01/03/97	American As- phalt Paving Co.	22,930.00
5610-15	01/03/97	Martin Lime- stone, Inc.	5,000.00	5610-15	01/03/97	Better Materi- als Corp.	5,000.00
5610-15	01/03/97	Eureka Stone Quarry, Stroudsburg	11,470.00	5610-15	01/03/97	Barletta Mate- rials and Const., Inc.	5,000.00
5610-15	01/03/97	Keystone Ag- gregates Products Co.	23,000.00	5610-15	01/03/97	Hasbrouck Sand and Gravel Co.	31,575.00
5610-15	01/03/97	Hoover Sand and Gravel Co.	59,025.00	5610-15	01/03/97	Latrobe Con- struction Co.	9,350.00
5610-15	01/03/97	Russell Miner- als, Inc. d/b/a Darlington Ready Mix	5,000.00	5610-15	01/03/97	Lakeland Sand and Gravel, Inc.	5,000.00
5610-15	01/03/97	Porters Con- crete Service	5,000.00	5610-15	01/03/97	Handwerk Materials/ Div. Haines & Kibblehouse, Inc.	5,000.00
5610-15	01/03/97	Pottstown Trap Rock Quarries, Pottstown	5,000.00	5610-15	01/03/97	Keystone Lime Co.	5,000.00
5610-15	01/03/97	Pottstown Trap Quar- ries, Inc., Douglassville	5,000.00	5610-15	01/03/97	Kaminski Brothers, Inc.	5,000.00
5610-15	01/03/97	Quality Aggre- gates	18,965.00	5610-15	01/03/97	H & K Materi- als, Div. of Haines & Kibblehouse, Inc.	5,000.00
5610-15	01/03/97	Sheridan Corp.	14,450.00	5610-15	01/03/97	Huss Contracting Co., Inc.	5,000.00
5610-15	01/03/97	Glenn O. Hawbaker, Inc.	66,503.00	5610-15	01/03/97	Chestnut Ridge Sand and Gravel, Div. of Haines & Kibblehouse	5,000.00
5610-15	01/03/97	County Line Quarry, Inc.	51,375.00	5610-15	01/03/97	Eastern Indus- tries, Inc.	19,250.00
5610-15	01/03/97	Rhinehart Sand and Gravel, Inc.	5,000.00	5610-15	01/03/97	Earl F. Dean, Inc.	7,615.00
5610-15	01/03/97	Gernatt As- phalt Prod- ucts, Inc.	12,475.00	5610-15	01/03/97	Coolspring Stone Sup- ply Co., Inc.	85,675.00
5610-15	01/03/97	Greer Lime- stone Co.	5,000.00	5610-15	01/03/97	Dunbar Gravel	5,000.00
5610-15	01/03/97	Lafarge Con- struction Materials	5,000.00	5610-15	01/03/97	Berks Prod- ucts	5,000.00

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Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	01/03/97	Emlenton Limestone, Div. of I. A. Construction	16,150.00	5610-15	01/03/97	Edward C. Griffith Quarrying, Inc.	5,000.00
5610-15	01/03/97	New Milford Sand and Gravel	17,375.00	5610-15	01/03/97	Daggett Sand and Gravel Co.	11,180.00
5610-15	01/03/97	Common- wealth Stone, Inc.	5,000.00	5610-15	01/03/97	Locust Ridge Quarry, Div. of Haines	5,000.00
5610-15	01/03/97	Temple Crushed Stone	5,000.00	5610-15	01/03/97	Union Quar- ries, Inc.	11,625.00
5610-15	01/03/97	PBS Coal, Inc.	5,000.00	5610-15	01/03/97	Jay Fulkroad & Sons	15,985.00
5610-15	01/03/97	Binkley & Ober, Inc.	5,000.00	5610-15	01/03/97	Grannas Bros. Stone and Asphalt	5,000.00
5610-15	01/03/97	Glasgow, Inc.	18,280.00	5610-15	01/03/97	Clifford Cross Jr.	36,690.00
5610-15	01/03/97	J. Miller Eshleman & Son	15,000.00	5610-15	01/03/97	Wyoming Sand and Stone Co.	5,000.00
5610-15	01/03/97	Brokenstraw Gravel Co., Inc.	5,000.00	5610-15	01/03/97	State Aggre- gates, Inc.	24,460.00
5610-15	01/03/97	Pikes Creek Sand and Stone, Inc.	5,000.00	5610-15	01/03/97	South Bend Limestone Co.	5,000.00
5610-15	01/03/97	Global Stone Penroc	25,200.00	5610-15	01/03/97	Glacial Sand and Gravel Co.	189,155.00
5610-15	01/03/97	Bear Gap Stone, Inc.	15,466.00	5610-15	01/03/97	Buffalo Lime- stone, Inc.	5,000.00
5610-15	01/03/97	Erie Aggre- gates, Inc.	5,000.00	5610-15	01/03/97	York Building Products Co.	19,925.00
5610-15	01/03/97	Tionesta Sand and Gravel, Inc.	17,260.00	5610-15	01/03/97	Wayne Gravel Products	11,265.00
5610-15	01/03/97	E. F. Lippert & Co., Inc.	42,540.00	5610-15	01/03/97	P. Stone, Inc.	55,387.50
5610-15	01/03/97	Graham Con- struction and Exca- vating	24,000.00	5610-15	01/03/97	Dalrymple Gravel and Const. Co., Inc.	5,000.00
5610-15	01/03/97	Johnson Exca- vating	33,520.00	5610-15	01/03/97	Eureka Stone Quarry, Inc.	5,000.00
5610-15	01/03/97	Thomas E. Siegel	5,000.00	5610-15	01/03/97	D. M. Stoltzfus & Sons, Inc.	21,500.00
5610-15	01/03/97	Iddings Quarry	18,000.00	5610-15	01/03/97	Valley Stone Quarries	5,000.00
5610-15	01/03/97	Keystone Quarry	7,750.00	5610-15	01/03/97	Commercial Stone Co., Inc.	101,050.00
5610-15	01/03/97	M & M Lime	5,000.00	5610-15	01/03/97	White Haven Red Rock Sales Co.	8,250.00
5610-15	01/03/97	Keystone Sand and Gravel, Inc.	5,000.00	5610-15	01/03/97	ABE Materials- Easton	5,000.00

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5610-15	01/03/97	International Mill Services	94,340.00	5610-15	01/03/97	Devault Crushed Stone	13,310.00
5610-15	01/03/97	Martin Stone Quarries, Inc.	19,395.00	5610-15	01/03/97	Blooming Glen Quarry	5,000.00
5610-15	01/03/97	Valley Quar- ries	69,520.00	7313570-01	01/02/97	Pittsburgh Material Handling, Inc.	228,009.00
5610-15	01/03/97	Compass Quarries, Inc.	73,900.00	7490-03 (Supplement No. 1)	01/09/97	Opex Corpora- tion	5,000.00
5610-15	01/03/97	Beaver Valley Aggregates	5,000.00	8730-01	01/10/97	Garfield Wil- liamson, Inc.	24,026.00
5610-15	01/03/97	Allegheny Mineral Corp.	15,125.00	8730-01	01/10/97	Lesco, Inc.	14,330.00
5610-15	01/03/97	Waylite Corp.	56,080.00	8730-01	01/10/97	Seed Corpora- tion of America	12,810.00
5610-15	01/03/97	Duffy Sand and Gravel	14,450.00				
5610-15	01/03/97	Penn/MD Ma- terials, Div. of Haines & Kibblehouse	5,000.00				

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-109. Filed for public inspection January 17, 1997, 9:00 a.m.]