

# PENNSYLVANIA BULLETIN

Volume 28  
Saturday, August 8, 1998 • Harrisburg, Pa.  
Number 32  
Pages 3743—3914

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State Board of Education's  
Academic Standards and Assessment

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Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Game Commission  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employes' Retirement Board  
State Board of Education  
Turnpike Commission

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

**No. 285, August 1998**

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**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 \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. 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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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***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*.

## **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.

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### 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.

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# 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 1998.

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# PENNSYLVANIA BULLETIN

Volume 28  
Saturday, August 8, 1998 • Harrisburg, Pa.

Number 32

## **Part II**

This part contains the  
State Board of Education's  
Academic Standards and Assessment

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## PENNSYLVANIA

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(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 \$82 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Second class postage paid at Harrisburg, Pennsylvania.

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Mechanicsburg, Pennsylvania 17055-3198  
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Mechanicsburg, PA 17055-3198

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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.

# THE COURTS

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 95-1387  
Civil Term

#### *Order of Court*

And Now, this 16th day of July, 1998, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective August 20, 1998, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Word Perfect 6.1 for Windows reflecting the text in the hard copy version, one (1) copy of the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the Cumberland Law Journal.

*By the Court*

GEORGE E. HOFFER,  
*President Judge*

### INACTIVE CASES NOT AT ISSUE

**Rule 228.** The Prothonotary shall list, for general call on the last Tuesday of October of each year, all civil matters which are not at issue, and in which no proceedings of record have occurred during the two years or more immediately prior thereto. The Prothonotary shall, in the manner provided by Pa.R.J.A. 1901(c), notify counsel of record and any parties for whom no appearance has been entered, that the matter has been so listed. If no action is taken, and no objection **in the form of a petition (with proposed rule to show cause as indicated hereafter)** is filed in a listed matter **with the Prothonotary** prior to the time set for the general call, the Prothonotary shall strike the matter from the list, and enter an order as of course dismissing the matter for failure to prosecute.

**If a petition setting forth facts in opposition to a dismissal is filed, a rule to show cause in the form provided by Pennsylvania Rule of Civil Procedure 206.5(c) shall issue upon the remaining parties as respondents, and the matter shall proceed in accordance with Pennsylvania Rule of Civil Procedure 206.7 thereafter.**

Adopted and effective January 26, 1976; amended, April 1, 1995, effective April 30, 1995; amended, July 20, 1998, effective, August 20, 1998.

[Pa.B. Doc. No. 98-1262. Filed for public inspection August 7, 1998, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Charles Lawrence Feely, having been disbarred from the practice of law in the State of New York, the Supreme Court of Pennsylvania issued an Order dated July 22, 1998 disbaring Charles Lawrence Feely from the practice of law in this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-1263. Filed for public inspection August 7, 1998, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Hilda Burnett, having been suspended from the practice of law in the State of New Jersey for a period of three (3) months, the Supreme Court of Pennsylvania issued an Order dated July 22, 1998, suspending Hilda Burnett from the Bar of this Commonwealth for a period of three (3) months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-1264. Filed for public inspection August 7, 1998, 9:00 a.m.]

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Terry Jackson Kolp, having been indefinitely suspended from the practice of law in the District of Columbia, the Supreme Court of Pennsylvania issued an Order dated July 22, 1998, transferring Terry Jackson Kolp to Inactive Status pursuant to Rule 301(c), which deals with disabled and incapacitated attorneys and is the comparable discipline in this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-1265. Filed for public inspection August 7, 1998, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE, CHS. 1, 5, 7 AND 9]

#### Uniform Classification of Expenses

The Insurance Department (Department) hereby deletes Chapters 1, 5, 7 Chapter 9 to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); the act of May 9, 1949 (P. L. 1025, No. 298) (Act 298) (40 P. S. §§ 1261—1264); and section 320 of The Insurance Company Law of 1921 (act) (40 P. S. § 443). The regulations apply to property and casualty insurers, the State Workmen's Insurance Fund and title insurers. The regulations prescribe accounting rules for allocating and classifying certain types of expenses in financial statements.

#### *Purpose*

The purpose of the deletion of Chapters 1, 5, 7 and 9 is to eliminate obsolete, unnecessary regulations. The regulations were initially adopted October 21, 1949, and last amended July 7, 1970, under the authority of Act 298. Specifically, sections 1 and 2 of Act 298 (40 P. S. §§ 1261 and 1262) require property and casualty insurers, the State Workmen's Insurance Fund and title insurers to maintain uniform classifications of accounts and records as may be prescribed by the Insurance Commissioner (Commissioner) and, in addition, to file reports in a form determined by the Commissioner. The regulations were adopted to prescribe uniform accounting rules for the classification of specific expenses.

Section 320(a) of The Insurance Company Law of 1921 requires insurers to file annual financial statements and, as amended by the act of December 18, 1992 (P. L. 792, No. 176) states, in pertinent part:

(a)(1) Every stock and mutual insurance company, association, and exchange, doing business in this Commonwealth, shall annually, on or before the first day of March, file in the office of the Insurance Commissioner and with the National Association of Insurance Commissioners a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year . . . The Insurance Commissioner shall require each insurance company, association and exchange to reports its financial condition on the statement convention blanks, in such form as adopted by the National Association of Insurance Commissioners . . . and may make such changes, from time to time, in the form of the same as shall seem best adapted to elicit from them a true exhibit of their financial condition.

(2) Unless otherwise provided by law, regulation or order of the Insurance Commissioner, each insurance company, association and exchange shall adhere to the annual or quarterly statement instructions and the accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners . . .

Under the authority of Act 298 and section 320 of The Insurance Company Law of 1921, the Commissioner has

determined that the form, instructions and manuals prescribed by the National Association of Insurance Commissioners (NAIC) sufficiently address the classification of the types of expenses covered in the regulations. Therefore, the Commissioner currently requires the insurers subject to the regulations, including the State Workmen's Insurance Fund, to adhere to the NAIC form, instructions and manuals for the classification and reporting of those expenses. The regulations in no manner enhance the NAIC instructions and manuals. Therefore, the regulations are outdated and redundant and are no longer needed.

#### *Statutory Authority*

The regulations are being deleted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929; Act 298 and section 320 of the act. The regulations were adopted under the authority of Act 298.

#### *Comments*

Notice of this deletion was published at 27 Pa.B. 3231 (July 5, 1997) as a proposed rulemaking with a 30-day public comment period.

No comments were received from the standing committees. Comments were received from the Pennsylvania Association of Mutual Insurance Companies (PAMIC). On September 3, 1997, the Independent Regulatory Review Commission (IRRC) submitted notice to the Department that IRRC had no objections, comments or suggestions to offer on this rulemaking. The following is a summary of PAMIC's comments and the Department's response in its final rulemaking.

PAMIC agreed that the regulations are outdated but questioned whether the regulations should be updated or deleted. PAMIC commented that its general goal is to give domestic insurers, especially insurers that write business only in this Commonwealth, an opportunity to comment on substantive regulatory issues. PAMIC further stated that the rules under which insurers operate in this Commonwealth should be available to insurers and other parties without incurring the cost of purchasing NAIC publications.

As previously cited, section 320 of the act requires the insurers subject to these regulations to adhere to the NAIC instructions and accounting practices and procedures manuals, unless otherwise provided by law, regulation or order of the Insurance Commissioner. The NAIC instructions and manuals are designed to provide comprehensive, uniform accounting rules for financial reporting by insurers in the various states. The NAIC continually updates its accounting requirements to keep abreast of developments in financial reporting issues. Section 320(a)(2) of the act was adopted in 1992 to clarify Pennsylvania's standard requirement that insurers adhere to the NAIC instructions and manuals when preparing financial statements to be filed with the Department. The 1992 amendments to section 320 of the act were also made to bring this Commonwealth into compliance with the NAIC's state accreditation standards for effective solvency regulation of the insurance industry.

The Department agrees that insurers and all other affected parties should have an opportunity to comment on substantive regulatory issues. Therefore, the Department has historically proposed to adopt substantive financial reporting requirements through the Legislative or regulatory process. For example, the Department pro-

posed legislation to require insurers to file risk-based capital reports with annual financial statements (Act 40-1997). In addition, the requirements relating to annual audited financial reports were adopted by regulation (Chapter 147). However, with respect to the accounting rules for the classification of expenses, the Department believes that compliance with the NAIC instructions and manuals under section 320(a)(2) of the act is both appropriate and sufficient.

The NAIC manual that includes the rules for classifying expenses costs \$100. Because the insurers subject to these regulations are currently required to adhere to the NAIC instructions and manuals under section 320(a)(2) of the act, the Department believes the deletion of the regulations should result in minimal or no additional costs to the affected insurers.

Therefore, the Department believes the regulations are redundant and unnecessary and should be deleted to read as set forth in Annex A.

#### *Fiscal Impact*

The current cost of the NAIC manual that includes the rules for classifying expenses is \$100. Because the affected insurers are currently required to adhere to the NAIC instructions and manuals, the deletion of the regulations will have minimal fiscal impact.

#### *Paperwork*

The deletion of the regulations will impose no additional paperwork requirements on the Department or insurers.

#### *Affected Parties*

The deletion of the regulations affects property and casualty insurers, the State Workmen's Insurance Fund and title insurers.

#### *Effectiveness/Sunset Date*

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking deletes obsolete, redundant regulations, no sunset date has been assigned.

#### *Contact Person*

Questions or comments regarding this final rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 3, 1997, the Department submitted a copy of the proposed rulemaking to IRRC, the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the material is available to the public upon request.

These final-form regulations were deemed approved by the House and Senate Committees on June 25, 1998, in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on July 9, 1998, and deemed approved the deletion in accordance with section 5.1(e) of the Regulatory Review Act.

#### *Findings*

The 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 Commissioner acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapters 1, 5, 7 and 9, are amended by deleting §§ 1.1—1.4, 1.11—1.14, 1.21—1.26, 1.31—1.34, 1.41, 1.42, 1.51—1.67, 5.1—5.5, 5.11—5.15, 5.21, 5.22, 5.31—5.37, 7.1—7.4, 7.11, 7.12, 9.1, 9.2, 9.11—9.20, 9.31, 9.32 and 9.41—9.48 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 rescinded by this order shall be deleted upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** Fiscal Note 11-152 remains valid for the final adoption of the subject regulations.

### **Annex A**

#### **TITLE 31. INSURANCE**

#### **PART I. GENERAL PROVISIONS**

#### **Subpart A. UNIFORM CLASSIFICATION OF EXPENSES**

#### **CHAPTER 1. (Reserved)**

§§ 1.1—1.4. (Reserved).

§§ 1.11—1.14. (Reserved).

§§ 1.21—1.26. (Reserved).

§§ 1.31—1.134. (Reserved).

§ 1.41. (Reserved).

§ 1.42. (Reserved).

§§ 1.51—1.67. (Reserved).

#### **CHAPTER 5. (Reserved)**

§§ 5.1—5.5. (Reserved).

§§ 5.11—5.15. (Reserved).

§ 5.21. (Reserved).

§ 5.22. (Reserved).

§§ 5.31—5.37. (Reserved).

**CHAPTER 7. (Reserved)**

**§§ 7.1—7.4. (Reserved).**

**§ 7.11. (Reserved).**

**§ 7.12. (Reserved).**

**CHAPTER 9. (Reserved)**

**§ 9.1. (Reserved).**

**§ 9.2. (Reserved).**

**§§ 9.11—9.20. (Reserved).**

**§ 9.31. (Reserved).**

**§ 9.32. (Reserved).**

**§§ 9.41—9.48. (Reserved).**

[Pa.B. Doc. No. 98-1266. Filed for public inspection August 7, 1998, 9:00 a.m.]

**[31 PA. CODE CH. 103]**

**Uniform Bylaws for Mutual Fire Companies**

The Insurance Department (Department) hereby deletes Chapter 103 (relating to uniform bylaws for mutual fire companies) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and section 506 of The Insurance Company Law of 1921 (40 P. S. § 636). The regulation recommends that domestic assessment mutual fire insurance companies adopt uniform bylaws in the form attached to § 103.1 as Exhibit A. The regulation also encourages domestic assessment mutual fire insurance companies to use Pennsylvania's standard fire insurance policy.

*Purpose*

The purpose of the deletion of Chapter 103 is to eliminate obsolete, unnecessary, burdensome regulations. The regulations were adopted on May 26, 1936, under Article V of The Insurance Company Law of 1921 (40 P. S. §§ 631—702), which governs stock and mutual fire insurance companies. The regulations recommended, but did not mandate, the standardization of bylaws for one small subset of insurers—domestic mutual fire insurance companies that offer policies on an assessable basis. There is no public policy reason for standardizing the bylaws used by this type of insurer, when uniform bylaws are not imposed upon other types of fire insurance companies.

Further, the Commonwealth adopted a comprehensive corporations code at 15 Pa.C.S. (relating to Associations code) in 1988; all other types of insurers may adopt bylaws consistent with that code. Domestic mutual fire insurance companies should have the same flexibility to adopt bylaws as is available to other companies against whom they compete. In addition, Exhibit A does not completely list all provisions that a domestic mutual fire insurance company should include in its bylaws, consistent with the code. Thus, the regulation is outdated as well as incomplete.

This regulation is also unnecessary because sufficient regulatory provisions exist for reviewing bylaws under current statutes, rendering this regulation superfluous. After the deletion of this regulation, the Department will continue to have the statutory authority to review a fire

insurer's bylaws at the time of its admission, during a financial examination of the company and at any other time at the request of the Insurance Commissioner. See sections 1504(b) and 3121 of the code (relating to adoption, amendment and contents of bylaws; and bylaws); sections 903(a) and 904(b) of the Insurance Department Act of 1921 (40 P. S. §§ 323.3(a) and 323.4(b)); and section 320(a)(1) of the Insurance Company Law of 1921 (40 P. S. § 443(a)(1)). In addition, because the bylaws' provisions are encompassed within assessable policies, a mutual fire insurance company must submit its bylaws when it seeks review and approval of an assessable insurance policy. See section 354 of the Insurance Company Law of 1921 (40 P. S. § 477b). Accordingly, the regulation is not needed to maintain appropriate regulatory scrutiny of bylaws.

Finally, the regulation was intended to facilitate the review and approval of policy forms used by domestic assessment mutual fire insurance companies. Accordingly, the regulation recommended, but did not mandate, the use of the standard fire insurance policy found in section 506 of the Insurance Company Law of 1921 (40 P. S. § 636). However, the statute itself mandates that all insurance companies issuing fire insurance policies must adhere to the standard policy provisions in section 506. Therefore, the regulation duplicates existing statutory authority governing the standard policy provisions of fire insurance contracts, and inaccurately suggests that use of the standard fire policy is optional rather than mandatory.

*Statutory Authority*

The regulation is being deleted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 and section 506 of The Insurance Company Law of 1921. The regulation was adopted in 1936 under Article V of The Insurance Company Law relating to fire and marine insurance.

*Comments*

Notice of this deletion was published at 27 Pa.B. 3064 (June 28, 1997) as a proposed rulemaking with a 30-day public comment period.

No comments were received from the standing committees. Comments were received from The Insurance Federation of Pennsylvania, Inc. (IFP). The IFP expressed support for the deletion of the regulation. On August 27, 1997, the Independent Regulatory Review Commission (IRRC) submitted notice to the Department that IRRC had no objections, comments or suggestions to offer on the deletion of the regulation.

*Fiscal Impact*

The deletion of the regulation has no fiscal impact because the regulation contains only advisory recommendations, and because of the obsolescence of the regulation.

*Paperwork*

The deletion of the regulation would impose no additional paperwork requirements on the Department or mutual insurance companies.

*Affected Parties*

The deletion of the regulation affects domestic assessment mutual fire insurance companies.



*Effectiveness/Sunset Date*

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking deletes obsolete, unnecessary regulations, no sunset date has been assigned.

*Contact Person*

Questions or comments regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 18, 1997, the Department submitted a copy of the proposed deletion to IRRC, the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted final-form regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the material is available to the public upon request.

These final-form regulations were deemed approved by the House and Senate Committee on June 21, 1998, in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on July 9, 1998, and deemed approved the deletion in accordance with section 5.1(e) of the Regulatory Review Act.

*Findings*

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

(a) The regulations of the Department, 31 Pa. Code, are amended by deleting § 103.1 and Exhibit A 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 rescinded by this order shall be deleted upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3558 (July 25, 1998).)

**Fiscal Note:** Fiscal Note 11-157 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 31. INSURANCE****PART VI. MUTUAL INSURANCE****CHAPTER 103. (Reserved)****§ 103.1. (Reserved).****EXHIBIT A. (Reserved)**

[Pa.B. Doc. No. 98-1267. Filed for public inspection August 7, 1998, 9:00 a.m.]

**[31 PA. CODE CH. 117]****Anti-Arson Application**

The Insurance Department (Department) hereby deletes Chapter 117 (relating to anti-arson application) to read as set forth in Annex A. The Department adopted the deletion under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, (71 P. S. §§ 66, 186, 411 and 412) and the Anti-Arson Application Law (act) (40 P. S. §§ 1615.1—1615.11). The regulation requires an insurance company issuing a commercial monoline fire policy insuring property located in this Commonwealth against the peril of fire to secure a completed anti-arson application and specifies the required content of the anti-arson application. The regulation further requires an insured to update the information contained in the application and requires the company to retain the application for 5 years.

*Purpose*

The purpose of this final rulemaking is to delete Chapter 117 to eliminate outdated regulations which do not serve any compelling public purpose. The regulation was promulgated in 1987 to implement the sections 1—11 of the act (40 P. S. 1615 §§ 1615.1—1615.11). Section 4 of the act (40 P. S. § 1615.4) mandates the use of the anti-arson application for commercial monoline fire policies, designated types of occupancies and designated geographic areas if, after public hearing, the Insurance Commissioner (Commissioner) designates the class as subject to an abnormally high number of claims resulting from arson. In 1986, the Commissioner designated the commercial monoline fire policy as particularly prone to arson and the Department promulgated the subject regulation to clarify the requirements relating to the anti-arson application. Publication of the promulgated regulation can be found at 17 Pa.B. 20 (January 3, 1987).

Following careful review, the Department hereby deletes the regulation for the following reasons. First, under the regulation, only companies issuing commercial monoline fire policies need to secure anti-arson application information. Commercial fire insurance is usually sold as a package along with liability and other business lines of insurance; it is generally not issued as a single or monoline policy. Therefore, the regulation has limited practical application. Second, subsequent to the adoption

of the regulation, no issues relating to arson affecting commercial monoline fire policies have been raised before the Commissioner. The lack of activity over a 10-year period indicates that the regulatory requirements in this area do not serve any compelling public interest. Third, because no method to accurately measure the effect of the anti-arson application requirement was ever implemented, the appropriateness and necessity of the requirement cannot be demonstrated at this time.

Under the act, the Commissioner retains authority to require anti-arson applications at a future time if the Commissioner finds that commercial monoline policies have become subject to an abnormally high number of claims resulting from arson.

#### *Statutory Authority*

The regulations are being deleted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 and the act. The regulations were adopted under the authority of the act.

#### *Comments*

Notice of proposed rulemaking was published at 27 Pa.B. 1845 as a proposed rulemaking with a 30-day public comment period.

No comments were received from either the Legislative Standing Committees or the Independent Regulatory Review Commission (IRRC). Comments were received during the 30-day comment period from the Insurance Federation of Pennsylvania, Inc. (IFP), Farmers' Mutual Insurance Company, the FAIR Plan and the Independent Insurance Agents of Pennsylvania (IIAP). Everett Cash Mutual Insurance Company responded after the 30-day comment period. The following is a summary of the comments and the Department's response in its final rulemaking.

#### *IFP*

During the 30-day public comment period, the IFP expressed support for the deletion of the regulation stating that the chapter was no longer needed in light of the market realities involving commercial monoline fire policies. The IFP maintains that commercial monoline policies are rarely issued and therefore the regulation is trying to address an arson problem that does not exist.

#### *Farmers' Mutual Insurance Company*

During the 30-day public comment period, Farmers' Mutual Insurance Company commented that it opposed deletion of the anti-arson application regulation. Farmers' Mutual Insurance Company states that: 1) for the majority of smaller carriers, commercial monoline policies comprise almost 50% of the total commercial policies; 2) the anti-arson application is an effective deterrent to potential acts of fraud; 3) companies developing their own supplemental applications will tend to de-standardize the application process, creating the potential for confusion or errors in the industry; and 4) potential methods to measure the effect of anti-arson applications could be developed by working with insurance companies to provide the statistics that were previously not obtainable.

#### *The FAIR Plan*

During the 30-day public comment period, the FAIR Plan stated that it opposed the deletion of the anti-arson application. The FAIR Plan states that as an insurer issuing commercial monoline fire policies throughout this

Commonwealth, it routinely receives the application and finds a high degree of success in defending claims based partly upon material misrepresentations in the anti-arson applications. The FAIR Plan cites a statistical drop in arsons from 6.7% in 1991 to 1% in 1996. Although the FAIR Plan cannot exclusively attribute the drop in figures to the use of anti-arson applications, the FAIR Plan believes any tool helping to limit the costs or number of arsons should not be abandoned.

#### *IIAP*

During the 30-day public comment period, the IIAP agreed with the Department, stating that after reviewing this regulation with numerous agencies associated with the trade association in this Commonwealth, the IIAP could see little justification for its retention in the voluntary market which has evolved into one where package coverages are offered, rather than monoline fire as a freestanding policy. However, two reservations were cited: 1) the FAIR Plan may have specific utility given the particular nature of its business; and 2) the value of the anti-arson application as a deterrent to arson cannot be shown, but neither can it be disproved.

#### *Everett Cash Mutual Insurance Company*

After the 30-day public comment period, Everett Cash Mutual Insurance Company stated that it opposed the deletion of the anti-arson application regulations due to Everett Cash Mutual Insurance Company's use of the application as an underwriting tool.

#### *Response*

In response to the comments, the Department encourages those companies who use an anti-arson application, as a useful underwriting tool, to continue to do so. Since many of the insurers are offering fire policies with other lines of business insurance, the Department has not seen evidence to support the Statewide requirement of an anti-arson applications for each company issuing fire policies. The Department maintains deletion of the anti-arson application regulation will in no way inhibit each company's ability to fully underwrite policies of insurance. Whether or not to use an anti-arson application in the preparation of underwriting materials can be left to the discretion of each company. Companies which do not require them will benefit from the deletion of paperwork that is not applicable to their business. Companies, who continue to use a format similar to the anti-arson application, can still use the information obtained on their application to formulate an underwriting decision.

#### *Fiscal Impact*

Property owned and insured by the Commonwealth or its political subdivisions is excluded from the purview of these regulations. Consequently, the Department has determined that the deletion will have no fiscal impact on the Commonwealth or local government entities.

The deletion of the regulations will remove costs placed upon insurance companies, insurance agents and brokers and applicants for commercial fire insurance due to the elimination of the requirement that companies collect and maintain information on the anti-arson application. The impact is nevertheless expected to be unremarkable because commercial monoline policies insuring against the peril of fire are seldom issued.

*Persons Regulated*

While the regulations apply to all insurance companies issuing policies of property insurance where coverage includes the peril of fire, only companies issuing commercial monoline fire policies need to secure anti-arson application information under the regulations.

*Paperwork*

The deletion of these regulations will not impose any additional paperwork requirements on the Department, insurance companies, insurance agents or brokers, the Commonwealth or the general public. To the extent that commercial monoline fire insurance policies are issued insuring property in the Commonwealth, the deletion of this regulation will reduce paperwork for insurance companies, agents and brokers and applicants.

*Effective/Sunset Date*

The Department plans to adopt the date of final publication in the *Pennsylvania Bulletin* as the effective date. Because the rulemaking deletes obsolete regulations, no sunset date has been assigned.

*Contact Person*

Questions or comments regarding the final rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 31, 1997, the Department submitted a copy of this rulemaking to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted final-form regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

These final-form regulations were deemed approved by the House and Senate Committees on June 21, 1998, in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on July 9, 1998, and deemed approved the regulation in accordance with section 5.1(e) of the Regulatory Review Act.

*Findings*

The 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 for in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Department, 31 Pa. Code, are amended by deleting §§ 117.1—117.8 and Appendix A 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 final publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3558 (July 25, 1998).)*

**Fiscal Note:** Fiscal Note 11-150 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 31. INSURANCE****PART VII. PROPERTY, FIRE AND CASUALTY  
INSURANCE****CHAPTER 117. (Reserved)****§§ 117.1—117.8. (Reserved).****APPENDIX A. (Reserved)**

[Pa.B. Doc. No. 98-1268. Filed for public inspection August 7, 1998, 9:00 a.m.]

**[31 PA. CODE CH. 135]****Qualifications of Persons Signing Annual Financial  
Statements**

The Insurance Department (Department) hereby deletes Chapter 135 (relating to qualifications of persons signing Annual Financial Statements) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); section 301(g) of the Insurance Department Act of 1921 (40 P. S. § 71(g)); and section 320 of The Insurance Company Law of 1921 (act) (40 P. S. § 443). The regulations relate to the qualifications of persons signing annual financial statements for foreign and domestic life, accident and health insurance companies, associations, exchanges, fraternal benefit societies and beneficial societies.

*Purpose*

The purpose of the deletion of Chapter 135 is to eliminate obsolete, unnecessary regulations. Adopted in 1971, the regulations prescribe the qualifications required of an actuary who signs the annual financial statement filed with the Department by life and accident and health insurance companies, associations, exchanges, fraternal benefit societies and beneficial societies. The regulations require the signing actuary to: (1) be a member of the American Academy of Actuaries; or (2) have the educational background necessary for the practice of actuarial science with not less than 7 years of actuarial experience.

The requirements in the regulations are no longer used by the Department and duplicate existing statutory and regulatory authority. The Insurance Department Act of 1921 was amended in 1994 adding section 301(g) requiring a submission of an actuarial opinion of reserves for annual statements, beginning with the year 1993.

The current qualification requirements for actuaries signing annual statements with respect to life insurers and fraternal benefit societies (including accident and health insurance written by those insurers) are found in § 84b.5(b) (relating to general requirements) adopted December 10, 1994, under the authority of section 301(f) of The Insurance Department Act of 1921.

The current actuarial qualification requirements for financial statements filed by property and casualty insurers (including accident and health insurance written by property and casualty insurers) are contained in the instructions for completing annual financial statements. Section 320(a)(2) of the act requires insurers to adhere to the annual statement instructions adopted by the National Association of Insurance Commissioners (NAIC), in the absence of a contrary statute, regulation or order of the Insurance Commissioner. For uniformity, the Commonwealth has historically relied upon NAIC instructions and has not adopted any laws, regulations or orders governing this topic.

Both the annual statement instructions (governing property and casualty insurers) and § 84b.5(b) sufficiently address the credentials that an actuary must have to sign a financial statement. Chapter 135 in no manner enhances the authorizing statutes and regulations. Therefore, the regulations are outdated and redundant, and have been superseded by more recent regulations and requirements.

#### *Statutory Authority*

The regulations are being deleted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929; section 301(g) of the Insurance Department Act of 1921; and section 320 of the act (40 P. S. § 443). The regulations were adopted under the authority of section 320 of the act; section 28 of the act of July 17, 1935 (P. L. 1092, No. 357) (40 P. S. § 1078) (now repealed) relating to fraternal benefit societies; and section 7 of the act of June 4, 1937 (P. L. 1643, No. 342) (40 P. S. § 1107) (now repealed) relating to beneficial societies.

#### *Comments*

Notice of this deletion was published at 27 Pa.B. 2824 (June 14, 1997) as a proposed rulemaking with a 30-day public comment period.

No comments were received from the standing committees, industry trade associations or other parties during the 30-day public comment period. On August 13, 1997, the Independent Regulatory Review Commission (IRRC) submitted notice to the Department that IRRC had no objections, comments or suggestions to offer on the deletion of the regulations.

#### *Fiscal Impact*

The deletion of the regulations has no fiscal impact. Because of the redundant nature of the regulations to section 301(g) of The Insurance Department Act of 1921, Chapter 84b and section 320 of the act, the regulatory

provisions remain in effect under existing statutes and regulations.

#### *Paperwork*

The deletion of the regulations will impose no additional paperwork requirements on the Department, life insurers or fraternal benefit societies.

#### *Affected Parties*

The deletion of the regulations is expected to have a minimal effect on life insurers and fraternal benefit societies because the regulations are outdated and have been superseded by statutory amendment and subsequently adopted regulations.

#### *Effectiveness/Sunset Date*

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking deletes obsolete, redundant regulations, no sunset date has been assigned.

#### *Contact Person*

Questions or comments regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 3, 1997, the Department submitted a copy of the proposed deletion to IRRC, the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted final-form regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the material is available to the public upon request.

These final-form regulations were deemed approved by the House Committee on June 21, 1998, and deemed approved by the Senate Committee on June 21, 1998. IRRC met on July 9, 1998, and deemed approved the deletion in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on July 9, 1998, and deemed approved the deletion in accordance with section 5.1(e) of the Regulatory Review Act.

#### *Findings*

The 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 Commissioner acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code, are amended by deleting §§ 135.1 and 135.2 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 repealed by this order shall be abolished upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3558 (July 25, 1998).)*

**Fiscal Note:** Fiscal Note 11-159 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 31. INSURANCE

#### PART VIII. MISCELLANEOUS PROVISIONS

#### CHAPTER 135. (Reserved)

§ 135.1 (Reserved).

§ 135.2 (Reserved).

[Pa.B. Doc. No. 98-1269. Filed for public inspection August 7, 1998, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CHS. 3 AND 54]

[L-970129]

#### Licensing Requirements for Electric Generation Suppliers

The Pennsylvania Public Utility Commission (Commission) on April 23, 1998, adopted a final rulemaking to implement and codify provisions of the Electricity Generation Customer Choice and Competition Act regarding the licensing of entities defined as electric generation suppliers. The contact persons are Patricia Krise Burket, Law Bureau, (717) 787-3464 and Robert Bennett, Bureau of Fixed Utilities Services, (717) 787-5553.

#### *Executive Summary*

Sections 2806(g)(3) and 2809 of 66 Pa.C.S. (relating to implementation, pilot program and performance-based rates; and requirements for electric generation suppliers) require the licensing of electric generation suppliers including brokers, aggregators and marketers. On November 24, 1997, the Commission adopted a proposed regulation for licensing of electric generation suppliers. The proposed regulations were published in the *Pennsylvania Bulletin* on January 31, 1998 at 28 Pa.B. 508 for a 30-day comment period. The Commission adopted final regulations on April 23, 1998.

The purpose of these regulations is to institute a process for licensing electric generation suppliers, and to establish reporting and bonding requirements for the maintenance of a license.

#### *Regulatory Review*

Under section 3(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 28 Pa.B. 508, and served on January 16, 1998, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee on 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 this final-form regulation, the Commission has considered all comments received from IRRC, the Committees and the public.

This final-form regulation was deemed approved by the House Committee on Consumer Affairs on June 8, 1998, approved by the Senate Committee on Consumer Protection and Professional Licensure, June 8, 1998, and was approved by IRRC on June 18, 1998, in accordance with section 5(c) of the Regulatory Review Act.

Public Meeting held  
April 23, 1998

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson, Concurring and Dissenting in part—Statement follows; John Hanger; David W. Rolka; Nora Mead Brownell, Statement follows

#### Final Rulemaking Order

One of the first steps taken by the Commission pursuant to the Electric Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 101, et seq. (act), was implementation of retail access pilot programs for the six major electric utilities—PECO Energy Company (PECO), Pennsylvania Power & Light Company (PP&L), Pennsylvania Electric Company (Penelec), Metropolitan Edison Company (Met Ed), Duquesne Light Company (Duquesne), Allegheny Power Systems d/b/a West Penn Power Company (West Penn), UGI Utilities, Inc.—Electric Division (UGI) and Pennsylvania Power Company (Penn Power).<sup>1</sup> The pilot programs permitted customers representing 5% of each utility's peak load for each customer class to choose their own electric generation supplier. Section 2806(g)(3) limited pilot participation of electric generation suppliers to those who were licensed or certified by the Commission.

An electric generation supplier is defined as:

[a] person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related ser-

<sup>1</sup> Pilot Program filings are docketed as follows: Metropolitan-Edison Company, Dkt. No. P-00971168, Pennsylvania Electric Company, Dkt. No. P-00971169, Pennsylvania Power Company, Dkt. No. P-00971173, PECO Energy Company, Dkt. No. P-00971170, Allegheny Power Company, Dkt. No. P-00971172, Duquesne Light Company, Dkt. No. P-00971175, Pennsylvania Power & Light Company, Dkt. No. P-000971183, and UGI Utilities, Inc., Dkt. No. P-00971171.

vices utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa.C.S. § 2803.

Moreover, an "aggregator" or "market aggregator" is defined as "[a]n entity, licensed by the commission, that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers." 66 Pa.C.S. § 2803. A "broker" or "marketer" is defined as "[a]n entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electric energy but that does not take title to electric energy." 66 Pa.C.S. § 2803.

On January 16, 1997, the Commission issued a Tentative Order and draft licensing application for interim licensing of electric generation suppliers pending the promulgation of regulations. Licensing Requirements for Electricity Generation Suppliers, Docket No. M-00960890 F0004. The Tentative Order established a comment period ending January 31, 1997, and was served on well over 200 persons including the Office of Consumer Advocate, the Office of Small Business Advocate, Pennsylvania jurisdictional electric utilities and members of the Electric Stakeholders Group. The Commission order was also posted on the Commission's electronic bulletin board. Comments were received from numerous parties. On February 13, 1997, the Commission issued a Final Order which adopted interim licensing procedures and a license application. Over 60 electric generation suppliers presently hold interim licenses that were issued pursuant to these interim licensing guidelines.

In its February 13, 1997 Order, the Commission recognized that the interim licensing guidelines were to be temporary in nature, and that they would be replaced by regulations. As the first step in promulgating these regulations, the Commission revised its interim licensing procedures and redrafted them as proposed regulations. On November 24, 1997, the Commission adopted a Proposed Rulemaking Order that set forth the proposed regulations for comment. The proposed regulations were published in the *Pennsylvania Bulletin* at 28 Pa.B. 508 on January 31, 1998. A 30-day comment period was established from the date of *Pennsylvania Bulletin* publication.

Comments were filed by the Pennsylvania Electric Association (PEA) on behalf of its members, PECO, UGI, PP&L, West Penn, Mid-Atlantic Power Supply Association (MAPSA), Green Mountain Energy Resources, LLC (GMER), Office of Consumer Advocate (OCA), NORAM Energy Management and Electric Clearinghouse (Indicated Parties), Environmentalists, Environmental Defense Fund (EDF) and Lawrence G. Spielvogel. Comments were also submitted by IRRC, and Representative Frank Tulli, Senator Alan Kukovich and Representative William Lloyd.

We thank the commentators for their input and will address the comments in relation to the applicable regulation.

#### § 54.31. Definitions.

Section 54.31 defines terms that are used in the licensing regulations.

The commentators in this section recommended additional terms that needed to be defined in the regulation. The OCA recommended that the statutory definition of "electric generation supplier" be repeated in the regulations and the addition of the statutory definitions for the terms "aggregator" and "broker or marketer." 66 Pa.C.S. § 2803.

OCA criticizes the definition of "marketing" as being too broad and would cover any communication about a supplier's serviced whether or not there was an intent to provide service on behalf of a supplier. OCA recommends that the definition be narrowed by including the restriction that marketing must include "an offer to provide electric generation service." OCA states that this will exclude image or name brand marketing. IRRC recommends that the final-form regulation contain the statutory definitions of "aggregator," "broker," "electric generation supplier" and "marketer."

The Commission agrees to incorporate the statutory definitions of "electric generation supplier," "broker" or "marketer" and "aggregator" at 66 Pa.C.S. § 2803 into the regulation, but notes that the only place in the licensing regulations where the terms "marketer," "broker," "market aggregator" or "aggregator" are used is in the definition of statutory definition of "electric generation supplier," that is also to be added. The Commission is skeptical as to the need for repeating statutory definitions in a regulation, but as their inclusion will make the regulation complete and more user friendly, we will incorporate these terms as suggested.

As to the OCA's comment to include language that limits the term "marketing" to situations involving an offer to provide service to customers, we find that this restriction narrows the definition too much. Image or name brand advertising is used for one thing—to develop a market niche for a product or service before such offers are extended to individual customers. *Webster's Ninth New Collegiate Dictionary*, (1984), p. 728, defines the verb "market" as "to expose for sale in a market," and marketing as "the act or process of selling or purchasing in a market." "Advertise" has a similar definition: "to call public attention to esp. by emphasizing desirable qualities so as to arouse a desire to buy or patronize" *Webster's Ninth New Collegiate Dictionary*, (1984), p. 59. As it is clear that this type of marketing is designed to positively impact the supplier's market share, there is no reason to allow a supplier to engage in this activity before it is licensed.

Under section 2811, it is the Commission's duty to monitor the competitive market. To be effective in carrying out this duty, the Commission must be aware of all of the players in the market. Accordingly, we decline to incorporate OCA's suggested language into this definition.

Both OCA and MAPSA state that the term "default supplier" does not appear in the statute and recommend that this term should be changed to "provider of last resort." The Commission agrees to this change and has incorporated this change throughout the regulations. The OCA also avers that the "default supplier" definition is too narrow and that the Commission should list the circumstances under which a customer would have need of a default supplier. We will adopt this suggestion and have incorporated into definition of provider of last resort.

PEA states that the definition of "interim license" should reference the Commission February 13, 1997

Order on Final Order on Licensing Requirements for Electricity Generation Suppliers, Docket No. M-00960890 F0004. IRRC supports PEA's recommendation. We agree that this addition will further clarify this definition and have incorporated it into the regulations.

*§ 54.32. Application Process.*

Section 54.32 sets out the process for applying for an electric generation supplier's license.

IRRC and PEA recommend that the Commission should require service of the license applications on the electric distribution companies in whose service territory the applicant proposes to provide services. The PEA states that this may improve the administrative efficiency between the EDCs and EGSs. IRRC notes that the EDCs must coordinate customer service with the EGSs. We believe that adoption of this proposal could result in a quicker start-up for the EGS, as PEA noted the parties could begin discussions on such matters as energy supply scheduling and billing procedures. We will adopt the PEA recommendation.

Senator Kukovich and the Environmentalists propose that the Commission should determine if an application is complete and acknowledge within 10 days the receipt of the application. The Commission has endeavored to eliminate paper flow bottle necks and will continue to expedite the processing and the review of license applications. However, some applications may not be processed quickly for several reasons. Additionally, the proposed 120 day filing period for the holders of interim licenses could make the adoption of a 10-day standard very difficult to maintain.

GMER and MAPSA express concern about the confidentiality protections offered by the proposed regulations. GMER requested that the Commission reiterate its statement on the protective procedures as was contained on page 11 of the Commission's February 13, 1997 Order at Docket No. M-00960890 F0004 regarding licensing. GMER also notes that an applicant should be permitted to withdraw its proprietary information in the event that its protection is denied.

During the development of our interim licensing requirements, many parties expressed concerns that their responses on the license application may require them to divulge privileged or confidential information. We continue to believe that many of these concerns may be valid and therefore we will adopt the GMER and MAPSA recommendation.

IRRC, OCA and UGI believe that the Commission should clarify whether all interim licenses must reapply or not. OCA and UGI recommend that to prevent confusion, all interim licensees be required to reapply within the proposed 120-day period.

MAPSA states that companies which have already been granted interim licenses should not be required to reapply for a permanent license. MAPSA believes that these interim license holders should be grandfathered or be allowed to update their interim licenses to comply with any new requirements. MAPSA and PP&L state that, if the Commission requires re-licensing, the existing interim license holders may continue to operate until the Commission issues a permanent license. PP&L further recommends that the Commission not require the publication of the notice of an amended application.

From the outset of the establishment of these licensing regulations, we have attempted to diminish the administrative burdens placed on the applicants while requiring the provision of information necessary to demonstrate the financial and technical fitness of the applicant. While we can appreciate the basis for the OCA's recommendation to require all interim licensees to reapply, this may result in unnecessary duplication of efforts for many parties. We agree with MAPSA that interim licenses should be updated to comply with new requirements concerning the licensee's financial and technical fitness. Any valid interim license shall remain in effect during the pendency of the Commission's review of an updated application. We agree with UGI that any updated applications filed by an interim licensee will be subject to sections 54.33—54.36 which address application form, changes in organizational structure or operational status, publication of notice of filing and protests to the application. In addition, the updated application will also be subject to section 54.32 Application Process.

PEA and IRRC assert that EDCs designated as default suppliers should not be required to obtain an EGS license. As the PEA noted, in our February 13, 1997 Order at Docket No. M-00960890 F0004, we stated, ". . . a license is not required. . ." for an existing public utility or its generating division to provide electric generation within its certified territory. We agree with the PEA and IRRC and we will adopt the PEA's proposed new subsection to be added to section 54.32.

*§ 54.33. Application Form.*

Section 54.33 lists the information that is requested on the application form, and the types of documentation that may be submitted to the Commission to support the applicant's technical and financial fitness for licensing.

MAPSA claims that section 54.33(a)(2), that requests that an applicant identify the type of service that the supplier proposes to furnish, such as aggregator, marketer, broker, has proven to be particularly useless in the interim licensing requirements and requests that it be eliminated. The Commission disagrees. While section 54.33(a)(2) may have served a marginal purpose in the interim licensing requirements, it is undeniably necessary for the Commission to know the type of service that is being offered to customers so that it not only can monitor the developing market but also can provide pertinent information and education service to consumers about the choices that are available to them.

PEA states that with respect to Rule 54.33(g), the proposed 120-day grace period for an interim license holder to apply for a license is excessive. A 30-day grace period should be adopted.

The Commission believes that the 120-day grace period is reasonable from an administrative perspective. The Commission may process over 60 applications from interim license holders. Shortening the grace period to 30 days will insure that the Commission is inundated by applications in this short period of time, that will make paper management unnecessarily difficult. Accordingly, the Commission will not make this revision.

PEA states that license applicants should be required to provide evidence of membership in (National American Electric Reliability Council) NERC. GMER opines that rather than actual membership in a regional reliability council, it should be sufficient that a supplier have a

relationship with a wholesale supplier which is a member and which will act as the supplier's scheduling agent. The Indicated Parties propose that section 54.33(a)(7) be amended to allow the supplier or the supplier's identified agent to be a member of regional reliability councils, and argued that if the supplier's agent is a member of the applicable councils, then the Commission's objective is met.

The Commission believes that some clarification as the application form and the information requested thereon is necessary. The licensing application is generic and is to be used by all license applicants. The application solicits specific information such as names of officers and affiliates, but it also requests non-specific information intended to demonstrate an applicant's technical and financial fitness to be licensed. This non-specific information to be submitted is of the applicant's choosing and its content depends on the type of service that the applicant requests to be licensed to provide.

While the Commission would expect that suppliers who generate the power that they sell to the end-user will be members of NERC regional councils, it does not expect that aggregators of customer load would need to be members to demonstrate fitness to competently accomplish aggregation. Thus, membership in a NERC regional council is not a licensing requirement for all suppliers. However, membership in a NERC regional council does demonstrate technical fitness for a supplier who will be scheduling the transmission of power over the transmission system in coordination with the system owners. We have revised this subsection to indicate that the provision of evidence of NERC membership is required only if it is applicable to the nature and scope of the applicant's proposed services.

MAPSA also states that section 54.33(a)(8) should include the term "applicable rules," as the Commission has already determined that some of the Chapter 56 rules, for example on termination of service, are inapplicable. We agree and have added this word to the regulations.

The Indicated Parties object to section 54.33(a)(4) because it seeks information which is not relevant to a supplier's license request. At most, it is argued that applicants should only be required to identify Pennsylvania utility affiliates. The Commission disagrees. The majority of the suppliers to which we have granted interim licenses are affiliates of out of state public utilities. The energy market that will be developed will not end at the borders of the state; it will be a regional market making it necessary for the Commission to understand such relationships so that it can better carry out its statutory duty to monitor the market for anti-competitive and discriminatory conduct. We will not revise this section.

PP&L, PEA and MAPSA express concern about the Commission's protection of the Social Security Numbers (SSNs) of owners, general partners or corporate officers which are requested on the Commission's application form. PP&L comments that EGSs need to know that the information will not be generally circulated to the public or available to staff persons within the Commission. The Department of Revenue routinely requires that information and has in place a number of controls to keep such SSN information confidential. For this reason, the PUC should modify this requirement to either require only a certification that such SSN information has been filed

with the Department of Revenue (and not actually filed with the Commission) or provide a process to keep such information confidential if filed with the Commission.

IRRC also recommends that the Commission delete the requirement for SSNs in section 54.33(b)(4). IRRC states that:

The federal Privacy Act of 1974 (Privacy Act) is designed to safeguard the right of personal privacy against invasion by agencies which collect and use personal data. Section 7 of the Privacy Act establishes that it is unlawful for any federal, state, or local government agency to deny any individual any right, benefit or privilege provided by law because the individual refuses to disclose his SSN. Any federal, state, or local government agency that requests any individual to disclose his SSN shall inform the individual whether the disclosure is mandatory or voluntary, by what statutory authority or other authority such number is solicited, and what uses will be made of the SSN. Clearly, Congress enacted the Privacy Act with the intent to limit the availability of SSNs. *Tribune-Review v. Allegheny Cty. Housing*, 662 A. 2d 677 (Pa. Cmwlth. 1995).

We question the PUC's authority to require applicants to divulge the SSNs of their owners, general partners, or corporate officers. The Act simply requires suppliers to certify to the PUC that they will pay, and have paid in prior years, the full amount of taxes imposed by the Tax Reform Code of 1971 and by Chapter 28 of the Act. We also question why the PUC needs SSNs to process applications. We recommend that the PUC delete the requirement for SSNs in Section 54.33(b)(4).

IRRC, p. 3.

The Commission agrees that it will not require that SSNs be supplied on the application form. We will delete this requirement.

IRRC states that the Commission should clarify what type of evidence is required by sections 54.33(a)(7) and 54.33(a)(8). We accept this comment. In subsection (a)(7), we have indicated that an applicant shall submit information to demonstrate technical fitness applicable to the type and nature of service that the applicant proposes to provide. The information may include descriptions of the applicant's prior experience, proposed staffing and employe training commitments, business plans, and agreements, arrangements and contracts for generation, transmission and related services. In subsection (a)(8), we have indicated that an applicant shall submit information to demonstrate current and potential ability to comply with Commission's applicable requirements concerning customer billing, customer education, billing and terms of service, and customer information. The information may include prior regulatory experience, prior business experience in energy or other service-oriented industries, staffing and staff training commitments, agreements, arrangements and contracts for customer education and information services, customer satisfaction survey results, government agency reports and complaint statistics compiled by Better Business Bureau or similar business organizations.

In its comments, IRRC also recommends that we move section 54.35(c) that specifies that an application will not be complete for purposes of processing until after proof of newspaper publication of the notice of filing has been



received by the Commission to section 54.33 (Application Form). This provision has now been incorporated into section 54.33(a).

*§ 54.34. Change in Organizational Structure or Operational Status.*

Section 54.34 addresses the circumstances under which the Commission must be notified as to a change in the supplier's organizational structure or operational status.

MAPSA, GMER, and the Indicated Parties propose that the Commission limit the reporting requirements in this section to "material" changes. IRRC expresses agreement with this proposal and notes that it may not be necessary for the Commission to be notified of every organizational or operational change.

The Indicated Parties also suggest that the EGSs be allowed 60 days in which to notify the Commission, in lieu of the proposed 30 days.

We will adopt these commentators' suggestion to modify section 54.34(a) and (b) to reflect the requirement to provide the Commission information concerning material changes. We will not adopt the proposal to extend the required reporting period from 30 days to 60 days because only material changes in information will be required. The Commission should be made aware of such changes as soon as possible. Furthermore, we will continue to require the EGSs to provide the Commission information concerning the ownership of generation or transmission facilities and affiliations as proposed in section 54.34(b)(1), (2), and (3).

PP&L has proposed that the Commission should clarify this requirement by amending the regulation to note that upon the notification of such a change, unless the Commission directs otherwise, the EGS does not need to file an amended application. IRRC believes that this would add clarity to the proposed regulation. We will adopt this suggestion. Our intention was to obtain this information to evaluate the fitness of the applicants and to monitor the competitive conditions in the marketplace. An amended application may not be necessary.

*§ 54.35. Publication of Notice of Filing.*

Section 54.35 requires newspaper publication of a notice of an application's filing and sets out requirements for the content of the notice.

Senator Kukovich, IRRC, PP&L, the Environmentalists and West Penn support the use of newspaper notices. Senator Kukovich points out that not everyone has access to the Commission's web site. IRRC and the Environmentalists believe that newspapers provide an effective means of informing the public. West Penn expresses concern that it may not be possible to provide newspaper notice in each county because some counties do not have newspapers of general circulation. West Penn recommends that the Commission's press liaison designate several newspapers that should be used for all notices.

The OCA, Horizon, GMER and Lawrence Spielvogel recommend that the Commission should require notices of the applications be published in the *Pennsylvania Bulletin*. Horizon suggests that this notice would be the most cost effective.

The OCA, PEA, UGI and IRRC recommend that the applications be listed on the Commission's web site.

The Indicated Parties propose that the Commission eliminate this requirement and require the applicant to serve a copy of the application and supporting data on the OSA, the Small Business Advocate and the Pennsylvania Attorney General. The applicant would also serve notice to the parties on the various electric restructuring proceedings service lists and also include a copy of the application on disk for the Commission's web site.

West Penn and MAPSA state that all current license holders should not be required to provide a new round of newspaper notification.

We agree with IRRC, Senator Kukovich, PP&L and the Environmentalists that newspaper notification should continue to be employed. From our experience in reviewing interim license applications, the greatest source of delay in processing applications involves the submission of a proof of publication from each newspaper which carried the notice. To expedite the review process we will permit applicants to certify that they have provided newspaper notification in accordance with section 54.35.

We will not require the applicants to provide notice through the *Pennsylvania Bulletin*. The notice may add additional costs and delays to the application process without greatly increasing the level of notice provided over our proposed requirements. There is a distinction between the notice requirement for a certificate of public convenience and EGS license.

We will adopt the suggestions of IRRC, OCA, PEA and UGI to post the notice of the application on the Commission's web site as opposed to the electronic bulletin board. We had initially posted information on all the license applicants on our Internet web site but this led to considerable levels of customer confusion about the status of the applicant. We will clearly note that the applicants have not yet received a license, and we will direct the consumer to the list of licensed EGSs.

We will not adopt the recommendation of the Indicated Parties. While we will direct the applicant to serve copies of the application and supporting information to certain parties, it would be unreasonable to require service to the hundreds of parties engaged in the various electric restructuring proceedings.

As noted earlier in our comments on section 54.32, we will require interim license holders who may be required to update their prior applications and supporting information to provide new newspaper notice. We believe that re-notification should be required in these instances because material issues of financial and technical fitness may be involved in the updated applications.

Finally, IRRC states that section 54.35(c) pertaining to the proofs of publication may be more appropriately placed in section 54.33(a) which lists the information required with the submission of an application.

We will adopt IRRC's recommendation to relocate this regulation.

*§ 54.36. Protests to Applications.*

Section 54.36 addresses Commission procedures related to protests filed to an application.

The rule proposes that when a protest is filed with the Commission that the Commission staff will determine if the protest complies with applicable rules and whether it is sufficiently documented.

MAPSA comments that the regulation should be amended to allow the applicant to file a motion to dismiss the protest filing of a motion to dismiss. MAPSA also states that if the protest is transferred to an administrative law judge (ALJ), the ALJ should have the ability to dispense with the protest on the basis of a motion for judgment on the pleadings, summary judgment or the like and not be required to "have hearings."

Section 54.36(a) permits an applicant to file an answer within 10 days of the protest's filing date. The applicant is free to request that the protest be dismissed in that pleading. As to including specific language which permits the ALJ to dispense with the pleadings, it is unnecessary to burden the regulation with "process and procedure" which is already available to the applicant in the Commission rules of practice and procedures at 52 Pa. Code Ch. 1, 3, and 5. Therefore, we believe it is unnecessary to change the regulation.

GMER states that the 15-day protest period is a hindrance to competitive efforts by suppliers, and that the period should be shortened to require the filing of protests on or before the Friday following publication in the *Pennsylvania Bulletin*.

Due process requires that reasonable notice and opportunity to be heard be given. We believe that a 15-day notice period is reasonable and will reject GMER suggested revision.

Section 54.36(b) addresses the filing of competitive protests and sanctions for misuse of the protest process. In its comments, IRRC states that the second sentence of the section is duplicative of the first and should be deleted. IRRC also states that the third sentence of section 54.36(b) makes a vague threat of sanctions in the event of misuse of the process, and recommends that the sentence be deleted unless the Commission can specify what constitutes misuse of the process and the types of sanctions will be imposed.

The Commission believes that misuse of the protest process is the repeated filing of baseless protests for no other purpose except to slow the approval process for the applications of potential competitors. The protests would fail to substantiate any infirmity regarding the applicant's technical or financial fitness.

Sanctions that may be imposed against a supplier who is involved in misuse of the protest process include directing that the supplier not sign up any new customers for a specific period of time, or if the misuse has been particularly egregious the suspension of the supplier's license. The sanctions would be imposed only after affording a supplier its due process rights.

Misuse of the protest process by incumbent suppliers constitutes a barrier to entry of new suppliers. As the goal of electric restructuring is the creation of a robust electric generation market, the Commission believes that it is essential to remove this barrier to new applicants and curb anti-competitive activity at its inception. Accordingly, we have revised the subsection related to sanctions for misuse of protest process consistent with this discussion.

#### *§ 54.37. Approval.*

Section 54.37 sets out the circumstances under which a license application will be granted.

MAPSA contends that the requirement that the licensing of the supplier should be consistent with the public

interest should be deleted because it is vague and unnecessary. MAPSA contends that the Commission should determine whether the applicant meets the requirements of a supplier under the Commission's rule.

We will not adopt this suggested revision. This section reiterates the Commission's duties and puts the applicants on notice that simply completing an application does not automatically result in the issuance of a license.

MAPSA and UGI do not support the "deemed approved" language proposed by the Commission. UGI notes that the Commission should conduct a thorough review of each licensee application. MAPSA requests that only the holders of interim licenses should be "deemed approved."

Senator Kukovich, IRRC and Horizon support the 45-day limit for consideration of an application. IRRC believes the 45-day time limit is reasonable and note that the review period may be extended if necessary. Horizon states that all license applications should be evaluated on the same time table to prevent unnecessary discrimination and competitive disadvantage between EGSs.

PP&L supports the "deemed approved" language but expressed concerns that the Commission will insist on its licensing regulations being followed.

We will retain the 45-day time limit which may be extended by Secretarial Letter and the "deemed approved" provisions of the proposed regulations. The Commission has endeavored to issue licenses as soon as possible, especially prior to the initiation of the Pilot Programs. It has proven to be difficult to process each application in the same time frame because frequently the applicants are required to supply additional information to complete the review process. The Commission will continue to review the applications expeditiously.

#### *§ 54.38. Regulatory Assessments.*

Section 54.38 relates to the assessments that licensees will need to pay to the Commission to defray administrative costs incurred by the Commission related to the regulation of electric generation suppliers.

In its comments MAPSA seeks clarification of the nature of the expected assessed costs. MAPSA states that the "generation supplier costs" assessed to licensed generation suppliers should be attributable exclusively to Commission activities related to Electric Generation Supplier regulation, and that the costs assessed to licensed generation suppliers should be incremental to those Commission costs which are recoverable in general assessments upon electric distribution companies.

The Commission does not believe that this suggested clarification is necessary in the regulations. Moreover, the Commission cannot speculate as to the amount that suppliers will be assessed in comparison to the amount that the EDCs will be assessed, but can state that the assessments will be made in accordance with the procedures set out at 66 Pa.C.S. § 510(b).

MAPSA also proposes that the Commission order the "unbundling" of its cost assessments to the extent that an EDC may seek to recover assessed "generation supplier costs" from its ratepayers. These costs MAPSA insists should only be recoverable by EDCs by means of the generation component of their rates and not through its transmission and distribution components. MAPSA insists that this unbundling of assessed costs will better ensure a

level playing field for all generation suppliers required to pay the assessments.

The Commission finds this proposal not only to be premature, and but also not appropriate to this rule-making. Whether an EDC is seeking to pass along costs that are rightfully assessed against its generation component to its transmission and distribution customers is an issue that should be raised, addressed and resolved in a distribution and transmission rate case. Moreover, many utilities formed and licensed their own supplier affiliates or divisions who will be assessed as part of the supplier group. Accordingly, there is no reason to revise the regulation to recognize this MAPSA comment.

MAPSA also comments that the costs will be assessed to all licensed generation suppliers, including "non-traditional marketers." As we have not addressed non-traditional marketers in this rulemaking, see Discussion, *infra.*, at p. 38-39, we will not address this issue at this time.

*§ 54.39. Reporting Requirements.*

Section 54.39 sets out reporting requirements with which suppliers must comply for maintenance of their licenses.

West Penn and GMER contend that several of the proposed regulations should be deleted because they require the release of confidential material. West Penn states that the requirement of public reporting of confidential, business sensitive matters for generation suppliers is contrary to the act.

We believe that we have adequately responded to the concerns expressed by several commentators on the need to provide for the confidentiality of certain information required to be supplied to the Commission. We would note that under proposed section 54.39(d), we have put the licensees on notice that they may seek a ruling on confidentiality. Further, we have noted in the proposed regulations the need for the licensees to provide the information under the act. See 66 Pa.C.S. § 2810(c)(6).

EDF states that the proposed regulations should be expanded to include reporting of atmospheric emissions and other significant environmental impacts of the supplier's energy sources mix as well as any relevant actions a supplier has undertaken to mitigate these environmental impacts.

Senator Kukovich states that the applicants must be required to disclose the fuel mix and the emissions from the plant that generate their electricity. Representative Tulli notes that if EGSs claim that they are selling "green" electricity, the consumers need a way to verify that the electricity is cleaner than that provided by other EGSs. MAPSA, the Indicated Parties, and UGI contend that the provision of the energy source information required is unduly burdensome and may be impracticable because the suppliers may not know the sources of their energy. MAPSA states that these reporting requirements should only apply to licensees offering to sell environmentally-friendly power.

IRRC agrees with parties who questioned the need for this information and cites the difficulty to determine the generation sources. IRRC suggests that the Commission delete this requirement or explain the compelling public interest which justifies retaining this reporting requirement.

While we recognize that there will be difficulties for some EGSs to provide complete data, we will expect they will extend their best efforts to obtain the data or

representative data to meet this requirement. There are several reasons why we believe this information should be required. We agree with Representative Tulli that consumers should have some information about their energy choices. We believe that the Commission needs this information to monitor the development of a competitive energy marketplace. This information will assist in our commitments to maintain the existing level of reliability. We will be in a better position to make decisions and offer comment on public policy issues which affect generation. We will have information which will be necessary to assess the impacts of possible national or state legislation and regulations on the Commonwealth's economy. The provision of this information will act as a check on the marketing activities of EGSs who may claim all or a portion of their energy supplies have certain characteristics. The requirement of this information may provide EGSs incentives to maintain and improve the impacts of their generation resources. Therefore, we will not adopt the suggestions proposed by the commentators.

*§ 54.40. Bonds or Other Security.*

Section 54.40 addresses the statutory requirement of a licensee providing a bond or other acceptable security to obtain and to maintain an electric generation license.

The Environmentalists state that nontraditional marketers should be exempt from the bonding requirements because these entities play a supportive role for another licensee and do not receive compensation from consumers or handle consumer payments. The Environmentalists argue that no bond is necessary. EDF suggests that unconventional entities should be exempted from the \$250,000 bond.

MAPSA and EDF believe that claims by consumers should be processed according to the applicable contract, not through the bond. MAPSA states that the language concerning the amount of a bond is ambiguous and appeared to include the possibility that another party could ask that the bond for a particular supplier be increased.

We recognize that a nontraditional marketer may conduct their transactions through other licensees and provide to consumers their services without compensation. However, the act requires that each licensee furnish a bond or other security approved, in both the form and the amount, by the Commission. The act does not allow the Commission to exempt any licensee. In view of this, the Commission proposes that these regulations allow the license applicants to request modification of the security level. See Discussion, *infra.*, at pp. 38-39.

GMER notes that the bond is not meant to be used for collection of unpaid taxes. GMER argues that if the Legislature had intended the bond to be used for payment of unpaid taxes, it could have stated as much.

We agree with GMER to the extent that we will amend section 54.40(b) to delete the references to "other taxes" and section 54.40(e) to delete references to "assessments due," as triggering events for the payments pursuant to bonds or other financial securities. However, we will retain the reference to the payment of gross receipts tax. We believe that it is appropriate to identify this as one of the purposes of the security requirements. There are circumstances, under the act, in which consumers who have paid these taxes to an EGS may subsequently be charged these same taxes by an EDC. We wish to protect these consumers from the costs of an EGS's failure to remit the gross receipts taxes to the Commonwealth.

Senator Kukovich states that bonding requirements for small, entrepreneurial companies that expect to sell less than \$5 million per year of electricity should be 5% of their expected revenues rather than \$250,000. Senator Kukovich suggests that companies which expect to sell more than \$5 million of electricity should post a \$250,000 bond.

The Environmentalists also suggest that the initial level of the bond be at 5% of the expected sales and applicants who expect to sell over \$5 million of electric be required to provide a \$250,000 bond.

While we have noted that an applicant may request modification of the initial \$250,000 financial security level, we are reluctant to adopt levels which vary widely upon the expected level of the applicant's sales. We believe that, if the applicant can provide specific reasons for modification of the financial security level, we will modify the \$250,000 level accordingly. We believe that by stating clearly that the initial financial security level is a specific amount we have diminished uncertainty and facilitated expeditious licensing. We believe that the process of determining the appropriate expected level of sales would add to a delay in reviewing license applications to the detriment of a competitive marketplace. It may also expose consumers to financial risks, especially from new start-up enterprises in the new competitive market.

Horizon, GMER, MAPSA and West Penn contend that the bonding requirement set at 10% of gross receipts is burdensome, may be excessive and could be a disincentive to competition.

In its comments, IRRC recommends that the Commission explain why it is appropriate and reasonable to set the bonding requirement at 10% of a licensee's quarterly receipts. The Commission understands IRRC's confusion. Under section 54.39(a), a supplier's information about gross receipts is reported quarterly to the Commission so that the Commission can better monitor the development of the competitive market. The bonding level is based on the supplier's annual receipts for the previous year. Reviewing this section, the Commission understands how the confusion arose and has adjusted the language to clarify this provision.

Section 2809(c) allows the Commission to determine the form and the amount of security to ensure the financial responsibility of the supplier and the supply of electricity at retail in accordance with contracts, agreements or arrangements. We are very concerned that we avoid adopting regulatory requirements which limit the inception of a competitive market. At the same time, we recognize our responsibilities to consumers and to the Commonwealth. Consumers may believe that the new competitive marketplace poses too many risks and they may choose not to participate. With these conflicting elements in mind, the Commission wished to clearly state a proposed level of financial security which was adequate but not overly burdensome.

The level proposed is 10% of a supplier's reported annual gross receipts. First, the security level should insure the payment of the GRT and be a reasonable base amount of the security for the Commission to accept. The current GRT rate is 4.4% of annual gross receipts. The Commission does not believe that the bond should be used to secure the payment of any taxes except the GRT as the GRT is the only tax that, if not paid by the supplier, can be collected from ratepayers.

The second major purpose of the bond is to insure "the flow of electricity at retail." The Commission believes that

it is reasonable to also base the amount of security necessary to "insure the flow of electricity at retail" on the supplier's annual gross receipts as this is the measure of the amount of business that a supplier conducts in the Commonwealth. Thus, the bonding level is progressive for suppliers, with lower annual sales required to provide a lower bonding amount than suppliers with greater annual sales. Considering that the current year's bonding level is based on the previous year's sales, the prior year's gross revenues may be an inadequate estimate of the upcoming year's revenues if the licensee's sales were increasing or the market price of energy increased. To account for this possibility, the Commission believes it is reasonable to require an additional amount of financial security, over the 4.4% GRT level, resulting in the total 10% level proposed.

IRRC comments that the Commission should provide specific guidance on how the bond or other security must be structured to gain approval of a license application. IRRC also notes that the Commission would approve the use of other security instruments on an ad hoc basis. IRRC recommends that the Commission provide further guidance on the information necessary to use a security other than a bond.

Because of the variety of possible financial security instruments which might be proposed by the applicants and in view of the compressed time-frame available before the initiation of the Pilot Programs, we were reluctant to prescribe a specific form of a bond or other financial security. The Commission staff responded to numerous requests for information and provided applicants with examples of financial security instruments which had been accepted by the Commission. We continue to be concerned that the prescription of a specific form of bond may be an unintended barrier to competition.

We have informed license applicants that the Commission required that the bond or other security name the Commission as the obligee or beneficiary of the bond. Naming the Commission as the sole beneficiary insures that the Commission has notice when a party or parties file a claim for reimbursement against the security so that the Commission can direct its legal staff to intervene as is appropriate to protect the public interest. The bonds and other securities that have proved to be acceptable to the Commission for interim licenses include the following language:

This bond (or other security) is written in accordance with Section 2809(c)(1)(i) of the Public Utility Code, 66 Pa.C.S. § 2809(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*, and the rules and regulation of the Pennsylvania Public Utility Commission by the Principle as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa.C.S. § 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements. Payments made pursuant to this bond (security) shall enure first to the benefit of the Commonwealth, and second, to any and all retail electric retail electric generation customers to whom the Principle may be held legally liable for failure to supply electric generation pursuant to contract, agreements or arrangements. Any claims made by the Commonwealth shall have priority over claims made by private individuals. Proceeds of the bond (security) may not be used to pay any fines or penalties levied against the Principle for violations of

the law, or for payment of any other tax obligations owed to the Commonwealth.

As seen from the above language, the security must list the purposes for which it is given and the parties who may file claims pursuant to it. The Commission believed that prioritizing the Commonwealth's tax claims above private individual's non-tax claims better protected the suppliers' customers who would ultimately pay the GRT in the event that a supplier's failed to pay the tax. See 66 Pa.C.S. § 2809(c)(2).

In the securities used for the interim licenses, the Commission also required that the securities be interpreted under Pennsylvania law or in the alternative, contain no "choice of law" clause at all.

The Commission has added this additional information to section 54.40(f).

PEA believes that the Commission should expressly establish intermediate priority of EDC's claims between those of the Commonwealth and private persons. UGI states that section 54.40(e) recognizes the claims of the Commonwealth over those of the private person but neglects the priority rights of the EDCs. UGI continues that in accordance with section 2809(c)(2), the EDC is responsible for an EGS's unpaid Gross Receipts tax and permits the EDC to seek reimbursement of the tax from the EGS. Recovery of this expense by the EDC should take priority over claims of the "private person" as specified in § 54.40(e) of these proposed regulations. Therefore, UGI requests that the EDC's claim be given priority in accordance with this responsibility, and that language which prioritizes the EDC's claims below that of the Commonwealth but exceeding that of all other claimants should be added to these regulations. IRRC states that it is reasonable to assign the EDC second priority in claims for payment, after the Commonwealth.

The Commission agrees that the EDCs should have second priority over private persons for the purpose of being reimbursed for claims under provisions of 66 Pa.C.S. §§ 2806(g)(3)(iii), 2809(c)(2) and 2810(m). However, the reason for our agreement is different. An EDC may collect any GRT that it pays to the Commonwealth on behalf of an abdicating supplier from the supplier's former customers. See 66 Pa.C.S. § 2809(c)(2). It is the customers who are at risk of having to pay the GRT twice—once to the supplier who did not turn over the tax collected to the Commonwealth and the same GRT again to the EDC after the EDC pays the tax. We believe that it is in the public interest to permit an EDC to claim against the bond for reimbursement of GRT left unpaid by the supplier. We see this action as preferable to seeking collection of the tax from the EDC transmission and distribution customers through rate increases.

IRRC recommends that the Commission include in the regulation information that would be required to permit the use of an instrument other than a bond as security. The Commission agrees and will revise subsection (f) accordingly. The Commission notes that it prefers a bond to other securities, but will accept a different form of security that can be shown to offer the same degree of safety as a bond and in case of a breach, the same relative ease of collection as a bond.

*§ 54.41. Transfer or abandonment of license.*

Section 54.41 requires a licensee to obtain Commission permission before transferring a license, and further that a licensee notify the Commission, its customers, the default supplier, now the provider of last resort, and the

affected EDC. The notice is to be given at "intervals of 3, 2, 1 billing cycles" preceding the abandonment.

West Penn states that the transfer due to a name change or organizational change of an affiliated company should be permitted subject to pending Commission approval, as opposed to prior Commission approval. West Penn is concerned that there may be an interruption in service by a supplier.

PEA and UGI support the proposed requirement of advanced notice by an EGS of its intent to abandon service.

Representative Lloyd requests that the Commission clarify the customer notice requirements of the "3, 2, 1 billing cycles."

We will not adopt West Penn's suggestion. It has been our experience that after the fact submissions are unsatisfactory. We recognize the need to maintain continuity of service to consumers but we also recognize our responsibility to issue licenses to applicants who meet the requirements of the act. Furthermore, we will amend section 54.34 to note that, upon notification of a material change in organizational structure, unless the Commission otherwise directs, an EGS does not need to file an amended application. This amendment to section 54.34 should address some of West Penn's concerns over transfers due to a name change or organizational change of an affiliate. However, we are concerned that allowing after the fact submissions of license transfers may be detrimental to consumers and the marketplace.

We will adopt Representative Lloyd's suggestion to amend the requirements for notice of the abandonment of service by an EGS. A licensee who wishes to abandon service shall be required to provide 90 days prior notice to the Commission, the affected distribution utilities and default suppliers before the effective date of the abandonment. The EGS shall also provide individual notice to each of its customers with each billing, in each of the three billing cycles preceding the effective date of the abandonment.

*§ 54.42. License Suspension; License Revocation.*

Section 54.42 sets out the circumstances that would result in license suspension or revocation. These penalties would be imposed consistent with due process considerations.

MAPSA states that the proposed regulation appears to reflect a "strict liability" standard and that an inadvertent and unintentional transfer of a customer could lead to a suspension or revocation. MAPSA suggests that the Commission qualify the regulation to reflect that the violation must be "material" and substantially affect the technical and financial fitness of the supplier. MAPSA also notes that several provisions appear to be redundant and inconsistent with rules established or proposed to be established.

The OCA suggests that a separate basis for revocation for the violation of any other Pennsylvania law that protects consumers should be added to the items listed in the proposed rule.

PEA, UGI and PP&L propose substantial changes to section 54.42(b) and (c) relating to the unauthorized transfer of customers. These parties argue that these provisions are neither necessary nor appropriate for inclusion in these regulations. These parties note that these matters are being addressed in several proceedings before the Commission. PP&L notes that an illegal act on the part of an EDC affiliated with an EGS should not

automatically and necessarily result in the suspension or revocation of the EGS license.

IRRC agrees with the EDC commentators that subsections (b) and (c) were superfluous and a possible source of administrative confusion. IRRC recommends replacing these subsections with a new paragraph which states:

Receiving and accepting the transfer of a customer, without documentation of the customer's consent as required by Section 2807(d)(1) of the Code.

IRRC also suggests an alternative paragraph which referred to another pertinent Commission rulemaking.

We will not adopt MAPSA's suggestion to add the term "material" to qualify the violations in these provisions. We note that we have clearly stated that our actions under these provisions will be "[c]onsistent with due process, . . ." and arguments involving the nature of the alleged violation may be raised by a licensee in its defense. See Section 54.42 (a).

We believe that the OCA's proposal to place applicants on notice that they may be penalized by this Commission for violating Pennsylvania consumer protection laws is appropriate. We have become aware of allegations of abusive practice in other jurisdictions. We are concerned about the impact the abuses may have on the full development of a competitive marketplace. If consumers are reluctant to participate in a competitive market because of the possibility of becoming the victim of fraud or other consumer abuses, the benefits of a fully competitive marketplace will be reduced.

Finally, we will also adopt IRRC's proposal to delete subsections (b) and (c) and replace them with the proposed language which references section 2807(d)(1) of the act. The Commission still retains the authority to examine and penalize the EDCs for acts which violate the Code, the Commission's regulations and the Commission's orders.

*§ 54.43. Standards of Conduct and Disclosure for Licensees.*

Section 54.43 sets out standards of disclosure and conduct for licensees for the protection of Pennsylvania's consumers.

In its comments, the OCA states that the Commission should directly reference in this regulation the future rules involving customer information and disclosure, change of supplier and other consumer protection rules and the specific provisions of these rules that will overlap with, or substitute for, these general policies at the time of their adoption. The OCA has concerns that the licensees may argue that they have not violated these provisions even though their actions reveal a violation of one or more of the specific rules. In the same vein, GMER states that this section should be coordinated with proposed customer information regulation at section 54.5(e) (relating to terms of service—residential and small customers) which provides for written disclosure of energy sources.

The Commission does not agree that it should reference future rules or their specific provisions in section 54.43 as these rules have not yet been finalized, and specific provisions in these rules as proposed may be changed prior to their approval. When these rulemakings are finalized, the Commission may revisit section 54.43 as necessary.

The majority of the comments were received on Subsection b. Section 54.43(b) provides that upon the request of

a customer, a utility shall provide environmental information about its energy sources. PEA states that the provision should apply only to EGSs actually making references to fuel sources, renewable resources and environmental impact characteristics in their marketing communications. UGI states that this subsection is unduly burdensome and should only apply to those companies that are specifically marketing or claim to be providing renewable or "green" energy sources. IRRC recommends that the Commission consider making EGSs who make marketing claims regarding environmental characteristics of their energy substantiate their claims and recommends that subsection (b) should only apply to these marketers.

The Commission does not believe that this requirement is burdensome as the information will be provided only to a customer that requests such information. Moreover, the Commission regards this provision as a necessary consumer protection requirement. The consumer who is interested in purchasing "environmental friendly" generation needs information about other energy sources to be able to assess whether what he is really being offered by a so-called "green" marketer is more environmental friendly than other generation. Therefore, the Commission believes the requirement should apply to all suppliers. The Commission will take IRRC's suggestion regarding making "green" marketers substantiate their claims under advisement.

GMER comments that in the phrase "and environmental characteristics of its electric generation purchases" in subsection (b) is sufficiently over broad as to lead to unreasonable demands on suppliers for generation-specific studies, assessments, projections and the like. EDF states that subsection (b) should require licensees to provide information regarding the environmental characteristics of all power it sells into the Pennsylvania market, not just for the power it purchases. IRRC recommends that the Commission clarify the term "environmental characteristics" that it describes as vague and subject to broad interpretation.

Consistent with these comments, the Commission has revised the provision by removing "environmental characteristics" and substituting "plant emissions." Furthermore, we agree with the commentators that the proposed rule should not apply to the licensee's generation "purchases" but to all generation supplies.

Section 54.43(f) addresses the liability of a licensee for fraudulent, deceptive or other unlawful marketing or billing acts. PEA states that although the subsection (f) holds the licensee liable for misdeeds of its agents or representatives, it fails to hold the licensee liable for its own misdeeds. IRRC supports this recommendation.

The Commission agrees that this omission should be corrected and has revised the regulation accordingly.

*§ 3.551. Official Forms.*

The OCA believes that the license application and accompanying affidavits should be included in the final version of the rule. Because publication considerations, the Commission has eliminated a number of forms from its regulation, and designated a Forms Officer in our Secretary's Office from whom a copy of a form may be obtained. Because inclusion of a form in the regulations unduly complicates the task of making routine revisions to the form, the Commission declines to make this change. However, the Commission will make the application form available on its Internet home page.

*Non-Traditional Marketers*

The definition of "electric generation supplier" at 66 Pa.C.S. § 2803 is very broad, and our interpretation of this definition is that every entity that engages in an activity listed as that undertaken by an electric generation supplier must be licensed. In our proposed order, we sought comment on the proposed licensing procedure and the bonding, reporting and other licensing requirements as applied to community-based organizations, civic, fraternal or business associations, common interest groups and other entities that work with a licensed supplier to "market" aggregated services to their members or constituents. We also asked for comments on whether the Commission should adopt specific guidelines for non-traditional marketers, or whether such matters should be addressed through less formal interaction between the applicant and the staff. We thank all commentators who responded to our requests.

In its comments IRRC raises due process concerns about finalizing regulations for non-traditional marketers in this rulemaking. We agree and will not adopt final regulations regarding these marketers in this rulemaking. Instead, we will continue to encourage non-traditional marketers to interact with the Commission staff concerning the preparation of the license applications. The Commission staff will be available to advise any potential applicant on the licensing process.

Also, the Commission advises that non-traditional marketers may petition the Commission for waiver of certain provisions of the licensing regulations. The waivers will be granted for good cause shown.

As we stated in our November 24, 1997 order: inherent in the proposed licensing regulations is the concept that the licensing requirements, that is the nature and quantity of financial and technical fitness documentation required to be submitted in applying for a license, and the reporting, bonding and other administrative requirements for maintaining a license, are directly related to the scope of activities proposed to be licensed. The Commission believes that through application of this concept the licensing regulations will not impose unreasonable burdens on "non-traditional marketers" in applying or maintaining a license. Proposed Rulemaking Order, p. 4.

The Commission believes that it is important that non-traditional marketing groups participate in the electric generation market as the entry of such marketers will lessen the likelihood of domination of the market by a few large entities. The Commission encourages the participation of such entities and consistent with the law, will be flexible in applying the licensing regulations.

In promulgating these licensing regulations the Commission has attempted to balance the maintenance of consumer protection and service quality with the development of a robust electric generation market. The regulations require that license applicants provide the Commission with adequate information so that only technically and financially fit entities are licensed as suppliers. Once licensed, the supplier is required to notify the Commission and others if there is a major change in the supplier's operation or service offerings. The requirements for maintaining a license including bonding, regulatory assessment payments and information report filing are not overly burdensome and should not act as barriers for market entry of new suppliers into Pennsylvania's market.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Electricity Generation Customer

Choice and Competition Act, 66 Pa.C.S. §§ 2801, *et seq.*, and the Commonwealth Documents Law (45 P.S. §§ 1201, *et seq.*) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we amend our regulations by adding §§ 54.31—54.42, and amending § 3.551 as noted above and as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. The regulations of the Commission, Chapters 3 and 54, are amended by adding §§ 54.31—54.42 and amending § 3.551 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The Secretary shall submit this order and Annex A to the Office of the Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly, and for formal review and approval by IRRC.

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

6. A copy of this order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Department of Revenue, the Pennsylvania Department of State, all licensed electric generation suppliers and all persons who submitted comments in the rulemaking proceeding.

7. The regulations adopted in this order are effective upon publication in the *Pennsylvania Bulletin*.

8. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Shirley M. Leming, Regulatory Coordinator, Law Bureau at (717) 772-4597.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)*

*Statement of Vice Chairperson Robert K. Bloom*

Before the Commission for consideration is the final rulemaking order implementing Licensing Requirements for Electric Generation Suppliers (EGS). The purpose of this rulemaking is to establish uniform procedures for the Commission review, analysis and approval of EGS license applications pursuant to the Electricity Generation Customer Choice and Competition Act (Act). Comments from sixteen interested parties addressing the various proposals within the proposed rulemaking were received and considered in finalizing these regulations.

Overall, I support the final regulations as revised with one exception concerning the security bonds license applicants must furnish to ensure their financial responsibility. The final regulations, similar to the Commission's interim requirements, continue to allow licensees to utilize securities other than a bond to meet this financial responsibility. The regulations initiate a petition process whereby applicants may request special permission to use alternative security instruments. I disagree with this principle. I

believe that the Commission should be consistent and fair and hold all EGS applicants to the same bonding standard. The process included within the regulations will result in unequal treatment of potential competitors in the electric generation market and will result in a burdensome process for Commission staff members to administrate. For these reasons, I must dissent on this portion of the final regulations.

**Statement of Commissioner Nora Mead Brownell**

I support adoption of the licensing regulations before us, including the provision that licensees may request an alternative form of security. This provision is consistent with section 2809(c) of the Public Utility Code, 66 Pa.C.S. § 2809(c). However, any such request must be substantially justified from the perspectives of equivalent financial protection as well as the nature of the entity's business. Accordingly, although I support the regulations presented to us, I am sympathetic to the concerns of the Vice Chairperson and will review any requests for alternative treatment accordingly.

**Fiscal Note:** Fiscal Note 57-191 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART 1. PUBLIC UTILITY COMMISSION**

**CHAPTER 3. SPECIAL PROVISIONS**

**Subchapter H. FORMS**

**§ 3.551. Official forms.**

The following is a list of forms which may be obtained from the Office of the Secretary of the Commission.

\* \* \* \* \*

(15) Application for electricity or electric generation supplier license.

\* \* \* \* \*

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE AND COMPETITION**

**Subchapter B. ELECTRICITY GENERATION SUPPLIER LICENSING**

Sec.	
54.31.	Definitions.
54.32.	Application process.
54.33.	Application form.
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**§ 54.31. Definitions.**

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

**Aggregator**—An entity licensed by the Commission, that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers. See section 2803 of the code (relating to definitions).

**Applicant**—A person or entity seeking to obtain a license to supply retail electricity or electric generation service.

**Broker**—An entity, licensed by the Commission, that acts as an intermediary in the sale and purchase of electric energy but does not take title to electric energy. See section 2803 of the code.

**Code**—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

**Department**—The Department of Revenue of the Commonwealth.

**EDC**—Electric distribution company.

**Electric generation supplier**—A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter (*Editor's Note:* The reference to "this chapter" refers to the code.) brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. The term excludes building or facility owner/operators that manage the internal distribution system serving such building or facility and that supply electric power and other related power services to occupants of the building or the facility. The term excludes electric cooperative corporations except as provided in 15 Pa.C.S. Ch. 74 (relating to generation choice for customers of electric cooperatives). See section 2803 of the code.

**Interim license**—A temporary license granted to an electric generation supplier under interim standards adopted in the Commission's Final Order on Licensing Requirements for Electricity Generation Suppliers, entered February 13, 1997 at Dkt. No. M-00960890 F0004.

**License**—A license granted to an electric generation supplier under this subchapter.

**Licensee**—A person or entity which has obtained a license to provide retail electricity or electric generation service.

**Market aggregator**—An entity licensed by the Commission, that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers. See section 2803 of the code.

**Marketer**—An entity, licensed by the Commission, that acts as an intermediary in the sale and purchase of electric energy but does not take title to electric energy. See section 2803 of the code.

**Marketing**—The publication, dissemination or distribution of informational and advertising materials regarding the electric generation supplier's services and products to the public by print, broadcast, electronic media, direct mail or by telecommunication.

**Offer to provide service**—The extension of an offer to provide services or products communicated orally, or in writing to a customer.

**Provider of last resort**—A supplier approved by the Commission under section 2807(e)(3) of the code (relating to duties of electric distribution companies) to provide generation service to customers who contracted for electricity that was not delivered, or who did not select an alternative electric generation supplier, or who are not eligible to obtain competitive energy supply, or who return to the provider of last resort after having obtained competitive energy supply.



*Renewable resource*—As defined in section 2803 of the code.

**§ 54.32. Application process.**

(a) An electric generation supplier may not engage in marketing, or may not offer to provide, or provide retail electricity or electric generation service until it is granted a license by the Commission.

(b) An application for a license shall be made on the form provided by the Commission. A copy of the application may be obtained from the Commission's Secretary. The application form will also be made available on the Commission's Internet web site. An application shall be verified by an oath or affirmation as required in § 1.36 (relating to verification). See section 2809(b) of the code (relating to requirements for electric generation suppliers).

(c) An original and eight copies of the completed application and supporting attachments shall be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

(d) Copies of the completed application with supporting documentation shall be served on the following: the Office of Consumer Advocate, the Office of Small Business Advocate, the Department and the Office of the Attorney General, and the EDCs through whose transmission and distribution facilities the applicant intends to supply customers.

(e) Incomplete applications and those without supporting attachments, when needed, will be rejected without prejudice. The license application, with supporting attachments, shall be completed in its entirety.

(f) When an answer on the application requires the disclosure of privileged or confidential information not otherwise available to the public, the applicant may designate at each point in the application where information is disclosed that is confidential and privileged.

(1) One copy of this confidential or privileged information conspicuously marked at the top as "CONFIDENTIAL" may be submitted to the Office of the Secretary with the application. An applicant must provide reasons for protecting this information.

(2) The request for confidentiality will be treated as a petition for protective order and will be ruled on by the Commission in conjunction with the license application.

(3) Pending disposition, the information will be used solely for the purpose of evaluating the license application, and the confidentiality of this information will be maintained consistent with regulations in this title pertaining to confidentiality.

(g) An electric generation supplier who has been granted an interim license shall apply for a license under this subchapter by updating its prior license application to include additional and updated information required by § 54.33 (relating to application form). An updated application shall be submitted by December 7, 1998.

(h) An EDC acting within its certified service territory as a provider of last resort is not required to obtain a license.

**§ 54.33. Application form.**

(a) The application form includes information that will be used in the evaluation of the financial fitness and technical fitness to render service. This information includes the following:

(1) An identification of the geographic area that the applicant proposes to serve.

(2) An identification of the type of service that the applicant proposes to furnish.

(3) An identification of the class of customers to which the applicant proposes to provide these services.

(4) An identification of the applicant's utility affiliates.

(5) A description of the applicant's business structure.

(6) Financial information sufficient to demonstrate financial fitness. This information may include credit ratings and history, audited financial statements, and insurance pertinent to the conduct of the applicant's business as an electric generation supplier.

(7) Evidence of competency and experience in providing the scope and nature of the applicant's proposed services. This evidence may include descriptions of the applicant's prior experience, proposed staffing and employee training commitments, business plans, and agreements, arrangements and contracts for generation, transmission and related services. Documentation of the applicant's membership in the East Central Area Reliability Coordination Agreement (ECAR), the Mid Atlantic Area Council (MAAC) or other National American Electric Reliability Council (NERC) regional reliability councils shall be submitted if applicable to the scope and nature of the applicant's proposed services.

(8) Evidence of information demonstrating the applicant's ability to comply with Commission's applicable requirements concerning customer billing, customer education, billing and terms of service, and customer information. This evidence may include prior regulatory experience of the applicant, prior business experience in energy or other service-oriented industries, staffing and staff training commitments, agreements, arrangements and contracts for customer education and information service, customer satisfaction survey results, government agency reports and complaint statistics compiled by the Better Business Bureau or similar business organizations.

(9) Certification that notice of the application was published in accordance with § 54.35 (relating to publication of notice of filing) shall be filed with the Commission's Secretary. The certification shall be notarized and include a photostatic copy of the notices as published. An application will not be considered complete for Commission review without this certification.

(b) The application also directs, under sections 2806 (g)(3)(i), 2809(c)(1) and 2810 (c)(6) of the code (relating to implementation, pilot programs and performance-based rates; requirements for electric generation suppliers; and revenue-neutral reconciliation), that the applicant provide tax information. This tax information includes:

(1) The name, address, telephone number, electronic numbers and addresses used to transmit tax and related information of the persons responsible for preparing and filing the applicant's Pennsylvania tax returns.

(2) Trade names or fictitious names used by the applicant.

(3) The type of business association (for example, sole proprietor, partnership and corporation).

(4) The names of the owners, general partners or corporate officers.

(5) The number of the applicant's current and anticipated employees working in this Commonwealth.

(6) An identification of the applicant's assets in this Commonwealth.

(7) The principal office in this Commonwealth or of its registered agent.

(8) An applicant's Department tax identification numbers including Sales Tax license number, employer identification number and corporate box number. If tax numbers have not yet been obtained, an applicant shall provide the filing date of its application for these numbers.

(c) Tax information provided under subsection (b) shall be filed with the Secretary of the Department at the time that application is made with the Commission.

**§ 54.34. Change in organizational structure or operational status.**

(a) The applicant is under a duty to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in this Commonwealth.

(b) A material change in the organizational structure or operation that affects an applicant's or a licensee's operation in this Commonwealth shall be reported to the Commission within 30 days of the date of the change. Specifically, notification shall be given to the Commission of a change in the following:

(1) The ownership of generation or transmission facilities or other inputs to electric power production.

(2) An affiliation with an EDC, or an entity which owns generation or transmission facilities or other inputs to electric power production.

(3) An affiliation with an entity that has a franchised service area.

(c) Unless directed otherwise by the Commission, the licensee does not need to file an amended application with the Commission.

**§ 54.35. Publication of notice of filing.**

(a) Notice of filing an application shall be published in newspapers of general circulation covering each county in which the applicant intends to provide service as required by § 5.14(a)(2) (relating to applications requiring notice). Applicants may contact the Commission's Press Secretary to confirm the identity of the newspapers of general circulation in which notice shall be published.

(b) The notice shall be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed services to be provided and the geographic area to be served. The notice shall include the application docket number and a statement that protests related to the technical or financial fitness of the applicant shall be filed within 15 days of the publication date of the notice with the Commission's Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The notice in an acceptable electronic format shall be submitted to the Commission's Secretary for posting on the Commission's Internet web site and, if appropriate, on the Commission's electronic bulletin board.

**§ 54.36. Protests to applications.**

(a) Consistent with § 5.14(b) (relating to applications requiring notice), a 15-day protest period commences on the date notice of the application filing is published in newspapers. An interested party may file a protest to an application in compliance with § 5.52(a) (relating to content of a protest to an application) and shall set out clearly and concisely the facts upon which challenge to

the fitness of the applicant is based. An applicant may file an answer to the protest within 10 days of when the protest is filed. Protests which do not fully comply with § 5.52(a) will be rejected.

(b) Protests may challenge only the applicant's financial and technical fitness to provide the service for which a license is requested. Consistent with the requirements of due process, sanctions, such as revocation or suspension of a supplier's license or the imposition of a fine, may be imposed on parties who intentionally misuse the protest process by repeated filing of competitive protests.

(c) A protest to the applicant's technical or financial fitness to provide service will be assigned to Commission staff for review. Staff will determine if the protest fully complies with § 5.52(a) and sets out clearly and concisely the facts upon which the challenge to the fitness of the applicant is based. Staff will determine if the protest is sufficiently documented. If a protest is not sufficiently documented, Commission staff will prepare a recommendation for Commission consideration dismissing the protest and granting the application. If a protest is sufficiently documented, the application will be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate.

**§ 54.37. Approval.**

(a) A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:

(1) The applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the code and the lawful Commission orders and regulations, specifically including Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).

(2) The proposed service is consistent with the public interest and the policy declared in Chapter 28 of the code (relating to the Electricity Generation Customer Choice and Competition Act. See section 2809(b) of the code (relating to requirements for electric generation suppliers).

(b) Completed applications, with all supporting documentation, including any documentation or clarifying information requested by Commission staff, if unprotested, will be processed within 45 days after acceptance by the Commission. If the application is not processed within the time period, the application will be deemed approved. The review period may be extended for a reasonable period of time by Secretarial Letter.

**§ 54.38. Regulatory assessments.**

(a) A licensee shall be required to pay assessments to be used to defray regulatory costs. See section 510 of the code (relating to assessment for regulatory expenses upon public utilities). Assessments will be based upon the administrative costs incurred by the Commission related to generation suppliers. These costs include:

(1) Maintaining records related to licensees and administering other provisions of the code related to maintenance of adequate reserve margins.

(2) Compliance with Chapter 56 (relating to standards and billing practices for residential utility service).

(3) Fulfilling consumer information and education obligations.

(b) Yearly assessments shall be paid by the licensee within 30 days of receipt of notice of the amount lawfully

charged against it as a condition of maintaining a license to supply electricity or electric generation. See section 510(c) of the code.

**§ 54.39. Reporting requirements.**

(a) A licensee shall report its level of gross receipts to the Commission on a quarterly basis. Gross receipt information shall be filed with the Commission within the 30 days following the end of the first full quarter, and of each subsequent quarter that the license is in effect.

(b) A licensee shall file an annual report on or before April 30 of each year, for the previous calendar year. The annual report shall contain the following information (See section 2810(c)(6) of the code (relating to revenue-neutral reconciliation):

(1) Updates to the tax information requested in the application in § 54.33(b) (relating to application form).

(2) The total amount of gross receipts from the sales of electricity for the preceding calendar year.

(3) The total amount of electricity sold, stated in kilowatt hours, during the preceding calendar year.

(4) The percentage of total electricity supplied by each energy source, including a detailed breakdown of renewable resources as defined in section 2803 of the code (relating to definitions).

(c) A licensee shall be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 of the code (relating to Electricity Generation Customer Choice and Competition Act) pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.

(d) The information requested in this section will be made available for public review upon request to the Commission subject to any rulings on confidentiality made by the Commission.

**§ 54.40. Bonds or other security.**

(a) A license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. See section 2809(c) of the code (relating to requirements for electric generation suppliers).

(b) The purpose of the security requirement is to ensure the licensee's financial responsibility, the payment of gross receipts tax as required by section 2810 of the code (relating to revenue-neutral reconciliation), and the supply of electricity at retail in accordance with contracts, agreements or arrangement. See section 2809(c) of the code.

(c) The initial security level required from each applicant is \$250,000. Modifications of this amount commensurate with the nature and scope of business anticipated to be conducted in this Commonwealth may be granted where substantial evidence is submitted in support of the modification. A request for modification of this initial security level may be made in conjunction with the filing of the application. The license will be issued contingent on the submission of proof that the applicant has obtained a bond, or other approved security in the amount directed by the Commission.

(d) After the first year that the license is in effect, the security level for each licensee will be reviewed annually and modified primarily based on the licensee's reported annual gross receipts information. The security level will be 10% of the licensee's reported gross receipts. See

section 2809 (c)(1)(i) of the code. Maintenance of a license will be contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained. A licensee may seek approval from the Commission of an alternative level of bonding commensurate with the nature and scope of its operations.

(e) Payments pursuant to the security may result from the licensee's failure to pay the full amount of Gross Receipt Taxes, or failure to supply electricity or other services in accordance with contracts, agreements or arrangements.

(f) The bond or security shall include the following:

(1) The Pennsylvania Public Utility Commission, Commonwealth as the sole beneficiary.

(2) The purpose of the bond as follows:

This bond (or other security) is written in accordance with Section 2809(c)(1)(i) of the Public Utility Code, 66 Pa.C.S. § 2809(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the rules and regulation of the Pennsylvania Public Utility Commission by the Principle as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa.C.S. § 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements.

(3) A listing of the prioritization of claims for payment under the security from highest priority to lowest priority as follows:

(i) The Commonwealth.

(ii) EDCs for the reimbursement of Gross Receipts Tax.

(c) Private individuals.

(4) A statement that the security shall be interpreted under law of the Commonwealth, or in the alternative, no choice of law is specified.

(g) The applicant may request the use of a security other than a bond. See section 2809 (c)(1)(i) of the code. The application shall include specific information about the licensee's need to use a security other than a bond; and shall provide the name, business address, the nature of the business of the entity issuing the security, and if available, the financial rating of the entity. The applicant shall demonstrate that the financial protection afforded by the security is equivalent to that of a bond.

(h) Licensee liability for unreasonable service, or for violations of the code and Commission orders and regulations is not limited by these security requirements.

**§ 54.41. Transfer or abandonment of license.**

(a) A license may not be transferred without prior Commission approval. See section 2809(d) of the code (relating to requirements for electric generation suppliers). Approval for transfer shall be obtained by petition to the Commission. The granting of such a petition does not eliminate the need for the transferee to complete and file with the Commission an application that demonstrates the transferee's financial and technical fitness to render service under the transferred license.

(b) A licensee may not abandon service without providing 90 days prior written notice to the Commission, the licensee's customers, the affected distribution utilities and providers of last resort prior to the abandonment of service. The licensee shall provide individual notice to its

customers with each billing, in each of the three billing cycles preceding the effective date of the abandonment.

**§ 54.42. License suspension; license revocation.**

(a) A licensee shall comply with the applicable requirements of the code and Commission regulations and orders. Consistent with due process, a license may be suspended or revoked, and fines may be imposed against the licensee for:

- (1) The failure to pay the yearly assessment.
- (2) The failure to furnish and maintain a bond or other security approved by the Commission in the amount directed by the Commission.
- (3) The nonpayment of taxes under Article II of the Tax Reform Code of 1971 (72 P. S. §§ 7201—7281.2) and Article XI of the Tax Reform Code of 1971 (72 P. S. §§ 8101—8104) and any taxes imposed by Chapter 28 of the code (relating to Electricity Generation Customer Choice and Competition Act). See sections 2806(g)(3) and 2809(c)(1) of the code (relating to implementation, pilot program and performance based rates; and requirements for electric generation suppliers).
- (4) The failure to waive confidentiality with respect to tax information in the possession of the Department. See section 2810(c)(6)(iv) of the code (relating to revenue-neutral reconciliation).
- (5) The failure to provide the address of its principal office in this Commonwealth or of its registered agent.
- (6) The failure to follow the principles in § 54.43 (relating to standards of conduct and disclosure for licensees).
- (7) A violation of applicable provisions of the code, this title and lawful Commission orders. See section 2809(b) of the code.
- (8) A violation of Pennsylvania consumer protection law.
- (9) The transfer of a customer without the customer's consent. See section 2807(d)(1) of the code (relating to duties of electric distribution companies).

**§ 54.43. Standards of conduct and disclosure for licensees.**

To protect consumers of this Commonwealth, licensees shall adhere to the following principles in the provision of electric generation service:

- (1) A licensee shall provide accurate information about their electric generation services using plain language and common terms in communications with consumers. When new terms are used, the terms shall be defined again using plain language. Information shall be provided in a format that enables customers to compare the various electric generation services offered and the prices charged for each type of service.
- (b) A licensee shall respond to reasonable consumer requests for information regarding energy sources by percentage, and plant emissions of its electric generation supply.
- (c) A licensee shall provide notification of change in conditions of service, intent to cease operation as an electric generation supplier, explanation of denial of service, proper handling of deposits and proper handling of complaints in accordance with this title.
- (d) A licensee shall maintain the confidentiality of a consumer's personal information including the name, address and telephone number, and historic payment

information, and provide the right of access by the consumer to his own load and billing information.

(e) A licensee may not discriminate in the provision of electricity as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income, and exercise of rights under Subchapter IV of the Consumer Credit Protection Act (15 U.S.C.A. §§ 1691—1691f), relating to Equal Credit Opportunity. See 12 CFR 202-1—202.14 (relating to equal credit opportunity Regulation B).

(f) A licensee is responsible for any fraudulent deceptive or other unlawful marketing or billing acts performed by the licensee, its employees, agents or representatives. Licensee shall inform consumers of state consumer protection laws that govern the cancellation or rescission of electric generation supply contracts. See section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7).

(g) A licensee shall comply with relevant Commission regulations, orders and directives that may be adopted.

[Pa.B. Doc. No. 98-1270. Filed for public inspection August 7, 1998, 9:00 a.m.]

**[52 PA. CODE CH. 54]**

[L-970127]

**Adjustment of Electric Distribution Company Rates for Changes in State Tax Liability**

The Pennsylvania Public Utility Commission (Commission) on April 23, 1998, adopted a final rulemaking to address the requirements of 66 Pa.C.S. § 2804(16) (relating to standards for restructuring of electric industry) that the Commission by regulation allow an electric distribution company (EDC) to recover changes in its State tax liability by establishing the time, manner, form and State tax liability under 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The contact persons are Lawrence Barth, Law Bureau (717) 772-8579 and Robert Wilson, Bureau of Fixed Utilities Services (717) 783-6162.

*Executive Summary*

On December 3, 1996, Governor Tom Ridge signed into law the act which is codified as Chapter 28 (relating to restructuring of electric utility industry). The act establishes standards and procedures to create direct access by retail customers to the competitive market for electricity generation while maintaining safe and reliability electric service and tax revenue neutrality to this Commonwealth. The act includes two new taxes: a use tax on electricity to complement the tax on gross receipts from retail sales of electricity, and a revenue-neutral reconciliation (RNR) allowing the Commonwealth to recoup State tax losses that may result from the restructuring of the electricity industry and the transition thereto.

The regulations address the requirement of section 2804(16) of the act that the Commission by regulation allow an electric distribution company (EDC) to recover changes in its State tax liability by establishing the time, manner, form and information content of the filings required by an EDC seeking recovery of changes in its State tax liability under the act.

Minor modifications have been made to the draft regulations adopted by the Commission on November 7,

1997, based upon comments from the Office of Consumer Advocate and the Independent Regulatory Review Commission (IRRC) regarding the effective date of EDC filings to recover changes to State tax liabilities and various other clarifications.

The Commission accepted recommended modifications and issued a final rulemaking order at its public meeting of April 23, 1998.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of the final rulemaking, which was published as proposed at 28 Pa.B. 490 (January 31, 1998) to IRRC and the Chairpersons of the House Committee Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. Under section 5(c) 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.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on June 8, 1998, and were approved by IRRC on June 18, 1998, in accordance with section 5.1(e) of the Regulatory Review Act.

Public Meeting held  
April 23, 1998

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka; Nora Mead Brownell

#### **Final Rulemaking Order**

#### *By the Commission:*

By Order entered November 7, 1997, the Commission initiated a rulemaking at Docket No. L-00970127 to adopt regulations governing the adjustment of EDC rates for changes in State tax liability. The regulations, which are required by 66 Pa.C.S. 2804(16), were undertaken by the Commission to implement the act. The act establishes standards and procedures to create direct access by retail customers to the competitive market for electricity generation while maintaining tax revenue neutrality to the Commonwealth.

Recognizing that restructuring the electric industry would affect the State taxes associated with the production, delivery and sale of electricity in this Commonwealth, the General Assembly enacted a use tax on electricity in addition to the tax on gross receipts from retail sales of electric energy. 66 Pa.C.S. §§ 2806(g)(3)(iii) and 2809(c)(2). The Legislature also established a RNR to "recoup losses that may result from the restructuring of the electric industry and the transition thereto." 66 Pa.C.S. § 2810(a). The intent of the RNR is to maintain the proportional tax obligations among customer classes and individual EDCs.

Section 2804(16) of the act requires the Commission to issue regulations that allow an EDC to recover changes in its State tax liability to the extent that the resulting rate does not exceed the rate cap established, except as provided in the act. 66 Pa.C.S. § 2804(16)(i). The act also permits an EDC to seek recovery of State tax liability

changes under the act when the recovery would produce rates above the rate cap.

Regulations to implement these provisions of the act were developed by the Electric Competition Tax Working Group, which includes Commission staff, the Office of Consumer Advocate (OCA), the Office of Small Business Advocate, the Department of Revenue (DOR), the Pennsylvania Electric Association and its member EDCs and electricity suppliers. The regulations establish the time, manner, form and information content of the filings required of an EDC seeking recovery of changes in its State tax liability under the act.

Specifically, § 54.93 (relating to manner of filing) requires proposed rate changes under Chapter 54 (relating to adjustment of electric generation customer choice) to comply with the existing Commission regulations at § 53.51(c) and (d) (relating to perfection of tariffs or tariff supplements and service of proposed rate changes).

Section 54.94 (relating to recovery of changes in State tax liability) sets forth the information that must be provided when an EDC seeks recovery of changes in its State tax liability when the resulting rates do not exceed the rate cap.

Section 54.95 (relating to recovery of RNR tax liability producing rates above the rate cap) provides information and procedures that apply when an EDC seeks recovery of changes in its RNR tax liability when the resulting rates would exceed the rate cap.

Section 54.96 (relating to recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap) provides information and procedures that apply when an EDC seeks recovery of changes in its tax liability under 66 Pa.C.S. §§ 2806(g) and 2809(c) when the resulting rates would exceed the rate cap.

Section 54.97 (relating to State tax adjustment surcharge) provides information and procedures that apply when an EDC seeks to modify its State Tax Adjustment Surcharge (STAS) to recover new or increased taxes under the act.

Finally, § 54.98 (relating to customer notice requirements) requires proposed rate increases under Chapter 54 to comply with existing Commission regulations at §§ 53.41—53.45 (relating to posting of tariffs and notices).

On November 7, 1997, the Commission adopted an opinion and order setting forth proposed regulations under Chapter 28 of the act and providing for a 30-day comment period after publication in the *Pennsylvania Bulletin*. The proposed regulations were published for comment at 28 Pa.B. 490 (January 31, 1998). Written comments were provided by the Pennsylvania Electric Association (PEA), Pennsylvania Power and Light Company (PP&L), UGI Utilities, Inc.—Electric Division (UGI) and the OCA. Following public comment, the Independent Regulatory Review Commission (IRRC) submitted written comments.

#### *Discussion*

The PEA, PP&L and UGI comments supported the regulation and recommended that it be approved as drafted. The OCA and IRRC had several recommendations to improve the clarity of the regulation and facilitate the review of related filings.

In § 54.94(b)(2), the OCA sought a fixed date of 60 days after filing for an effective date, rather than 30 days after the perfection of the filing. The OCA states that tying an

effective date to the perfection of the filing is too indefinite and that this kind of tax filing should be effective in much the same fashion as the revenue-neutral reconciliation under the statute. See 66 Pa.C.S. § 2804(16). We agree, and have modified § 54.94 to require an effective date that is 60 days after the filing date. This modification is also made to § 54.96.

The OCA also points out, with respect to § 54.94(b)(2), that an EDC would be allowed to recover tax payments under sections 2806(g) and 2809(c) of the act from ratepayers without first seeking recovery from the defaulting electric generation supplier.

We will clarify that recovery from EDC ratepayers through the provisions of this regulation will occur only after other means are exhausted by the Department of Revenue (DOR) and the EDC, to recover the taxes owed by the EGS. The act provided that bonds from the EGS when it obtains its license would be available to cover taxes that are due. The act also gives the EDC the ability to seek payment first from the EGS and the individual ratepayer that used the electricity. The act contains a provision for tariff indemnification language and PUC license revocation as incentives for the EGS licensees to pay their taxes. It is the Commission's understanding that the DOR will explore all of the remedies available to it before it provides a written notice to the EDC that it is being assessed the unpaid taxes of the EGS. This will include attaining the funds from the bond required by the act, where the Commission has been named beneficiary, thus giving it control over those funds. Should the funds from the bond be unavailable or inadequate to pay the liability, the DOR will assess a use tax upon the EDC. See 66 Pa.C.S. § 2809(C)(2). The EDC would then be allowed to attempt to recover the use tax from the EGS or the "appropriate party" which used the electricity. Only upon failure to recover the use tax, would the EDC attempt to recover the taxes from its entire customer base through the provisions of the instant regulation.

IRRC raised a similar concern with § 54.94 and recommended a provision requiring the EDC to provide a statement of the reason for the proposed rate change.

We accept the OCA recommendation to require an affidavit at the time of filing, which assures that the EDC has not recovered the taxes through the tariff indemnification and that it has been assessed the tax liability by the DOR. A statement of the reason for the rate change is also a filing requirement.

IRRC provided comments with respect to § 54.95, recommending that clarifications be made in a number of areas. Based upon those recommendations, the following modifications are being made to the regulation.

Section 54.95 is reorganized to put individual directives into separate subsections with respect to type of filing, timeframes, nature of the review process and required information. We shall address the IRRC concern regarding the clarity of notification process by the DOR. In the act, the publication in the *Pennsylvania Bulletin* by DOR of the RNR rate change will serve as the notification to the EDC of a tax rate change, triggering the need for information from the EDC in 30 days, if it wishes to collect increased taxes from ratepayers.

The final-form regulations are also modified to clarify what is meant by the requirement for "demonstrating the impact" of the rate change upon customers. The demon-

stration of impact is also modified in § 54.96 under the IRRC recommendation.

The OCA has recommended that § 54.96 filing requirements be modified to include an income statement for the most recent 12-month period, providing "recent earnings data to allow the Commission to adjudicate whether the rates are just and reasonable." The EDCs must provide detailed quarterly earnings reports, including an income Statement and rate base calculations, under §§ 71.1—71.9. Additional monthly data to support a tax increase filing is therefore, unnecessary. No modification has been made to the final-form regulations in this regard.

IRRC has asked that § 54.97(a)(2) be modified to clarify the phrase "Gross receipts tax rate under to the RNR." The draft regulation of the November 7, 1997, opinion and order did not contain this language. The language appears to have been mistakenly changed during the printing process. The correct language, as set forth in the following and in the regulation will be maintained:

(2) Adjustments to the gross receipts tax rate pursuant to the RNR.

IRRC has also asked that we clarify the meaning of "the complement of the gross receipts tax rate" in § 54.97(a)(4). A complement is a mathematical term which means one minus. The subsection has been modified to make this clarification.

Accordingly, under sections 501, 1301 and 2804(16) of the Public Utility Code, 66 Pa.C.S. §§ 501, 1301 and 2804(16), and the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and the regulations promulgated thereunder at 1 Pa.Code §§ 7.1—7.4, we adopt the regulations in §§ 54.91—54.98 as noted above and as set forth in Annex A as final-form regulations. *Therefore,*

*It is Ordered that:*

1. This order, together with Annex A, be published as final in the *Pennsylvania Bulletin*.
2. The Secretary shall submit this Order and Annex A to the Office of the Attorney General for approval as to legality.
3. The Secretary shall submit a copy of this Order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this Order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly, and for formal review by IRRC.
5. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. The Secretary shall provide a copy of this Order and Annex A for placement on the Commission's site on the World Wide Web.
7. These final-form regulations become effective upon publication in the *Pennsylvania Bulletin*.
8. A copy of this Order and Annex A shall be provided to all persons that submitted comments in the rule-making proceeding at Docket No. L-00970127, and upon all jurisdictional electric distribution utilities and licensed EGSs; the OCA and the Office of the Small Business Advocate.

9. Alternate formats of this Order and Annex A are available to persons with disabilities and may be obtained by contacting Shirley M. Leming, Regulatory Coordinator, Law Bureau, at (717) 772-4597, or toll free, through the AT&T Relay Center at (800) 654-5988.

10. The regulations of the Commission, 52 Pa. Code Chapter 54, are amended by adding §§ 54.91—54.98 to read as set forth in Annex A.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)*

**Fiscal Note:** Fiscal Note 57-188 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 54. ELECTRICITY GENERATION CUSTOMER CHOICE

##### Subchapter D. ADJUSTMENT OF ELECTRIC DISTRIBUTION COMPANY RATES FOR CHANGES IN STATE TAX LIABILITY

Sec.	Purpose.
54.91.	Purpose.
54.92.	Definitions.
54.93.	Manner of filing.
54.94.	Recovery of changes in State tax liability.
54.95.	Recovery of RNR tax liability producing rates above the rate cap.
54.96.	Recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap.
54.97.	State tax adjustment surcharge.
54.98.	Customer notice requirements.

#### § 54.91. Purpose.

This subchapter implements Chapter 28 of the code (relating to Electricity Generation Customer Choice and Competition Act) governing adjustments to the rates of an EDC to reflect changes in its State tax liability. This subchapter establishes the time, manner, form and information content of the filings required by an EDC seeking recovery of changes in its State tax liability. This subchapter also establishes specialized procedures to supplement existing procedures relating to public utility rate changes. Finally, this subchapter establishes the effective dates of relevant EDC rate adjustments and the applicable customer notification requirements for these adjustments.

#### § 54.92. Definitions.

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

*CTC—Competitive transition charge*—The competitive transition charge as defined in section 2803 of the code (relating to definitions).

*Code*—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

*Customer*—A retail electric customer as defined in section 2803 of the code.

*Department*—The Department of Revenue of the Commonwealth.

*EDC—Electric distribution company*—An EDC as defined in section 2803 of the code.

*Electric generation supplier or electricity supplier*—An electric generation supplier or an electricity supplier as defined in section 2803 of the code.

*ITC—Intangible transition charge*—The intangible transition charge as defined in section 2812(g) of the code (relating to approval of transition bonds).

*Rate cap or price cap*—The limits on the allowable charges of an EDC, and the exceptions and exclusions from these limits, as prescribed by section 2804(4) of the code (relating to standards for restructuring of electric industry).

*RNR—Revenue neutral reconciliation*—Section 2810 of the code (relating to revenue-neutral reconciliation).

*STAS—State tax adjustment surcharge*—The State tax adjustment surcharge as defined in § 69.51 (relating to definitions).

*Transition or stranded costs*—The transition or stranded costs as defined in section 2803 of the code.

#### § 54.93. Manner of filing.

Each proposed change in rates in this subchapter shall be perfected in accordance with § 53.51(c) (relating to general) and shall be served in accordance with § 53.51(d).

#### § 54.94. Recovery of changes in State tax liability.

(a) The Commission will permit an EDC to recover from customers changes in its State tax liability arising from sections 2806(g), 2809(c) and 2810 of the code (relating to implementation, pilot programs and performance-based rates; requirements for electric generation suppliers; and revenue-neutral reconciliation) and §§ 69.51—69.56 (relating to inclusion of State taxes and gross receipts taxes in base rates) to the extent that the resulting rates do not exceed the rate or price cap.

(b) An EDC seeking recovery of changes in its State tax liability under this section shall provide the following information to the Commission:

(1) A description of the surcharge proposed by the EDC, and a statement of reasons for the proposed rate change.

(2) A statement that the surcharge becomes effective for service rendered beginning 60 days after the filing of the tariffs or tariff supplements.

(3) If applicable, the calculations supporting the amount of its tax liability arising from the RNR.

(4) If applicable, the amount of payments under sections 2806(g) and 2809(c) of the code for the immediately preceding 12-month period ending on June 30, plus interest accrued at 6% per year from the time of payment until the time the payments are reflected in customer rates, supported by a copy of the notification received from the Department assessing these taxes and related interest.

(5) If applicable, an affidavit which states that the EDC has not recovered the taxes through tariff indemnification tariff provisions or other means, and that the Department has assessed the taxes.

**§ 54.95. Recovery of RNR tax liability producing rates above the rate cap.**

(a) An EDC proposing to increase its rates above the rate cap due to the RNR shall file a single issue rate proceeding under section 1308(a) of the code (relating to voluntary changes in rates).

(b) The EDC's filing provides information which enables the Commission to determine if the filing is an accurate claim for the amount of its tax liability arising from the RNR and whether recovery of its RNR tax liability causes the resulting rates to exceed the rate cap.

(c) Within 30 days of receiving the Department's notice of the change in the applicable tax rate established by the RNR, an EDC proposing to increase its rates as described in this section shall provide the following information to the Commission:

(1) A statement that the reason for the proposed rate increase is to permit the EDC to recover that portion of its RNR tax liability that produces rates above the rate cap.

(2) A proof of revenue calculation by rate class demonstrating the impact of the proposed rate increase upon each class of customers. The EDC shall, at a minimum, show both the dollar and percentage change being proposed for each tariffed rate.

(3) A description of the surcharge for recovering the increased tax liability.

(4) A notice that the surcharge becomes effective 60 days from the date the EDC files the proposed rate increase.

**§ 54.96. Recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap.**

(a) The Commission will permit an EDC to recover, through its State Tax Adjustment Surcharge or other appropriate mechanism, changes in its State tax liability and related interest under sections 2806(g) and 2809(c) of the code (relating to implementation, pilot programs and performance-based rates; and requirements for electric generation suppliers) when that recovery produces rates above the rate cap, upon certification by affidavit that the following apply:

(1) The EDC has not recovered the taxes due pursuant to its tariff indemnification provisions.

(2) The Department has not collected the taxes due under the other means set forth in sections 2806(g)(3)(iii) and 2809(c)(2).

(b) In addition to the affidavit required under subsection (a), the EDC shall file with the Commission:

(1) A statement of the amount of payments under section 2806(g) or 2809(c) for the immediately preceding 12-month period ending on June 30, plus interest accrued at 6% per year from the time of payment until the time the payments are reflected in customer rates, supported by a copy of the notification received from the Department assessing these taxes and related interest.

(2) A proof of revenue calculation by rate class demonstrating the impact of the proposed rate increase upon each class of customers. The dollar and percentage changes shall be shown for each tariffed rate.

(3) A description of the surcharge for recovering the increased tax liability.

(4) A statement that the surcharge becomes effective for service rendered beginning 60 days after the filing of tariffs or tariff supplements.

**§ 54.97. State tax adjustment surcharge.**

(a) *Surcharge calculation.* Every EDC subjected to new or increased State taxes under sections 2806(g), 2809(c) and 2810 of the code (relating to implementation, pilot programs and performance-based rates; requirements for electric generation suppliers; and revenue-neutral reconciliation) and §§ 69.51—69.56 (relating to inclusion of State taxes and gross receipts taxes in base rates) that proposes to modify its STAS to recover these taxes shall include the following information in its surcharge calculation:

(1) The amounts paid under sections 2806(g) and 2809(c) for the immediately preceding 12-month period ending on June 30, plus interest accrued at 6% per year from the time of payment until the time the payments are reflected in customer rates. The EDC shall also provide an affidavit that it has not recovered these taxes under the other means in sections 2806(g)(3)(iii) and 2809(c)(2) of the code.

(2) Adjustments to the gross receipts tax rate pursuant to the RNR.

(3) When applicable, paragraphs (1) and (2) shall be added to any other amounts recoverable under the STAS.

(4) The total of paragraph (3) divided by a factor which is the complement of the Gross Receipts Tax (GRT) rate (1 minus the GRT rate), adjusted by the RNR to the extent that recovery is approved by the Commission under section 2804(16) of the code (relating to standards for restructuring of electric industry).

(5) The quotient of paragraph (4) divided by gross intrastate operating revenues derived from service under rates subject to the jurisdiction of the Commission for the most recently completed calendar year, exclusive of the revenues produced by the surcharge permitted by subsection (a). This quotient shall be expressed as a percentage.

(2) If the EDC increased or decreased its rates under the Commission's jurisdiction during or after the most recently completed calendar year, it shall include in its computation the appropriate adjustments to paragraphs (1)—(5), as if the increased or decreased rates had been in effect for all of that calendar year.

(b) For rate changes that require the STAS to be filed under this section, every EDC shall provide the following information to the Commission:

(1) For a change in an EDC's RNR tax liability contained in a notice from the Department, the information described in § 54.94(b)(3) (relating to recovery of changes in State tax liability).

(2) For amounts paid by an EDC under sections 2806(g) and 2809(c) of the code, the information described in § 54.94(b)(4).

(c) Every tariff or tariff supplement modifying an EDC's STAS under this section shall carry an effective date which shall be 10 days after its filing with the Commission and shall be applicable for service rendered on or after the effective date.

**§ 54.98. Customer notice requirements.**

(a) An EDC proposing to increase its rates under § 54.94 or § 54.96 (relating to recovery of changes in State tax liability; recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap) shall provide customer notice as provided in § 53.45(g) (relating to public notice of new tariffs and tariff changes).



(b) An EDC proposing to increase its rates under § 54.95 (relating to recovery of RNR tax liability producing rates above the rate cap) shall provide customer notice and follow the tariff posting procedures in §§ 53.41—53.45 (relating to posting of tariffs and notices).

[Pa.B. Doc. No. 98-1271. Filed for public inspection August 7, 1998, 9:00 a.m.]

## [52 PA. CODE CH. 54]

[L-970126]

### Customer Information Disclosure for Electricity Providers

The Pennsylvania Public Utility Commission (Commission) on April 30, 1998, adopted a final rulemaking to provide adequate customer information concerning purchase of all electric services in a competitive generation market. The contact persons are Terrence Buda, Law Bureau, (717) 787-5755 and Annunciata Marino, Bureau of Fixed Utilities Service, (717) 772-2151.

#### *Executive Summary*

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act revised Chapter 28 (relating to restructuring of the electric utility industry). The purpose of the act is to permit customers their choice of electricity generation suppliers while maintaining reliable and safe electric service.

Section 2807(d)(2) of the act requires the establishment of regulations ensuring that each electric distribution company, electricity supplier, marketer, aggregator and broker provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of all electricity services offered by that provider. The purpose of the regulation is to implement and codify this provision of the act.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 28 Pa.B. 501 (January 31, 1998), and served on January 16, 1998, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the 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 were deemed approved by the House Committee on Consumer Affairs and by the Senate Committee on Consumer Protection and Professional Licensure on June 8, 1998. IRRC met on June 18, 1998, and approved in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

Public Meeting held  
April 30, 1998

*Commissioners Present:* John M. Quain, Chairperson, Concurring and Dissenting in part; Robert K. Bloom, Vice Chairperson, Concurring and Dissenting in part; John Hanger; David W. Rolka; Nora Mead Brownell

### Final Rulemaking Order

#### *By the Commission:*

On November 6, 1997, we adopted a proposed rulemaking order establishing customer information disclosure requirements for electricity providers. The order was entered on November 7, 1997, at Docket No. L-00970126. The regulations, which are required under 66 Pa.C.S. § 2807(d)(2), were undertaken as part of the implementation duties performed by the Commission under the Electricity Generation Customer Choice and Competition Act (act). Signed into law on December 3, 1996, by Governor Tom Ridge, the act revised the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*, by adding Chapter 28, relating to restructuring of the electric utility industry.

By this final rulemaking order, we adopt regulations which require each electricity provider to furnish adequate and accurate information that enables consumers to make informed choices regarding the purchase of all electricity services offered by that provider. In general, our regulations mandate that all information shall be provided to customers in an understandable format that allows them to compare prices and services on a uniform basis. Additionally, by this final rulemaking order, we direct that all electricity providers strictly adhere to our Policy Statement at 52 Pa. Code § 69.251 regarding the use of plain language in all written communications with consumers.

In order to facilitate the establishment of interim requirements prior to the promulgation of regulations, the Commission staff prepared a Discussion Document on Customer Information that was distributed to Electric Competition Stakeholders on February 3, 1997. On February 14, 1997, a public forum was held and a Working Group for Customer Information Disclosure was formally established. On March 7, 1997, written comments to the discussion document were received. By order entered April 1, 1997, at Docket No. M-00960890F.0008, we initiated a Request for Comments Concerning Proposed Interim Customer Information Requirements for Electric Distribution Companies and Electricity Suppliers. On July 11, 1997, the Commission entered an order establishing Customer Information Interim Guidelines.

The proposed regulations at Docket No. L-00970126 were published for comment at 28 Pa.B. 501 on January 31, 1998, with a 30-day comment period set. Written comments were provided by the following parties:

- Office of Consumer Advocate (OCA)
- Office of Attorney General (OAG)
- Allegheny Power (AP)
- Conectiv Energy (Conectiv)
- Duquesne Light Company (Duquesne)
- Enron Energy Services, Inc. (Enron)
- Environmental Defense Fund (EDF)
- The Environmentalists (consisting of the Clean Air Council, the Sierra Club, Citizen Power, the Group Against Smog and Pollution, the Energy Coordinating Agency, and the Nonprofits Energy Savings Investment Program)

- GPU Energy (GPU)
- Green Mountain Energy Resources L.L.C. (Green Mountain)
- Horizon Energy Company (Horizon)
- Lebanon Methane Recovery, Inc. (LMR)
- Mid-Atlantic Power Supply Association (MAPSA)
- NorAm Energy Management, Inc. and Electric Clearinghouse Inc. (NEMEC)
- PECO Energy (PECO)
- PP&L, Inc. (PP&L)
- Pennsylvania Coal Association (PCA) on behalf of its members
- The Pennsylvania Electric Association (PEA) on behalf of its member companies
- Renewable Energy Alliance (REA)
- Lawrence G. Spielvogel, Inc. (Spielvogel)
- UGI Utilities, Inc.—Electric Division (UGI)
- Constellation Energy Source (Constellation)
- State Representative William R. Lloyd, Jr. (Representative Lloyd)
- State Representative Frank Tulli, Jr. (Representative Tulli)
- State Senator Allen G. Kukovich (Senator Kukovich)
- Independent Regulatory Review Commission (IRRC)

Discussions about the proposed rulemaking also occurred during meetings with IRRC and in briefings before the House Consumer Affairs Committee and the Senate Committee on Consumer Protection and Professional Licensure.

Following review and consideration of the comments and discussions noted above, the Commission has developed final-form regulations. The overall objective of these regulations, of assuring that consumers have accurate and adequate information to meaningfully participate in a competitive generation market, has not changed. However, in response to the persuasive comments of several interested parties, we have extensively revised certain language and have reorganized the material in an effort to clarify many of the requirements. Each change is discussed in more detail.

Through these regulations, we have attempted to achieve a balance between the need for customer information and the development of competition in the retail electric industry. In doing so, we recognize that the varied forms of customer communications, such as billing, disclosure statements, customer choice of supplier, products and prices, customer relations, licensing requirements and distribution services, are interrelated and are important aspects of customer information disclosure requirements.

At the outset, Enron asserts that these regulations will adversely affect a restructured electric industry by inhibiting the full development of competition, thereby reducing potential consumer savings. Although Enron raises a legitimate concern about the potential effect of costly disclosure requirements on a competitive generation market, we believe that these regulations impose only the disclosure burdens that are necessary to ensure that adequate and accurate information is conveyed to customers in an understandable format, as required by § 2807(d)(2) of the act.

Enron also challenges the Commission's legal authority to promulgate these regulations. In particular, Enron claims that many of the specific details set forth by our regulations go beyond what is contemplated by the act. Horizon raises similar concerns, particularly challenging the Commission's statutory basis for the scope of the regulations and suggesting that the Commission take measures to ensure that customers are not inundated with information.

Section 2807(d)(2) of the act clearly and explicitly directs the Commission to establish regulations requiring electricity providers to furnish adequate and accurate information in a format that is understandable to consumers. That provision also specifically requires that customers be provided with information that allows them to compare prices and services on a uniform basis. Through our adoption of this final rulemaking order, we simply seek to fulfill the statutory objectives of ensuring that consumers receive accurate and adequate information and are sufficiently equipped to make informed decisions about alternative generation sources.

In determining the proper scope of these final regulations, the Commission is primarily guided by use of the term "adequate" in § 2807(d)(2). While it is equally important for the Commission to ensure that accurate information is furnished, the statutory requirement for the Commission to warrant the provision of adequate information necessarily entails the development of detailed regulations. In order to fulfill that legislative mandate, the Commission has determined what is adequate and has prescribed the necessary bill format and bill content, disclosure statement requirements and pricing practices for electricity providers to follow to assure the adequacy of the information that is conveyed to consumers.

The scope of these regulations is further defined by the statutory language requiring that information must "enable customers to make informed choices" and be "in an understandable format that enables consumers to compare prices and services on a uniform basis." See 66 Pa.C.S. § 2807(d)(2). We believe that in order to satisfy our responsibility under the act, it is necessary to prescribe standard procedures governing the distribution of providing information to consumers. Through requiring all electricity providers to adhere to certain uniform rules applicable to communications with consumers, our final regulations seek to enable customers to meaningfully compare prices and services offered by a diverse group of electricity providers.

The following is a section by section summary of comments and regulatory analysis in support of the adoption of customer information disclosure requirements in this final rulemaking order.

#### *Section 54.1. Purpose.*

GPU seeks to clarify that these regulations apply only to residential and small business customers. In fact, however, §§ 54.1—54.3 apply to all customers, including large commercial and industrial customers, while the remaining regulation apply only to residential and small business customers. The purpose statement has been clarified to indicate this distinction.

#### *Section 54.2. Definitions.*

IRRC recommends that we adopt, verbatim, the statutory definitions at § 2803 of the act for the following terms: Aggregator, broker, CTC, customer, EDC, EGS, marketer, renewable resource, and transition or stranded costs. We have done so.

*Basic Services*—Enron suggests that the term be changed to Basic Service Charges. We have responded by slightly modifying the definition to substitute “transition charges” for “transition services” in an effort to eliminate any confusion regarding services and charges. Also, in view of Enron’s concern about the distinction between basic and nonbasic services, we have changed the nonbasic services definition to indicate that they are optional services. The OCA recommends that we amend the definition to specify electric service and we have done so.

*Customer Information*—Several commentators, including the OCA and IRRC, suggest that the definition be broadened to include written information in addition to verbal and electronic communications, and we have done so. As to Enron’s suggestion that this definition should refer only to information that is necessary to enable customers to make informed decisions, we disagree. While an important objective of section 2807(d)(2) and these regulations is to equip customers with the ability to make informed decisions, the overall purpose also includes the need to ensure that all information conveyed to customers is adequate and accurate. Therefore, we have not restricted the definition as requested by Enron.

*Distribution Charges*—As recommended by GPU and PEA, we have modified this definition to include the phrases “over a distribution system” and “from the transmission system” so as to more accurately describe these charges. Enron suggests that the reference to 52 Pa. Code § 56.15(4) be deleted. Upon review of this subsection, we conclude that the only inappropriate line item (on the bill) is “energy or fuel adjustment charge.” Appropriate items are State tax adjustment surcharge, State sales tax and State gross receipts tax. Therefore, we have amended the definition to reflect that the subsection applies, to the extent it is applicable. Additionally, since we currently view universal service as a component of distribution charges and note that this matter is the subject of a concurrent investigation, so we have also designated it “as applicable.”

*Electric Distribution Company (EDC)*—Several commentators including IRRC, suggest that the acronym for electric distribution company be corrected from EDIC to EDC, and we have done so.

*Electricity Providers*—Several commentators note that section 2807(d)(2) is applicable to EDCs, electricity suppliers, marketers, aggregators and brokers. We agree that a level playing field should exist, and have also added third parties acting on behalf of these entities. Collectively, these parties are referred to as “electricity providers,” and we have added this term to this section to clarify the obligations of these entities as imposed by these regulations.

*Electricity Supplier or Supplier*—We adopt Enron’s suggestion to change the defined term to Electricity Generation Supplier (EGS) or Supplier. Also, IRRC notes that the proposed definition contains an incorrect statutory cite, which we have now corrected.

*Generation Charges*—We agree with the comments of the OCA and IRRC indicating that this definition should not be linked to cost. Therefore, we have deleted the reference to cost.

*Intangible Transition Charge (ITC)*—GPU recommends that the definition of ITC match the definition of ITC in the act, and we have done so. We also agree with IRRC that the definition should note that the charges are authorized by the Commission, and we have made that change.

*Non-Basic Services*—We have added the word “optional” to describe these services. As discussed above, this change is necessary to clarify the distinction between Basic and Non-Basic Services.

*Renewable Resource*—The Environmentalists advocate a definition which is not consistent with the statutory definition. As proposed by the Environmentalists, hydro-power is defined as low “impact” rather than low “head” and relies on the American River’s Criteria, and a generator size limit. Since we believe that this change would over-complicate the definition, we decline the suggestion. We have, however, adopted the Environmentalists’ proposal to include biomass-based methane gas as a renewable resource. As suggested by IRRC, we have changed the text of the proposed definition to mirror the definition in the statute, except that we have added biomass-based methane gas to the list of technologies. Also, in an effort to be consistent with the statute, we have not deleted “energy from waste” as the Environmentalists suggest in their proposed definition.

*Small Commercial*—Most commentators, including IRRC, are strongly opposed to defining this term based upon the number of employees working for that customer, and suggest either replacing that criterion with an electric load limit or simply relying on the fact that a customer is served on a small commercial rate. NEMEC, GPU, PP&L and the PEA all indicate the reasonableness of this proposal, and we agree. Therefore, we have adopted the suggestion to use a maximum registered load limit of 25 kW within the last 12 months, in conjunction with a rate class reference, for this definition. Further, we have renamed this term “small business customer” in these final regulations to encompass both small commercial and small industrial consumers.

*Terms of Service*—In view of the OAG’s suggestion that we consider Terms of Service as the equivalent of Consumer Contracts, we have deleted this definition and have incorporated this concept in the definition of “Consumer Contract,” as noted above.

*Transition Charges*—Although we have reviewed the recommendations of GPU and the PEA to include transition charges other than CTC and ITC in this definition, we have declined to make this revision. We have, however, accepted Enron’s recommendation regarding use of the acronym “EDC” instead of “electric utility.”

#### *Section 54.3. Standards and pricing practices for retail electricity service.*

We received numerous comments in response to this section, ranging from opposition to strong support for the proposals regarding the use and distribution of a Glossary and a Dictionary. In view of the mandate in § 2807(d)(2) that “information shall be provided to consumers in a clear and understandable format that enables consumers to compare prices and services on a uniform basis,” we conclude that all participants in the competitive industry need a common foundation in the terminology of the industry. Specifically, to provide consumers with a basis for accurate comparisons and clear communications, the industry should use consistent terminology and units of measure. Both the short Glossary of 16 terms called “Common Electric Competition Terms” and the more extensive “Consumer’s Dictionary for Electric Competition” with 77 terms provide this consistent approach to customer information. Also, we note that we have revised many definitions of terms in the Glossary and Dictionary in accordance with the comments of PEA, the OCA and the Environmentalists.

The Glossary contains basic terms and definitions which will enable consumers to easily understand the new terminology that will be used when they are shopping for electric service. The more inclusive Dictionary is for use by those consumers who have an interest in a greater understanding of the electricity market. While we recognize that some flexibility is needed in a competitive market, we believe that the common use by all electricity providers of the terms and definitions in the Dictionary will enable consumers, EDCs and EGSs to communicate in a consistent manner.

In response to comments received from EDCs and IRRC, we have decided that it would be most cost effective for the EDCs to distribute the Glossary through their respective consumer education programs. Therefore, we have revised these regulations to eliminate the need for EDCs to include the Glossary as a bill insert.

IRRC recommends that § 54.3(2) be omitted and we agree. IRRC also suggests that § 54.3(3) be modified to delete the first sentence, which we have done. As to the second sentence in § 54.3(3), we have followed IRRC's recommendation to move it to another section, and we note that, with minor modifications, that material is now set forth in § 54.7.

Regarding § 54.3(4), IRRC suggests providing definitive standards with which electricity providers should comply in responding to customer inquiries and complaints. Since all electricity providers are responsible for complying with Chapter 56 regulations (See 66 Pa.C.S. § 2809(e)(f)), including the dispute procedures set forth in 52 Pa. Code §§ 56.2, 56.151 and 56.152, we have removed both § 54.3(4) and § 54.3(5) from the final regulations.

*Section 54.4. Bill format—residential and small commercial customers.*

To be consistent with our revision to the definitions section, we have changed the title of this section to "Bill format for residential and small business customers." Also, we agree with IRRC that we should add a provision in this section requiring that prices billed must reflect marketed prices and the agreed upon prices in the disclosure statement. That requirement is now set forth in § 54.4(a).

IRRC also points out that the provider of last resort should be treated like an EGS in our billing requirements. We agree and have included that change in § 54.4(b). Generally, we note our intention to view a provider of last resort as an EGS for purposes of communicating with customers.

GPU asks that we amend this section to permit a customer to request and receive only a bill summary, while UGI cautions us about the costs to EDCs associated with requiring changes to bill formats. In establishing these regulations, we have tried to achieve the goal of providing adequate and accurate customer information without being overly prescriptive. The minimum requirements imposed by these regulations allow some degree of flexibility for billing entities while providing customers with essential information that should minimize customer confusion.

IRRC and Green Mountain comment that the requirement at § 54.4(b) might be interpreted as requiring an EGS to duplicate EDC charges on its bill. We agree with this concern and emphasize that an EGS is not required to duplicate EDC charges. We have added clarifying language to this section.

We received comments from IRRC, Representative Lloyd and several others about what specific charges

should be required on the bills, as well as questioning the need to require that certain charges appear on the first page of the bill. In view of all of these comments, we believe that we must permit as much flexibility as possible. Therefore, we have revised the regulations so that they contain a list of the required billing items and billing sections without mandating that any certain information be included on the first page. Consistent with the comments of GPU and IRRC, we suggest that when issuing a single bill, EDCs should consider developing a summary page as the first page and then providing the required itemization of all charges later in the bill.

EDCs and EGSs have made it clear through comments, and we agree, that their charges should appear in separate sections of the bill. Therefore, we have revised this section to set forth that requirement.

Under a single bill option, basic charges will appear in both EDC and EGS sections of the bill. In view of both the termination process for nonpayment and the application of partial payments to the EDC and the EGS, we have required the distinction between basic and nonbasic charges in both the EDC and EGS portions of the customer bill where applicable.

Several comments were received regarding the standard pricing unit requirement at § 54.4(a). Most of the comments offer widespread support while others recommend changes or ask us for clarifications. We have clarified that the requirement for a standard pricing unit does not mean that all customers will be charged the same unit price. We do not intend to limit pricing options. We agree with the OCA, IRRC, PEA and PP&L that the requirement for a standard pricing unit for generation charges in the bill format section means that the price or pricing option will be presented in a standard pricing unit, such as in actual dollars or cents per kWh, in the customer bill.

We have required that Generation Charges be listed first among the basic charges in the appropriate EDC or EGS section of the bill with one notable exception. The Customer Charge may appear before Generation Charges.

The treatment of Transmission Charges was widely debated among the numerous commentators. We agree with the comments provided by the OAG, PEA, GPU, PP&L and UGI that section 2804(3) of the act clearly requires the unbundling of Transmission Charges. Therefore, we have required that Transmission Charges be unbundled on all customer bills, regardless of whether the customer is eligible for choice or not, and regardless of which billing option is applicable.

MAPSA states that the Commission should recognize that there is likely to be a substantial upgrading of metering technology which should be reflected in these rules if they are to remain robust. We have therefore required advanced metering charges to be itemized as a basic charge on the bill.

Conectiv urges the Commission not to restrict the messages that may be communicated on bills. We agree, and have not done so. We have required, however, that such messages are to be presented separately from the billing requirements. Also, we note that while we will not require the provider of a single bill to include messages for another entity outside the requisite billing requirements, such as information regarding the availability of an EGS's optional nonbasic services, we do expect the parties' cooperation in these matters. Further, we recognize the possibility that over time certain transitional issues might prompt the Commission to direct billing entities to include or change specific billing messages.

We accept the recommendation of the OCA and IRRC that monthly (rather than quarterly) disclosure of itemized nonbasic services is necessary to enable customers to be fully informed of the charges for the services they are receiving. Therefore, we have revised the regulations to incorporate this change.

PP&L is opposed to billing for EGS charges for nonbasic services for those customers who choose a single bill option. We do not expect EDCs to provide the itemized or unbundled listing of nonbasic charges on the bill without compensation.

EGSs oppose the requirement for them to show both the annual and the monthly average usage figure on the bill. They point out that the usage information will be in the domain of the entity reading the meter for billing purposes. We agree, and note the inapplicability of this requirement to EGSs. We also agree with PEA that these two usage figures should be presented in kWh as the standard pricing unit.

The requirement that the billing entity for generation must include a bill message informing customers of proposed changes in their terms of service or of an impending expiration of the terms of service is opposed by IRRC, PEA and the EDCs. We accept that the responsibility for providing these messages rests with the EGS. Also, while we agree that this notification is not a billing issue, we address the issue in detail later in this order.

We agree with IRRC that "General Information" should be a separate and distinct section to the bill and the billing entity's information should be listed first. We also agree with PP&L to remove "For" from the "For General Information" section title.

PEA and UGI state that it would be expensive and burdensome for the EDC to provide the proposed information about the EGS, including license number and an internet address. We agree and have revised this requirement to include only the name, address and telephone number of the EGS.

PP&L comments that the bill message indicating who sets prices for generation services is incorrect since some customers will not make a choice during the EDC's transition period. We agree and have modified this section to apply only to the bills of customers who have chosen to receive generation services from an EGS.

Several commentators note that the FERC, and not the Commission, regulates transmission prices and services. We agree and have revised this section accordingly. Specifically, we now require a third statement to be included in the bill message to clarify this point. In an effort to provide billing entities with more flexibility, we have noted that the three statements about how prices are established may be displayed together in paragraph form on the bill.

Conectiv argues that in the two-bill option we were inconsistent in our requirement at § 54.4(b)(17), by directing the EDC to provide only the name of the EGS. We disagree, since we believe that requiring the same or more comprehensive information about the EGS in two parts of the bill is excessive and unnecessary.

Several commentators state that we have not provided enough guidance on the treatment of the billing items required under 52 Pa. Code § 56.15, such as the customer charge, taxes, late payment charges, reconnection fee and security deposit. We believe these billing items are basic charges and have required that they be treated as such in their placement on the customer bill.

IRRC and other commentators raise questions about the appropriateness of including definitions of basic services and nonbasic services in the requirements of § 54.4. We agree that we do not need to provide definitions of these two terms in § 54.4. We also concur with IRRC that it is not necessary for the Commission to either name or define specific nonbasic services in these regulations.

We have required that only certain charges and terms be defined in the Bill Format section. Specifically, we have required definitions for only Generation Charges, Transmission Charges, Distribution Charges, Customer Charge/Basic Charge (Charge for Basic Service at § 56.1), Advanced Metering Charges and Transition Charges in accordance with the Commission's "Common Electric Competition Terms." If an entity bills for one of these charges, they must define it.

We agree with Conectiv that the phrase "when appropriate" in § 54.4(c) is confusing. Thus, we have revised this section to state that the billing entity shall provide bills to the Commission upon request.

*Section 54.5. Terms of Service for residential and small commercial customers.*

Several commentators offer different suggestions for renaming this section, noting that it addresses when it is necessary and appropriate to require a written disclosure. We agree that the name of this section should reflect this purpose. Also, we note that to be consistent with the change to the definitions section, we should revise the name to incorporate small business, rather than small commercial, customers. Therefore, we have revised the title of this section to the following: "Disclosure statement—residential and small business customers."

We also agree with IRRC about the need for this section to include a requirement that the agreed upon prices in the disclosure statement reflect the marketed prices and the billed prices. Therefore, we have revised this section to incorporate that requirement.

As a general matter, IRRC and other commentators indicate that this section is overly prescriptive. While we agree that the Commission may not dictate the pricing in a competitive market, we believe that it is necessary for the regulations to require that actual prices be disclosed to consumers. Our experience during the implementation of pilots has shown that an offer for a percentage savings off the fully bundled rate caused a great deal of customer confusion. Some EGSs did not clearly indicate whether they were taking a percentage off just the generation charges of the EDC bill or a percentage off the total EDC bill. Since these two scenarios produce vastly different savings to the customer, we recognize the need to require that actual prices be provided in the disclosure statement.

IRRC also raises a concern about the need for plain language. We agree and note that all disclosure statements are subject to the Commission's plain language requirement. Additionally, in response to comments of IRRC, we have clarified that the regulations require disclosure statements to contain only those items that apply to a particular EGS's terms of service.

We agree with Spielvogel that EGSs should provide written disclosure statements at no charge to customers. Additionally, we accept the criticism and comments of the OAG, IRRC and others that § 54.5(a)(1) is inaccurate and confusing. We have, therefore, revised it to require the EGS to provide the disclosure statement when the customer requests that an EGS initiate service.

A number of commentators including IRRC raise questions about the relationship between the provider of last

resort and an EDC and when a written disclosure of the terms of service is appropriate. We agree with IRRC and Representative Lloyd that the provider of last resort, whether it is the EDC or not, must give written disclosure of the terms of service whenever a customer receives service from them.

PP&L suggests that we add the phrase "other sales promotions" at § 54.5(c)(5) to accommodate what EGSs offered in the pilot program. We agree and have made that change.

We also agree with the OCA that customers will need information about advanced metering from EGSs who offer a generation pricing option requiring an advanced meter. In those cases, the EGS must disclose the advanced metering charge.

We received comments from IRRC and many others for clarification of § 54.5(g) regarding the difference between termination and cancellation. Although we have now deleted that particular section, we note that the term "cancellation" is used in § 54.5(c)(7), so that the requested clarification is still necessary. While termination of service follows the procedures established by Chapter 56 of the Commission's regulations, cancellations could occur for reasons other than for non-payment of bills and could often be initiated by customers.

A number of commentators question the rationale behind allowing automatic renewals for fixed term agreements to result in another fixed term agreement. We emphasize that we have not proposed that a customer's failure to act can result in the automatic renewal of another fixed term agreement. However, our regulations do allow for a renewal clause in a fixed term agreement, provided that the renewal occurs with proper customer notice and the new agreement is open-ended.

Enron comments that § 54.5(b)(10) improperly imposes an obligation on the EGS to notify customers when their provider of last resort changes. We agree and have revised the regulation, at § 54.5(h), to place this responsibility on the new provider of last resort.

PECO claims that the 3-day right of rescission is not necessary in view of other requirements. We believe three business days for a right of rescission is adequate and consistent with applicable consumer protections that the OAG points out at section 201-7 of the Unfair Trade Practices and Consumer Protection Law, 73 P. S. §§ 201.1—201-9.2. We also agree that the rescission period does not begin until the customer receives the written disclosure.

The OCA states we should inform the customer of acceptable methods to exercise the 3-day right of rescission. We agree. The acceptable means for exercising the right to cancel includes orally, in writing or electronically. We also agree with the OAG that there should be a prohibition against waivers of the right to a 3-day right of rescission. Both of these revisions have been incorporated in the regulations.

Conectiv comments that the complaint handling language appearing in this section is duplicative. We agree that this matter is fully addressed in these regulations at § 54.9, and therefore, we have deleted the complaint handling language from this section.

Most commentators, including the OAG and the OCA, support the regulations at § 54.5(e), relating to disclosure of energy sources, but ask for changes to improve clarity and verifiability. As a result of these comments, we have deleted § 54.5(e) and have moved these requirements to § 54.6.

As noted by some of the comments, the definitions section at § 54.5(f) needs to be consistent with the definitions in the bill format section. The EGS should define only Generation Charges, Transmission Charges (if applicable) and each nonbasic service that the customer has agreed to purchase. The definitions must appear in a distinctly separate section of the disclosure statement, as described in the revised § 54.5(e).

IRRC asks that we clarify our intent at § 54.5(i). Several commentators state that the responsibility to notify a customer of proposed changes in the terms of service or of an impending expiration of service rests with the EGS. Since we do not intend to shift the cost of the notices to the EDCs, we agree that the burden for the notices rests with the EGS. We have provided, however, at § 54.5(g) that the EGS should be permitted to include the messages in bills or in a separate mailing. Further, we note that if the customer has chosen a single-bill option, and the EDC is willing to provide the notice for the EGS, the EDC may charge the EGS a fee for providing notice on the bill.

Several comments suggest that we state "last three bills" in the notices at § 54.5(i). We agree and have made that revision at § 54.5(g).

Many commentators point out that § 54.5(i) needs to be revised to require an explanation of the customer's options. We agree that some clarification of these options, as now referenced in 54.5(g), is necessary. For that purpose, the following describes the possible outcomes for customers when they receive a notice for expiration of the consumer contract or for changes in the terms of service. When the notice is for an expiration of the contract, outcomes include:

- the customer continues to receive service with the current EGS under an open-ended agreement;
- the customer chooses another EGS; or
- the contract expires and the customer does not choose another EGS and receives service from the provider of last resort.

When the notice is for a change in the terms of service, outcomes include:

- the customer agrees to the new terms of service regardless of whether the agreement is fixed or open-ended; or
- the customer does not accept the changes to the terms of service. If the customer does not accept the new terms of service, the customer must choose another EGS or service will default to the provider of last resort.

*Section 54.6. Energy use and efficiency information.*

Many commentators express support for these regulations, but IRRC and the EDCs question the need for them. In view of the latter concerns, we have re-focused this section to address consumer requests for information about generation supply. To implement this change, we have determined that it is necessary to use the collective term "electricity providers" to refer to EDCs, electricity suppliers, brokers, marketers and aggregators and any third party acting on behalf of these entities. Additionally, to provide the requested clarification in distinguishing between customers and potential customers in the market, we refer to the term "consumers" to include both for this requirement. Also, we note that we have added definitions for electricity providers and consumers in these regulations.

Concerning generation supply, we accept the comments of IRRC and others that the need for requiring automatic disclosure of energy sources in the agreement may be overly prescriptive. We believe that disclosure would be useful to customers, however, when suppliers advertise their electricity as renewable and when customers request energy source information. Therefore, we have imposed an obligation on EGSs to respond to reasonable requests made by consumers for information concerning generation sources.

IRRC requests that we examine various options for verifying the accuracy of suppliers' claims and to explain what steps we will take to insure the accuracy of energy source information when it is provided. In response, we refer to the FTC "Green Guides," our February 5, 1998 Memorandum of Understanding with the OAG, our authority to consider performance factor criteria in EDC rate cases, and our proposed licensing regulations at § 54.39(b).

Additionally, in response to comments by IRRC indicating the need to clarify these regulations, we have made several revisions. In particular, we have revised our regulations at § 54.6(b) to explain how the verification process will work. Also, we have imposed specific requirements at § 54.6(c) that are applicable to claims of EGSs that their generation has certain special characteristics. Further, we have made revisions to address the OAG's concerns about the marketing of "green" and "environmentally friendly" energy sources. In particular, at § 54.6(f), we have endorsed specific principles outlined by the FTC "Green Guides" relating to the use of general, unsubstantiated and unqualified claims of environmental benefits.

We find GPU's allegation to be unfounded concerning a competitive disadvantage to the EDC if renewables suppliers are not required to sell into the transmission grid. Electricity from renewable generation sources has been typically more costly to produce than from traditional energy sources because of capital costs. The proposed rules and regulations at §§ 54.121 and 54.122 concerning competitive safeguards are sufficient to address GPU's concerns.

In addition, we accept commentators' concerns about clarity in general concerning load profile as originally addressed in § 54.9(d) and we have relocated these requirements to § 54.6, with the exception of the privacy component. Most EDCs believe that the term load profile should be changed to "historical billing data" because that information is readily available for supply scheduling purposes and we agree. Spielvogel and IRRC recommend that we identify the data for this purpose, and we have done so at § 54.2.

IRRC asks that we explain the need for historical billing data by consumers. It is important that customers receive historical billing data to enable them to receive price and service offers. EDCs will provide EGSs with this information for scheduling transmission and supply services. Therefore, pricing and service options which are offered to customers are largely dependent upon their historical usage data, and customers need this data in order to shop. To enable residential and small business consumers to compare prices and services that are available in the competitive generation market, it is necessary to require EDCs to provide them with historical billing data.

*Section 54.7. Supplier disclosure for pricing.*

Although several commentators' support the concept of having this type of information available at the market-

ing stage, most commentators criticize the specific approach proposed by the regulations. In particular, IRRC and Enron note concerns over the availability to EGSs of all of the required information. We agree and have deleted this section. We note, however, that we have adopted the OAG's recommended approach for the disclosure of this information, by addressing it in the Marketing/Sales Activities section (which was previously set forth in § 54.8, but is now included in the new § 54.7).

*Section 54.8. Marketing/sales activities.*

As noted above, this subject is now addressed in § 54.7 of the final regulations. We agree with IRRC that a requirement should be added so advertised prices reflect the prices in the disclosure statement and the bill. We have included that requirement in § 54.7(a).

Comments submitted by the OCA and the OAG support a uniform price mechanism for comparison. We agree that generally, marketing information should enable consumers to compare prices on a uniform basis. Therefore, we have revised the regulations to require the inclusion of average unit price information in marketing materials that offer terms of services for acceptance by consumers. We believe that this requirement will ensure that customers receive the price information that they want and need in order to effectively shop for generation supply. Since radio and television advertisements are typically shorter and include less detail, we do not expect the same level of disclosure to be provided. While we agree with the OCA that it would be helpful for these advertisements to indicate how consumers can acquire more detailed information, we have not imposed this requirement due to the concern that it would unnecessarily increase the costs of the advertisements.

Commentators strongly oppose the submission of marketing plans as proposed by § 54.8(b). We accept that position and note that we do not intend to review or approve marketing plans. Further, we will not routinely request marketing materials. If, however, we are investigating some impropriety or if the information is necessary to resolve a complaint, we may request copies of certain advertising materials disseminated to consumers.

In accordance with the act, any confidential, proprietary or trade secret information that we collect during that process will not be disclosed to any person not directly employed or retained by the Commission without the consent of the party providing the information. Nevertheless, we note that under the act, we may disclose such information to the OCA and OSBA under an appropriate confidentiality agreement. Similarly, if a disclosure of the information is necessary to prevent or restrain a violation of Federal or State law, we are permitted to disclose it, after providing reasonable notice and opportunity to prevent or limit the disclosure. See 66 Pa.C.S. § 2811(c)(2) and (3). Moreover, as a general matter, when a provider designates certain materials as proprietary, we will follow our normal operating procedures to address any requests for the release of this information.

Section 2811(a) of the act provides the Commission with the authority to monitor the market for the supply and distribution of electricity to retail customers and to take steps as set forth in § 2811 to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power. Further, a Memorandum of Understanding executed on February 5, 1998 between the Pennsylvania Office of Attorney General and the Commission was developed to distinguish the roles of each agency when

unfair or deceptive marketing practices, terms of service disputes, or other anticompetitive or discriminatory conduct is alleged.

*Section 54.9. Privacy of customer information.*

This subject is now addressed in § 54.8. In response to comments from IRRC, Representative Lloyd and others pointing out that § 54.9(a) was confusing, we have clarified this section.

Most commentators support customer control of information release. Spielvogel and Constellation believe that customer permission should be valid until revoked, so as not to require new customer permission for each EGS, and we agree.

Several comments note that customers should have as many options as possible for restricting the release of private information. We agree and have added “electronically” as another means which customers may utilize for this purpose. Further, our revisions to this section should facilitate communications between EGSs and customers.

*Section 54.10. Complaint handling process.*

This subject is now addressed in § 54.9. PP&L offers a revision to clarify our intent with respect to the situation in which a customer contacts the wrong entity to register a complaint. We accept PP&L’s language and have so revised the regulations.

*Conclusion*

Accordingly, under 66 Pa.C.S. §§ 501, 504—506, 1301, 1501 and 2807, and the Commonwealth Documents Law, 45 P.S. §§ 1201, et. seq., and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we adopt the final rulemaking order to establish regulations to ensure that consumers receive adequate and accurate customer information in a clear and understandable format that enables them to compare prices and services on a uniform basis, as set forth in Annex A; *Therefore,*

*It is ordered that:*

1. The regulations of the Commission, 52 Pa. Code Chapter 54 are amended by adding §§ 54.1—54.9 to read as set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. The Secretary shall submit this order and Annex A to the Governor’s Budget Office for review of the fiscal impact.
4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for formal review and approval by IRRC.
5. The Secretary shall deposit the original certified order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this order and Annex A shall be served upon all persons who submitted comments in this rulemaking proceeding.
7. The regulations adopted with this order are effective upon publication in the *Pennsylvania Bulletin*.
8. Electricity providers are directed to adhere to the Commission’s Policy Statement on Plain Language Guidelines in § 69.251 in all written communications with consumers.

9. For purposes of the applicability of provisions of this final order, providers of last resort are viewed as electric generation suppliers.

10. This final order regarding customer information regulations supersedes the previous orders, but still has effect as interim guidelines. Consequently, each EGS shall bring its consumer contracts into compliance with this order and submit the updated contracts to the Commission by September 8, 1998, for review and approval.

JAMES J. MCNULTY,  
*Secretary*

*(Editor’s Note:* The proposal to add § 54.10, included in the proposed rulemaking at 28 Pa.B. 501, has been withdrawn by the Commission.)

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)

**Fiscal Note:** Fiscal Note 57-187 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**  
**PART I. PUBLIC UTILITY COMMISSION**  
**Subpart C. FIXED SERVICE UTILITIES**  
**CHAPTER 54. ELECTRICITY GENERATION**  
**CUSTOMER CHOICE**  
**Subchapter A. CUSTOMER INFORMATION**

Sec.	
54.1.	Purpose.
54.2.	Definitions.
54.3.	Standards and pricing practices for retail electricity service.
54.4.	Bill format for residential and small business customers.
54.5.	Disclosure statement for residential and small business customers.
54.6.	Request for information about generation supply.
54.7.	Marketing/sales activities.
54.8.	Privacy of customer information.
54.9.	Complaint handling process.

**§ 54.1. Purpose.**

(a) The purpose of this subchapter is to require that electricity providers enable customers to make informed choices regarding the purchase of electricity services offered by providing adequate and accurate customer information. Information shall be provided to customers in an understandable format that enables customers to compare prices and services on a uniform basis.

(b) As to the scope of this subchapter, this section and §§ 54.2—54.3 apply to all customers, including large commercial and industrial customers. Sections 54.4—54.9 apply only to residential and small business customers, as the term is defined in § 54.2 (relating to definitions).

**§ 54.2. Definitions.**

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

*Aggregator or market aggregator*—An entity, licensed by the Commission, that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers.

*Basic services*—Services necessary for the physical delivery of electricity service, including generation, transmission and distribution. Transition charges, although temporary in scope, are basic service charges (See the definition of transition charges in this section).



*Broker or marketer*—An entity, licensed by the Commission, that acts as an agent or intermediary in the sale and purchase of electric energy but does not take title to electric energy.

*CTC—Competitive Transition Charge*—A nonbypassable charge applied to the bill of every customer accessing the transmission or distribution network which (charge) is designed to recover an electric utility's transition or stranded costs as determined by the Commission in sections 2804 and 2808 of the code (relating to standards for restructuring of electric industry; and competitive transition charge).

*Code*—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

*Consumer*—A retail electric customer or potential customer of retail electricity service.

*Consumer contract*—The written disclosure statement of the terms of service between a customer and an EGS which satisfies the definition of consumer contract in section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203).

*Customer*—A retail electric customer.

*Customer information*—Written, oral or electronic communications used by electricity providers to communicate to consumers prices and terms of service.

*Distribution charges*—Basic service charges for delivering electricity over a distribution system to the home or business from the transmission system. These charges include basic service under § 56.15(4) (relating to billing information) and universal service, as applicable.

*EDC—Electric Distribution Company*—The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners or operators that manage the internal distribution system serving the building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

*EGS—Electric Generation Supplier or Supplier*—

(i) A person or corporation, including a municipal corporation, which provides service outside its municipal limits except to the extent provided prior to the effective date of this chapter. (*Editor's Note:* The reference to "this chapter" refers to the code.) This includes brokers and marketers, aggregators or other entities that sell to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company.

(ii) The term excludes building or facility owner/operators that manage the internal distribution system for the building or facility and that supply electric power and other related power services to occupants of the building or facility.

(iii) The term also excludes electric cooperative corporations except as provided in 15 Pa.C.S. Chapter 74 (relating to generation choice for customers of electric cooperatives).

*Electricity providers*—The term refers collectively to the EDC, EGS, electricity supplier, marketer, aggregator or broker, as well as any third party acting on behalf of these entities.

*Generation charges*—Basic service charges for generation supply to retail customers. This excludes charges for transmission or other charges related to electric service.

*Historical billing data*—The minimum of 13 months of data as recorded by the EDC, which contains dollar amount billed. This data is kWh consumption on-peak and off-peak or at some other prescribed interval of consumption and associated cost and, if applicable, at demand levels at the intervals recorded and associated costs of those demand levels.

*ITC—Intangible Transition Charge*—Charges authorized by the Commission to be imposed on all customer bills and collected, through a nonbypassable mechanism by the electric utility or its successor or by any other entity which provides electric service to a person that was a customer of an electric utility located within the certificated territory of the electric utility on January 1, 1997, or that, after January 1, 1997, became a customer of electric services within the territory and is still located within the territory, to recover qualified transition expenses pursuant to a qualified rate order, in a manner that does not shift interclass or intraclass costs and maintains consistency with the allocation methodology for utility production plant accepted by the Commission in the electric utility's most recent base rate proceeding.

*Marketer or Broker*—An entity, licensed by the Commission, that acts as an agent or intermediary in the sale and purchase of electric energy and does not take title to the electric energy.

*Nonbasic services*—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of electric service.

*Renewable resource*—The term includes technologies such as solar photovoltaic energy, solar thermal energy, wind power, low-head hydropower, geothermal energy, landfill or other biomass-based methane gas, mine-based methane gas, energy from waste and sustainable biomass energy.

*Small business customer*—The term refers to a person, sole proprietorship, partnership, corporation, association or other business entity that receives electric service under a small commercial, small industrial or small business rate classification, and whose maximum registered peak load was less than 25 kW within the last 12 months.

*Transition charges*—Basic service charges for costs defined as transition or stranded costs, comprised of a CTC and an ITC, designed to recover an EDC's transition or stranded costs as authorized by the Commission.

*Transition or stranded costs*—An electric utility's known and measurable net electric generation-related costs, determined on a net present value basis over the life of the asset or liability as part of its restructuring plan, which traditionally would be recoverable under a regulated environment but which may not be recoverable in a competitive electric generation market and which the Commission determines will remain following mitigation by the electric utility. The term includes those items enumerated in the definition of "transition or stranded costs," in section 2803 of the code (relating to definitions).

*Transmission charges*—Basic service charges for the cost of transporting electricity over high voltage wires from the generator to the distribution system of an EDC.

### **§ 54.3 Standards and pricing practices for retail electricity service.**

In furnishing retail electricity service, EDCs and EGSs or any entity that otherwise provides retail electricity service information to customers, shall comply with the following:

(1) Use common and consistent terminology in customer communications, including marketing, billing and disclosure statements.

(i) Use the term EDC as described in § 54.2 (relating to definitions) as a standard term.

(ii) Use the terms as defined in the Commission's "Consumer's Dictionary for Electric Competition" (Dictionary), maintained on file in the Commission's Office of Communications. EDCs shall provide this dictionary upon customer request. The "Common Electric Competition Terms" as described in subparagraph (iii) shall indicate the phone number and address to request the dictionary.

(iii) EDCs shall distribute the "Common Electric Competition Terms," as part of its consumer education program.

**§ 54.4. Bill format for residential and small business customers.**

(a) EGS prices billed shall reflect the marketed prices and the agreed upon prices in the disclosure statement.

(b) The following requirements apply only to the extent to which an entity has responsibility for billing customers, to the extent that the charges are applicable. The provider of last resort will be considered to be an EGS for the purposes of this section. Duplication of billing for the same or identical charges by both the EDC and EGS is not permitted.

(1) EDC charges shall appear separately from EGS charges.

(2) Charges for basic services shall appear before charges for nonbasic services, and appear distinctly separate.

(3) Customer bills shall contain the following charges, if these charges are applicable, and these charges shall appear in a distinct section of the bill. The designation or label of each charge as either a basic charge or nonbasic charge appears in parenthesis following the name of the charge. This label of either basic or nonbasic is not required to accompany the name of the charge on the bill.

(i) Generation charges (basic).

(A) Generation charges shall be presented in a standard pricing unit for electricity in actual dollars or cents per kWh, actual average dollars or cents per kWh, kW or other Commission-approved standard pricing unit.

(B) Generation charges shall appear first among the basic charges with one exception. EDCs may place the customer charge first among the basic charges.

(ii) Transmission charges (basic).

(iii) Distribution charges (basic).

(iv) Customer charge or basic charge (charge for basic service in § 56.15 (relating to billing information)) (basic).

(v) Advanced metering charges (basic).

(vi) Transition charges (basic).

(vii) Taxes (Shall comply with § 56.15) (basic).

(viii) Late payment charges (basic).

(ix) Security deposit (basic).

(x) Reconnection fee (basic).

(xi) Itemization of nonbasic charges (nonbasic).

(xii) Overall billing total.

(4) The entity reading the meter for billing purposes shall provide the following electricity use data figures:

(i) The total annual electricity use for the past 12 months in kWh, including the current billing cycle. This is a single cumulative number.

(ii) The average monthly electricity use for the past 12 months in kWh, including the current billing cycle. This is a single cumulative number.

(5) The requirements of § 56.15 shall be incorporated in customer bills to the extent that they apply.

(6) Definitions for the following charges and terms are required in a customer's bill, if they appear as billing items, as contained in "Common Electric Competition Terms" and shall be in a distinctly separate section of the bill:

(i) Generation charges.

(ii) Transmission charges.

(iii) Distribution charges.

(iv) Customer charge/basic charge (Charge for basic service in § 56.15).

(v) Advanced metering, if applicable.

(vi) Transition charges.

(7) "General Information" is the required title for customer contact information in a customer's bill.

(i) The name, address and telephone number for the EGS and EDC shall be included.

(ii) Both EDC and EGS information in subparagraph (i) is required on all customer bills with the billing entity's information first.

(8) When a customer chooses the option to receive a separate bill for generation supply, the EDC shall include in a customer's bill the following information where the EGS charges would normally appear:

(i) The EGS's name.

(ii) A statement that the customer's EGS is responsible for the billing of EGS charges.

(9) When a customer chooses the option to receive a single bill from the EDC, the EDC shall include in the customer's bill the name of the EGS where the EGS charges appear.

(10) For customers who have chosen electric generation services from a competitive supplier, the customer's bill shall include the following statements which may appear together in a paragraph:

(i) "Generation prices and charges are set by the electric generation supplier you have chosen."

(ii) "The Public Utility Commission regulates distribution prices and services."

(iii) "The Federal Energy Regulatory Commission regulates transmission prices and services."

(c) The billing entity shall provide samples of customer bills to the Commission for review.

**§ 54.5. Disclosure statement for residential and small business customers.**

(a) The agreed upon prices in the disclosure statement shall reflect the marketed prices and the billed prices.

(b) The EGS shall provide the customer written disclosure of the terms of service at no charge whenever:

(1) The customer requests that an EGS initiate service.

- (2) The EGS proposes to change the terms of service.
- (3) Service commences from a provider of last resort.
- (c) The contract's terms of service shall be disclosed, including the following terms and conditions, if applicable:
  - (1) Generation charges shall be disclosed according to the actual prices.
  - (2) The variable pricing statement, if applicable, shall include:
    - (i) Conditions of variability (state on what basis prices will vary).
    - (ii) Limits on price variability.
  - (3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.
  - (4) The length of the agreement, which includes:
    - (i) The starting date.
    - (ii) The expiration date, if applicable.
  - (5) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.
  - (6) An explanation of prices, terms and conditions for special services, including advanced metering deployment, if applicable.
  - (7) The cancellation provisions, if applicable.
  - (8) The renewal provisions, if applicable.
  - (9) The name and telephone number of the provider of last resort.
  - (10) An explanation of penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service.
  - (11) Customer contact information that includes the name of the EDC and EGS, and the EGS's address, telephone number, Commission license number and Internet address, if available. The EGS's information shall appear first and be prominent.
  - (12) A statement that directs a customer to the Commission if the customer is not satisfied after discussing the terms of service with the EGS.
  - (13) The name and telephone number for universal service program information.
- (d) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement.
  - (1) The 3-day right of rescission is 3 business days.
  - (2) The 3-day right of rescission begins when the customer receives the written disclosure.
  - (3) The customer may cancel in writing, orally or electronically, if available.
  - (4) Waivers of the 3-day right of rescission are not permitted.
  - (e) Definitions for generation charges and transmission charges, if applicable, are required and shall be defined in accordance with the "Common Electric Competition Terms." Definitions for each of the nonbasic services, if applicable, are required. The definition section of the bill shall be distinctly separate.
  - (f) The EGS shall include in the customer's disclosure statement the following statements which may appear together in a paragraph:

(1) "Generation prices and charges are set by the electric generation supplier you have chosen."

(2) "The Public Utility Commission regulates distribution prices and services."

(3) "The Federal Energy Regulatory Commission regulates transmission prices and services."

(g) Disclosure statements shall include the following customer notification:

(1) "If you have a fixed term agreement with us and it is approaching the expiration date or whenever we propose to change our terms of service in any type of agreement, you will receive written notification from us in each of our last three bills for supply charges or in corresponding separate mailings that precede either the expiration date or the effective date of the proposed changes. We will explain your options to you in these three advance notifications."

(h) If the provider of last resort changes, the new provider of last resort shall notify customers of that change, and shall provide customers with their name, address, telephone number and Internet address, if available.

#### **§ 54.6. Request for information about generation supply.**

(a) EGSs shall respond to reasonable requests made by consumers for information concerning generation energy sources.

(1) EGSs shall respond by informing consumers that this information is included in the annual licensing report and that this report exists at the Commission. Providers shall explain that the report is available to them and shall offer to provide it, if requested.

(2) The provider of last resort shall file at the Commission the annual licensing report as required by the Commission's licensing regulations in this chapter and otherwise comply with paragraph (1).

(3) EGSs operating for less than 1 year may respond to customer inquiries about generation energy sources by furnishing the information as described in subsection (b).

(b) Verification of the anticipated generation energy source, of the identifiable resources (if and when they have been "claimed") and the fact that energy characteristics were not sold more than once, shall be conducted by an independent auditor at the end of each calendar year and contained in the annual report to the Commission, relating to information disclosure requirements in subsection (a) and the licensing regulations in this chapter.

(c) Whenever EGSs market their generation as having special characteristics, such as "produced in Pennsylvania" or "environmentally friendly" and the like, providers shall have available information to substantiate their claims.

(1) Disclosure of generation energy sources shall be identifiable, which is defined as electricity transactions which are traceable to specific generation sources by any auditable contract trail or equivalent, such as a tradable commodity system, that provides verification that the electricity source claimed has been sold only once to a retail customer. If generation energy sources are not identifiable, the provider shall disclose this fact.

(d) Electricity providers, whether they make distinguishing claims or not, shall include in their general communications with consumers that electricity is the product of a mix of generation energy sources, that is delivered over a system of wires.

(e) Electricity providers shall respond to reasonable consumer requests for energy efficiency information, by indicating that these materials are available upon request from the Commission or the EDC.

(f) The use of general, unsubstantiated and unqualified claims of environmental benefits, such as "green" and "environmentally friendly," is prohibited. The Commission supports the application of the Federal Trade Commission's (FTC) Guides for the Use of Environmental Marketing Claims (see 16 CFR §§ 260.1—260.8 (relating to guides for the use of environmental marketing claims)), in the enforcement of this section and the following specific principles:

(1) Section 260.6(a) (relating to general principles) which states that qualifications or disclosure should be clear, prominent, and of relative type size and proximity to the claim being qualified. In addition, contrary assertions which undercut the qualifications should not appear.

(2) Section 260.6(c) which states that environmental claims should not overstate the environmental attribute or benefit, expressly or by implication.

(3) Section 260.6(d) which suggests that marketing materials which make comparative claims should clearly state the basis for the comparison, be able to be substantiated, and be accurate at the time they are made.

(4) Section 260.7(a) (relating to environmental marketing claims) which labels unqualified claims of environmental benefit as deceptive.

(5) Section 260.7(f) which addresses claims regarding source reduction, such as reduced toxicity or reductions of other environmentally negative effects.

(g) Residential and small business customers are entitled to receive at no charge and at least once a year, historical billing data from whomever reads the meter for billing purposes.

(1) The EDC is only obligated to provide information that is readily available in its billing system.

(2) The historical billing data shall be conveyed in terms of kWh, and kW, as applicable, and associated charges for the current billing period and for the year preceding the current billing period.

(3) The historical billing data will be updated with each billing cycle.

(h) Electricity providers shall notify consumers either in advertising materials, disclosure statements or bills that information on generation energy sources, energy efficiency, environmental impacts or historical billing data is available upon request.

**§ 54.7. Marketing/sales activities.**

(a) Advertised prices shall reflect prices in disclosure statements and billed prices.

(b) Marketing materials that offer terms of service for acceptance by consumers shall include prices, as follows:

(1) If using a fixed price, the EGS shall show in a table the price per kWh for an average customer using 500, 1,000 or 2,000 kWh of electricity.

(2) If using a variable price mechanism, the EGS shall factor in all costs associated with the rate charged to the customer, and show the average price per kWh for usages of 500, 1,000 and 2,000 kWh of electricity in a table format.

(3) The EGS shall note the effective date of the prices shown in the table provided under paragraph (1) or (2).

(c) Advertising materials targeted for residential and small business sales shall be made available upon request of the Commission in the event of a formal or informal complaint or investigation.

**§ 54.8. Privacy of customer information.**

(a) An EDC or EGS may not release private customer information to a third party unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information. Specifically, a customer may restrict the release of either the following:

- (1) The customer's telephone number.
- (2) The customer's historical billing data.

(b) Customers shall be permitted to restrict information as specified in subsection (a) by returning a signed form, orally or electronically.

(c) Nothing in this section prohibits the EGS and EDC from performing their mandatory obligations to provide electricity service as specified in the disclosure statement and in the code.

**§ 54.9. Complaint handling process.**

EDCs and EGSs shall disclose to consumers the following with respect to the rights of consumers in the handling and resolution of complaints:

(1) Residential and small business customers shall directly contact the party responsible for the service in question as an initial step for complaint and problem resolution. If the customer mistakenly contacts the wrong entity, the customer shall be promptly referred to the appropriate contact. In the event of a power outage, the customer shall be directed to the EDC.

(2) Complaints that pertain to Chapter 56 (relating to standards and billing practices for residential utility service) matters shall be handled and resolved in accordance with the applicable standards in Chapter 56.

(3) EDCs and EGSs shall give the Commission access to disclosure statements, billing and other customer information resources for compliance reviews as deemed necessary by the Commission. When complaints arise and are brought before the Commission for resolution, the obligation of the EGS shall be extended to the provision of pricing information.

[Pa.B. Doc. No. 98-1272. Filed for public inspection August 7, 1998, 9:00 a.m.]

**[52 PA. CODE CH. 54]**

[L-970130]

**Reporting Requirements for Universal Service and Energy Conservation Programs**

The Pennsylvania Public Utility Commission (Commission) on April 30, 1998, adopted a final rulemaking to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in monitoring the progress of the electric distribution companies (EDC) in achieving universal service in its service territory. The contact persons are Kathryn G. Sophy, Law Bureau (717) 772-8839 and Janice Hummel, Bureau of Consumer Services (717) 783-9088.

*Executive Summary*

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act revised 66 Pa.C.S. (relating to Public Utility Code), by inter alia, adding Chapter 28 (relating to restructuring of the electric utility industry). The act is clear in its intent that electric distribution companies (EDCs) are to continue, at a minimum, the protections, policies and services that now assist customers who are low-income to afford electric service. Section 2804(9) of the act requires the Commission to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory.

The purpose of this rulemaking is to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in ensuring that universal service is available and appropriately funded as required by the act.

The regulations establish that the EDCs will report the following information to the Commission: 1) Annual reports on residential low-income collections and universal service and energy conservation programs; 2) Plans every 3 years for universal service and energy conservation programs; 3) Every 6 years an independent third-party evaluation that measures the degree that an EDC's universal service and energy conservation programs are working to provide affordable utility service at reasonable rates.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of the final rulemaking, which was published as proposed at 28 Pa.B. 518 (January 31, 1998) to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. Under section 5(c) 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.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on June 8, 1998, and were approved by IRRC on June 18, 1998, in accordance with section 5.1(e) of the Regulatory Review Act.

Public Meeting held  
April 30, 1998

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; John Hanger; David W. Rolka; Nora Mead Brownell

**Final Rulemaking Order***By the Commission:*

At public meeting of December 4, 1997, the Commission issued an order adopting and directing publication of proposed regulations to establish reporting requirements for universal service and energy conservation programs.

On December 3, 1996, Governor Tom Ridge signed into law the act. The act is clear in its intent that the EDCs are to continue, at a minimum, the protections, policies and services that now assist customers who are low-income to afford electric service. Section 2804(9) of the act (relating to standards for restructuring of electric industry) requires the Commission to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory.

On July 10, 1997, the Commission issued a final order that established Guidelines for Universal Service and Energy Conservation Programs (Guidelines). As part of that order, the Commission issued temporary reporting requirements until we developed formal regulations through our normal rulemaking process. By order adopted December 4, 1997, and entered on December 10, 1997, at Docket No. L-00970130, we initiated a proposed rulemaking to establish reporting requirements for universal service and energy conservation programs, Chapter 54 (relating to universal service and energy conservation reporting). The purpose of this rulemaking is to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in ensuring that universal service is available and appropriately funded in each EDC's service territory. The reporting requirements will also ensure that the data is reported uniformly and consistently.

On January 7, 1998, the Office of Attorney General issued its approval of the proposed regulations as to form and legality. On January 16, 1998, the Commission delivered copies of the proposed rulemaking to the Chairperson of the House Committee on Consumer Affairs, the Chairperson of the Senate Committee on Consumer Protection and Professional Licensure, the Independent Regulatory Review Commission (IRRC) and to the Legislative Reference Bureau. The proposed rulemaking was published for comment in the *Pennsylvania Bulletin*, at 28 Pa.B. 518 for a 45-day comment period that ended March 17, 1998. The Commission also posted the order on the Commission's Internet website.

We also received written comments from the following parties; Roger Colton, Fisher, Sheehan and Colton (FSC); Duquesne Light Company (Duquesne); The Environmentalists; Equitable Gas Company (Equitable); GPU Energy; the Independent Regulatory Review Commission (IRRC); the Office of Consumer Advocate (OCA); the Office of Trial Staff (OTS); PP&L, Inc. (PP&L); PECO Energy; Pennsylvania Electric Association (PEA), on behalf of its member companies; Pennsylvania Gas Association (PGA); and UGI Utilities, Inc.—Electric Division (UGI-Electric).

We have considered all these comments. We appreciate and thank the commentators for suggestions to improve the proposed reporting requirements.

We have identified certain issues that were common to a number of the comments and will address them in a combined fashion. We begin by addressing the comments to specific sections. We address other non-section specific comments after our response to the specific section-by-section comments.

*§ 54.71. Statement of purpose and policy.*

PEA suggested the statement of purpose is not accurate. Section 2806(e) of the act requires each EDC to submit a universal service plan as part of its restructuring plan. Under the provisions of section 2806(f) of the act the Commission will have reviewed the plans, held

hearings and issued an order that establishes each EDC's universal service component of the restructuring plans. Therefore, PEA stated the reports are not necessary to determine each EDC's progress in achieving universal service but are necessary to determine each EDC's compliance with their universal service plan. PP&L, UGI and Duquesne supported PEA's position that the reports are necessary to determine each EDC's compliance with their universal service plan. PP&L commented that if the Commission's intent is to define universal service programs as providing special programs to all low-income customers, then PP&L disagrees with that broad definition.

First, we clarify that the Commission's intent is not to define universal service programs as providing special programs to all low-income customers. The Guidelines for Universal Service and Energy Conservation Programs (Guidelines) at M-00960890F0010 define eligible customers as customers whose household income is at or below 150% of the Federal poverty guidelines and who meet other nonincome criteria. Those nonincome criteria are defined for each universal service program component.

We agree with PEA's comments that the data submitted in the reporting requirements will assist the Commission in determining if each EDC is complying with its approved plan. However, we believe that a review of the collection and program data is also necessary to assist the Commission in ensuring that universal service is appropriately funded and available in each EDC's service territory, as required by the act. Section 2804(15) of the act states, "At the time each utility files its restructuring plan with the Commission, the utility shall submit an *initial* plan that sets forth how it shall meet its universal service and energy conservation obligations." (emphasis added) By including the term "initial," we believe the act envisioned that each EDC would file subsequent universal service plans. The number of low-income residential customers who are or may become payment troubled is not static. In order for universal service programs to be appropriately funded and available, EDCs and the Commission will need to continue to evaluate the relationship between need and program services. The Commission determined in the PECO restructuring order at R-00973953 that the Commission will not set an arbitrary limit on the number of customers who participate in universal service. The Commission will determine annually a schedule for achieving an appropriate level of participation. The universal service reports will be an important tool to assist the Commission in determining an appropriate level of participation.

IRRC commented that the last three sentences in this section contain extraneous information and duplicate other requirements. IRRC recommended that the Commission delete these sentences. We accept IRRC's recommendation.

FSC commented that the purpose "seems to indicate that the universal service programs will be reviewed in some performance-based context." However, the reporting requirements measure activities and output. FSC recommended that the Commission evaluate universal service using performance-based criteria. Duquesne also commented that the Commission should measure an EDC's universal service performance rather than count activities. FSC included with its comments a document titled *Performance-Based Evaluation of Maintaining Universal Service in a Competitive Utility Industry (1998)*. The document provided a framework for the Commission to use to measure the performance results of universal

service programs. The framework included five separate measurements to assess the performance over time of universal service policies. The document relied on the performance measurement concept designed in the Government Performance and Results Act of 1993.

We believe the regulations will provide most of the data FSC recommends using to measure performance. We agree that measuring performance is superior to measuring activities. The framework proposed by FSC appears to provide a workable approach, and we will consider this framework as we develop tools to measure performance. The framework does not measure utilities against each other but instead measures their performance against a base period.

OCA commented that the language referencing the timeline for evaluations appears to be inconsistent with § 54.74(c). We accept OCA's comments and will delete § 54.74(c).

#### § 54.72. Definitions.

*CARES*—Duquesne commented that the Commission does not clearly define eligibility. We do not intend that EDCs use the definitions in the rulemaking for the purpose of defining eligibility. The EDCs should use the eligibility criteria for universal service programs defined in the Guidelines.

*Classification of accounts*—Commentators overwhelmingly disagreed with including the "nonconfirmed low-income residential accounts" in "classification of accounts." PEA commented the definition does not define two categories: confirmed low-income residential accounts and nonconfirmed low-income residential accounts. PEA stated the nonconfirmed category is not appropriate because it is too vague, unrealistic, speculative and unrelated to an EDC's compliance with its universal service plan. Equitable, PGA, PP&L and UGI all objected to this section for similar reasons to PEA. PGA argued that neither the act nor the intent of the act requires nonconfirmed low-income reporting. PGA commented that census data is unreliable for this type of reporting because different utilities (especially gas utilities in western Pennsylvania) provide service in the same counties. IRRC's comments echoed those of the other parties. Because "nonconfirmed low-income residential accounts" are not part of any established programs, IRRC questioned the value of obtaining the information.

Commentators have persuaded us to delete the nonconfirmed low-income residential category under "classification of accounts." However, we will substitute a section that requests EDCs to estimate the number of low-income households in their service territory. The EDC should base these estimates, in part, on available census data. We will also define "confirmed low-income residential accounts" as "Accounts where the EDC has obtained information that would reasonably place the customer in a low-income designation." Examples of such information are receipt of Low-Income Home Energy Assistance Program (LIHEAP) grants, income source noted as TANF or General Assistance on an application for service; or the customer's self-report of income in conjunction with establishing a payment arrangement or application for a utility low-income program.

*Collection operating expenses*—Duquesne commented that the definition appears to include all accounts. We will amend the definition to clarify that we are requesting data for residential accounts.

*Customer Assistance Program*—PEA requested the Commission to remove "that are less than current bill"

from the definition. Both IRRC and PEA pointed out that a CAP bill is not always less than a current bill, such as a CAP customer who heats with electric will have low consumption months when their actual bill may be less than the CAP bill. The definition is also inconsistent with the Commission's Guidelines at M-0096098F0010. IRRC requested that the Commission delete the last sentence or remove "affordable" and "that are less than current bill." The PGA, the Environmentalists and Equitable requested the Commission to remove "affordable" from the definition. They pointed out that the Commission's CAP Policy Statement does not use the subjective term "affordable." OCA recommended the Commission to change "alternative collection method" to "alternative billing method" to reflect that a CAP is not merely a credit and collections method. We will amend the definition to use the same language as used in the Commission's CAP Policy Statement. The CAP Policy Statement definition does not include the term "affordable" and includes the term "may be for an amount that is less than current bill." We believe using the same language as the Policy Statement addressed most of the parties' concerns.

*Direct Dollars and Indirect Dollars*—PEA requested the Commission delete these definitions from the regulations. PEA stated the definitions incorrectly suggest that LIHEAP, hardship fund grants and other grants are a part of a CARES program. EDCs do not have the resources to track results of referrals. PEA stated these definitions are not relevant because they do not measure an EDC's compliance with its universal service plan, and therefore, the Commission should delete them. PGA also objected to the reporting of indirect dollars. PGA commented that a customer's application for indirect benefits is "afforded confidential protection." There is no cost-effective way for a utility to track these benefits. Equitable's comments were similar to PGA's. PP&L commented that the definitions are too restrictive and recommended that the Commission substitute "low-income" for "CARES" in both definitions. For reasons similar to other commenters, IRRC also requested that the Commission delete the "indirect dollars" category.

Commentators have persuaded us to delete the reporting requirements for "indirect dollars." Several EDCs currently provide information to the Commission on "direct dollars." One of the purposes of a CARES program is to help customers pay utility bills. Direct dollars is a performance measure for the CARES program. The EDCs should report total dollars and numbers of grants received. We are not requesting EDCs to report on referrals or outcome of referrals.

*EDC*—We will comply with IRRC's request to add the full statutory definition of this term.

*Payment rate*—Duquesne suggested only full payments be used in the payment rate definition. We agree with Duquesne's suggestion and will amend the definition.

*Payment troubled*—IRRC questioned the use of a 2-year time period to define payment troubled. They recommended that the Commission reduce the 2-year period to a 1-year period that will allow a more reasonable period for EDCs to measure payment troubled. PEA stated the definition is not consistent with the Guidelines and requested us to use the same definition. PEA stated the Guidelines define "payment troubled" with four approaches. The Environmentalists recommended that the Commission delete this definition. Equitable objected to using this term to define non low-income customers whose lifestyle choices may cause delinquencies. PP&L commented the definition is too broad and recommended

the Commission change the definition to the following: "A household that has failed to maintain two or more payment arrangements in a two-year period." OCA recommended the Commission expand the definition of "payment troubled" to include more than one type of payment troubled customer. Finally, OCA recommended the definition include one of the following situations: non-payment of any portion of a bill in the last 12 months, or extraordinary financial pressure.

We accept IRRC's recommendation to reduce the time period from 2-years to 1-year. We clarify that the definition of payment troubled for reporting requirements is to provide information on the numbers of customers who are or may be potentially eligible for universal service programs. An increase in the number of low-income customers who are payment troubled may be one indication of the need for universal service programs. The definition does not change the eligibility criteria for CAP as PEA suggests. The Guidelines define "payment troubled" as an eligibility criterion for CAP. In the Guidelines, the Commission defines "payment troubled" as a household who has failed to maintain one or more payment arrangements. The four approaches listed by PEA are four options to prioritize the enrollment of eligible customers. The four options are not additional eligibility criteria. We believe the classification of payment troubled accounts addresses Equitable's concerns. We believe that the language of "one or more" failed payment arrangements addresses PP&L's concerns. Finally, we disagree with OCA to expand the definition. We believe the expansion proposed by OCA may be burdensome for EDCs to track.

*Process evaluation*—IRRC and PEA pointed out that the proposed regulations make no reference to a process evaluation, therefore the Commission should delete this definition. OCA recommended that the Commission expand the definition to include the purpose of determining whether the implementation of the program satisfies participants (customers, company representatives, CBOs and other interested parties). We accept IRRC and PEA's reason to delete this definition.

*Residential account in arrears*—IRRC recommended that "30 days overdue" is more reasonable than "one day overdue" and requested the Commission to make that change. PEA commented that each EDC defines "residential account in arrears" differently. PEA did not object to this definition if the Commission's purpose is to use it in universal service reporting requirements only. Duquesne, Equitable, PP&L and PGA all provided various alternatives to the proposed definition.

Unfortunately, each EDC appears to define "residential account in arrears" differently. However, we feel strongly that one standard is necessary. Therefore, we will amend the definition to read "at least 30 days overdue." This revision appears more in line with current reporting practices and meets our goal of standardizing the data from the reports.

*Universal Service and Energy Conservation*—We will comply with IRRC's request to add the full statutory definition of this term.

#### *Additional definitions*

OCA recommended that the Commission add the following definition:

*Program Benefits*—CAP benefits include the average dollar and percentage reduction of bills from the expected bill for non-CAP customers. LIURP benefits include the kWh savings and bill savings stated as percentages and dollars. Hardship benefits are bill credits, cash or other

benefits. CARES benefits are social services including counseling, referrals and education, and other benefits provided by CARES programs.

We accept OCA's recommendation with minor changes. We will delete the general category of program benefits and define specific program benefits for each universal service component. The EDCs currently provide this information to the Commission. The Commission also provides information on program benefits to the Department of Public Welfare (DPW). DPW uses the total dollar amount of benefits from these programs to leverage additional Federal energy assistance dollars from the Low-Income Home Energy Assistance Program (LIHEAP).

*§ 54.73. Universal service and energy conservation program goals.*

IRRC recommended that for clarity the Commission replace "provide" with "establish" in § 54.73(b)(4). We will make this change.

PEA stated the Commission misplaces universal service goals in regulations addressing reporting requirements and requested the Commission to delete them. We believe the data submitted from this rulemaking is necessary for the Commission to ensure that universal service programs are available and appropriately funded as required by the act. Finally, the goals are consistent with the goals in the Guidelines.

The Environmentalists recommended that the Commission add two goals relating to energy usage and referrals. We believe that the regulations in § 54.73(b)(3) cover the Environmentalists' concerns.

*§ 54.74. Universal service and energy conservation plans.*

*a. Plan Submission*

IRRC commented that requiring the first plan to be due in 1999 is unreasonable and recommended a more reasonable date to begin is the year 2000. PP&L also supported the date suggested by IRRC. Also objecting to the April 1999 date, PEA and Duquesne suggested alternative dates for the first plan to be submitted. Parties suggested that a later date will allow EDCs to apply the "lessons learned" from the pilot programs and phase-in. IRRC also suggested that the Commission establish a requirement that we act on these plans in a reasonable time such as 60 days. Duquesne suggested the Commission act within 90 days. Both IRRC and PP&L also requested the Commission to change the deadline for submitting a revised plan from 30 days to 45 days to allow the EDCs to respond more effectively. Finally, IRRC recommended that the Commission break out the requirements in § 54.74(a) into separate subsections to aid the clarity of these requirements. Commentors have persuaded us to use the year 2000 timeline for the first plan submission as IRRC and PP&L suggested. We accept IRRC and PP&L's suggestion to change the deadline for submitting a revised plan from 30 days to 45 days to allow the EDCs to respond more effectively. IRRC has also persuaded us to establish a 60-day time frame for the Commission to act on the plans. Finally, we will break out the requirements in § 54.74(a).

The Environmentalists recommended that EDCs submit their plans annually instead of biennially. We reject the Environmentalists recommendation as being too burdensome. PGA commented that the Commission and utilities could better accommodate staffing issues and program considerations if utilities filed universal service plans every 4 years using a staggered schedule. The utilities could then coordinate their plans with the inde-

pendent evaluations. PGA commented that every other April 1 the proposed requirements to review and approve plans would inundate the Commission and interested parties. PGA pointed out that if the Commission does not stagger the reporting timelines for plans and evaluations, there may be a shortage of independent evaluators. Because of this shortage, evaluators may charge inflated prices for their evaluations. Equitable provided reasons why a new plan may not be necessary every other year. We accept PGA's suggestion to stagger the due dates of the universal service plans, with the first plan due 2/2000. We have also reconsidered the amount of time the plans should cover. PGA suggested plans cover a 4-year time frame. Although we believe 4 years may be too long a time frame, we have reconsidered that a plan submission every 2 years may be too often. Therefore, we are changing the time-frame that plans cover from 2 to 3 years. Appendix A shows the staggered schedule.

*b. Plan Contents*

OCA recommended that the Commission add a new subsection to § 54.74. OCA proposed that this new section will require EDCs to evaluate the differences between their approved plan and the results of the implementation of that plan. The EDC should explain the reason for the differences and a plan to address those differences. OCA recommended an EDC include the following: A description of the variances in program design, participation, budget, overall benefits, average benefits, disconnections, length of disconnections, timing of service losses, Percentage of Income Payment Plans of participants and nonparticipants. With minor modifications, we accept the OCA's suggestion to add this section.

FSC proposed that five new components regarding performance measures be added to this section. We have addressed this comment at § 54.71.

IRRC, PEA and UGI requested the Commission to amend the language in § 54.74(b) to read as follows, "The components of universal service and energy conservation may include the following." Parties commented that language as proposed is inconsistent with language in the Guidelines. IRRC commented that we clarify our intent for "other program, policies and protections." We will amend § 54.74(b) so that the language is consistent with the Guidelines. During the Commission's process to develop universal service guidelines, the EDCs requested the flexibility to include new programs that we have not envisioned as part of universal service programs. "Other programs" allows them the flexibility they requested.

The Environmentalists recommended that the Commission add two additional sections relating to assessment of eligible customers and estimates of energy savings and costs. We believe that § 54.74(b)(3) and (4) addresses the Environmentalists' request to add a section regarding assessment of eligible customers. We do not believe that every program element requires energy savings, therefore, we will not incorporate the Environmentalists' request regarding justification, energy costs and savings.

*c. Cost-Effectiveness*

Several commentators, IRRC, PEA, PP&L and the Environmentalists, requested the Commission to delete this section. PEA stated that cost-effectiveness is a subjective, internal measure. A cost-benefit analysis would be costly and complex and would not measure whether or not an EDC is complying with its universal service plan. The Environmentalists suggested this section properly belongs in the evaluation section. PP&L requested the Commission to clarify the intent of this section or delete



it. OCA commented that this section is inconsistent with § 54.71. OCA recommended that an EDC conduct an independent evaluation every 4 years instead of every 6. We will delete this section and address cost-effectiveness in the evaluation section.

*§ 54.75. Annual residential collection and universal service and energy conservation program reporting requirements.*

PEA requested that the phrase “on its progress on achieving universal service within its service territory” be amended to “regarding each EDC’s compliance with its universal service plan.” Section 2804(9) of the act imposes a duty on the Commission to ensure that universal service programs are available and appropriately funded. For this reason, we will modify the language in this section to place the emphasis on the Commission’s duty to ensure that universal service programs are available and appropriately funded rather than on the EDC’s “progress on achieving universal service.”

Duquesne commented that April 2000 is too soon to submit a report. Duquesne suggested the first report is due no earlier than April 2001. PEA recommended that the first plans be submitted in 2003. We accept Duquesne’s suggestion.

*Collection reporting.*

*§ 54.75(1)(i)*

OCA commented that allowing an EDC to define “residential low-income customers” at § 54.75(1)(i) may result in a different definition than the Commission’s. IRRC also found this provision confusing. Considering IRRC and OCA’s comment, we are deleting this requirement. These regulations will provide a definition for a low-income residential customer.

*§ 54.75(1)(ii)*

Equitable commented that tracking the activities in § 54.75(1)(ii) will be labor intensive and expensive. In response to Equitable’s comment, we do not expect EDCs to provide an itemized break-down of the individual collection expenses noted in the section. Our intent in listing collection activities at § 54.75(1)(ii) is to provide examples of activities that EDCs may include in reporting operating expenses.

*§ 54.75(1)(iii)*

The OTS commented that § 54.75(1)(iii) should include net residential write-offs as well as gross residential write-offs in order to evaluate the effectiveness of collection activities included in write-offs. IRRC supported the OTS comment. We agree and amend this section to reflect the OTS suggestion.

*§ 54.75(1)(iv)—(ix)*

OCA recommended that an EDC report on sections § 54.75(1)(iv)—(ix) by month for the 12 months covered by the report. OCA recommended that the Commission modify § 54.75(1)(v) and (vi) to include reporting on arrears data by vintage and bands of arrears. OCA also recommended that EDC separate costs in connection with the following: bundled sales bills, EDC billing for the EDC and supplier, and EDC billing only its own account. Finally, OCA recommended that the Commission modify § 54.75(1)(viii)—(ix) to include the average length of time customers are off the system and the sales (dollars and kWh) lost a result of disconnection. We accept OCA’s suggestion that an EDC report on § 54.75(1)(iv)—(ix) by month for the 12 months covered by the report. The EDCs currently collect monthly information for their own

monitoring purposes. Monthly information will allow the Commission to average monthly figures where appropriate to allow for year to date comparisons with prior years. Monthly information will consider that collections are subject to seasonal variations and policy decisions of EDCs. However, we decline to expand the collection reporting relating to arrearage data as proposed by OCA in § 54.75(1)(v), (vi) and (viii)—(ix). An expansion of these requirements may be overly burdensome to the EDCs.

*Additional Subsections*

FSC and the Environmentalists recommended that the Commission add a new section that requests the total number of deferred payment arrangements along with the total number of unsuccessful deferred payment arrangements. The number of successful payment arrangements will be a useful performance measure. Therefore, we accept this recommendation from FSC and the Environmentalists.

*Program reporting*

*§ 54.75(2)(i)(A)*

OCA recommended that the Commission expand § 54.75(2)(i)(A) to include the filing requirements at Section P in the restructuring filings. We believe that this rulemaking includes most of the restructuring filing requirements of Section P. However, we will add the following sections to § 54.74(b): the organizational structure of staff responsible for universal service programs and the EDCs plans for using community-based organizations (CBOs) to help administer universal service programs. The act encourages EDCs to use CBOs.

*§ 54.75(2)(i)(B)*

OCA recommended that the Commission expand § 54.75(2)(i)(B) to include a demographic breakdown of the potential eligible population and the proportion of households who own their homes as opposed to renting them. PEA, PGA, and UGI commented that EDCs do not currently collect all the data for each universal service program component that the Commission proposes in § 54.75(2)(i)(B). They argued that collecting this data will burden EDCs and is not necessary to determine if an EDC is complying with its universal service plan. Therefore, these parties requested the Commission to remove this section. Equitable also pointed out it does not track information related to gender of head of household as proposed in § 54.75(2)(i)(B). Finally, PP&L recommended that the Commission condense the data requirements in § 54.75(2)(i)(B). PP&L suggested it is more useful to use the following categories: children under five and adults over 60. These two groups identify those customers who may be most vulnerable. Sharing the concerns of the utilities, IRRC recommended that the Commission either justify or delete the requirements relating to “age of family members” and “gender of head of household.”

Under § 54.75(2)(i)(B), we will delete “gender” and amend “age of family members” to include two categories: the number of members under age 18, and the number of members age 60 or over. We will not require EDCs to provide ages for every household member unless they fall into these two categories. Reviewing demographic information helps the Commission determine that universal service programs are appropriately targeted to eligible households. We reject OCA’s request to expand the reporting requirements for demographics as burdensome.

*§ 54.75(2)(i)(C)*

OCA recommended that the Commission require EDCs to report participation levels at § 54.75(2)(i)(C) by month for the 12 months covered by the report. We accept OCA's recommendation.

*§ 54.75(2)(i)(D)*

IRRC, PEA and PP&L requested the Commission to define "program benefits" at § 54.75(2)(i)(D). OCA recommended that the Commission adopt their proposed definition of "program benefits." We have adopted OCA's recommendation with modification. We will delete "program benefits" under this section and define specific benefits under the individual universal service components (CAP, LIURP and CARES).

*§ 54.75(2)(ii)(A)*

OCA recommended that the Commission expand the requirements at § 54.75(2)(ii)(A) to include the technical potential for energy savings in low-income households. EDCs should also report on the number of homes that need weatherization and the number that need other energy conservation measures. We reject the OCA's recommendation to expand this section. The EDCs have convinced us to focus our data requests so the requests are not excessively burdensome to collect.

Finally, we will clarify that LIURP reporting data is due by April 30. Each EDC currently voluntarily provides to the Commission actual production and spending data for the recently completed program year as well as projections for the upcoming program year by the end of February. We will include this data request in the final regulations.

*§ 54.75(2)(ii)(B)*

FSC recommended that to measure performance the Commission include four new categories in § 54.75(2)(ii)(B): 1) Total cash payments by CAP customers; 2) Number of full, on-time payments; 3) Percentage of CAP bill paid; and 4) Contribution to fixed costs. In part, we accept FSC's recommendation and will add the first three categories.

*§ 54.75(2)(ii)(B)(I) and (C)(I)*

IRRC and PEA also requested the Commission define "energy assistance benefits" in § 54.75(2)(ii)(B)(I) and (C)(I). OCA recommended that reports on energy assistance benefits include the following: the total gross billing deficiency, maximum dollar/percent bill reductions, mean, median and mode bill reductions (\$ and %) and mean percentage of income for participants and eligible non-participants. OCA also recommended that energy assistance benefits include the following information: distribution and transmission revenues, program costs (CAP and LIURP separately) as a percentage of revenues, the manner of cost recovery, allocation to classes and other details regarding surcharges or cost recovery mechanisms. We will define energy assistance benefits as discussed under definitions. For the reasons stated before, we believe expanding these sections will be excessively burdensome and reject OCA's recommendation.

*§ 54.75(2)(ii)(D)(IV)*

IRRC and PEA requested the Commission define "outreach contacts" in § 54.75(2)(ii)(D)(IV). EDCs do not always track referrals and their outcomes. PEA commented that without a narrow definition of this section, EDCs will not be able to report this information. Finally, PEA commented that this information will not assist the Commission in determining if an EDC is in compliance

with its universal service plan. PEA and PP&L requested the Commission to remove this section. We will define "outreach contacts" as follows: "Address and telephone number that a customer would call to apply for the hardship fund, specific to each county in the EDC's service territory, if applicable."

*§ 54.76. Evaluation reporting requirements.*

PEA and Duquesne did not disagree with the need to evaluate universal service programs or the interval the Commission proposes. However, both PEA and Duquesne strongly disagreed with the provision to hire an independent evaluator and requested the Commission to remove this section. PEA commented that evaluations are expensive (\$20,000—\$50,000 for an evaluation of a single universal service component) and the EDCs did not include these costs in universal service budgets in the restructuring plans. Therefore, PEA suggested that the EDCs would need to reduce program services to budget for evaluations. Finally, PEA commented the BCS should be charged with evaluating EDC's compliance with their universal service plans. UGI's comments were similar to PEA's.

However, PP&L supported the proposed timelines and the use of an independent evaluator to assess the impact of universal service programs. PP&L did not support a Statewide evaluator, and recommends that each EDC choose its own evaluator. PP&L recommended that the Commission, in collaboration with the EDCs, develop general guidelines for evaluation reporting requirements. PP&L suggested the BCS lead the work group. The group could also develop the format for submitting the annual reports electronically.

IRRC agreed with the Commission that impact evaluations are an important tool to determine if each EDC's universal service program is meeting its goals. Further, IRRC supported the time frame for evaluations being due every 6 years. However, IRRC recommended that the Commission review the evaluations to determine if there is overlap among the reports because of program similarities. If the Commission finds the results are similar, IRRC recommends that the Commission reevaluate the frequency of the impact evaluations. We believe that an independent evaluation is critical to improve the efficiency and cost-effectiveness of universal service programs and appreciate IRRC's support in this matter. To address IRRC's concern regarding costs of evaluations, we expect that as a result of recommendations from early impact evaluations that EDCs will implement cost-effective measures in their universal service programs. As programs achieve cost-efficiencies and become established, we expect that evaluations will be more narrowly focused and may be less costly. We also accept PP&L's suggestion that the BCS and EDC's develop guidelines for the evaluation. The BCS will lead this group.

Equitable commented it would be difficult for them to evaluate their low-income programs together because each program has different goals and objectives. Equitable recommended a staggered evaluation timeline for individual program components. Equitable also cautioned that there may be a shortage of qualified evaluators if all of the evaluations are due at the same time. We accept Equitable's suggestion to stagger the due dates of the evaluations, with the first evaluation due October 31, 2002. Appendix A shows the staggered schedule.

IRRC, PEA and Duquesne requested the Commission to remove § 54.76(2) and (3). PP&L recommended that the

Commission delete § 54.76(2) because it is inappropriate for the Commission to provide comments or input to a draft evaluation. IRRC commented that the Commission has no jurisdiction over evaluators and providing status reports may be burdensome to EDCs. To address the concerns the EDCs have regarding § 54.76(2) and (3), we will delete the language in those sections. We expect that the codification of the reporting requirements will ensure that evaluations will be completed in a timely manner. To address our concerns that evaluations are independent we propose to add the following language to the § 54.76: "To ensure an independent evaluation, neither the EDC or the Commission shall exercise control over content or recommendations contained in the independent evaluation report. The EDCs may provide the Commission with a companion report that expresses where they agree or disagree with the independent evaluation report content or recommendations."

The Environmentalists recommended that the Commission direct that impact evaluations begin January 1, 2001, at 2 year intervals. OCA recommended that evaluations occur every 4 years. We reject comments to conduct more frequent evaluations.

PGA commented that the Commission's Bureau of Audits has expertise in organizing and overseeing performance audits and therefore, the Bureau of Audits is the logical bureau to oversee the regulation under § 54.76. We believe that the BCS has the appropriate expertise in universal service matters and oversight of this section will remain with the BCS.

*§ 54.77. Electric distribution companies with less than 55,000 residential accounts.*

The OCA and the Environmentalists recommended that EDCs report to the Commission annually. OCA would support a waiver of the following sections for smaller EDCs: § 54.75(1)(ii), § 54.75(2)(i)(B) and the additional items at § 54.75 proposed by OCA. We amend this section to include EDCs with fewer than 60,000 residential accounts. Because we continue to believe reporting requirements for EDCs with fewer residential accounts may be excessively burdensome, we reject OCA and the Environmentalist's comments that these EDCs should provide the same reports as larger EDCs.

*§ 54.78. Public Information.*

Based on the recommendations of the Environmentalists and IRRC, we added a new section that requires the Commission to release the information collected by the reporting requirements to the public. The Environmentalists suggested that the individual EDC reports be made public, be sent to the OCA and to the Office of Small Business Advocate, and be posted on the Commission's Internet web site. We do not believe that the individual EDC reports should be released to the public for a variety of reasons, including the fact that often data needs to be verified and sometimes revised after the Commission has carefully reviewed the submissions. We also believe that individual reports will be of limited use to the public or to the specified agencies. In our opinion a report that summarizes 1) the individual reports of the EDCs; and 2) the BCS statistics will have the greatest value to those interested in the customer service performance of the EDCs. Therefore, the language of the regulation reads that the Commission will annually produce a document that summarizes and reports universal service information, by EDC. We agree that posting the document on the Commission's Internet web site is "user friendly" and we included language to that effect. The language also

requires that the Commission will supply the report to any interested party, rather than limiting the recipients to OCA and OSBA. We believe that a comprehensive report produced annually will adequately satisfy the needs of the public and will accommodate the different reporting timetables of the various sections of the requirements.

*Other Issues*

Many parties, including IRRC, expressed concerns that these regulations duplicate existing reports that EDCs currently provide to the Commission. Developing new reports is labor intensive, and EDCs have not budgeted these expenses in their restructuring filings. These costs will draw funding from universal service programs and other operations. PEA requested the Commission to make clear that these reports will replace current reporting requirements. IRRC echoes the comments of PEA. Our intent is to streamline the reporting process. The universal service reports will eventually replace most of the universal service program reports that EDCs now provide to us. However, we believe this process will evolve with input from the EDCs rather than an abrupt elimination of existing reports. The EDCs will also need time to provide standard data, and we have pushed back the timeline when the first reports are due. Existing reports will fill the gaps until the new reports are filed. We will add language in the ordering paragraph that directs the BCS to, when appropriate, eliminate and/or consolidate existing reports that address the same content as the reporting requirements in these regulations.

The Environmentalists and PGA restate issues from the Guidelines Final Order. The Environmentalists continue to advocate that nonprofit agencies should administer universal service programs and urge the Commission to consider this option as it reviews universal service program plans, reports and evaluations. PGA continues to question whether section 2802(10) of the act means the Commonwealth or utilities are responsible for universal service policies. PGA comments that the sole purpose of proposed regulations is to implement the act. We have already addressed these issues in the Guidelines Final Order.

Accordingly, under section 501 of the Public Utility Code, and the Commonwealth Documents Law (45 P. S. §§ 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we adopted §§ 54.71— 54.76 as noted above and as set forth in Annex A; *Therefore,*

*It is Ordered that:*

1. The Commission's regulations, 52 Pa. Code Chapter 54 are hereby amended by adding §§ 54.71—54.76 to read as set forth in Annex A.
2. The Bureau of Consumer Services is directed, when appropriate, to eliminate and/or consolidate existing universal service program reports that address the same content as the reporting requirements in these regulations to comply with the Commission's intent to streamline universal service reporting requirements.
3. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for review as to legality.
4. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.
5. The Secretary shall submit this order and Annex A for formal review by the designated standing committees

of both Houses of the General Assembly, and for formal review and approval by the Independent Regulatory Review Commission.

6. The Secretary shall deposit the original certified order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

7. This regulation shall become effective upon publication in the *Pennsylvania Bulletin*.

8. A copy of this Order, Annex A and the Appendix shall be served upon all persons who submitted comments in this rulemaking proceeding.

9. The contact persons for this matter are Janice K. Hummel, Bureau of Consumer Services (717) 783-9088 and Kathryn G. Sophy, Law Bureau (717) 782-8839.

JAMES J. MCNULTY,  
*Secretary*

**Appendix**

Universal service and Energy Conservation Programs

	<i>Plan</i>	<i>Due Date</i>	<i>Evaluation</i>
<i>EDC</i>			
PECO	2/28/2000		10/31/2002
PP&L	2/28/2000		10/31/2002
Duquesne	2/28/2001		10/31/2003
West Penn	2/28/2001		10/31/2003
GPU Energy	2/28/2002		10/31/2004
Penn Power	2/28/2002		10/31/2004

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)

**Fiscal Note:** Fiscal Note 57-193 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED UTILITIES**

**CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE**

**Subchapter C. UNIVERSAL SERVICE AND ENERGY CONSERVATION REPORTING REQUIREMENTS**

Sec.	
54.71.	Statement of purpose and policy.
54.72.	Definitions.
54.73.	Universal service and energy conservation program goals.
54.74.	Universal service and energy conservation plans.
54.75.	Annual residential collection universal service and energy conservation program reporting requirements.
54.76.	Evaluation reporting requirements.
54.77.	Electric distribution companies with less than 60,000 residential accounts.
54.78.	Public information.

**§ 54.71. Statement of purpose and policy.**

Section 2804(9) of the code (relating to standards for restructuring of electric industry) mandates that the Commission ensure universal service and energy conservation policies, activities and services for residential electric customers are appropriately funded and available in each EDC territory. This subchapter requires covered EDCs to establish uniform reporting requirements for universal service and energy conservation policies, programs and protections and to report this information to the Commission.

**§ 54.72. Definitions.**

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

*CAP—Customer Assistance Program*—An alternative collection method that provides payment assistance to low-income, payment troubled utility customers. CAP participants agree to make regular monthly payments that may be for an amount that is less than the current bill in exchange for continued provision of electric utility services.

*CAP benefits*—The average CAP bill, average CAP credits and average arrearage forgiveness.

*CARES*—A program that provides a cost-effective service that helps selected, payment-troubled customers maximize their ability to pay utility bills. A CARES program provides a casework approach to help customers secure energy assistance funds and other needed services.

*CARES benefits*—The number and kinds of referrals to CARES.

*Classification of accounts*—Accounts are classified by the following categories: all residential accounts and confirmed low-income residential accounts.

*Code*—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

*Collection operating expenses*—Expenses directly associated with collection of payments due for residential accounts.

*Confirmed low-income residential account*—Accounts where the EDC has obtained information that would reasonably place the customer in a low-income designation.

*Direct dollars*—Dollars which are applied to a CARES customer's electric utility account, including all sources of energy assistance applied to utility bills such as LIHEAP, hardship fund grants and local agencies' grants.

*EDC—Electric distribution company*—The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage the internal distribution system serving the building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

*Energy assistance benefits*—The total number and dollar amount of LIHEAP grants.

*Hardship fund*—A fund that provides cash assistance to utility customers to help them pay their utility bills.

*Hardship fund benefits*—The total number and dollar amount of cash benefits or bill credits.

*Impact evaluation*—An evaluation that focuses on the degree to which a program achieves the continuation of utility service to program participants at a reasonable cost level and otherwise meets program goals.

*LIURP—Low-income usage reduction program*—An energy usage reduction program that assists low-income customers conserve energy and reduce residential energy bills.

*Low-income customer*—A residential utility customer whose household income is at or below 150% of the Federal poverty guidelines.

*Outreach referral contacts*—Addresses and telephone numbers that a customer would call or write to apply for

the hardship fund. Contact information should be specific to each county in the EDC's service territory, if applicable.

*Payment rate*—Payment rate is the total number of full monthly payments received from CAP participants in a given period divided by the total number of monthly bills issued to CAP participants.

*Payment troubled*—A household that has failed to maintain one or more payment arrangements in a 1-year period.

*Residential account in arrears*—A residential account that is at least 30 days overdue. This classification includes all customer accounts which have payment arrangements.

*Successful payment arrangements*—A payment arrangement in which the agreed upon number of payments have been made in full in the preceding 12 months.

*Universal service and energy conservation*—Policies, protections and services that help low-income customers to maintain electric service. The term includes customer assistance programs, termination of service protection and policies and services that help low-income customers to reduce or manage energy consumption in a cost-effective manner, such as the low-income usage reduction programs, application of renewable resources and consumer education.

**§ 54.73. Universal service and energy conservation program goals.**

(a) The Commission will determine if the EDC meets the goals of universal service and energy conservation programs.

(b) The general goals of universal service and energy conservation programs include the following:

- (1) To protect consumers' health and safety by helping low-income customers maintain electric service.
- (2) To provide for affordable electric service by making available payment assistance to low-income customers.
- (3) To assist low-income customers conserve energy and reduce residential utility bills.
- (4) To establish universal service and energy conservation programs are operated in a cost-effective and efficient manner.

**§ 54.74. Universal service and energy conservation plans.**

(a) *Plan submission.*

(1) Each EDC shall submit to the Commission for approval an updated universal service and energy conservation plan every 3 years beginning February 28, 2000, on a staggered schedule.

(2) The plan should cover the next 3-calendar years.

(3) The plan should state how it differs from the previously approved plan.

(4) The plan should include revisions based on analysis of program experiences and evaluations.

(5) If the Commission rejects the plan, the EDC shall submit a revised plan under the order rejecting or directing modification of the plan as previously filed. If the order rejecting the plan does not state a timeline, the EDC shall file its revised plan within 45 days of the entry of the order.

(6) The Commission will act on the plans within 90 days of the EDC filing date.

(b) *Plan contents.* The components of universal service and energy conservation may include the following: CAP, LIURP, CARES, Hardship Funds and other programs, policies and protections. For each component of universal service and energy conservation, the plan shall include, but not be limited to, the following:

- (1) Program description.
- (2) Eligibility criteria.
- (3) Projected needs assessment.
- (4) Projected enrollment levels.
- (5) Program budget.
- (6) Plans to use community-based organizations.
- (7) Organizational structure of staff responsible for universal service programs.

(8) Explanation of any differences between the EDC's approved plan and the implementation of that plan. The EDC should include a plan to address those differences.

**§ 54.75. Annual residential collection and universal service and energy conservation program reporting requirements.**

Each EDC shall report annually to the Commission on the degree to which universal service and energy conservation programs within its service territory are available and appropriately funded. Annual EDC reports shall contain information on programs and collections for the prior calendar year. Unless otherwise stated, the report shall be due April 1 each year, beginning April 1, 2001. Where noted, the data shall be reported by classification of accounts. Each EDC's report shall contain the following information:

(1) Collection reporting shall be categorized as follows:

(i) The total number of payment arrangements and the total number of successful payment arrangements. To ensure that successful payment arrangements are not overstated, EDCs should report on the calendar year prior to the reporting year.

(ii) Annual collection operating expenses by classification of accounts. Collection operating expenses include administrative expenses associated with termination activity, negotiating payment arrangements, budget counseling, investigation and resolving informal and formal complaints associated with payment arrangements, securing and maintaining deposits, tracking delinquent accounts, collection agencies' expenses, litigation expenses other than Commission related, dunning expenses and winter survey expenses.

(iii) The total dollar amount of the gross residential write-offs and total dollar amount of the net residential write-offs, by classification of accounts.

(iv) The total number of residential customers by month for the 12 months covered by the report, by classification of accounts.

(v) The total number of residential accounts in arrears by month for the 12 months covered by the report, by classification of accounts.

(vi) The total dollar amount of residential accounts in arrears by month for the 12 months covered by the report, by classification of accounts.

(vii) The total number of residential customers who are payment troubled by month for the 12 months covered by the report, by classification of accounts.

(viii) The total number of terminations completed by month for the 12 months covered by the report, by classification of accounts.

(ix) The total number of reconnections by month for the 12 months covered by the report, by classification of accounts.

(x) The total number of low-income households. EDCs may estimate this number using census data or other information the EDC finds appropriate.

(2) Program reporting shall be categorized as follows:

(i) For each universal service and energy conservation component, program data shall include information on the following:

(A) Program costs.

(B) Program recipient demographics, including the number of family members under age 18 and over age 62, family size, income and source of income.

(C) Participation levels by month for the 12 months covered by the report.

(ii) Additional program data for individual universal service and energy conservation components shall include the following information:

(A) *LIURP*. Reporting requirements as established at § 58.15 (relating to program evaluation).

(I) *LIURP* reporting data shall be due by April 30.

(II) Actual production and spending data for the recently completed program year and projections for the current year shall be due annually by the end of February.

(B) *CAP*.

(I) Energy assistance benefits.

(II) Average *CAP* bills.

(III) Payment rate.

(IV) *CAP* benefits.

(V) Total cash payments by *CAP* customers.

(VI) Number of full, on-time payments

(VII) Percentage of *CAP* bill paid by customer.

(C) *CARES*.

(I) Energy assistance benefits.

(II) Direct dollars applied to *CARES* accounts.

(III) *CARES* benefits.

(D) *Hardship funds*.

(I) Ratepayer contributions.

(II) Special contributions.

(III) Utility contributions.

(IV) Outreach contacts.

(V) *Hardship fund* benefits.

**§ 54.76. Evaluation reporting requirements.**

(a) Each EDC shall have an independent third-party conduct an impact evaluation of its universal service and energy conservation programs and provide a report of findings and recommendations to the Commission and EDC.

(b) The first impact evaluation will be due beginning October 31, 2002, on a staggered schedule. Subsequent evaluation reports shall be presented to the EDC and the Commission at no more than 6 year intervals.

(c) To ensure an independent evaluation, neither the EDC nor the Commission shall exercise control over content or recommendations contained in the independent evaluation report. The EDCs may provide the Commission with a companion report that expresses where they agree or disagree with independent evaluation report content or recommendations.

(d) An independent third-party evaluator shall conduct the impact evaluation.

**§ 54.77. Electric distribution companies with less than 60,000 residential accounts.**

Beginning March 1, 2000, each EDC with less than 60,000 accounts shall report to the Commission every 3 years the following information in lieu of §§ 54.74—54.76 (relating to universal service and energy conservation plans; annual residential collection and universal service and energy conservation program reporting requirements; and evaluation reporting requirements):

(1) The universal service and energy conservation plan.

(2) Expenses associated with low-income customers.

(3) A description of the universal service and energy conservation services provided to low-income residential customers.

(4) The number of services or benefits provided to low-income residential customers.

(5) The dollar amount of services or benefits provided to low-income residential customers.

**§ 54.78. Public information.**

The Commission will annually produce a summary report on the universal service performance of each EDC using the statistics collected as a result of these reporting requirements. The reports will be public information. The Commission will provide the reports to any interested party and post the reports on the Commission's Internet Website.

[Pa.B. Doc. No. 98-1273. Filed for public inspection August 7, 1998, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

[58 PA. CODE CHS. 141 AND 143]

**Hunting and Trapping; Hunting and Furtaker Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 14, 1998 meeting, adopted the following changes:

Amend § 141.6 (relating to illegal devices) to permit the use of snares in addition to using leg hold and body gripping traps for the taking of beaver; and amend §§ 141.62 and 141.63 (relating to beaver trapping; and definitions) to further define tagging requirements of traps; provide for additional beaver taking opportunities by expanding the counties where beaver restrictions are relaxed; rearrange the unlawful acts portion and provide a definition for the type of snare to be used.

Amend § 143.45 (relating to completing and submitting applications) to provide for over the counter sales of unsold antlerless deer licenses beginning on the first Monday in November as well as by United States mail.

These amendments are hereby adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

#### *Amendment to Chapter 141*

##### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 21, 1998, meeting proposed, and at its July 14, 1998, meeting finally adopted, changes to §§ 141.6, 141.62 and 141.63 to allow the trapping of beaver using snares. These changes were adopted under sections 322(c)(5) and 2102(a) of the code (relating to powers and duties of commission; and regulations).

##### 2. *Purpose and Authority*

Snares previously could not lawfully be used to trap furbearers in this Commonwealth. Snares, however, are less expensive, easier to use, and, if properly used, can be very effective. The Commission has therefore adopted changes to §§ 141.6, 141.62 and 141.63 to authorize the use of snares, on a limited basis, to trap beavers. The snares must be completely submerged under water.

Section 322(c)(5) of the code empowers the Commission to fix the type and number of devices which may be used to take game or wildlife. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The proposed changes were adopted under this authority.

##### 3. *Regulatory Requirements*

The adopted changes authorize what was not permitted.

##### 4. *Persons Affected*

Individuals wishing to trap beavers in this Commonwealth are affected by the changes.

##### 5. *Comment and Response Summary*

No comments were received with regard to the proposed changes.

##### 6. *Cost and Paperwork Requirements*

The changes will not result in any additional cost or paperwork requirements.

#### *Amendment to Chapter 143, Subchapter C*

##### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 21, 1998, meeting proposed changes to Chapter 143, Subchapter C (relating to antlerless deer licenses) to modify provisions and procedures for issuing surplus antlerless deer licenses. At its July 14, 1998, meeting, the Commission finally adopted only a change to § 143.45 (relating to completing and submitting applications) to allow over the counter issuance of unsold antlerless deer licenses starting on the first Monday in November. This change was adopted under the authority contained in section 2722(g) of the code (relating to authorized license-issuing agents).

##### 2. *Purpose and Authority*

As a result of the elimination of bonus antlerless deer licenses and their replacement by very limited surplus licenses, which involved issuance only by mail, many of the allocated antlerless deer licenses were not sold in 1997. This fact could severely impact the Commission's

ability to manage deer populations in this Commonwealth. Although the Commission originally proposed changes to the surplus antlerless deer license system and to allow over the counter issuance, because of continued public concern over deer populations, it decided to only allow over the counter issuance beginning the first Monday in November. This measure should reduce the large discrepancy between antlerless licenses allocated and those sold.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The change is made under this authority.

##### 3. *Regulatory Requirements*

The change will relax current regulatory requirements.

##### 4. *Persons Affected*

County Treasurers and their employes and persons wishing to hunt antlerless deer in this Commonwealth will be affected by the changes.

##### 5. *Comment and Response Summary*

No official comments were received with regard to the proposed changes but the Commission has continued to receive expressions of concern about deer populations in parts of this Commonwealth.

##### 6. *Cost and Paperwork Requirements*

The changes will not result in any additional cost or paperwork.

##### *Effective Dates*

The changes are effective on final publication in the *Pennsylvania Bulletin* and remain in effect until changed by the Commission.

##### *Contact Person*

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

##### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments 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 amendments 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 Chapters 141 and 143, are amended by amending §§ 141.6, 141.62 and 141.63 to read as set forth at 28 Pa.B. 2814 (June 20, 1998), and by amending § 143.45 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 28 Pa.B. 2814 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending §§ 141.6, 141.62, 141.63 and 143.45, shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
*Executive Director*

*(Editor's Note: Proposed amendments to §§ 143.42, 143.51, 143.52 and 143.55, included in the proposal at 28 Pa.B. 2814, were not included in these final-form regulations.)*

**Fiscal Note:** Fiscal Note 48-103 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTKER  
LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.45. Completing and submitting applications.**

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application in a manner other than by standard mail delivery through and by the United States Postal Service. County treasurers with unsold antlerless deer licenses shall accept applications over the counter and may immediately issue licenses beginning on the first Monday in November.

(b) Except for qualified landowners, an application may not be accepted by a county treasurer prior to the start of the normal business day on the first Monday in August.

(c) The application shall be legibly completed, in its entirety, in accordance with instructions on the application.

(d) The application shall be mailed only in the envelope provided.

(e) Applications are limited to not more than three per envelope.

(f) The appropriate preprinted number on the outside of the envelope shall be circled indicating the number of applications enclosed.

(g) The envelope shall contain return first class postage and be self-addressed. If requirements of this subsection are not met, applications shall be placed in a dead letter file and may be reclaimed by the applicant upon contacting the county treasurer. Postage, both forward and return, is the responsibility of the applicant.

(h) Unless otherwise ordered by the Director, remittance shall be in the form of a negotiable check or money order payable to "County Treasurer" for applications enclosed, and in the total amount specified in the act for each license. Cash may be accepted by county treasurers for over the counter sales.

[Pa.B. Doc. No. 98-1274. Filed for public inspection August 7, 1998, 9:00 a.m.]

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# PROPOSED RULEMAKING

## GAME COMMISSION

[58 PA. CODE CHS. 139 AND 141]

### Seasons and Bag Limits; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 14, 1998, meeting, proposed amendments to read as set forth in Annex A.

Amend § 139.4 (relating to seasons and bag limits for the license year) by removing the pound sign (#), footnote and language that is applicable to the Spring Turkey hunting season and bag limit. This change will keep the season limit for turkey during the Spring Gobbler Season of May 1, 1999 to May 29, 1999 as 1.

Amend § 141.43 (relating to deer) to require archers to wear or display fluorescent orange-colored material only during the time when the dates of the fall turkey hunting season and the fall archery season run concurrent.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the July 14, 1998, meeting of the Commission, and comments on these proposals may be sent to the Executive Director of the Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until September 30, 1998.

#### *Proposed Amendment of § 139.4*

##### 1. Introduction

When it adopted the hunting and furtaking seasons and bag limits for 1998—1999 at its April 21, 1998, meeting, the Commission included some language providing for a two bird limit during the spring turkey season contingent upon Legislative approval of a spring turkey license or stamp. This adoption has caused great confusion and opposition. As a result, the Commission at its July 14, 1998, meeting, proposed removing the contingency language. This change is proposed under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of the Commission; and regulations).

##### 2. Purposes and Authority

The contingency provision contained in the spring turkey season bag limit created a great deal of confusion and opposition. It links two issues which, on hindsight, should not be linked, namely, a spring turkey license or stamp and the taking of two turkeys in the spring. Removal of the contingent language will remove this link. The Commission will continue to pursue both issues separately.

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.

##### 3. Regulatory Requirements

The proposed change would limit the spring season turkey bag limit to one turkey with no contingency.

##### 4. Persons Affected

Hunters wishing to hunt turkeys in the Spring 1999 season would be affected by the change.

*Proposed Amendment to § 141.43*

##### 5. Effective Dates

The effective dates are July 1, 1998 to June 30, 1999.

##### 1. Introduction

In order to better provide for the safety of hunters in the field while minimizing impact on hunting effectiveness, the Commission at its July 14, 1998, meeting proposed changing § 141.43 to require archery deer hunters to wear fluorescent orange-colored material during the period their season overlaps the fall turkey season rather than the general small game season. This change is proposed under the authority contained in section 2102(a) of the code.

##### 2. Purpose and Authority

At its April 21, 1998, meeting, the Commission extended the general small game season to coincide with the start of the early small game season. Since § 141.43 currently requires archery deer hunters to wear fluorescent orange during the period that their season overlaps the general small game season, this meant an increase in the fluorescent orange requirement and some reduced effectiveness. The proposed changes will reduce the requirement accordingly.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife ..." This provision provides the authority for the proposed changes.

##### 3. Regulatory Requirements

The proposed changes will relax an existing requirement.

##### 4. Persons Affected

Archery deer hunters hunting during the fall turkey season will be affected by the proposed changes.

##### 5. Effective Date

This proposed change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

##### *Cost and Paperwork Requirements*

The proposed change would not add any additional cost or paperwork.

##### *Contact Person*

For further information and to comment on the proposed changes, the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 787-6526.

DONALD C. MADL,  
*Executive Director*

**Fiscal Note:** 48-104. No fiscal impact; (8) recommends adoption.

Annex A  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**1998—1999 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,  
 FIELD POSSESSION LIMIT AND SEASON LIMIT  
 OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	* * * *	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female	* * * *				
Turkey (Spring Gobbler) Statewide Bearded Bird only	* * * *	May 1, 1999	May 29, 1999	1	1 [ # ]

**[ #—Contingent upon Legislative approval of a Spring Turkey license or stamp, one bearded turkey may be taken between May 1, and May 15, 1999, while a second bearded turkey may be taken only between May 17, and May 29, 1999. If the spring turkey license or stamp is not authorized, the season limit for the 1999 Spring Turkey Season will remain at one bearded turkey. ]**

**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter C. BIG GAME**

**§ 141.43. Deer.**

(a) *Archery season.* It is unlawful while hunting deer with a bow and arrow during the archery season to:

\* \* \* \*

(3) Move about or relocate during that portion of the archery deer season that is concurrent with the **[ general small game ] fall turkey** season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with the **[ general small game ] fall turkey** season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

\* \* \* \*

[Pa.B. Doc. No. 98-1275. Filed for public inspection August 7, 1998, 9:00 a.m.]

# INSURANCE DEPARTMENT

[31 PA. CODE CH. 121]

## Fees for Out-Of-State Companies

The Insurance Department (Department) proposes to delete Chapter 121 (relating to fees for out-of-State companies) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 212 of The Insurance Department Act of

1921 (40 P. S. § 50). The chapter was previously promulgated under section 212 of The Insurance Department Act of 1921 (40 P. S. § 50).

*Purpose*

The purpose of the proposed deletion of Chapter 121 is to eliminate a redundant and outdated regulations. Adopted in 1969, the chapter was prescribed to notify insurers domiciled in the Commonwealth of Massachusetts or the State of California of their filing fee responsibilities when making form and rate filings with the Department.

The chapter provides that when an insurer domiciled in California makes a form or rate filing with the Department, the filing transmittal letter is required to state the fee that the state of California would charge for a similar filing. When the form or rate is approved, the California domiciled insurer is to be billed by the Department for the stated filing fee. With respect to an insurer domiciled in Massachusetts, when an insurer makes a form or rate filing with the Department, the insurer is instructed by the regulation to include with the filing the fee that the Commonwealth of Massachusetts would charge for a similar filing.

In practice, insurers domiciled in California have been including filing fee checks with all form and rate filings made with the Department. Therefore, the Department no longer bills insurers as provided by Chapter 121.

In addition to the fact that the regulation is no longer consistent with current filing fee payment practices by California domiciled insurers, the regulation is unnecessary and duplicative for both California and Massachusetts domiciled insurers. Section 212 of The Insurance Department Act of 1921 provides that if fees are imposed by a state on Commonwealth domiciled insurance companies doing business in that state, then like fees, including form and rate filing fees, shall be imposed on insurance companies domiciled in that state doing business in this Commonwealth. Therefore, because insurers domiciled in California or Massachusetts are required by section 212 to pay a form and rate filing fee to the Department as a retaliatory fee if the fees charged by those states for

Commonwealth companies exceed the fees charged by the Commonwealth for companies from those other states, Chapter 121 is duplicative and unnecessary for the collection of form and rate filing fees.

*Affected Parties*

The proposed deletion of this regulation will apply to insurers domiciled in California or Massachusetts and making form and rate filings with the Department but will not substantially affect these insurers because they must continue to comply with section 212 of The Insurance Department Act of 1921.

*Fiscal Impact*

The deletion of these sections will have no fiscal impact on State government, the general public, political subdivisions or the private sector because the deletion of the filing fee requirements does not represent a change from current policy.

*Paperwork*

The adoption of this proposed rulemaking will not impose additional paperwork on the Department and the insurance industry because the deletion does not represent a change from current policy.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final adoption and publication in the *Pennsylvania Bulletin* as final rulemaking. No sunset date has been assigned.

*Contact Person*

Questions or comments concerning this proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 27, 1998, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Depart-

ment, the Governor and the General Assembly to review these objections before final publication of the proposal.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-172. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 121. [ FEES FOR OUT-OF-STATE COMPANIES ] (Reserved)**

**§ 121.1. [ Applicability ] (Reserved).**

**[ The provisions of §§ 121.2 and 121.3 (relating to fee in home state; and company billed for fee) shall apply to insurance companies domiciled in California and doing business in this Commonwealth. The provisions of § 121.4 (relating to Massachusetts domiciled insurers) shall apply to insurance companies domiciled in Massachusetts and doing business in this Commonwealth. ]**

**§ 121.2. [ Fee in home state ] (Reserved).**

**[ When an insurance company specified in § 121.1 (relating to applicability) submits documents to the Insurance Department, the transmittal letter shall state the appropriate fee in its home state as of the date that the document, form, schedule of rates, classification of risks or insert page is filed in this Commonwealth. ]**

**§ 121.3. [ Company billed for fee ] (Reserved).**

**[ When an individual document has been approved by the Insurance Department, the company submitting the document will be billed for the appropriate fee. ]**

**§ 121.4. [ Massachusetts domiciled insurers ] (Reserved).**

**[ Insurers domiciled in Massachusetts and doing business in this Commonwealth, in submitting or resubmitting to the Insurance Department a policy form, including endorsements, applications and riders filed therewith, and a certificate, endorsement, application or rider filed separate from a policy form, whether subsequently approved or disapproved, shall accompany is transmittal letter with a check payable to the Pennsylvania Insurance Department in the amount of the current Massachusetts filing fee for an accompanying form as of the date of the transmittal letter. ]**

[Pa.B. Doc. No. 98-1276. Filed for public inspection August 7, 1998, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND  
ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

### Community Revitalization Program

The Department of Community and Economic Development (Department) hereby amends Chapter 123 (relating to Community Revitalization Program—statement of policy) to read as set forth in Annex A. The statement of policy is amended under the authority of Part II, section 209 of Act 6A of 1998 (Appropriation Act).

#### *Background*

The Appropriation Act requires the Department to publish Community Revitalization Program (CRP) guidelines in the *Pennsylvania Bulletin* prior to the spending of the 1998-99 moneys designated for the Community Revitalization Program. This amended statement of policy updates the existing Community Revitalization Program guidelines published in 1997.

#### *Amendments*

Section 123.1 (relating to introduction) is amended to update the reference to the Appropriation Act and to include a notice to applicants that requests for funding far exceed CRP moneys available.

Section 123.2 (relating to definitions) is amended to add a definition for the term "Department."

Section 123.3 (relating to eligibility) is amended to update the reference to the Appropriation Act and to list additional information required to accompany each application.

Section 123.4 (relating to program requirements and instructions) is amended to include a statement that incomplete applications may be rejected and to include an excerpt from the Department Single Application for Assistance form, to show the level of detail required on each application.

Section 123.5 (relating to application submission and approved procedure) is amended to change submission information, grant award cycles and proposed award dates.

Section 123.6 (relating to procedures) is amended to increase by \$75,000 the monetary cap which activates the requirement to submit an audit for approved projects and to include provisions dealing with the rejection of applications.

Section 123.7 (relating to limitations and penalties) is amended to include a provision on penalties for noncompliance with procedures.

Section 123.8 (relating to contact information) is amended to provide updated contact information.

#### *Fiscal Impact*

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public.

#### *Paperwork Requirements*

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

#### *Contact Person*

For further information regarding the amended statement of policy, contact Matthew Tunnell, Director, Office of Policy, Department of Community and Economic Development, Room 433 Forum Building, Harrisburg, PA 17120, (717) 787-3003.

#### *Finding*

The Department finds that:

Delay in implementing the statement of policy will have a serious adverse impact on the public interest.

#### *Order*

The Department acting under the authorizing statute, orders that:

(a) The statement of policy of the Department, 12 Pa. Code Chapter 123, is amended by amending §§ 123.1—123.8 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to form and legality as required by law.

(c) The Secretary of the Department 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 in the *Pennsylvania Bulletin*.

SAMUEL MCCULLOUGH,  
*Secretary*

**Fiscal Note:** 4-69. No fiscal impact; (8) recommends adoption. Act 1998-6A appropriated \$45 million to the Department of Community and Economic Development to implement this program.

#### Annex A

### TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

#### PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

#### CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

##### § 123.1. Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects that are in accordance with Act 6A of 1998. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 6A of 1998, are in accordance with the program guidelines in this chapter and meet all Department Single Application for Assistance criteria.

(c) Applicants should be aware that applications for other Department programs may also be considered under the CRP. This creates a large pool of applications for a limited appropriation from the General Assembly. Applicants should be aware that not every application can or will be funded.

(d) 1998 CRP expenditures will be charged to the State fiscal year July 1, 1998, to June 30, 1999.

**§ 123.2. Definitions.**

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

CRP—The Community Revitalization Program.

**§ 123.3. Eligibility.**

(a) *Eligible applicants.* The following applicants are eligible:

(1) General purpose units of local government such as counties, cities, boroughs, townships and home rule municipalities.

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

(4) Nonprofit corporations incorporated under the laws of the Commonwealth.

(5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligible projects.* CRP funds may be used for community revitalization and improvement projects that are consistent with Act 6A of 1998. These provisions include projects which:

(1) Improve the stability of the community.

(2) Promote economic development.

(3) Improve existing and develop new civic, cultural, recreational, industrial and other facilities.

(4) Assist in business retention, expansion, stimulation and attraction.

(5) Promote the creation of jobs and employment opportunities.

(6) Enhance the health, welfare and quality of life of Pennsylvania citizens.

(c) *Guideline compliance for 1998-99.* The Department will require the applicant to identify the type of project from the six eligible project activities listed in subsection (b). The Department will also require supporting information. This information shall be contained in a separate, easily identified section of the narrative entitled "Guideline Compliance." Information shall be provided on the community being served or the target population of the project.

**§ 123.4. Program requirements and instructions.**

The following requirements apply to CRP:

(1) Project applications shall be submitted using the Department Single Application for Assistance. Applications are available through the Department's Customer Service Center or the Department's website, at the addresses and phone numbers listed in § 123.5(a) (relating to application submission and approval procedure).

(2) The Department reserves the right to:

(i) Request additional information regarding proposed use of funds.

(ii) Verify non-Department funding sources.

(iii) Require explanation or revision of the project's budget.

(iv) Require clarification of the project's narrative.

(3) Incomplete applications may be rejected. An applicant shall follow the detailed instructions for completing the Department Single Application for Assistance when applying for CRP, especially, with regards to the completion of the Project Narrative section. The following excerpt from the Department Single Application for Assistance provides the level of detail that the Department is seeking on a project.

"A typewritten or computer generated Project Narrative must accompany the Single Application for Assistance. The narrative should provide a detailed and comprehensive description of the project. The narrative must specifically address each of the cost items identified in the Project Budget section of the application. In general, the narrative should include:

*Specific Problems to be Addressed or Improvement to be Financed.* Identify the problem that needs to be resolved.

*Project Description.* What do you plan to accomplish with this project and how do you plan to accomplish it?

*Expected Outcomes.* Examples of measurable outcomes include; jobs created or retained, people trained, land or buildings acquired, park constructed, feet of road repaired.

*Projected Schedule and Key Milestones and Dates.* A detailed project schedule must accompany the application, including key milestones and dates.

*Documentation to support Projected Budget Costs.* This documentation may consist of bids or cost quotations, contractor estimates, appraisals, engineer estimates or an itemized line by line listing of how you arrived at the specific amounts for the project.

*Documentation of matching dollars such as commitment letters, receipts, etc.*

*Religious disclaimer.* If an applicant has a religious affiliation, the applicant should provide a disclaimer assuring that Department funds will not be used for religious purposes."

**§ 123.5. Application submission and approval procedure.**

(a) The application is available by calling the Customer Service Center number listed in this subsection, the Department's regional offices or by accessing the Department's website at "www.dced.state.pa.us." Applications will be accepted anytime throughout the fiscal year. Applications should be submitted to the following address: Department of Community and Economic Development, Customer Service Center, 4th Floor, Forum Building, Harrisburg, PA 17120 (800) 379-7448.

(b) CRP grant awards will be made in three rounds during the fiscal year. The Department will grant approximately 33% of the program appropriation in the first round, approximately 33% in the second round and approximately 33% during the third round. These percentages are targets. The Department will make every effort to allocate program funds in accordance with these targets.

(1) The first round consideration will include all applications received between July 1 and Friday, September 18, 1998.

(2) The second round will include applications received by Friday, December 18, 1998, and applications not approved in the first round.

(3) The third round will include applications received by Friday, March 19, 1999, and applications not approved in the first and second rounds.

(4) Targeted grant announcement dates, subject to change without notice at the discretion of the Department, are as follows:

- (i) On or about October 15 for the first round.
- (ii) On or about January 15 for the second round.
- (iii) On or about May 15 for the third round.

(c) CRP funds remaining after the third round may be awarded by the Department up to the end of the fiscal year.

(d) Follow up information as to the status of submitted grant applications may be obtained at anytime by contacting: DCED Customer Service Center, (800) 379-7448, DCED@state.pa.us.

(e) Applicants should be aware that demand for this program is very high and staff may not be familiar with each individual application. Applicant care in preparation of the application will assist the Department in processing the application.

#### **§ 123.6. Procedures.**

(a) CRP grant award notifications will be made by award letter. After the award letter has been mailed, the applicant will receive a contract document that shall be executed by the grantee and returned to the Department for execution by the Department on behalf of the Commonwealth. No grants will be awarded without a fully executed contract.

(b) The applicant shall maintain full and accurate records with respect to the project. The Department will have free access to the records including invoices of material and other relative data and records as well as the right to inspect all project work. The applicant shall furnish upon request of the Department all data, reports, contracts, documents and other information relevant to the project.

(c) Approved grants in the amount of \$100,000 or more require the grantee to provide an audit of the grant by a certified public accountant, prepared at the expense of the grantee, in compliance with State law.

(d) Approved grants under \$100,000 require the grantee to submit a detailed financial statement, and a

close out report of the use of State funds consistent with the contract. An audit is recommended, although not required.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

(f) Applications not acted on favorably will be considered to have been denied and will not be considered for the 1999-2000 fiscal year.

(g) Applications should not be submitted after April 15, 1999, or in advance for the 1999-2000 fiscal year, until the passage of a budget authorizing an appropriation and the Department's compliance with language within the appropriation bill or other legislation providing direction to the Department on the program.

(h) The Department reserves the right to reject, without notification, applications received after April 15, 1999, and prior to continuation of the appropriation and compliance with appropriation language by the Department.

#### **§ 123.7. Limitations and penalties.**

(a) This section identifies program limitations or penalties, or both, that may result from the misuse of the grant funds.

(b) An applicant may not make or authorize any substantial change in an approved project without first obtaining consent of the Department in writing.

(c) If the full amount of the grant is not required for the project, the unused portion of the grant shall be returned to the Department.

(d) Failure to comply with procedures may result in penalties, including repayment of funds with interest.

#### **§ 123.8. Contact information.**

(a) Inquires should be directed to: DCED Customer Service Center, Forum Building, Harrisburg, Pennsylvania 17120, (800) 379-7448 DCED@state.pa.us

(b) If inquiry is made about an application that the Department has acknowledged receipt of and has assigned an Account Manager, calls should be directed to the assigned account manager per the letter.

(c) Applications should be submitted to the following address: Department of Community and Economic Development, Customer Service Center, 4th Floor, Forum Building, Harrisburg, PA 17120.

[Pa.B. Doc. No. 98-1277. Filed for public inspection August 7, 1998, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, August 12, 1998. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 10 a.m. in the River Run Meeting Room of the West Branch Angler & Sportsman's Resort, Faulkner Road, Deposit, New York.

An informal conference among the Commissioners and staff will be held on Tuesday, August 11, 1998, at 1:30 p.m. at the same location at which status reports on Delaware River fisheries will be presented by representatives of the United States Fish and Wildlife Service and state fisheries management agencies.

In addition to the subjects listed as follows which are scheduled for the August 12 public hearing, the Commission will also address the following: Minutes of the June 24, 1998 business meeting; announcements; General Counsel's report; report on Basin hydrologic conditions; status of compliance—Evansburg Water Company; and public dialogue.

The subjects of the hearing will be as follows:

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

1. *Holdover Project: Evansburg Water Company D-96-57 CP.* A groundwater withdrawal project to supply up to 0.56 million gallons (mg)/30 days of water to the applicant's Perkiomen Division distribution system from Well No. 202, and to increase the existing withdrawal limit of 5.5 mg/30 days from all wells to 6.06 mg/30 days. The project is located in Perkiomen Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area. This hearing continues that of June 24, 1998.

2. *Mobil Oil Corporation D-96-65.* A groundwater withdrawal project to withdraw up to 40 mg/30 days of water as part of the applicant's groundwater remediation program and process water supply from new Well Nos. RW-22, RW-23, RW-24 and PW-50 and to retain the existing withdrawal limit from all wells of 150 mg/30 days. The project is located in Greenwich Township, Gloucester County, New Jersey.

3. *Floyd G. Hersh, Inc. D-98-7.* A groundwater withdrawal project to supply up to 7.5 mg/30 days of water to the applicant's golf course irrigation system from new Well No. 1, and to limit the withdrawal from all wells to 7.5 mg/30 days. The project is located in Marlborough Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Evansburg Water Company D-98-12 CP.* A resolution to extend approval of Docket No. D-98-12 CP, which granted temporary approval for the operation of Well No. 102 to serve the applicant's Evansburg Division distribution system in Lower Providence Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

5. *Merck & Company, Inc. D-98-14.* A groundwater withdrawal project to withdraw up to 12.2 mg/30 days as part of the applicant's groundwater remediation program and process water supply from new Well Nos. 11A, 14 and 15, and to increase the existing withdrawal limit from all wells from 40 mg/30 days to 45 mg/30 days. The project is located in Upper Gwynedd Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

6. *Township of Florence D-98-18 CP.* A project to upgrade and expand the applicant's existing municipal sewage treatment plant (STP) from 1.5 million gallons per day (mgd) average monthly flow to 2.5 mgd. The STP is located on Front Street in Florence Township, Burlington County, New Jersey and will continue to discharge to the Delaware River in Water Quality Zone 2. The STP will continue to serve Florence Township.

7. *Honey Brook Golf Club D-98-28.* A groundwater withdrawal project to supply up to 10.37 mg/30 days of water to the applicant's irrigation system from new Well No. PW-1, and to limit the withdrawal from all wells to 10.37 mg/30 days. The project is located in Honey Brook Township, Chester County, PA.

8. *Sun Pipe Line Company D-98-35.* A project to construct a petroleum pipeline under Jacobs Creek in Ewing and Hopewell Townships, Mercer County, New Jersey, to replace an existing deteriorating pipeline stream crossing. The new steel pipeline crossing will be 14 inches in diameter and approximately 250 feet long, and will be excavated 4 feet under the existing stream bed, at a point approximately 1,500 feet west of the intersection of Jacobs Creek and Bear Tavern Roads. The pipeline crossing is part of maintenance work on the applicant's interstate petroleum pipeline system.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883-9500, Ext. 221 concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary at (609) 883-9500, Ext. 203 prior to the hearing.

SUSAN M. WEISMAN,  
Secretary

[Pa.B. Doc. No. 98-1278. Filed for public inspection August 7, 1998, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### FY 98-99 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (act) hereby announces that the Secretary of Agriculture, with the advice and assistance of the Agricultural Fair Advisory Committee at its meeting of July 16, 1998, adopted the FY98-99 Annual Plan on the awarding of grants to eligible organizations under the provisions of the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations which contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of Advisory Committee created by the act, is to adopt an annual plan for awarding of grants subject to the limitations specified in section 5 of the act.

The Annual plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.
2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.
3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for 2 and 3 year old colts and fillies, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.
4. For reimbursement to each eligible organization conducting races for 2 and 3 year old colts and fillies at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.
5. For reimbursement of operating costs and premiums, a maximum amount of \$2,000 and in addition a maximum amount of \$10,000 based on a sum equal to 50% of the amount spent by the eligible Statewide agricultural organizations for premiums that are not in the \$2,000 payment as provided under section 5(2) of the act. The total maximum payment hereunder shall not exceed \$12,000.
6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusi-

ness by 4-H Youth groups, a payment which will be calculated according to the following formula will pay for maximum of 4,000 members per county: 4-H groups with 500 members or less will receive base funding of \$2,000, groups with more than 500 will receive \$2,000 for the first 500 members and an additional \$2.00 per member for every member over 500 with a total maximum funding of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by FFA Youth groups, a payment which will be calculated according to the following formula:

Tier I: FFA Chapters with 100 members or less will receive base funding of \$1,000 with an additional \$2.00 per member.

Tier II: FFA Chapters with 101 to 210 members inclusive will receive a \$2,000 base funding with no additional monies on a per member basis.

Tier III: FFA Chapters with 211 members or more will receive funding of \$2,000 with an additional \$2.00 per member for every member over 210.

8. Any funds remaining after the above grants have been awarded shall be utilized for capital improvement as provided in section 5-(1)(ii) of the act.

9. The Secretary will endeavor to disburse the above payments in accordance with the following schedule:

(a) By February 1, 1999 for payment under paragraph 1-7 above.

(b) By September 30, 1999 for payment approved and authorized in FY98-99 under paragraph 8 above.

SAMUEL E. HAYES, Jr.,  
Secretary

[Pa.B. Doc. No. 98-1279. Filed for public inspection August 7, 1998, 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 July 28, 1998.

#### BANKING INSTITUTIONS Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-24-98	Emclaire Financial Corp., Emlenton, to acquire 100% of the voting shares of Peoples Savings Financial Corporation, Ridgway	Emlenton	Filed
7-28-98	JeffBanks, Inc., Haverford, to acquire 100% of the voting shares of Regent National Corp., Philadelphia	Haverford	Approved

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-28-98	Peoples Home Interim Savings Bank Beaver Falls Beaver County	1427 Seventh Avenue Beaver Falls Beaver County	Filed



**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-28-98	Jefferson Bank, Haverford, and Regent National Bank, Philadelphia Surviving Institution— Jefferson Bank, Haverford	Haverford	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-20-98	First County Bank Doylestown Bucks County	3325 Street Road Bensalem Bucks County	Opened
7-21-98	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 421 S. 69th Boulevard Upper Darby Delaware County	Opened
7-23-98	East Penn Bank Emmaus Lehigh County	951 State Street Mertztown Longswamp Township Berks County	Approved
7-24-98	PeoplesBank, a Codorus Valley Company Glen Rock York County	Stone Bridge Commerce Center R. D. 2, Wolfe Road Hopewell Township York County	Approved
7-24-98	Prime Bank Philadelphia Philadelphia County	1235 West Chester Pike Havertown Delaware County	Approved
7-27-98	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 140 North McDade Blvd. Glenolden Delaware County	Approved
7-27-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 1925 Norristown Road Maple Glen Montgomery County	Approved
7-27-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market Country Square Shopping Center 1045 Bustleton Pike Feasterville Bucks County	Filed
7-27-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 2850 Audubon Village Dr. Audubon Montgomery County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-20-98	Greater Delaware Valley Savings Bank Broomall Delaware County	<i>To:</i> 500 East Township Line Road Havertown Delaware County  <i>From:</i> 2-6 Brookline Blvd. Havertown Delaware County	Filed
7-23-98	Reeves Bank Beaver Falls Beaver County	<i>To:</i> 1700 Beaver Road Baden #3590 Beaver County <i>From:</i> 280 Ohio River Blvd. Baden #1547 Beaver County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-22-98	First Commonwealth Bank Indiana Indiana County	500 Hyde Park Road Leechburg Armstrong County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
7-24-98	National Group Employees Credit Union Frazer Chester County	To provide for a change of name in the field of membership.	Approved and Effective

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1280. Filed for public inspection August 7, 1998, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Family Savings Account Program Workshop for FY 1998-99

Act 23 of 1997 established the Family Savings Account (FSA) Program. The FSA Program is a community building initiative established for the purpose of promoting self-sufficiency through asset development for lower income Pennsylvanians through a matched savings program. The matched savings can be used to help finance the purchase of a new home, pay for education expenses, entrepreneurial or other activities based on an approved plan, which includes participation in a minimum of four workshops in basic economic literacy.

The FSA Program is a key component of Governor Ridge's Project for Community Building. The FSA Program will stimulate economic self-sufficiency by helping participants to focus on long and short term financial skills while encouraging savings and asset development that will empower individuals as well as economically strengthen communities in Pennsylvania.

\$1.25M will be available for the FSA Program for FY 1998-99. Service Providers will be limited to those organizations with the ability to enroll a minimum of 100 savers. Savers will be limited to those persons whose income at the time of enrollment is not more than 200% of the official poverty line established by the Federal Office of Management and Budget.

For FY 1998-99, priority will be given to applicants serving counties presently not served by FSA programs as follows: Adams; Armstrong; Bedford; Berks; Blair; Butler; Cambria; Cameron; Carbon; Centre; Clarion; Clearfield; Clinton; Columbia; Crawford; Cumberland; Dauphin; Elk; Forest; Franklin; Fulton; Greene; Huntingdon; Jefferson;

Juniata; Lawrence; Lebanon; Lehigh; Lycoming; McKean; Mercer; Mifflin; Monroe; Montour; Northampton; Northumberland; Perry; Pike; Potter; Schuylkill; Snyder; Somerset; Union; Venango; Warren; Washington; Westmoreland and York.

The Department of Community and Economic Development, Community Empowerment Office, has scheduled a workshop on September 23, 1998, in Harrisburg, PA for the purpose of providing FSA Program information to interested applicants. Application information, including the Project for Community Building Single Application for Assistance and FSA Program Guidelines, will be provided at the workshop. Community Empowerment Office staff will be available to provide instruction and guidance on the specifics of the proposal writing process to help applicant agencies prepare and write technically acceptable proposals.

All interested applicants are encouraged to attend this workshop. Applicants can register for the workshop to be held in the Forum Building, Room 321, Harrisburg, PA from 9:30 a.m. to 2:30 p.m. by contacting Elizabeth Hoch, Community Empowerment Office, at (717) 787-4140 or through e-mail: [liz\\_hoch@dced.state.pa.us](mailto:liz_hoch@dced.state.pa.us) by September 16, 1998.

Workshop space is limited to 75 persons. No more than two persons should attend from each organization. Space will be filled on a first-come, first-serve basis. There is no registration fee for this workshop; however, pre-registration is requested. Persons with a disability who wish to attend the workshop and require an auxiliary aid, service or other accommodation to participate in the workshop, should contact the Community Empowerment Office to discuss how we may best accommodate their needs.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 98-1281. Filed for public inspection August 7, 1998, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

##### [National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

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 (Department) 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 office noted above the application 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 Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the 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 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 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 (800) 654-5984.

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

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

**PA 0036200.** Sewage, **Radley Run Mews Sewer Association**, 1131 Mews Lane, West Chester, PA 19382.

This application is for renewal of an NPDES permit to discharge treated sewage from Radley Run Mews sewage treatment plant in Birmingham Township, **Chester County**. This is an existing discharge to Plum Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 32,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Phosphorus (as P) (4-1 to 10-31)	2.0	4.0
Total Residual Chlorine	0.6	1.5
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

#### *Other Conditions:*

Conditions for future permit modification.

Effective disinfection.

The EPA waiver is in effect.

**PA 0024180.** Sewage, **Berks-Montgomery Municipal Authority**, P. O. Box 147, Municipal Drive, Gilbertsville, PA 19525.

This application is for renewal of an NPDES permit to discharge treated sewage from Swamp Creek sewage treatment plant in Douglass Township, **Montgomery County**. This is an existing discharge to Swamp Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.9 million gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8
Phosphorus (as P) (4-1 to 10-31)	2.0		4.0
Total Residual Chlorine (4th and 5th years)	0.08		0.25
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	monitor		monitor
Free Cyanide	monitor		monitor
Total Aluminum	monitor		monitor
Total Residual Chlorine (1st, 2nd and 3rd years)	0.8		2.0

*Other Conditions:*

The EPA waiver is not in effect.

**PA 0030848.** Sewerage, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving the Unionville Chadds Ford Elementary School in Pennsbury Township, **Chester County**. This is an existing discharge to Ring Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 6,300 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Residual Chlorine (years 1 and 2)	monitor/report	monitor/report
(years 3, 4 and 5)	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0057550.** Sewage, **William J. Irwin**, 6 Juniper Court East, Harleysville, PA 19438.

This application is for issuance of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Upper Salford Township, **Montgomery County**. This is a new discharge to unnamed tributary to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 700 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0043818.** Industrial waste, **G.R.O.W.S. Landfill, A Division of Waste Management Disposal Services of Pennsylvania, Inc.**, 1121 Bordentown Road, Morrisville, PA 19067.

This application is for renewal of an NPDES permit to discharge treated landfill leachate wastewater and stormwater from G.R.O.W.S. Landfill IWWTP in Falls Township, **Bucks County**. This is an existing discharge to Delaware River (Zone 2).

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.1 mgd are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>		53	106	132.5
BOD <sub>5</sub> % Removal		95% removal per DRBC requirements		
Total Suspended Solids		30	60	75
Total Dissolved Solids		6,560	13,120	16,400
Oil and Grease		15	30	30
Fecal Coliform		200 colonies/100 ml as a geometric average		
pH		within limits of 6.0—9.0 standard units at all times		
Temperature				monitor/report
Ammonia (as N)		35	70	87.5
CBOD <sub>20</sub> (lbs/day)		62	124	
True Color (Pt-Co)				750
Nitrate-Nitrite (as N)		monitor/report	monitor/report	
Total Organic Nitrogen		monitor/report	monitor/report	
Total Kjeldhal Nitrogen		monitor/report	monitor/report	
Total Residual Chlorine (issuance—year 2) (year 3—expiration)		monitor/report 0.5	monitor/report 1.0	1.2
Total Antimony		0.45	0.90	1.13
Total Arsenic		0.05	0.10	0.125
Beryllium		0.005	0.010	0.0125
Boron		0.45	0.90	1.13
Hex. Chromium		monitor/report	monitor/report	
Total Chromium		0.05	0.10	0.125
Total Cadmium		0.005	0.01	0.0125
Total Aluminum		0.275	0.55	0.68
Total Cobalt		0.05	0.10	0.125
Total Iron		2.5	5.0	6.3
Barium		0.10	0.20	0.25
Mercury		non detectable		
Nickel		0.15	0.30	0.375
Silver		0.01	0.02	0.025
Free Cyanide		0.20	0.40	0.50
Total Cyanide		0.02	0.04	0.05
Vanadium		monitor/report	monitor/report	
Phenol		0.05	0.10	0.125
Total Phenols		0.27	0.54	0.68
Thallium		0.10	0.20	0.25
Total Copper		0.05	0.10	0.125
Total Lead		0.036	0.072	0.090
Manganese		1.0	2.0	2.5
Total Zinc		0.3	0.6	0.75
Bromoform	0.54			6.48
Total Halomethanes	0.027			0.324
Chloroform		0.01	0.02	0.025
Chloromethane		0.1	0.2	0.25
Methylene Chloride		0.1	0.2	0.25
Toluene		0.05	0.1	0.125
Butyl Benzyl Phthalate		0.01	0.02	0.025
2-Chloronaphthalene		0.01	0.02	0.025
Diethyl Phthalate		0.025	0.05	0.063
Lindane		0.010	0.020	0.025

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Isophorone		0.05	0.10	0.125
Acetone		0.109	0.218	0.273
2-Butanone		0.210	0.420	0.525
1,2,3-Trichloropropane		0.10	0.20	0.25
Xylene		0.01	0.02	0.025
1-Propanol		0.55	1.1	1.35
2-Propanol		0.54	1.1	1.35
4,4-DDT	non detectable	0.00004	0.00008	0.0001
Tetrahydrofuran		0.025	0.05	0.063
P-cresol		0.05	0.10	0.125
2-Hexanone		0.015	0.030	0.037
4-Methyl-2-Pentanone		0.015	0.030	0.037
Dibromomethane		0.010	0.02	0.025
1,1,1-Trichloroethane		0.10	0.20	0.25
1-2,Trans Dichloroethylene		0.03	0.06	0.075
Benzene		0.05	0.10	0.125
1-1 Dichloroethane		0.09	0.18	0.23
Chlorobenzene		0.05	0.10	0.125
Di-N-Butyl Phthalate		0.83	1.66	2.08
Pentachlorophenol		monitor/report	monitor/report	
1-2, Dichloroethane		monitor/report	monitor/report	
Tetrachloroethylene		monitor/report	monitor/report	
Trichloroethylene		monitor/report	monitor/report	
Toxicity (Toxics Unit Chronic) (issuance—year 2)			monitor/report	

This permit also covers stormwater discharges from the landfill Outfalls 003, 004, 006, 009, 010, 011 and 012 are to a tributary to the Delaware River.

All effluent limitations self monitoring requirements, reporting requirements, standard conditions and other conditions contained in Part A, B and C of the Department's General Permit for Discharges of Stormwater from Industrial Activities (Amendment No. 1) PAG-3 apply and are incorporated by reference and attached to this permit.

The EPA waiver is in effect.

*Other Requirements:*

1. DMR to DRBC, BCHD and PADEP
2. Control Of Stormwater Runoff
3. Monitoring of Untreated Leachate Quantity and Quality
4. Effluent Chlorine Minimization
5. Management of Leachate Discharge Rate
6. Approved Test Methods
7. Definitions—Total Halomethanes and Annual Average Limitation
8. Grab Sampling Requirements
9. TMDL—WLA Data Requirements
10. TKN Calculation Submittal Requirements
11. DRBC Pollutant Loading and Recordkeeping Requirements
12. Permit Reopener Clause
13. Toxicity-Chronic Monitoring

**PA0057487.** Sewage, **Frontier Wood Products, Inc.**, 1025 North West End Boulevard, Quakertown, PA 18951.

This application is for issuance of an NPDES permit to discharge treated sewage from Frontier Wood Products, Inc. in Richland Township, **Bucks County**. This is a new discharge to Swale to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Ammonia (as N)	3.0	6.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

*Other Conditions:*

The EPA waiver is in effect.  
 Conditions for future permit modification.  
 Effective disinfection.

**PA 0042641.** Sewage, **PA Department of Conservation and Natural Resources**, Nockamixon State Park, 1542 Mountain View Drive, Quakertown, PA 18951.

This application is for renewal of an NPDES permit to discharge treated sewage from Nockamixon State Park STP in Bedminster Township, **Bucks County**. This is an existing discharge to unnamed Tributary to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.2 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
(issuance—year 2)	monitor/report	monitor/report
(year 3—expiration)	0.5	1.2

*Other Conditions:*

The EPA waiver is in effect.  
 Conditions for future permit modification.

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*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0082031.** Industrial waste, SIC: 4941, **Manheim Borough Water Treatment Plant**, 15 East High Street, Manheim, PA 17545.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Rife Run, in Manheim Borough, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.05 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.6
Tetrachloroethene		monitor and report	
pH		from 6.0 to 9.0 inclusive	

The EPA waiver is in effect.

**PA 0087769.** Industrial waste, SIC: 4922, **Texas Eastern Transmission Corporation**, 5444 Westheimer, P. O. Box 1642, Houston, TX 77251-1642.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Shermans Creek, in Carroll Township, **Perry County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.023 mgd are:

<i>Parameter</i>	<i>Average Monthly (<math>\mu\text{g/l}</math>)</i>	<i>Maximum Daily (<math>\mu\text{g/l}</math>)</i>	<i>Instantaneous Maximum (<math>\mu\text{g/l}</math>)</i>
Pollutant Group 7 PCBs	0.0659	0.1318	0.1648

The EPA waiver is in effect.

**PA 0021709.** Sewage, SIC: 2653, **Borough of Birdsboro**, 113 East Main Street, Birdsboro, PA 19508-2024.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Hay Creek, in Birdsboro Borough, **Berks County**.

The receiving stream is classified for high quality cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough Water Authority located in Montgomery County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	9	XXX	XXX	18
(11-1 to 4-30)	20	XXX	XXX	40
Total Residual Chlorine	0.4	XXX	XXX	1.61
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0 to 9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		8,000/100 ml as a geometric average		

The EPA waiver is not in effect.

**PA 0087882.** Sewage, SIC: 5812, **Visaggio's, Inc.**, 6990 Wertzville Road, Enola, PA 17025.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Simmons Creek, in Silver Spring Township, **Cumberland County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located in Silver Spring Township, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .003 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	31,000/100 ml as a geometric average	

The EPA waiver is in effect.

**PA 0087858.** Industrial waste, SIC: 3321, **DONSCO Incorporated**, P. O. Box 2001, North Front Street, Wrightsville, PA 17368-0040.

This application is for issuance of an NPDES permit for an existing discharge of treated stormwater to the Susquehanna River, in Wrightsville Borough, **York County**.

This permit is being converted from a previously issued General Permit to an Individual NPDES Permit for the stormwater discharge. The effluent parameter will remain the same, but the monitoring frequency will change to "1/month" for the first year and "1/quarter" thereafter.

Interim Monitoring Requirements for Stormwater Outfalls 001, 002, 003, 004, 005 and 008<sup>(1)</sup>

This permittee is authorized to discharge during the period beginning at issuance of the permit and lasting through the first year.



<i>Discharge Parameters</i>	<i>Monitor and Report</i>	<i>Units</i>	<i>Sample Type</i>	<i>Frequency</i>
BOD <sub>5</sub>	monitor and report	mg/l	Grab	1/month
COD	monitor and report	mg/l	Grab	1/month
Oil and Grease	monitor and report	mg/l	Grab	1/month
pH	monitor and report	S.U.	Grab	1/month
Total Suspended Solids	monitor and report	mg/l	Grab	1/month
Total Lead	monitor and report	mg/l	Grab	1/month
Total Chromium	monitor and report	mg/l	Grab	1/month
Total Copper	monitor and report	mg/l	Grab	1/month
Total Cadmium	monitor and report	mg/l	Grab	1/month
Total Arsenic	monitor and report	mg/l	Grab	1/month
Total Zinc	monitor and report	mg/l	Grab	1/month
Total Iron	monitor and report	mg/l	Grab	1/month

Final Monitoring Requirements for Stormwater Outfalls 001, 002, 003, 004, 005 and 008<sup>(1)</sup>

The permittee is authorized to discharge during the period beginning the second year and lasting through the expiration of the permit.

<i>Discharge Parameters</i>	<i>Monitor and Report</i>	<i>Units</i>	<i>Sample Type</i>	<i>Frequency</i>
BOD <sub>5</sub>	monitor and report	mg/l	Grab	1/quarter
COD	monitor and report	mg/l	Grab	1/quarter
Oil and Grease	monitor and report	mg/l	Grab	1/quarter
pH	monitor and report	S.U.	Grab	1/quarter
Total Suspended Solids	monitor and report	mg/l	Grab	1/quarter
Total Lead	monitor and report	mg/l	Grab	1/quarter
Total Chromium	monitor and report	mg/l	Grab	1/quarter
Total Copper	monitor and report	mg/l	Grab	1/quarter
Total Cadmium	monitor and report	mg/l	Grab	1/quarter
Total Arsenic	monitor and report	mg/l	Grab	1/quarter
Total Zinc	monitor and report	mg/l	Grab	1/quarter
Total Iron	monitor and report	mg/l	Grab	1/quarter

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.*

**PA 0110213.** Sewerage, SIC: 4952, **Michael Klemick**, R. R. 1, Box 585, Elysburg, PA 17824.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary to South Branch Roaring Creek in Cleveland Township, **Columbia County**.

The receiving stream is classified for the following uses: high quality cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company located approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0002 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
TSS	10		20
Free Cl <sub>2</sub> Residual	report		
Fecal Coliforms		200 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

**PA 0113859.** Industrial waste, SIC: 2821, **Econ Eye Protection**, P. O. Box 272, Coudersport, PA 16915.

This proposed action is for renewal of an NPDES permit for an existing discharge of noncontact cooling water to Allegheny River in Coudersport Borough, **Potter County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA-NY state border.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0154 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	report				
Temperature		100°F			
Oil and Grease	15		30		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0020672.** Sewerage, SIC: 4952, **Washingtonville Municipal Authority**, P. O. Box 147, Washingtonville, PA 17884.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Chillisquaque Creek in Derry Township, **Montour County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located approximately 18 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.09 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual (1st month—36th month) (37th month—permit expiration date)	report 1.0		2.3
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean	
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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

**PA 0001350.** Sewage, **Eighty-Four Mining Company**, R. D. 2, Route 519, P. O. Box 284, Eighty Four, PA 15330.

This application is for renewal of an NPDES permit to discharge treated sewage from the Somerset Portal STP in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Center Branch of 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 Ellsworth Reservoir on Pigeon Creek operated by the Ellsworth Water Department.

*Outfall 001:* existing discharge, design flow of 0.00972 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	17			34
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 15,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0023141.** Sewage, **Hastings Borough Council**, 207 5th Avenue, P. O. Box 559, Hastings, PA 16646.

This application is for renewal of an NPDES permit to discharge treated sewage from Hastings Municipal Authority Sewage Treatment Plant in Elder Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brubaker Run, which are classified as a 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 Keystone Water Company located on the West Branch Susquehanna River.

*Outfall 001:* existing discharge, design flow of 0.21 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform				
(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				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.2			0.6
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0040011.** Sewage, **United Mobile Homes, Inc.**, P. O. Box 335, Eatontown, NJ 07724.

This application is for renewal of an NPDES permit to discharge treated sewage from the Port Royal Village Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Cedar Creek, which are classified as a trout stocked 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 Authority—McKeesport.

*Outfall 001:* existing discharge, design flow of 0.068 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	4.5			9
Fecal Coliform				
(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				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.1			0.2
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0091413.** Sewage, **North Strabane Township Municipal Authority**, 192B Route 519 South, Canonsburg, PA 15317.

This application is for an amendment of an NPDES permit to discharge treated sewage from Eighty Four Industrial Park in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Little Chartiers Creek, which are classified as a high quality 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 Western Pennsylvania Water Authority.

*Outfall 001:* expanded discharge, design flow of .035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
Suspended Solids	15	23		30
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	6.0	9.0		12.0
Fecal Coliform				
(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	0.3			0.6
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0094013.** Sewage, **Hilary C. Hoffer**, R. D. 1, Box 177, Mt. Pleasant, PA 15666.

This application is for renewal of an NPDES permit to discharge treated sewage from Mutual Mobile Home Park Sewage Treatment Plant in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Brinker 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 McKeesport Municipal Water Authority located on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 0.00375 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen	14			28
(11-1 to 4-30)				
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	25,000 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:*

The EPA waiver is in effect.

**PA 0090832.** Sewage, **West Pike Run Township**, 238 Pike Run Drive, Daisytown, PA 15427-9611.

This application is for renewal of an NPDES permit to discharge treated sewage from Abraham Plan of Lots Sewage Treatment Plant in West Pike Run Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Pike Run, which are classified as a trout stocked 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 California Water Authority.

*Outfall 001:* existing discharge, design flow of .0035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	11.5	17.3		23
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.3			3.0
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0096989.** Sewage, **John F. Kuntz**, R. D. 2, Box 375, Blairsville, PA 15717.

This application is for issuance of an NPDES permit to discharge treated sewage from the Sylvan Acres Sewage Treatment Plant in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Curry Run, which are classified as a 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 Buffalo Township Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5			10
(11-1 to 4-30)	14			28
Fecal Coliform (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 (1st month—36th month) (37th month—expiration)	monitor and report 0.6			1.4
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0098965.** Sewage, **Carolyn S. Roberts**, P. O. Box 294, Murrysville, PA 15668.

This application is for renewal of an NPDES permit to discharge treated sewage from an apartment complex sewage treatment plant in Plum Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Plum 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 Fox Chapel Water Authority.

*Outfall 001:* existing discharge, design flow of 0.0015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.0			2.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0215937.** Sewage, **RoxCOAL, Inc.**, 2851 Stoystown Road, Friedens, PA 15541.

This application is for renewal of an NPDES permit to discharge treated sewage from the Diamond T Deep Mine Sewage Treatment Plant in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lamberts Run, which are classified as a 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 Hooversville Municipal Authority located on Stony Creek.

*Outfall 001:* existing discharge, design flow of 0.0025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(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				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0222585.** Sewage. **Brokenstraw Valley Area Authority**, Box 155, Youngsville, PA 16371.

This application is for a new NPDES permit to discharge treated sewage to an unnamed tributary to Lenhart Run or the Allegheny River in Pleasant Township, **Warren County**. This is a new discharge.

The receiving water is classified for the following uses: CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 88 miles below point of discharge.

The Authority has not chosen a discharge location at this time. A revised *Bulletin* notice will be published upon final decision of this permit. That *Bulletin* will include the chosen discharge location.

The proposed effluent limits, based on a design flow of .4 mgd, are:

*Outfall No. 001 (Site 1, after post-aeration)*

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
Flow	XX		
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	minimum of 6 mg/l at all times		
Fecal Coliform			
(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	within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits, based on a design flow of .4 mgd, are:

*Outfall No. 001 (Site 2, after post-aeration)*

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
Flow	XX		
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		
pH	within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits, based on a design flow of .4 mgd, are:

*Outfall No. 001 (Site 3, after post-aeration)*

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
Flow	XX		
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	
pH		within limits of 6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### Applications under the Pennsylvania Clean Streams Law

##### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). 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 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 protest. 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 proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**WQM Permit No. 0998413.** Sewerage. **Milford-Trumbauersville Area Sewer Authority**, P. O. Box, Spinnerstown, PA 18968. This project is for the construction of a gravity sewer, a pump station and a force main to serve Zion Hill Area in Springfield Township, **Bucks County**.

**WQM Permit No. 1598415.** Sewerage. **New Garden Township Sewer Authority**, 8934 Gap Newport Road,

Landenberg, PA 19350. This project is for the construction of a sanitary sewer collection and conveyance system to a proposed pumping station for a proposed 66 lot subdivision located in New Garden Township, **Chester County**.

**WQM Permit No. 0998414.** Sewerage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This project is for the construction of a sanitary sewer line to serve Summer Hill and Summer Meadow residential subdivision located in Plumstead Township, **Bucks County**.

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

**A. 3998403.** Sewerage. **Glencrest Realty Company**, 6000 Glencrest Road, Slatington, PA 18080. Application to upgrade an existing sewage treatment plant to serve Glencrest Mobile Home Park, located in Washington Township, **Lehigh County**. Application received in the Regional Office—May 26, 1998.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.*

**A. 0698405.** Sewerage, submitted by **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518 in Amity Township, **Berks County** to install a pump station for the Woods Edge—Phase III development was received in the Southcentral Region on July 16, 1998.

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

**WQM Permit No. 2498201.** Industrial waste. **Carbide/Graphite Group, Inc.**, 800 Theresia Street, St. Marys, PA 15857. This project is for the construction of a wetland treatment system to reduce iron in pumped water in the City of St. Marys, **Elk County**.

**WQM Permit No. 2598408.** Sewerage. **Greater Erie Industrial Development**, 2103 East 33rd Street, Erie, PA 16510. This project is for the construction of force main, gravity sanitary sewer and pump station to serve an industrial development in Harborcreek Township, **Erie County**.

**WQM Permit No. 6298404.** Sewerage. **Donick/McGeary SFTF, Mark E. Donick and James E. McGeary**, 1030 East 5th Avenue, Warren, PA 16165. This project is for the construction and operation of a small flow treatment system to serve two homes in Glade Township, **Warren County**.

**INDIVIDUAL PERMITS  
(PAS)**

**NPDES INDIVIDUAL**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity 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 (Department) 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 appealed 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 (800) 654-5984.

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

*Northampton County Conservation District, District Manager, R. R. 4, Greystone Building, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U097.** Stormwater. **Pektor Partners, L. P.**, 559 Main Street, Suite 300, Bethlehem, PA 18018, has applied to discharge stormwater from a construction activity located in Williams Township, **Northampton County**, to Frya Run.

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

**NPDES Permit PAS10L019.** Stormwater, **Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, P. O. Box 149, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Stewart Township, **Fayette County** to Glade Run and Jonathan Run.

**SAFE DRINKING WATER**

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

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

**A. 1598510.** Public water supply. **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposal involves the installation of a caustic soda, pH control and orthophosphate corrosion control system in West Bradford Township, **Chester County**.

**A. 0998506.** Public water supply. **Newtown Artesian Water Company**, P. O. Box 217, Newtown, PA 18940-0217. This proposal involves the construction of a booster pumping station and discharge main. The pumping station will be equipped with an emergency facility generator for backup power supply in Newtown Township, **Bucks County**.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 1**

**Acknowledgment of Notices of Intent to Remediate submitted 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 (Department) 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 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 (800) 654-5984.

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

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**PP&L Pole #67877S36735**, Souderton Borough, **Montgomery County**. Nancy A. Evans, PP&L, Inc., Environmental Management Division—GENTW8, Two N. Ninth St., Allentown, PA 18101-1179, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs. The applicant proposes to remediate the site to meet Statewide health standards. A final report was simultaneously submitted.

**PP&L Pole #67492S36552**, Souderton Borough, **Montgomery County**. Nancy A. Evans, PP&L, Inc., Environmental Management Division—GENTW8, Two N. Ninth St., Allentown, PA 18101-1179, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs. The applicant proposes to remediate the site to meet Statewide health standards. A final report was simultaneously submitted.

**HCA, Inc.**, City of Philadelphia, **Philadelphia County**. Patrick G. Nocera, Arecon Ltd., 90 US Hwy. Route 130, Bordentown, NJ 08505, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health standards.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Redevelopment Authority of the City of McKeesport**, City of McKeesport, **Allegheny County**. Redevelopment Authority of the City of McKeesport, 201 Lysle Boulevard, McKeesport, PA 15132 and Mark Urbassik, KU Resources, Inc., 1 Library Plant, Suite 207, Duquesne, PA 15110 has submitted a Notice of Intent to Remediate soil contaminated with BTEX and lead. The applicant proposes to remediate the site to meet the Statewide health standard.

**Portec Rail Products, Inc.**, O'Hara Township, **Allegheny County**. Portec Rail Products, Inc., 900 Freeport Road, P. O. Box 38250, Pittsburgh, PA 15238-8250 and Joseph M. Harrick, Earth Sciences Consultants, Inc., 1 Triangle Drive, Export, PA 15632 have submitted a Notice of Intent to Remediate groundwater and soil contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Depart-

ment) 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 is used to identify 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 a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides 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.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department 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 (800) 654-5984.

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

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Olney Associates**, City of Philadelphia, **Philadelphia County**. J. Mark Nielsen, P.E., Environ Corp., 214 Carnegie Center, Princeton, NJ 08540, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on July 17, 1998.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Former Aliquippa Forge Site**, West Aliquippa, **Beaver County**. Beaver County Corporation for Economic Development, 798 Turnpike Street, Beaver, PA and Martin Knuth, Civil and Environmental Consultants, Inc., 601 Holiday Drive, Building No. 3, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on July 13, 1998.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.*

**General Permit A. WMGR004. Waste Management of PA, Inc.**, Box 717, East Huntingdon Landfill Road, Scottdale, PA 15683. An application for the processing (baling and transfer) of waste carpet prior to its beneficial use.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Regional Office: Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.*

**A. 100549. Pottstown Landfill and Recycling Center**, 1425 Sell Road, Pottstown, PA 19464. This application was submitted for a major modification for the approval to modify the existing landfill gas management plan to allow for the beneficial use of the gas by an off-site facility. Application was received in the Southeast Regional Office on July 16, 1998.

## PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Request for a Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and the municipal waste regulations for a General Permit for the processing of infectious and chemotherapeutic waste.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-2301.*

Received an application from **Wyeth Laboratories, Inc.**, One Great Valley Parkway, Malvern, PA 19355-1423, for determination of applicability to operate under **General Permit No. WMGI005**, issued to Merck & Co., Inc., for processing of infectious waste generated in the production and research and development of pharmaceuticals, using chemical and/or thermal inactivation. The Department accepted the application as administratively complete on July 24, 1998.

Persons interested in obtaining more information about the general permit and application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

### Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the

Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121 through 143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-3221: Industrial Metal Plating, Inc.** (116 Mitchell Road, Reading, PA 19601-1195) for a sulfuric acid anodizing line controlled by a packed bed scrubber in Bern Township, **Berks County**.

**28-322-005: Fort James Operating Co. (formerly James River Paper Co., Inc.)** (1002 Wayne Avenue, Chambersburg, PA 17201) for the installation of Press #9, flexographic printing press, and Press #8, lithographic printing press, located in Chambersburg Borough, **Franklin County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.*

**22-05006: Taylor Wharton Cylinders** (9th and Herr Streets, Harrisburg, PA 17105-2365) located in City of Harrisburg, **Dauphin County**. The facility's major

sources of emissions include paint booths and a heating furnace which primarily emit VOC and oxides of sulfur respectively.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Mohammad Zaman, (717) 327-3637.*

**17-00005: Glen-Gery Corp.** (P. O. Box 338, State Route 970, Bigler, PA 16825) for their Bigler Plant located in Bradford Township, **Clearfield County**. The facility manufactures brick from clay and related products. The major sources include natural gas and sawdust fired kilns, natural gas furnaces and sawdust fired dryer which emit major quantities of SO<sub>2</sub> and NO<sub>x</sub>.

**41-00025: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752) for their Lycoming County Landfill located in Brady Township, **Lycoming County**. The facility's major sources include a cogeneration plant, flare system, diesel-fired crusher and generator which emit major quantities of NO<sub>x</sub> and CO. The owner and operator of the facility have taken Federally enforceable emission restrictions to limit the potential to emit NO<sub>x</sub> and CO below major source thresholds.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**26-00405: Consolidated Natural Gas Transmission Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) for their North Summit Compressor Station located in **Greene County**. The facility's major sources include natural gas compressor engines which emit major quantities of NO<sub>x</sub>.

**03-00190: Standard Products Company** (1655 Orr Avenue, Kittanning, PA 16201) for their Kittanning Borough Facility located in **Armstrong County**. The facility's major sources include a spray coating operation and curing ovens which emit major quantities of hazardous air pollutants.

### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**05-323-007: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) for the venting of an existing Rotoblast Unit to the outdoor atmosphere, controlled by a cartridge collector at their Sunnyside Facility located in Bedford Township, **Bedford County**.

**06-3102: City of Reading** (815 Washington Street, Reading, PA 19601) for the installation of three scrubbers to control parts of the waste water treatment plant in Reading, **Berks County**.

**31-323-003A: Berg Electronics Group, Inc.** (Lenape Drive, R. R. 1, Box 212, Mount Union, PA 17066) for the installation of two electroplating lines and an ammonia replenishment system controlled by an existing fume scrubber at their facility located in Shirley Township, **Huntingdon County**.

**36-05014B: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604) for modification of the control devices on two hot rolling mills in Manheim Township, **Lancaster County**.

**36-5015A: Dart Container Corporation of PA** (60 Main Street, Leola, PA 17540) for the modification of an extrusion process at their facility located in Upper Leacock Township, **Lancaster County**.

**38-320-002: Sowers Printing Company** (220 North 10th Street, P. O. Box 479, Lebanon, PA 17042) for the installation of a nonheatset sheetfed printing press at their facility located in Lebanon, **Lebanon County**.

**67-05032A: Harley-Davidson Motor Company** (1425 Eden Road, York, PA 17402) for the modification of buffing and polishing operations at the motorcycle assembly plant in Springettsbury Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**49-319-001: Arcos Alloys, Division of Hoskins Corp.** (1 Arcos Drive, Mount Carmel, PA 17851) for construction of four cold perchloroethylene wire degreasers in Mount Carmel Township, **Northumberland County**. These degreasers are subject to Subpart T of the National Emission Standards for Hazardous Air Pollutants.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**65-907A: Advance USA, Inc.** (P. O. Box 518, Old Rte. 119 South, New Stanton, PA 15672) for the installation of a spray booth at the New Stanton Facility in East Huntingdon Township, **Westmoreland County**.

**65-817A: Sand & Gravel Co.** (400 Industrial Blvd., New Kensington, PA 15068) for the installation of a recycled asphalt pavement system at Davison Asphalt Supply in Lower Burrell City, **Westmoreland County**.

**63-550B: Allegheny Energy Resources, Inc.** (3100 Hill Road, Library, PA 15129) for the installation of a landfill gas recycling facility at South Hills Landfill in Union Township, **Washington County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**37-234A: Praxair Surface Technologies, Inc.** (3225 Honeybee Lane, New Castle, PA 16105) for construction of a detonation coating deposition cubicle unit in Wilmington Township, **Lawrence County**.

**37-302A: New Castle Battery Mfg. Co.** (3601 Wilmington Road, New Castle, PA 16105-0040) for operation of a battery production plant (3,000 batteries/day) in New Castle, **Lawrence County**. Emissions will be controlled by three fabric collectors and a scrubber. The source is subject to 40 CFR Part 60 Subpart KK.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the 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 (Department). 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 the 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 will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The 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 Chapters 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.

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

#### Coal Applications Received

**56870201.** Permit Renewal, **J. R. Coal Sales, Inc.** (311 Allegheny Street, Boswell, PA 15531), commencement, operation and restoration of bituminous strip mine in Boswell Borough, **Somerset County**, affecting 19.9 acres, receiving stream Quemahoning Creek. Application received July 17, 1998.

**11860107.** Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Dean Township, **Cambria County**, affecting 201.0 acres,

receiving stream Clearfield Creek and two unnamed tributaries to Clearfield Creek and Brubaker Run and one unnamed tributary to Brubaker Run. Application received July 17, 1998.

**07920101.** Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Allegheny Township, **Blair County**, affecting 474.0 acres, receiving stream two unnamed tributaries to/and Sugar Run. Application received July 17, 1998.

**11823003.** Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Summerhill Township, **Cambria County**, affecting 125.6 acres, receiving stream Beaverdam Run. Application received July 17, 1998.

**11850107.** Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Portage Township, **Cambria County**, affecting 85.7 acres, receiving stream unnamed tributary to/and Spring Run, and unnamed tributary to/and Trout Run. Application received July 17, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**03890111R.** **Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface mine located in Perry Township, **Armstrong County**. Receiving streams: Valley Run and Binkerd Run to the Allegheny River. Renewal application received: July 14, 1998.

**26980101.** **Marquise Mining Corp.** (3889 Menoher Boulevard, Johnstown, PA 15905). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in Franklin Township, **Fayette County**, proposed to affect 170.0 acres. Receiving streams: unnamed tributary to Bolden Run to Redstone Creek to the Monongahela River. Application received: July 1, 1998.

**03880104R.** **Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface mine located in Rayburn Township, **Armstrong County**. Receiving streams: unnamed tributaries to the Allegheny River and unnamed tributary to Crooked Creek to the Allegheny River. Renewal application received: July 23, 1998.

**26880103R.** **Harry Lee & Rolland Herring** (R. R. 1, Box 181, Masontown, PA 15461). Renewal application received for continued reclamation of a bituminous surface mine located in German Township, **Fayette County**. Receiving streams: unnamed tributaries to Cats Run and Cats Run. Renewal application received: July 23, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**16830107.** **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650-9628) Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Perry and Toby Townships, **Clarion County** affecting 124.0 acres. Receiving streams: An unnamed tributary to Black Fox Run. Application for reclamation only. Application received July 9, 1998.

**33920110.** **Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface strip and auger operation in Porter

Township, **Jefferson County** affecting 201.7 acres. Receiving streams: An unnamed tributary to Middle Branch Pine Run and an unnamed tributary to Pine Run. Application for reclamation only. Application received July 15, 1998.

**2579301.** **Walter Kuhl** (9335 Peck Road, Erie, PA 16510) Renewal of an existing sand and gravel operation in Greene Township, **Erie County** affecting 46.0 acres. Receiving streams: Fourmile Creek. Application received July 16, 1998.

**37830102.** **ESSROC Cement Corporation** (P. O. Box 5250, Poland, OH 44514) Renewal of an existing bituminous surface strip and auger operation in Little Beaver Township, **Lawrence County** affecting 379.0 acres. Receiving streams: Unnamed tributaries to North Fork Little Beaver Creek and North Fork Little Beaver Creek. Application for reclamation only. Application received July 21, 1998.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**63841303.** **Beth Energy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931), to revise the permit for the Marianna #58 Mine in Amwell Township, **Washington County**, post mining land use, no additional discharges. Application received July 13, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

#### *Noncoal Applications Received*

**302845-37950301-E-1.** **Slippery Rock Materials, Inc.** (R. D. 2, Box 228, Golf Course Road, Volant, PA 16156) Application for a stream encroachment to remove sand and gravel within 100 feet of Taylor Run on the Robert D. Cress Property in Plain Grove Township, **Lawrence County**. Application received July 7, 1998.

**3076SM13.** **White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125) Renewal of an existing sand and gravel operation in Hempfield Township, **Mercer County** affecting 40.0 acres. Receiving streams: Mathay Run and an unnamed tributary to Shenango River. Application received July 10, 1998.

**301974-2579301-E-3.** **Walter Kuhl** (9335 Peck Road, Erie, PA 16510) Application for a stream encroachment to conduct mining activities within 100 feet of Fourmile Run Creek in Greene Township, **Erie County** to stabilize the embankment and prevent further erosion problems. Application received July 16, 1998.

**43880301.** **Seidle Sand & Gravel, Inc.** (P. O. Box 231, Mercer, PA 16137) Renewal of an existing sand and gravel operation in Jefferson Township, **Mercer County** affecting 70.0 acres. Receiving streams: an unnamed run to Lackawannock Creek. Application received July 22, 1998.

**33880304.** **Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225) Renewal of an existing limestone operation in Slippery Rock Township, **Lawrence County** affecting 227.5 acres. Receiving streams: Two unnamed tributaries to Slippery Rock Creek. Application received July 24, 1998.

**37930302.** **Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225) Renewal of an existing limestone operation in Slippery Rock Township, **Lawrence County** affecting 140.0 acres. Receiving streams: An unnamed tributary to Slippery Rock Creek. Application received July 24, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**7775SM2A2C3. E. J. Breneman, Inc.** (1117 Snyder Road, West Lawn, PA 19609-1110), renewal of NPDES Permit No. PA0612006 in Spring Township, **Berks County**, receiving stream: Cacoosing Creek. Application received July 13, 1998.

**6275SM2C2. Milestone Materials, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231), correction to an existing quarry operation to add NPDES discharge points to NPDES Permit No. PA0594539 in Limestone and Liberty Townships, **Montour County**, receiving stream—unnamed tributary to Chillisquaque Creek. Application received July 13, 1998.

**40890301C. McClure Enterprises, Inc.** (3 East McClure Avenue, Old Forge, PA 18518), correction to an existing anthracite surface mine operation in Hanover Township, **Luzerne County** affecting 88.0 acres, receiving stream—none. Application received July 15, 1998.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 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 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 (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), 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.**

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

**E15-587. Encroachment. Richard and Janet DiGuardi**, 1327 Airport Rd., Coatesville, PA 19320. To construct and maintain a roadway crossing over Rock Run (TSF, MF) to provide access into a proposed residential subdivision on the property of Richard and Janet DiGuardi. The proposed stream crossing will consist of six 65-foot long culverts. The center culvert will have an 18-foot wide span and 5.2-foot height. The five culverts which are situated in the 100-year floodplain will have a 16-foot span and 5.2-foot height. The project also includes placement of fill material in 0.64 acre of adjacent wetland

(PFO) associated with construction of the roadway crossing. The applicant proposes to construct 0.65 acre of replacement wetlands on site. The site is located at 1327 Airport Road (T-409), approximately 1,400 feet west of the intersection with Bousall School Road (Parkesburg, PA Quadrangle N: 21.8 inches; W: 1.95 inches) in West Caln Township, **Chester County**.

**E51-168. Encroachment. City of Philadelphia Water Dept.**, 1101 Market St., Aramark Tower 2nd Floor, Philadelphia, PA 19107. To perform the following activities along the Pennypack Creek (WWF-MF) and within its 100-year Floodway and Floodplain for the replacement of an undersized combined sewer overflow pipe associated with the Philadelphia Water Department Sheffield Avenue Flood Relief Project: 1. To abandon a 4.5-foot diameter brick sewer pipe system which conveys combined sewer overflow from the Pennypack Creek Interceptor. This pipe will be completely filled with cement-sand grout; 2. To install, operate and maintain a replacement combined sewer overflow system consisting of 15 linear feet of reinforced concrete flared section, attached to approximately 320 linear feet of 8-foot by 7-foot reinforced concrete box culvert, attached to two intercepting chamber manholes, attached to approximately 96 linear feet of 6.5-foot by 10-foot reinforced concrete box culvert, attached to approximately 10 linear feet of reinforced concrete stepped section, attached to approximately 106 linear feet of 5-foot by 10-foot reinforced concrete box culvert, and terminating at a reinforced concrete outfall structure. A flexible flap gate will also be installed at the downstream terminus. All proposed box culverts will have a V-shaped bottom; 3. To install and maintain approximately 33 linear feet of 24-inch reinforced concrete connector pipe and associated manhole between the proposed combined sewer overflow pipe and an associated manhole between the proposed combined sewer overflow pipe and the Pennypack Creek Interceptor; 4. To install and maintain approximately 67 linear feet of flow censor conduit consisting of 3-inch galvanized rigid steel pipe; 5. To install and maintain approximately 9 linear feet of 10.5-foot high gabion stream bank protection on both sides of the proposed outfall structure; 6. To perform minor grading associated with the placement of the aforementioned combined sewer overflow system. The project is situated just north of the intersection of Rhawn Street (S. R. 1014) and the Amtrack Northeast Corridor Mainline Railway (Frankford, PA USGS Quadrangle N: 6.1 inches; W: 3.2 inches) in the City and **County of Philadelphia**.

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

**E52-156. Encroachment. Milford Borough**, 111 West Catherine Street, Milford, PA 18337. To maintain a 12-inch ADS pipe stormwater outfall along the left bank of Sawkill Creek (EV). The project is located along Sawkill Avenue, approximately 600 feet west of the junction of S. R. 0006 and U. S. Route 209 (Milford, PA-NJ Quadrangle N: 13.1 inches; W: 7.7 inches), in Milford Borough, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E21-282. Encroachment. Cumberland Valley School District**, Lee Brandt, 6746 Carlisle Pike, Mechanicsburg, PA 17055. To construct and maintain a 24-inch diameter outfall structure along the right bank of Conodoguinet

Creek located about 180 feet west of Hampden Elementary School (Harrisburg, PA Quadrangle N: 0.33 inch; W: 15.45 inches) in Hampden Township, **Cumberland County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E60-134.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a twin-cell reinforced concrete box culvert with each cell having a span of 25 feet and effective underclearance of 5.9 feet in Limestone Run located on SR 0015 Section 103 approximately 1,000 feet north of SR 0045 (Lewisburg, PA Quadrangle N: 16.0 inches; W: 2.5 inches) in East Buffalo Township, **Union County**. Estimated stream disturbance is approximately 150 feet with no wetland impact; stream classification is WWF.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1241.** Encroachment. **Port of Pittsburgh Commission**, 503 Martindale Street, 5th Floor, Pittsburgh, PA 15212-5746. To construct and maintain a docking facility in the channel of and along the right bank of the Ohio River (WWF). The project is located at the West End Bridge (Pittsburgh West, PA Quadrangle N: 12.7 inches; W: 2.25 inches) in the City of Pittsburgh, **Allegheny County**.

**E65-705.** Encroachment. **R.W.S. Development Company, Inc.**, R. R. 1, Box 61, Rillton, PA 15678. To place and maintain fill in 0.52 acre of wetlands (PEM) and to place and maintain fill in an unnamed tributary to Long Run (HQ-TSF) for the purpose of construction of a residential development. The applicant proposes to construct 0.52 acre of wetlands (PEM) off site. The project is located along the south side of SR 3055 at its intersection with SR 3022 (Irwin, PA Quadrangle N: 14.00 inches; W: 16.6 inches) in North Huntingdon Township, **Westmoreland County**.

**E65-704.** Encroachment. **Three Rivers Marine & Rail Terminal, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425. To construct and maintain four lengths of embedded barges totaling a length of 700 feet and having a width of 26.0 feet in and along the Monongahela River (WWF) for the purpose of accommodating additional cargo handling operations. The project is located at River Mile 43.1 (Monongahela, PA Quadrangle N: 0.9 inch; W: 1.1 inches) in Rostraver Township, **Westmoreland County**.

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

**E25-571.** Encroachment. **General Partitions Manufacturing Corp.**, 1702 Peninsula Drive, Erie, PA 16505. To place fill in 0.112 acre of a wetland area (PEM) as part of an expansion of the existing General Partitions industrial facility. General Partitions is located at 1702 Peninsula Drive approximately 2,400 feet south of the intersection of Peninsula Drive and S.R. 0005. This project proposes to utilize the Wetland Replacement Fund for replacing the impact of 0.112 acre of wetland (Swanville, PA Quadrangle N: 17.8 inches; W: 2.4 inches) located in Millcreek Township, **Erie County**.

**E42-259.** Encroachment. **Wetmore Township**, R. D. 1, Box 20A, Spring Street, Kane, PA 16735. To remove the existing 24-inch diameter, and 36-inch diameter concrete

pipe culverts and to install and maintain a 64-inch-wide by 43-inch-high by 40-foot-long arch pipe culvert on T-300 across a tributary to West Run (HQ-CWF). The project is located on T-300 across a tributary to West Run, approximately 300 feet north of the intersection of Township Road T-300 and T-303 (Kane, PA Quadrangle N: 5.0 inches; W: 13.6 inches) located in Wetmore Township, **McKean County**.

## WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Regional Office: Bureau of Water Supply Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WA-09-775-A.** Water Allocation. **Bucks County Water and Sewer Authority**, 949 Easton Road, Suite 100, Warrington, PA 18976. The applicant is requesting the right to increase water withdrawal from 15,000 gallons per day to 30,000 gallons per day from the Delaware River in New Hope Borough, **Bucks County**.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Persons 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, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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.

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 (800) 654-5984.

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

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

**WQM Permit No. 1598409.** Sewerage. **West Pike-land Township**, P. O. Box 6, Chester Springs, PA 19452. Modification to the construction and operation of the Twin Hills of Chester Springs STP located in West Pikeland Township, **Chester County**.

**WQM Permit No. 4698416.** Sewerage. **Plymouth Industrial Center Inc.**, 600 Old Elm Street, Conshohocken, PA 19428. Construction and operation of a sanitary sewer to serve proposed commercial development known as the Market Place at Plymouth located in Plymouth Township, **Montgomery County**.

**NPDES Permit No. PA0013391.** Industrial waste. **Lehigh Valley Dairies**, 880 Allentown Road, Lansdale, PA 19446-5206 is authorized to discharge from a facility located in Upper Gwynedd Township, **Montgomery County** into unnamed to Towamencin Creek.

**NPDES Permit No. PA0042021.** Sewerage. **Milford-Trumbauersville Area Sewer Authority**, P. O. Box 126, Spinnerstown, PA 18968 is authorized to discharge from a facility located in Milford Township, **Bucks County** into Unami Creek.

**NPDES Permit No. PA0036455, Amendment No. 2.** Industrial waste. **Philadelphia Naval Complex**, South Broad Street, Philadelphia, PA 19112 is authorized to discharge from a facility located in the **City of Philadelphia**, into Delaware and Schuylkill Rivers.

**NPDES Permit No. PA0055565, Amendment No. 1.** Industrial waste. **Wings Field Associates**, 1501 Narcissa Road, Blue Bell, PA 19422 is authorized to discharge from a facility located in Whitpain Township, **Montgomery County** into Prophecy Creek.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**WQM Permit No. 5998409.** Sewerage. **J. Kevin Sauder**, 665 Water St., Ephrata, PA 17522. Granted permission to construct a single residence sewage treatment facility to resident at Delmar Township, **Tioga County**.

**WQM Permit No. 4998404.** Sewerage. **Northumberland Sewer Authority**, 100 Water Street, P. O. Box 325, Northumberland, PA 17857-0325. Granted permission to construct and maintain pump station to serve Northumberland Borough, **Northumberland County**.

**WQM Permit No. 5996403, Amendment No. 1.** Sewerage. **Delmar Township Supervisors**, R. R. 5, Box 70A, Wellsboro, PA 16901. Permit amended to add special condition J requiring the township to conduct periodic tests and inspections of the filter to determine their effectiveness in the treatment of wastewater. Facility located at Delmar Township, **Tioga County**.

**NPDES Permit No. PA0209651.** Sewerage. **Frank Baker, Columbia Investment Corporation**, 6009 New Berwick Highway, Bloomsburg, PA 17815. Granted applicant permission to discharge treated sewage from facility located at Main Township, **Columbia County**.

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

**WQM Permit No. 4298202.** Industrial waste. **Hazel Hurst Water Association**, P. O. Box 197, Hazel Hurst, PA 16733. This project is for the construction of a settling/storage tank to receive backwash water in Hamlin Township, **McKean County**.

**WQM Permit No. 4398411.** Sewerage. **Countryside Convalescent Home**, 8221 Lamor Road, Mercer, PA 16137. This project is for plans to construct modifications and install a new extended aeration sewage treatment plant in East Lackawannock Township, **Mercer County**.

**NPDES Permit No. PA0220965.** Sewerage, **Jeffrey P. Leri**, 21160 Phelps Rd., Meadville, PA 16335 is authorized to discharge from a facility located in West Mead Township, **Elk County** to Unnamed Tributary to Tamarack Lake.

**NPDES Permit No. PA0222534.** Industrial waste. **Hazel Hurst Water Association**, P. O. Box 197, Hazel Hurst, PA 16733 is authorized to discharge from a facility located in Hamlin Township, **McKean County** to an unnamed tributary to Marvin Creek.

**NPDES Permit No. PA0210269.** Industrial waste. **Keystone Thermistor Corporation**, Congress Street, Mt. Jewett, PA 16740 is authorized to discharge from a facility located in Mt. Jewett Borough, **McKean County** to an unnamed tributary to Kinzua Creek.

**NPDES Permit No. PA0101117.** Sewerage. **Shady Acres MHP**, P. O. Box 358, Route 98, Edinboro, PA 16412 is authorized to discharge from a facility located in Cussewago Township, **Crawford County** to a dry/intermittent tributary to Cussewago Creek.

**NPDES Permit No. PA0091197.** Sewerage. **High Meadows Sewer Service, Inc.**, 155 Blazing Star Drive, Butler, PA 16001 is authorized to discharge from a facility located in Penn Township, **Butler County** to an unnamed tributary to Thorn Creek.

**NPDES Permit No. PA0222542.** Sewerage. **Faith Independent Baptist Church**, P. O. Box 863, Meadville, PA 16335 is authorized to discharge from a facility located in Hayfield Township, **Crawford County** to an unnamed tributary to Cussewago Creek.

**NPDES Permit No. PA0034380.** Sewerage. **Quadland Corporation, Emlenton Truck Plaza**, 7041 Truck World Boulevard, Hubbard, OH 44425 is authorized to discharge from a facility located in Scrubgrass Township, **Venango County** to an unnamed tributary to the Allegheny River.

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES**

*Southwest Regional Office: Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4024.*

**WQM Permit No. 2698201.** Industrial, **Belden and Blake Corporation**, 22811 Titusville Road, Pleasantville, PA 16341. Applicant has been granted permission to construct and operate a wastewater treatment plant to treat groundwater produced during coalbed methane production, with the discharge of treated effluent to the Youghiogheny River.



**INDIVIDUAL PERMITS  
(PAS)**

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by an aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PAS-10-H079.** Individual NPDES. **Misty Meadows Partners**, 257 Country Club Road, Abbottstown, PA 17301. To implement an erosion and sedimentation control plan for the development of single family homes called Misty Meadows Subdivision on 29.18 acres in South Middleton Township, **Cumberland County**. The project is located on the east side of East Springville Road about 0.7 mile north of Boiling Springs (Carlisle, PA Quadrangle N: 6.5 inches; W: 0.7 inch). Drainage will be to Yellow Breeches Creek.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10V021	Sunrise Ventures, Inc. 3000 Sunrise Lake Milford, PA 18337	Pike County Dingman Township	Rattlesnake Creek and Birchy Creek
PAS105717	Tamaqua Industrial Development Enterprises 114 West Broad Street Tamaqua, PA 18252	Schuylkill County Rush Township	Tributary to Nesquehoning Creek

**INDIVIDUAL PERMITS**

**(PAR)**

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

**PAS-10-O-071.** Individual NPDES. **St. Catherines Church**, 15 East Church Street, Quarryville, PA 17566. To implement an erosion and sedimentation control plan for the construction of St. Catherines Church, parking lot and two stormwater detention basins on 19.3 acres in East Drumore Township, **Lancaster County**. The project is located on the east side of the Robert Fulton Highway (SR222) (Wakefield, PA Quadrangle N: 21.3 inches; W: 3.8 inches). Drainage will be to a tributary of Stewarts Run.

**PAS-10-O-073.** Individual NPDES. **Solanco Little League**, P. O. Box 313, Quarryville, PA 17566. To implement an erosion and sedimentation control plan for the construction of eight baseball fields and parking areas on 15.66 acres in Colerain Township, **Lancaster County**. The project is located along the west side of S. R. 472 about 400 feet south of Stewart Run Road intersection (Wakefield, PA Quadrangle N: 22.2 inches; W: 0.2 inch). Drainage will be to the West Branch of Octoraro Creek.

**PAS-10-Y057.** Individual NPDES. **Glen Rock State Bank**, 59 Main Street, Glen Rock, PA 17327. To implement an erosion and sedimentation control plan for construction of an operations center on 10.2 acres in Springfield Township, **York County**. The project is located at the intersection of Seaks Run Road (SR 0216) and the Susquehanna Trail (SR 3001) (Glen Rock, PA Quadrangle N: 13.1 inches; W: 9.9 inches). Drainage will be to Seaks Run.

**PAS-10-Y061.** Individual NPDES. **C.F.R. Development, Inc.**, R. D. 3, Glen Rock, PA 17327. To implement an erosion and sedimentation control plan for the Menlena Subdivision on 31.7 acres in West Manheim and Penn Townships, **York County**. The project is located east of SR 0094, 0.3 mile south of Grandview Road (Hanover, PA Quadrangle N: 3.5 inches; W: 12.0 inches). Drainage will be to a tributary to Furnace Creek.

*List of NPDES and/or other  
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG 2*

*Facility Location  
County and  
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Snake Spring Township Bedford County	PAR-10-0434	C & R Partnership Chris Ritchey P. O. Box 35 Curryville, PA 16631	Raystown Branch	Bedford County CD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Spring Township Berks County	PAR-10-C217	PSU Berks Residence Hall and Parking Areas James Sterganos Dir Bus Services PSU-Berks Tulpehocken Road Reading, PA 16802	Tulpehocken Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Chambersburg Borough Franklin County	PAR-10-M156	Chambersburg Area Dev. Corp. 75 South 2nd Street Chambersburg, PA 17201	Conococheague	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Montgomery Township Franklin County	PAR-10-M157	Dauphin County General Authority 530 South Harrisburg Street Harrisburg, PA 17113-1216	UNT to Licking Creek	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Greene Township Franklin County	PAR-10-M158	Chambersburg County Club 3646 Scotland Road Scotland, PA 17254	Conococheague	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Mount Joy Township Lancaster County	PAR-10-O-280	MJT Associates Inc. P. O. Box 128 Mount Joy, PA 17552	UNT Conoy Creek	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Allegheny Township Blair Township Blair County	PAR-10-0667	A. Craig Lecrone 912 Blair Street Hollidaysburg, PA 16648	Frankstown Branch Juniata River	Blair County CD 1407 Blair St. Hollidaysburg, PA 16648 (814) 696-0877

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Logan Township Blair County	PAR-10-0666	Estate of Jane S. Parks Theresa Marie Smith and Patricia Ann Leelleher 464 Richmond Avenue Maplewood, NJ 17040	Spring Run	Blair County CD 1407 Blair St. Hollidaysburg, PA 16648 (814) 696-0877
Hampden Township Cumberland County	PAR-10-H171	Ken Snyder Jr. Capital Self Storage West 3440 Admire Road Dover, PA 17315	Ceder Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAR-10-H167	Petroleum Products Corp. 127 Texaco Road Mechanicsburg, PA 17055	Trindle Spring Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Susquehanna Township Dauphin County	PAR-10-I151	Wavaerly Woods Associates P. O. Box 622 Lemoyne, PA 17043	Paxton Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Oliver Township Perry County	PAR-10-5124	Gravel Hill Dev. Harry Fahnestock R. D. 2, Box 33 Newport, PA 17074	Juniata River	Perry County CD P. O. Box 36 36 W. Main Street New Bloomfield, PA 17068 (717) 582-8988
Manchester Township York County	PAR-10-Y313	Manchester Township Larry Gross 3289 Susquehanna Trail York, PA 17402	Little Conewago Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR-10-Y309	Wellington Greens Gary Hall 3093 North George Street York, PA 17402	UNT Little Conewago Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township York County	PAR-10-Y091-R	Starview Mobile Home Community c/o Carl Dallemeyer 4775 North Sherman Street Mount Wolf, PA 17347	UNT Susquehanna River	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR-10-Y292-I	West Manchester Business Park Phase II Penntown Properties 118 Carlisle Street Hanover, PA 17331	Honey Creek UNT to West Branch of Codorus	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

*General Permit Type—PAG 3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Williamsport	PAR224839	Keystone Veneers Inc. 240 N. Reach Road P. O. Box 3455 Williamsport, PA 17701	UNT West Branch Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Montoursville Borough	PAR804844	Montour Oil Service Company 112 Broad St. Montoursville, PA 17777	Municipal Storm Sewer to Loyalsock Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Northumberland County Watsontown Borough	PAR204816	Watsontown Foundry Fifth and Ash Streets Watsontown, PA 17777	Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

*General Permit Type—PAG 4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Tioga County Delmar Township	PAG045018	J. Kevin Sauder 665 Water Street Ephrata, PA 17522	UNT to East Branch of Stony Fork Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

*General Permit Type—PAG 5*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Mifflin County Lewistown Borough	PAG053521	Nittany Oil Company, Inc. Minit Mart #232 P. O. Box 627 Philipsburg, PA 16886	UNT to Kishoquilla Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110-8220 (717) 705-4707
Somerset County Somerset Township	PAG056125	Somerset Fuel Co., Inc. 702 S. Kimberly Avenue Somerset, PA 15501	Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG 8*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Tioga County Knoxville Borough	PAG084804	Knoxville Borough Grant Geham, Chairperson Water & Sewer Committee P. O. Box 191 Knoxville, PA 16928-0191		Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

The Department of Environmental Protection (Department) has taken actions on municipal requests for Act 537 Plan Approval.

Persons 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 Pennsylva-

nia 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 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.

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**Actions under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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*Southeast Regional Office: Sewage Planning Specialist Supervisor; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

1. The Plan Approval is granted for a revision to the Official Sewage Facilities Plan of Bryn Athyn Borough, Montgomery County to provide for the purchase of the Academy of the New Church (ANC) sewage treatment plant by Bryn Athyn Borough.

2. The construction of a collection and conveyance system to serve the College Park, Alden Road and Loop areas, as described in Sections 5 and 7 and as shown in Appendix D of the plan. The collection and conveyance system will consist of the following: 29,000 lf of 4 inch diameter gravity sewers; a 90 gpm pump station to be located in the vicinity of Fetters Mill Road and Penpack Creek; a 100 gpm pump station to be located in the vicinity of Tomlinson and Sycamore Roads and 7,000 lf of 3 inch diameter force main. The total flow diverted to the ANC treatment plant will not exceed 27,500 gpd. Properties will be connected to public sewers consistent with the implementation schedule found on page 41 of the plan.

3. Properties to be connected to public sewers will have new septic tanks installed when the existing tanks do not meet Chapter 73 specifications. In addition, diversion valves, filters and septic tank effluent pumps, when necessary, will be installed as shown in Appendices D and G of the plan.

4. Properties to be connected to public sewers will also utilize onlot sewage disposal systems for a duration of time established through maintenance and pumping records, as shown in Table 4 and Appendices D and E of the plan. Systems in need of significant improvement, depicted in red and violet in Appendix D, will be connected to public sewers 100% of the time. Systems which are performing satisfactorily but require routine maintenance every 2 to 3 years, as shown in green in Appendix D, will be connected to public sewers 50% of the time. Finally, systems requiring service every 5 years or more, as shown in yellow and white in Appendix D, will discharge to public sewers 30% of the time. Properties will discharge to the ANC plant during the summer months, at that time the Borough will pump and conduct inspection of septic tanks.

5. Continuation of the Borough's current sewage management program.

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

*Location: Lower Possum Run and Ridge Boulevard Drainage Basin, Dunbar Township, Fayette County.*

*Project Description: Approval of an update to the Official Sewage Facilities Plan of Dunbar Township, Fayette County. Project involves the construction of a sewage collection, conveyance and treatment facilities for the Lower Opossum Run and Ridge Boulevard Drainage Basins. This project will service approximately 935 equivalent dwelling units in the project area with the construction of a new sewage treatment plant approximately 2,000 feet from the end of Ridge Boulevard, Dunbar Township along the Youghiogheny River. The Department's review of the Sewage Facilities Update Revision has not identified any significant environmental impacts resulting from this proposal.*

*Regional Office: Water Management Program Manager; Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.*

*Location: Berwick Township, Adams County, 85 Municipal Rd., Hanover, PA 17331.*

The approved plan provided for construction of a conventional gravity collection system and a .200 mgd STP discharging to an unnamed tributary to Pine Run. An OLDS management program for the remainder of the Township is required to be in place within 8 months of plan approval. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Location: Newton-Hamilton Borough, Mifflin County, P. O. Box 63, Newton-Hamilton, PA 17075.*

The Act 537 Official Plan submission was disapproved because Newton-Hamilton Borough failed to address the remaining five plan deficiencies identified the Department's letter dated June 15, 1994. As discussed in the Department's January 29, 1998 letter, failure to respond in writing within 60 days from the date of that letter would result in plan disapproval. Additionally, the Department understands that Newton-Hamilton Borough is participating with Wayne Township in an area Act 537 Plan. The original deficiencies from the 1993 plan are listed below.

1. An original, signed and sealed resolution of adoption has not been provided. (Item 3)

2. No clear alternative has been selected as the intended solution to the sewage disposal needs. Plan page 3-8 identifies only a least costly system "... such as those described as alternative 1.1 and 1.2." (VIII)

3. The alternatives analysis is inadequate. Information supplied concerning the alternative of connection to the Wayne Township/Kistler Borough/Mount Union facilities was insufficient to enable comparison with a Newton Hamilton alternative. (VI)

4. The plan's implementability is highly questionable since it clearly contains a financial disclaimer on page 4-1. Alternate funding schemes to support plan implementation are necessary should the primary funding not materialize. If Pennvest or other Federal funding is to be utilized, the Water Pollution Control Revolving Fund (WPCRF) Checklist must be completed.

5. The plan does not document Borough efforts to coordinate planning activity with Wayne Township Municipal Officials. Conceding no involvement to a vocal citizens group from Wayne Township does not equate to an attempt at intermunicipal coordination.

*Location: Suburban Lancaster Sewer Authority, Camp Dresser & McKee, Inc., 227 Granite Run Road, Suite 206, Lancaster, PA 17601.*

The approved plan provided for identification of sewage treatment capacity requirements for the SLSA service area, examination of prospective STP sites and, ultimately, purchase of 2.0 mgd sewage treatment capacity from Lancaster City. Treatment to be provided by the Lancaster treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**Permit No. 0598501.** Public water supply. **Hyndman Borough**, Municipality: Hyndman Borough, **Bedford County**. *Responsible Official:* Stanley Robinson, President, Hyndman Borough Council, P. O. Box 486, Hyndman, PA 15545. *Type of Facility:* Construction of a facility to clean and reuse the top layer of scrapped sand from the slow sand filter plant. Facility will also recycle any waste water generated.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Application No. M. A.** The Department issued a construction permit application to **Pennsylvania American Water Company** (800 West Hersheypark Drive, Hershey, PA 17033; Northumberland Borough, **Northumberland County**) for rehabilitation of the interior and exterior coating system on the Prince Street Tank in order to preserve the structural integrity and extend the life of the steel water storage vessel.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

### The following final reports were submitted 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 (Department) 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, contact the Environmental Cleanup Program in the Department 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 (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**PP&L Pole #67492S36552.** Souderton Borough, **Montgomery County**. Nancy A. Evans, PP&L, Inc., Environmental Management Division-GENTW8, Two North Ninth Street, Allentown, PA 18101-1179, has submitted a Final Report concerning remediation of site soil contaminated with PCBs. The report is intended to document remediation of the site to meet Statewide health standards.

**PP&L Pole #67877S36735.** Souderton Borough, **Montgomery County**. Nancy A. Evans, PP&L, Inc., Environmental Management Division-GENTW8, Two North Ninth Street, Allentown, PA 18101-1179, has submitted a Final Report concerning remediation of site soil contaminated with PCBs. The report is intended to document remediation of the site to meet Statewide health standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

### The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of Chapter 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediation Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or 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 (800) 654-5984.

The Department has acted upon the following plans and reports:

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**CBS Corporation/Former Playskool Facility**, East Lampeter Township, **Lancaster County**. CBS Corporation, 11 Stanwix Street, Pittsburgh, submitted a final report concerning the remediation of site soils contaminated with heavy metals and solvents. The final report demonstrated attainment of the site-specific standard, and was approved by the Department on July 21, 1998.

**Red Rose Commons**, City of Lancaster and Manheim Township, **Lancaster County**. Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 submitted a final report concerning remediation of site soils contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on July 21, 1998.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**GP1-36-3060: Lancaster Leaf Tobacco Co. of PA, Inc.** (198 W. Liberty Street, P. O. Box 897, Lancaster, PA 17608-0897) issued July 17, 1998, to operate natural gas/No. 2 fuel oil boilers in Lancaster City, **Lancaster County**.

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

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**11-00421: Conemaugh & Black Lick Railroad** (825 Iron Street, Johnstown, PA 15906) issued June 12, 1998, for operation of a B&B wheel grinder at Locomotive Repair Shop in West Taylor Township, **Cambria County**.

**04-00678: The ALTA Group** (195 Hartzell School Road, Fombell, PA 16123) issued June 12, 1998, for a nonferrous smelting facility in Marion Township, **Beaver County**.

**65-00595: Westmoreland Regional Hospital** (532 West Pittsburgh Street, Greensburg, PA 15601) issued July 22, 1998, for the operation of a general hospital facility in Greensburg, **Westmoreland County**.

**03-198A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) issued July 20, 1998, for the operation of a portable coal crusher at Huskins Run Crusher in Cowanshannock Township, **Armstrong County**.

**65-00891: Firestone Building Products Co.** (525 Congressional Blvd., Carmel, IN 46032) issued July 20,

1998, for the operation of plastic foam product manufacturing at Youngwood Plant in Youngwood Borough, **Westmoreland County**.

**26-00477: United Defense L. P.** (300 University Drive, Lemont Furnace, PA 15456) issued June 12, 1998, for paint shop at Paint Shop SPB-1 in North Union Township, **Fayette County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**33-156A: National Fuel Gas Supply Corp., Reynoldsville Station** (P. O. Box 2081, Erie, PA 16512) issued July 31, 1998, for operation of a natural gas compressor station in Winslow Township, **Jefferson County**.

### PLAN APPROVALS

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**09-0063: New Hope Crushed Stone** (6970 Phillips Mill Road, New Hope, PA 18938) issued July 24, 1998, for the operation of two new diesel electric generators in Solebury Township, **Bucks County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**01-310-001C: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) issued July 27, 1998, for modification of the Traprock Crushing Plant controlled by a wet suppression system at the Gettysburg Quarry, Cumberland Township, **Adams County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**01-310-033A: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214) issued July 23, 1998, for construction of the rock crushing, drying and transfer system controlled by two fabric collectors at their Charmian Plant, in Hamiltonban Township, **Adams County**.

**01-310-052: Carmeuse Pennsylvania, Inc.** (875 Oxford Road, Hanover, PA 17331) issued July 23, 1998, for the installation of a silo and truck loadout controlled by a fabric filter in Oxford Township, **Adams County**.

**36-304-093: Lancaster Aluminum Co., Inc.** (10 Wynfield Drive, Lititz, PA 17543) issued July 23, 1998, for the installation of an aluminum chip dryer controlled by an afterburner in Warwick Township, **Lancaster County**.

**36-310-076: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) issued July 27, 1998, for the installation of an impact crusher controlled by a wet suppression system at their Schoeneck Plant in West Cocalico Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**67-309-015F: Baker Refractories** (P. O. Box 1189, York, PA 17405) issued July 24, 1998, for modification of the HPS Batch Plant in West Manchester Township, **York County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**63-147A: Union Camp Corp.** (P. O. Box 285, Washington, PA 15301) issued July 20, 1998, for operation of printing press at Eighty-four Facility in North Strabane Township, **Washington County**.

**56-266A: Double D. Energy Association, L.L.C.** (106 E. Market St., Suite 615, Warren, OH 44481) issued June 6, 1998, for operation of coal agglomeration at Shade Township Facility in Shade Township, **Somerset County**.

**03-305-009C: Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701) issued July 23, 1998, for operation of coal preparation plant at Cleaning Plant in Plumcreek Township, **Armstrong County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**25-070A: EMI Co.** (603 West 12th St., Erie, PA 16501) issued July 16, 1998 for the replacement of two furnaces in Erie, **Erie County**.

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

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**09-318-034A: 3M Co.** (2201 Green Lane, Bristol, PA 19007) issued July 21, 1998, for operation of a mill room operations and dust collect in Bristol Township, **Bucks County**.

**46-313-006F: Cabot Corp.** (County Line Road, Douglass, PA 19504) issued July 22, 1998, for operation of a scrubber in Douglass Township, **Montgomery County**.

**09-303-028: Bucks County Crushed Stone Co., Inc.** (262 Quarry Road, Ottsville, PA 18942) issued July 27, 1998, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

**23-315-007: Kimberly-Clark Tissue Co.** (Front and Avenue of the States, Chester, PA 19013) issued July 27, 1998, for operation of a No. 18 Paper Machine in City of Chester, **Delaware County**.

**46-318-047: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) issued July 27, 1998, for operation of nine spray booths in East Greenville Borough, **Montgomery County**.

**66-0081: Markel Corp.** (416 School Lane, Norristown, PA 19404) issued July 27, 1998, for operation of eight extrusion vapor ovens in Plymouth Township, **Montgomery County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**21-03006: Ralston Purina Co.** (Checkerboard Square —2B, St. Louis, MO 63164) issued July 17, 1998, to authorize temporary operation of the pet food production lines controlled by fabric collectors, covered by this Plan Approval until November 13, 1998, at their Mechanicsburg Plant, in Hampden Township, **Cumberland County**.

**22-307-034B: Bethlehem Steel Corp.** (215 South Front Street, Steelton, PA 17113) issued July 22, 1998, to authorize temporary operation of the steel production facility controlled by fabric filters and scrubber, covered by this Plan Approval until November 18, 1998, in Steelton Borough, **Dauphin County**.

**31-310-025C: U. S. Silica Co.** (P. O. Box 187, Berkeley Spring, WV 25411) issued June 1, 1998, to authorize temporary operation of the silica sandstone dry screening operation controlled by a fabric collector, covered by this Plan Approval until September 30, 1998, at their Keystone Plant, in Brady Township, **Huntingdon County**.

**38-02002: Aluminum Co. of America** (3000 State Drive, Lebanon, PA 17042) issued July 21, 1998, to authorize temporary operation of the secondary aluminum production facility, covered this RACT Plan Approval until November 17, 1998, in South Lebanon Township, **Lebanon County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**11-305-028: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) issued July 20, 1998, for installation of wet coal refuse reclaim plant at Mine #42 in Adams Township, **Cambria County**.

**26-316-003: Fay-Penn Fiber, Inc.** (2079-A Lawrence Drive, Depere, WI 54115) issued July 13, 1998, for installation of air transport and dust collection system at Division of R&K Development Co. in Georges Township, **Fayette County**.

**65-137A: Allegheny Ludlum Corporation** (100 River Road, Brackenridge, PA 15014) issued July 20, 1998, for the installation of a sendzimer cold rolling mill at the Vandergrift Plant in Vandergrift Borough, **Westmoreland County**.

**26-487A: Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610) issued July 20, 1998, for the installation of a coal crushing plant at Nicholson Surface Mine in Saltlick Township, **Fayette County**.

**26-472A: Assad Iron & Metal, Inc.** (P. O. Box 76, Brownsville, PA 15417) issued July 20, 1998, for the installation of a united AS-990 sweat furnace at the Brownsville Plant in Jefferson Township, **Fayette County**.

**63-101A: Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314) issued July 23, 1998, for the operation of coal storage area at the Maple Creek Preparation Plant in New Eagle Borough, **Washington County**.

**63-110B: Corning Consumer Products Company** (100 8th Street, Charleroi, PA 15011) issued July 23, 1998, for the operation of a glass melting tank 56 at the Charleroi Plant in Charleroi Borough, **Washington County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**42-176A: Allegheny MDG Limited Partnership** (R. D. 1, Box 228, Kane, PA 16735) issued July 31, 1998 for a standby gas fired hot oil heater located in Sargeant Township, **McKean County**.

**42-302-025: Allegheny MDF Limited Partnership** (R. D. 1, Box 228, Kane, PA 16735) issued July 30, 1998 for a thermal fluid heat plant located in Sargeant Township, **McKean County**.



**42-399-025: Allegheny MDF Limited Partnership** (R. D. 1, Box 228, Kane, PA 16735) issued July 30, 1998, for a medium density fiberboard press line, press unloader and board cooler located in Sargeant Township, **McKean County**.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Proposed Revision to the State Implementation Plan for Volatile Organic Compounds (VOC); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing**

**Huntingdon County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a revised Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for a glass fiber manufacturing facility owned and operated by **Owens Corning** in Huntingdon Borough, Huntingdon County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 31-02002 for the existing facility to comply with current regulations.

The preliminary RACT determination, when approved, will be incorporated into an Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

A VOC RACT determination is being made for the entire glass fiber manufacturing facility. The preliminary VOC RACT determination for the facility will require various work practices to minimize the emissions of VOC's. Upon final approval of the company's case-by-case analysis, the operating permit will include conditions requiring recordkeeping and reporting of operational data to verify VOC emissions.

An appointment to review the pertinent documents at the Department's Altoona District Office at 615 Howard Avenue, Altoona may be scheduled by contacting Kathy Ciampoli at (814) 946-7290 between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on September 17, 1998, at the Huntingdon Borough building, located at 530 Washington Street, Huntingdon, PA 16652 from 10 a.m. until all scheduled comments are received.

Those wishing to comment are requested to contact Susan Frank at (717) 705-4904 at least 1 week in advance of the hearing to schedule their testimony. Those wishing to comment are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Steve Weyandt, Air Pollution Control Engineer, 615 Howard Avenue, Altoona, PA 16601, on or before September 22, 1998.

Persons with a disability who wish to attend the hearing scheduled for September 17, 1998, at the Huntingdon Borough building and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Susan Frank directly at (717) 705-4904 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The Department of Environmental Protection (Department) will conduct a public hearing on September 2, 1998, beginning at 1 p.m. in the 1st Floor Conference Room of the Department Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, an amended Reasonably Available Control Technology (RACT) plan for boiler #3 and boiler #8:

**INDSPEC Chemical Corp.**, 133 Main Street, Petrolia, PA.

To meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. This RACT is only for the amendment to boilers #3 and #8. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. This facility is located in **Butler County**.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approval for the amendment of boiler #3 and boiler #8 to comply with current regulations.

The preliminary RACT determination for boiler #3 and boiler #8, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary NOx and VOC RACT determination for boiler #3 and boiler #8:

*INDSPEC Chemical Corp.—133 Main Street, Petrolia*

<i>Source</i>	<i>NOx RACT Limit</i>
Boiler #3	0.51 lb/MMBtu

<i>Control Device</i>	<i>Implementation Date</i>
operation and maintenance in accordance with manufacturers recommendations; operation and maintenance with good air pollution control practices	Source is shutdown

Source	NOx RACT Limit	Control Device	Implementation Date
Boiler #8	0.51 lb/MMBtu	operation and maintenance in accordance with manufacturers recommendations; operation and maintenance with good air pollution control practices	7/16/1998

For the above facility, a public hearing will be held for the purpose of receiving comments on the above proposed Plan Approval and/or Operating Permit and the proposed SIP revisions. The public hearing is scheduled as follows: Wednesday, September 2, 1998, 1 p.m.—3 p.m., 1st Floor Conference Room, DEP Regional Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407.

Persons wishing to present testimony at the hearing should contact Lori McNabb, Air Pollution Control Engineer, DEP, 270 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Steve Curcio at (814) 332-6945, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to: Lori McNabb, (814) 332-6940, Air Pollution Control Engineer, Department of Environmental Protection, 270 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the Department contact person noted previously.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the 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).

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

### Coal Applications Issued

**11950102.** SMP Boundary Revision, **Laurel Land Development, Inc.** (P. O. Box 629, Carrolltown, PA 15722), the proposed 3.5 acre addition is located in Jackson Township, **Indiana County**, on the lands of James T. and Celia B. McFadden and is for support use/haulroad access to this existing surface mining permit. This proposed amended area will provide topographic drainage to a new receiving stream, an unnamed tributary to Laurel Run. However, the operator will continue to discharge treated water only to Hinckston Run and unnamed tributaries to Hinckston Run. No mineral extraction activities are to occur on this 3.5 acre added area. Total SMP acres goes from 80.0 to 83.5. Receiving streams for this operation will be Hinckston Run, unnamed tributaries to Hinckston Run, and unnamed tributary to Laurel Run. Application received May 15, 1998. Issued July 20, 1998.

**11970201.** **Maple Coal Company** (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143), commencement, operation and restoration of a bituminous strip-coal refuse reprocessing-beneficial use of ash mine in Barr and Blacklick Townships, **Cambria County**, affecting 47.1 acres, receiving stream unnamed tributary to and Elk Creek. Application received December 30, 1997. Permit issued July 22, 1998.

**11823002.** Permit Renewal, **C & K Coal Company** (Box 69, Clarion, PA 16214), commencement, operation and restoration of a bituminous strip-auger mine in Reade Township, **Cambria County**, affecting 297.0 acres, receiving stream Powell Run and an unnamed tributary to Powell Run. Application received May 29, 1998. Permit issued July 24, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**33870112.** **Colt Resources, Inc.** (R. D. 3, Box 48A, Clarion, PA 16214) Renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Perry Township, **Jefferson County** affecting 52.1 acres. This renewal is issued for reclamation only. Receiving streams: Nicely Run. Application received December 23, 1997. Permit issued: July 6, 1998.

**10820139.** **Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225) Transfer of an existing bituminous strip and coal ash placement operation from Tiche Limestone & Construction in Venango Township, **Butler County** affecting 102.8 acres. Receiving streams: Three unnamed tributaries of Seaton Creek to Seaton Creek to Slippery Rock Creek to the Connoquenessing Creek to the Beaver River. Application received January 21, 1998. Permit issued July 7, 1998.

**33723002.** **Krach & Gearhart** (R. D. 4, Box 486, DuBois, PA 15801) Transfer of an existing bituminous strip and auger operation from Alvin Gearhart in Washington and Winslow Townships, **Jefferson County** affecting 504.0 acres. Receiving streams: Unnamed tributary to Kyle Lake, unnamed tributary to Sandy Lick Creek. Application received April 21, 1998. Permit issued July 14, 1998.

**33860109. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858) Renewal of an existing bituminous strip and auger operation in Washington Township, **Jefferson County** affecting 157.0 acres. This renewal is issued for an additional 5 year term. Receiving streams: Unnamed tributaries to Rattlesnake Creek to Little Toby Creek to the Clarion River to the Allegheny River. Application received May 7, 1998. Permit issued July 2, 1998.

**33723002. Krach & Gearhart** (R. D. 4, Box 486, DuBois, PA 15801) Renewal of an existing bituminous strip and auger operation in Washington and Winslow Townships, **Jefferson County** affecting 504.0 acres. Receiving streams: Unnamed tributary to Kyle Lake, unnamed tributary to Sandy Lick Creek. Application received February 6, 1998. Permit issued July 14, 1998.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32851601. P and N Coal Co., Inc.** (240 West Mahoning St., P. O. Box 332, Punxsutawney, PA 15767), to renew the permit for the Hillman Tipple in Banks Township, **Indiana County**, no additional discharges. Permit issued July 10, 1998.

**56841606. Scurfield Coal, Inc.** (228 Main St., Berlin, PA 15530), to renew the permit for the Scurfield Coal Preparation Plant in Brothersvalley Township, **Somerset County**, no additional discharges. Permit issued July 14, 1998.

**03851302. Rosebud Mining Company** (R. D. 1, Box 379A, Kittanning, PA 16201), to renew the permit for the Rosebud #3 Mine in Perry Township, **Armstrong County**, no additional discharges. Permit issued July 14, 1998.

**30753712. Cyprus Emerald Resources Corp.** (145 Elm Dr., P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald #1 CRDA in Franklin Township, **Greene County**, sludge utilization no additional discharges. Permit issued July 16, 1998.

**30841307. Cyprus Emerald Resources Corp.** (145 Elm Dr., P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine in Franklin Township, **Greene County**, No. 8 shaft and No. 4 bleeder shaft, unnamed tributary to Coal Lich Run. The permit applicant has met the wetland replacement by participating in the Pennsylvania Wetland Replacement Project. Permit issued July 16, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

*Small Noncoal (Industrial Minerals) Permits Issued*

**61982801. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a small noncoal (industrial mineral) operation in Irwin Township, **Venango County** affecting 6.5 acres. Receiving streams: none. Application received April 21, 1998. Permit issued June 25, 1998.

**10980804. North Star Coal Company** (1202 Benedum Trees Building, Pittsburgh, PA 15222). Commencement, operation and restoration of a small noncoal (industrial mineral) operation in Venango Township, **Butler County** affecting 5.0 acres. Receiving streams: None. Application received January 5, 1998. Permit issued July 14, 1998.

**3076SM2. Afton Trucking, Inc.** (8923 Wattsburg Road, Erie, PA 16509). Renewal of NPDES No. PA0104761, Greene Township, **Erie County**. Receiving

streams: Unnamed Run to East Branch LeBoeuf Creek. Application received: May 6, 1998. Permit issued: July 2, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*General Small Noncoal Authorizations Granted*

**58980823. Arden L. MacGeorge, Jr.** (R. R. 1, Box 1314, Laceyville, PA 18623), commencement, operation and restoration of a small bluestone quarry operation in Forest Lake Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Authorization granted July 20, 1998.

**66980801. Thomas Chickey** (449 Milwaukee Avenue, Old Forge, PA 18518), commencement, operation and restoration of a small bluestone quarry operation in Clinton Township, **Wyoming County** affecting 2.0 acres, receiving stream: None. Authorization granted July 20, 1998.

**58980828. Mark W. Lewis** (R. R. 1, Box 98L, New Milford, PA 18834), commencement, operation and restoration of a small bluestone quarry operation in Harford Township, **Susquehanna County** affecting 3.0 acres, receiving stream: None. Authorization granted July 20, 1998.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons 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, 400 Market Street, Floor 2, 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 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 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 Clean Streams Law (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.*)

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

**E46-802.** Encroachment Permit. **Guidi Homes, Inc.**, 1301 South Bethlehem Pike, Ambler, PA 19002. To enlarge an existing body of water located along an unnamed tributary to Wissahickon Creek (TSF) for the purpose of providing stormwater management associated with the construction of the Gwynn Crest Residential Subdivision. Approximately 37 linear feet of watercourse will be relocated through a proposed 36-inch reinforced concrete outlet conduit for an existing nonslope dam. The site is situated approximately 500 feet south of the intersection of Swedesford Road and Sumneytown Pike (Lansdale, PA USGS Quadrangle N: 14.0 inches; W: 1.4 inches) in Lower Gwynedd Township, **Montgomery County**.

**E15-575.** Encroachment Permit. **West Chester United Soccer Club**, P. O. Box 1842, West Chester, PA 19380-0065. To construct and maintain a 45-foot long pedestrian bridge with an underclearance of 7 feet crossing the East Branch of Chester Creek. The site is located approximately 1,000 feet southwest of the intersection of Route 926 and Creek Road at the West Chester United Soccer Club's fields (West Chester Quadrangle N: 10.6 inches; W: 5.95 inches), in Thornbury Township, **Chester County**.

**E46-803.** Encroachment Permit. **Abington Township**, 1176 Old York Road, Township Building, Abington, PA 19001. To remove the existing Johnston Avenue culvert known as Johnston Avenue Bridge, which spans the 100-year floodway of Sandy Run (TSF) and to construct and maintain a 23.00 feet by 7.00 feet box culvert at this location to reduce the flooding problems near this location. This site is located approximately 50 feet north of the intersection of Brookdale Avenue and Johnston Avenue (Ambler, PA Quadrangle N: 0.6 inch; W: 2.00 inches) in Abington Township, **Montgomery County**.

**E51-166.** Encroachment Permit. **Pennsylvania Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To provide major maintenance to 166 existing Schuylkill Expressway (S. R. 76) support columns by placing concrete encasement protection around the lower exposed portion of these steel pile supports. R-6 riprap will be used to protect the base of these columns and provide scour protection. Scour protection utilizing R-6 riprap will also be installed at stormwater outfalls. This work extends approximately 6,500 linear feet along the west bank of the Schuylkill River (WWF, MF) in the vicinity of Walnut Street, (Philadelphia, PA-NJ Quadrangle N: 14.0 inches; W: 8.1 inches), in the City of Philadelphia, **Philadelphia County**. This permit was issued under section 105.13(e) "Small Projects."

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E01-192.** Encroachment. **The Links at Gettysburg, LLC.**, Richard Klein, 5220 Klees Mill Road, Sykesville, MD 21784. To construct and maintain five golf cart bridges across Lousy Run consisting of (1) a 47-foot single span bridge with an underclearance of 6.8 feet; (2) a 25-foot single span bridge with a 9-foot underclearance with a boardwalk projecting over adjacent wetlands; (3) a 30-foot single span bridge with a 7-foot underclearance; (4) a 40-foot single span bridge with a 4-foot underclearance; and (5) a 37-foot single span bridge with a 4-foot underclearance; and, to place fill in the floodway of Rock Creek to construct Greens No. 11 and 14 to be located at The Links of Gettysburg Golf Course located on either side of Mason Dixon Road approximately 1 mile west of SR 0134 near the MD State Line (Taneytown, MD-PA

Quadrangle N: 18.1 inches; W: 14.5 inches) in Mount Joy Township, **Adams County**. This permit also includes 401 Water Quality Certification.

**E05-263.** Encroachment. **Bedford-Somerset Mental Health/Mental Retardation Services**, Phil Gardill, R. D. 1, Box 1630, Bedford, PA 15522. To excavate a de minimis area of wetlands for the purpose of creating storage in a stormwater detention basin as part of the development of a commercial property located along Chalybeate Road (T-480) about 1.0 mile northeast of Bedford Borough (Everett West, PA Quadrangle N: 5.6 inches; W: 15.65 inches) in Bedford Township, **Bedford County**. This permit also includes 401 Water Quality Certification.

**E31-143.** Encroachment. **Huntingdon Area School District**, Francis Barnes, 2400 Cassady Avenue, Suite 2, Huntingdon, PA 16652. To reconstruct about 500 feet of channel and to construct about 190 feet of embankment along an unnamed tributary to the Juniata River for the purpose of creating positive drainage for stormwater runoff and to reduce periodic flooding located at the Huntingdon Area School on the northeast corporate limits of Huntingdon Borough (Alexandria, PA Quadrangle N: 1.1 inches; W: 1.1 inches) in Huntingdon Borough, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E41-422.** Encroachment. **Gerald L. Smith**, R. R. 1, Box 212, Allenwood, PA 17810. To place a mobile home, 70 feet long by 10 feet wide, in the floodway of an unnamed tributary to White Deer Hole Creek located on SR 2001 approximately 600 feet north of SR 2002 (Williamsport, PA Quadrangle N: 0.8 inch; W: 3.0 inches) in Washington Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E49-217.** Encroachment. **Ralph Knorr**, R. R. 3, Box 183A, Sunbury, PA 17801. To construct and maintain a 15 inch storm drain pipe and to place about 6 inches of fill along approximately 300 feet of eroded stream bank in Little Shamokin Creek. The project is located on Bush Hollow Road off Rt. 890 approximately 500 feet south of Augustaville (Treverton, PA Quadrangle N: 9.5 inches; W: 16.2 inches) in Rockefeller Township, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E08-334.** Encroachment. **PA Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To widen and maintain an existing single span RC T-beam bridge with a span of 20 feet and underclearance of 5.3 feet across an unnamed tributary to South Branch of Sugar Creek located on SR 14 just south of T-532 and to remove the existing structure and to construct and maintain a 42-inch RCP culvert in an unnamed tributary to South Branch of Sugar Creek on SR 14, 1,000 feet north of T-532, to widen and maintain an existing single cell 6 foot x 6 foot RC box culvert in an unnamed tributary to South Branch of Sugar Creek located on SR 14, 200 feet north of T-336, and to place fill in 0.05 acre of wetlands to widen 3 miles of SR 14 located just south of the Borough of Troy (Troy, PA Quadrangle N: 0.9 inch; W: 5.7 inches) in Troy Township, **Bradford County**.

**E18-253.** Encroachment. **DCNR, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove

the existing structure and to construct and maintain a cast in place concrete box culvert with a normal span of 17.4 feet and effective underclearance of 5.5 feet in Camp Run located on Cooks Run Road approximately 0.4 mile north of its intersection with Cole Run Road (Keating, PA Quadrangle N: 7.8 inches; W: 7.2 inches) in East Keating Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E65-686.** Encroachment. **DeNunzio Properties, Inc.**, P. O. Box 74, Jeannette, PA 15644. To construct and maintain a single span bridge having a normal span of 33.0 feet and an underclearance of 5.0 feet across Zellers Run for the purpose of providing access to future rental garage units. The project is located on Weaver Street (Greensburg, PA Quadrangle N: 7.0 inches; W: 7.1 inches) in the Borough of Southwest Greensburg, **Westmoreland County**.

**E04-251.** Encroachment. **Alex E. Paris Contracting Company, Inc.**, P. O. Box 369, Route 18, Atlasburg, PA 15004, Bridgeville, PA 15017. To place and maintain fill in approximately 0.28 acre of wetlands on the right bank of Wingfield Run (WWF) and to construct and maintain an outfall structure on the right bank of said stream for the purpose of expanding the existing Paris Flyash Landfill. The project is located approximately 2,000 feet northwest from the intersection of Frankfort Springs—Murdocksville Road and Keifer School Road (Burgettstown, PA Quadrangle N: 19.2 inches; W: 7.2 inches) in Hanover Township, **Beaver County**. The permittee has met the wetland replacement obligation by contributing to the Wetland Replacement Project.

**E04-238-A2.** Encroachment. **Connoquenessing Associates**, 617 Portersville Road, Ellwood City, PA 16117. To amend Permit No. E04-238 to place and maintain fill in approximately 0.51 acre of wetlands (PEM) and to maintain fill in approximately 0.15 acre of wetland on the left bank of and in the floodway of Connoquenessing Creek (WWF) and to construct and maintain a 36-inch diameter outfall structure along the left bank of said stream for the purpose of constructing the Olde Stonewall Golf Course (formerly Heron's Landing Golf Course). The project is located approximately 1,500 feet downstream of the intersection of Country Club Drive and the S. R. 65 bridge (Beaver Falls, PA Quadrangle N: 15.1 inches; W: 4.1 inches) in North Sewickley Township, **Beaver County**. This amendment also authorizes the construction of 0.9 acre of replacement wetland.

**E04-257.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing bridge and to construct and maintain a metal arch culvert having a span of approximately 35.3 feet with a minimum underclearance of 10.5 feet across an unnamed tributary to the Connoquenessing Creek (Pine Run) (WWF). The project is located on S. R. 1021 (Pine Run Road) Section B01, Segment 0030, approximately 1,000 feet south of the intersection of S. R. 1021 (Pine Run Road) and S. R. 0588 (Zelienople, PA Quadrangle N: 7.3 inches; W: 7.5 inches) in Marion Township, **Beaver County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-691.** Encroachment. **Penn Township Commissioners**, P. O. Box 452, Harrison City, PA 15636-0452. To

remove the existing structure and to construct and maintain a corrugated metal box culvert having a normal span of 25.3 feet and an underclearance of 6.6 feet in Bushy Run. This permit also authorizes the placement and maintenance of fill in a de minimis area of wetlands less than or equal to 0.01 acre. The project is located on Bratkovich Road (Greensburg, PA Quadrangle N: 21.4 inches; W: 15.7 inches) in Penn Township, **Westmoreland County**.

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

**E16-104.** Encroachment. **The Glimcher Group, Inc.**, One Mellon Bank Center, 500 Grant Street, Suite 2000, Pittsburgh, PA 15219. To fill 0.32 acre of isolated wetland for the construction of a commercial/retail development immediately west of S. R. 0068 approximately 2,000 feet north of I-80 (Interchange No. 9) (Clarion, PA Quadrangle N: 12.2 inches; W: 2.9 inches) in Monroe Township, **Clarion County**. Project includes contribution to the Pennsylvania Wetland Replacement fund for replacement of 0.32 acre of wetland.

**E25-569.** Encroachment. **Municipal Authority of the Borough of Waterford**, 224 East 3rd Street, P. O. Box 49, Waterford, PA 16441. To construct and maintain a 48-foot long by 32-foot wide building to house water wells and control equipment within the 100-year flood plain of Trout Run along the east side of Hazel Street between 5th Street and 6th Street (Waterford, PA Quadrangle N: 12.5 inches; W: 15.2 inches) located in Waterford Borough, **Erie County**.

**E37-120.** Encroachment. **PA Department of Transportation, District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017-2853. To remove the existing bridge and to construct and maintain a 127.8-foot long metal multi-plate low profile arch culvert stream enclosure having a span of 39 feet, 7 inches and a rise of 16 feet, 7 inches in the channel of Hickory Run with a 122.8-foot long metal underpass culvert enclosure having a span of 20 feet, 4 inches and a rise of 17 feet, 9 inches and roadway fill in the 100-year floodplain of Hickory Run on S. R. 3009, Section L04 approximately 0.4 mile south of S. R. 108 at the village of Mt. Jackson (Bessemer, PA Quadrangle N: 14.8 inches; W: 8.2 inches) located in North Beaver Township, **Lawrence County**.

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## SPECIAL NOTICES

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There was a Notice of Public Hearing published in July 11, 1998, edition re: Letort Meadows Residential Development. The location of the Development was listed incorrectly as South Middleton Township, Cumberland County. The date for the public hearing is being changed from August 26, 1998, to September 22, 1998. The following replaces that notice:

### Notice of Public Hearing

The Department of Environmental Protection (Department) has scheduled a public hearing to receive testimony and comments on the proposed 102 Individual NPDES permit for construction activities at the Letort Meadows Residential Development in Carlisle Borough, Cumberland County. Construction at the proposed housing development would affect 9.5 acres of soils along Letort Spring Run which is an exceptional value stream. The hearing will be held on Tuesday, September 22, 1998, at the South Middleton Fire Hall, 405 Forge Road in Boiling Springs, PA beginning at 7 p.m.

Persons intending to testify at the hearing should register by calling Susan Frank at (717) 705-4904. Persons unable to attend the hearing may submit written comments regarding this action to the Department before September 15, 1998, by mailing them to Orlando Dizo at 909 Elmerton Avenue, Harrisburg, PA 17110.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 705-4732 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday.

Persons with a disability who wish to attend the hearing but require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact the Department for assistance. TDD users may use the AT&T Relay Service at (800) 654-5984.

**Notice of Settlement Under the  
Hazardous Sites Cleanup Act  
Naginey Quarry Site  
Mifflin County Recycling Center Site  
Armagh Township, Mifflin 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 entered into a proposed consent order and agreement (COA) with Charles H. and Constance Naginey regarding the Department's cost incurred for conducting response activities at the Naginey Quarry Site (Naginey Site) and the Mifflin County Recycling Site. The Naginey Site is 55 acres of land located in Armagh Township, Mifflin County, approximately 3 miles east of the town of Milroy. The Naginey Site is located in a rural area bordered on the south and east by agricultural lands, on the west by private residences and on the north by a recycling facility and limestone quarry. The Mifflin County Recycling Center Site is located across the road from the Naginey Site.

Former operations at the Naginey Site included the breaking of battery casings, and/or, crushing battery tops to retrieve lead contents, and stockpiling the casings on portions of the Naginey Site. Approximately 300,000 battery casings were stockpiled on the Naginey Site along with approximately 150 drums of foundry sand. Approximately 10 tons of foundry sand was present on the Mifflin County Recycling Center Site.

Preliminary sampling by the Department revealed lead contamination of site soils and waters of an adjacent sinkhole to be in excess of regulatory standards. Because of the threat to human health and the environment and the need to further characterize the extent of lead contamination at the Naginey Site, the Department performed a response to remove the stockpiled battery casings, abandoned drums of foundry waste and the pile of foundry waste. The cost for this removal action is projected to be \$220,000.

On July 27, 1998, the Department and the Nagineys entered into the proposed consent order and agreement. Under the terms of the COA, the Nagineys will pay the Department \$40,000 to reimburse the Department for its

response costs at the Naginey Site. The settlement amount is based upon the Department's determination that the Nagineys cannot pay for all or any substantial portion of its response costs.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed consent order and agreement that contains the specific terms of the settlement is available for public review and comment. The proposed consent order and agreement can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by October 8, 1998, by submitting them to Barbara Faletti at the above address.

[Pa.B. Doc. No. 98-1282. Filed for public inspection August 7, 1998, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

*Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

*Draft Technical Guidance—Substantive Revision*

DEP ID: 391-2000-007 Title: Technical Reference for the Water Quality Model 6.3 for Windows (WQM63W) Description: Provides a method for the Department to determine recommended water quality based effluent limitations for point source discharges to free flowing streams. Deadline for Submittal of Comments: September 5, 1998 Contact: Clarence Yingling at (717) 787-9637.

*Notice of Intent to Revise Technical Guidance*

DEP ID: 563-2112-222 Title: Coal Surface Mining—Oil and Gas Well Barriers Description: Guidance needs updated to reflect the changes to the coal mining regulations. Anticipated Effective Date: February 26, 1999 Anticipated Draft Development Date: September 9, 1998 Contact: Nevin Strock at (717) 783-8845.

*Notice of Intent to Add Guidance to Inventory*

DEP ID: 291-4100-001 Title: Compliance and Enforcement Policy Description: Standards procedures for encouraging compliance with and enforcing the regulations which the Bureau of Radiation Protection has the authority to administer. Effective Date: March 15, 1994 Page Length: 92 pages Location: Vol 04, Tab 08 Contact: Marianne Hansen at (717) 787-2781.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1283. Filed for public inspection August 7, 1998, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Governor's Council on Physical Fitness and Sports

The Governor's Council on Physical Fitness and Sports is scheduled to hold a meeting on September 16, 1998, from 9 a.m. to 12:30 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aide service, or other accommodation to do so, please contact Emilie M. Tierney, Director, Pennsylvania Department of Health, Bureau of Chronic Diseases or Terry L. Walker, Administrative Officer, at (717) 787-6214.

TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1284. Filed for public inspection August 7, 1998, 9:00 a.m.]

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### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Pennsylvania Department of Health under sections 301 and 317 of the Public Health Service Act, as amended 42 U.S.C.A. §§ 241(a), 247(b), will hold a public meeting on August 19 and 20, 1998.

The meeting will be held at the Harrisburg Holiday Inn Hotel and Conference Center, I-83 and PA Turnpike, New Cumberland, PA, from 10 a.m. to 4 p.m.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, please contact Tom DeMelfi, Pennsylvania Department of

Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108, (717) 783-0574.

TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1285. Filed for public inspection August 7, 1998, 9:00 a.m.]

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## DEPARTMENT OF TRANSPORTATION

### Land Sale

Notice is hereby given that the Department of Transportation pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by it.

The following is a list of the properties available for sale by the Department which was acquired as part of the State Route 1048 Section 009 project.

Westmoreland County, Bell Township, near the village of Tinsmill identified by:

- Property #1: .28 acres of unimproved land (DB 3459 Page 62) Estimated fair market value of \$700, formerly part of parcel number 39
- Property #2: 4.313 of unimproved land (DBV 3459 Page 056) Estimated fair market value of \$10,800, formerly part of parcel number 39
- Property #3: .20 acres of unimproved land (DBV 3547 Page 456) Estimated fair market value of \$500, formerly part of parcel number 31
- Property #4: 2 Story Frame Residential Dwelling and Garage, situate on 1.07 acres (DBV 3547 Page 466) Estimated fair market value of \$33,750, formerly part of number parcel 31

Interested public entities are invited to express their interest in purchasing any site within 30 calendar days from the date of publication of this notice to Myron J. Hartos, Right of Way Administrator, Commonwealth of Pennsylvania, Department of Transportation, P. O. Box 459, Uniontown, PA 15401, (724) 439-7354.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1286. Filed for public inspection August 7, 1998, 9:00 a.m.]

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### Notice of Interpretation of Certain Portions of 67 Pa. Code § 153.4(c)

On August 8, 1997, the Pennsylvania Manufactured Housing Association ("PMHA") filed an administrative action with the Department of Transportation ("Department") pursuant to 1 Pa. Code §§ 35.18 and 35.19 requesting waiver, repeal or interpretation of certain portions of 67 Pa. Code Chapter 153. The matter captioned as "In re: Petition of the Pennsylvania Manufactured Housing Association for Waiver, Repeal or Interpretation

of Certain Portions of 67 Pa. Code Chapter 153," was docketed at No. 325 A.D. 1997, in the Department's administrative docket. In its action, PHMA asserted that confusion exists as to whether the regulations of the Department require that modular housing undercarriages display lamps, rear reflex reflectors and turn signals that are permanently mounted upon the frames. At the scheduled hearing, the Department entered in a stipulation of agreement, which is being published pursuant to the Order issued on April 15, 1998, by the Department of Transportation Hearing Officer.

In the instant action PMHA has filed a Petition pursuant to 1 Pa. Code, Section 35.18 under which it has requested that the Department interpret its regulation at 67 Pa. Code 153.4(c) as it relates to the location of required equipment. The regulation in relevant part states. "Except as provided in Paragraphs 1 through 8 of this subsection, each lamp, reflective device, and item of associated equipment shall be securely mounted on a rigid part of the vehicle other than glazing, that is not designed to be removed except for repair . . ." PHMA has explained to the Department that in the course of moving modular housing units and modular housing unit undercarriages transporters utilize removable rear lighting systems. Those systems are subject to breakage if they are permanently attached to the undercarriage of the modular housing unit. Accordingly, PHMA has requested that the Department interpret the phrase, "securely mounted" and the phrase "except for repair" to allow for the usage of removable rear lighting systems. The Department has considered the Petition and concurs that the intent of the regulations can be met utilizing removable rear lighting systems provided they meet certain standards. Accordingly, the Department interprets the phrase "securely mounted" in 67 Pa. Code Section 153.4(c) as meaning "mounted such that there is no lateral or longitudinal movement when subjected to forces normally encountered during movement on the highway." Further, under that same section the Department interprets the phrase "except for repair" as including any removable rear lighting system which is designed to be transferred between the undercarriages and modular housing units.

Questions, suggestions, or comments may be directed to George H. Kabusk, Assistant Counsel, Office of Chief Counsel, Department of Transportation, 3rd Floor Riverfront Office Center, Harrisburg, Pennsylvania 17104-2516, Telephone: (717) 787-2830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1287. Filed for public inspection August 7, 1998, 9:00 a.m.]

### Retention of Engineering Firms

#### **Crawford, Erie, Forest, Mercer, Venango and Warren Counties Project Reference No. 08430AG2231**

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 Engineering District 1-0, that is Crawford, Erie, Forest, Mercer, Venango and Warren Counties. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having aggressive completion schedules. The anticipated projects

may include but not be limited to: bridge replacements or bridge rehabilitations; roadway betterments (3R type projects); capital improvement projects (roadways and/or bridges); traffic signal projects; location studies; and, various environmental studies.

This Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of this Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Experience and effectiveness of the proposed project manager(s).
- c. Past record of performance with respect to cost control, quality of work products, ability to meet schedules and previous experience and performance on Open-End Contracts.
- d. Specialized experience and technical competence of key staff.
- e. Availability and diversity of proposed staff listed for this assignment.
- f. Location of consultant with respect to Engineering District 1-0.

This firm may be required to perform any or all of the following engineering services; attend project field views and meetings and prepare minutes of same; prepare appropriate submissions for all project related meetings and field views; disseminate intent-to-enter notices; perform field surveys and plot topography and cross-sections; prepare submissions and materials necessary for the Department to prepare application to the Public Utility Commission (PUC) and attend PUC field conferences; attend and supply any required information for all PUC meetings, field views and hearings during project design; develop erosion and sedimentation control details and narratives; prepare right-of-way plans; prepare type, size and location reports for structures; prepare hydrologic and hydraulic reports for waterway approvals; perform geotechnical investigations and foundation reports; prepare maintenance and protection of traffic control plans; prepare structure drawings; investigate and coordinate utility relocations; prepare prints and information required for value engineering reviews; develop construction project management (CPM) schedules and reasonable construction working times; collect traffic information such as ADT's, classifications, turning movements, circulation, etc.; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; documentation study activities and findings for needs analyses; prepare lighting plans; prepare designs of waste water treatment facilities; perform structural analyses; prepare information needed to obtain all required permits, approvals, insurance, etc. for project advancement; and, prepare construction drawings, specifications and cost estimates.



The format and content of all documents, plans, reports and other submissions will be consistent with applicable State and/or federal regulations and guidelines.

The firm may be required to perform any or all of the following environmental studies: air quality analysis; surface water and groundwater hydrology; terrestrial ecology; wetland determinations and delineations; geological and geomorphology investigations; farmlands; visual quality; socio-economic; Section 106 and cultural resource documentation; Section 4(f) and Section 6(f) documentation; noise and vibration analysis; threatened and endangered species surveys and required mitigation; hazardous and residual waste investigations; and, any other environmental study or investigation not listed above. The environmental studies will be conducted in accordance with acceptable Department policies, methodologies and analysis techniques.

The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services; material and equipment necessary to collect, organize and analyze data; assess impacts; conduct agency coordination and public involvement activities; and, prepare reports and design mitigation summaries.

The reports and other written graphic material to be prepared may include, but not be 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) and Section 6(f) evaluations; mitigation plans and reports; and, wetland and floodplain findings.

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 described for each Engineering Agreement Work Order developed under this Open-End Contract.

In addition to the General Requirements and Information section following this advertisement, respondents to this advertisement are not to include more than ten (10) pages of resumes under Item No. 7 of Standard form 255 (SF-255).

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., Engineering District 1-0, at (814) 437-4331.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Crawford, Erie, Forest, Mercer, Venango and  
Warren Counties  
Project Reference No. 08430AG2232**

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 Engineering District 1-0, that is Crawford, Erie, Forest, Mercer, Venango and Warren Counties. The required services may encompass a wide range of design and environmental efforts with the

possibility of several different types of projects having aggressive completion schedules. The anticipated projects may include but not be limited to: bridge replacements or bridge rehabilitations; roadway betterments (3R type projects); capital improvement projects (roadways and/or bridges); traffic signal projects; location studies; and, various environmental studies.

This Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of this Open-End Contract will be \$500 thousand.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the 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.

Consulting firms with limited previous experience or no experience working in Engineering District 1-0 are encouraged to respond to this advertisement.

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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Experience and effectiveness of the proposed project manager(s).
- c. Past record of performance with respect to cost control, quality of work products, ability to meet schedules and previous experience and performance on Open-End Contracts.
- d. Specialized experience and technical competence of key staff.
- e. Availability and diversity of proposed staff listed for this assignment.
- f. Location of consultant with respect to Engineering District 1-0.

This firm may be required to perform any or all of the following engineering services; attend project field views and meetings and prepare minutes of same; prepare appropriate submissions for all project related meetings and field views; disseminate intent-to-enter notices; perform field surveys and plot topography and cross-sections; prepare submissions and materials necessary for the Department to prepare application to the Public Utility Commission (PUC) and attend PUC field conferences; attend and supply any required information for all PUC meetings, field views and hearings during project design; develop erosion and sedimentation control details and narratives; prepare right-of-way plans; prepare type, size and location reports for structures; prepare hydrologic and hydraulic reports for waterway approvals; perform geotechnical investigations and foundation reports; prepare maintenance and protection of traffic control plans; prepare structure drawings; investigate and coordinate utility relocations; prepare prints and information required for value engineering reviews; develop construction project management (CPM) schedules and reasonable construction working times; collect traffic information such as ADT's, classifications, turning movements, circulation, etc.; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; documentation study activities and findings for needs analyses; prepare light-

ing plans; prepare designs of waste water treatment facilities; perform structural analyses; prepare information needed to obtain all required permits, approvals, insurance, etc. for project advancement; and, prepare construction drawings, specifications and cost estimates.

The format and content of all documents, plans, reports and other submissions will be consistent with applicable State and/or federal regulations and guidelines.

The firm may be required to perform any or all of the following environmental studies: air quality analysis; surface water and ground water hydrology; terrestrial ecology; wetland determinations and delineations; geological and geomorphology investigations; farmlands; visual quality; socio-economic; Section 106 and cultural resource documentation; Section 4(f) and Section 6(f) documentation; noise and vibration analysis; threatened and endangered species surveys and required mitigation; hazardous and residual waste investigations; and, any other environmental study or investigation not listed above. The environmental studies will be conducted in accordance with acceptable Department policies, methodologies and analysis techniques.

The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services; material and equipment necessary to collect, organize and analyze data; assess impacts; conduct agency coordination and public involvement activities; and, prepare reports and design mitigation summaries.

The reports and other written graphic material to be prepared may include, but not be 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) and Section 6(f) evaluations; mitigation plans and reports; and, wetland and floodplain findings.

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 described for each Engineering Agreement Work Order developed under this Open-End Contract.

In addition to the General Requirements and Information section following this advertisement, respondents to this advertisement are not to include more than ten (10) pages of resumes under Item No. 7 of Standard form 255 (SF-255).

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., Engineering District 1-0, at (814) 437-4331.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties**  
**Project Reference No. 08430AG2233**

The Department of Transportation will retain two (2) engineering firms for Open-End Contracts to perform

pre-final and final design engineering and, if required, prepare all necessary environmental studies on various projects in the eight-county area of Engineering District 8-0. Each Contract will be for a sixty (60) month period from the date of execution with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$500 thousand.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts based on the Department's evaluation of the 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Specialized experience and technical competence of firm with emphasis on the firm's ability to handle projects of a diverse and complex nature. The firm's experience in 3R and I-4R design, safety improvement projects and bridge design projects; the firm's ability to address critical environmental issues in a timely and cost effective manner; and the firm's ability to procure all necessary permits.

c. 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.

d. Location of consultant in respect to the District.

e. Use of Microstation CADD.

f. Current workload.

g. Available staffing for this assignment. The selected firm could be assigned up to 20 concurrent Work Orders of a similar or diverse nature. Prompt turn-around time is expected.

h. Relative size of firm to size of projects that may be completed under this Contract.

The possibility exists that several different types of projects may be assigned with short completion schedules and may encompass a wide range of environmental studies and/or final design efforts. The anticipated types of projects may include, but are not limited to, bridge replacement or bridge rehabilitations with approach work, roadway betterments (3R Type), I-4R projects, SAMI studies, SAMI final design, Capital Improvement Projects (bridges or roadways), and minor location studies.

Areas of environmental study associated with these projects may include, but are not limited to: soils, geology, streams, rivers & watercourses, wetlands, floodplains, navigable waterways, surface water and groundwater resources, National & State Wild & Scenic Rivers & Streams, vegetation, wildlife and habitat, terrestrial and aquatic ecology, threatened and endangered species investigation, farmland, National Natural Landmarks, natural and wild areas, cultural resources, parks and recreation facilities, hazardous or residual waste including underground storage tanks, air quality, noise, energy, vibration, public controversy on environmental grounds, aesthetic

and other values including visual quality, and socio-economic impacts. All environmental studies will be conducted in accordance with accepted analysis techniques and methodologies.

The selected firm may be required to perform any or all of the 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 or re-evaluate impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared, reviewed and/or distributed may include, but are not limited to: early coordination and scoping documentation and correspondence; technical files; meeting minutes; public meeting and hearing presentations; handouts and displays; technical basis reports; Conceptual State Survey Reports; NEPA environmental documents, including Categorical Exclusions; Section 106 documents, including background research, field views and preparation of documentation required under the Programmatic Agreement for Minor Transportation projects, Section 2002; Section 4(f) and Section 6(f) evaluations; Section 404, 501 and Chapter 105 permits; NPDES permits, 404(b)(1) Alternative Analysis; mitigation plans and reports; wetland monitoring plans; and wetland and floodplain findings.

Other tasks to be completed may include, but not limited to: entry of information into the District Environmental Management System and/or other project management systems; coordinating field views and meetings; review and preparation of comments on environmental policy; monitoring the incorporation of mitigation measures in final design documents; wetland monitoring; Federal Consistency coordination for projects within Gettysburg Historic District; deed and historical research; file review and archiving.

As part of final design, the engineering firm may be required to perform any or all of the following duties: attend field views and prepare minutes; perform necessary field survey; develop alternatives to the alignment; plot topography and cross sections; prepare submissions for field views and safety review meeting; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the project design; develop erosion control details and narrative; develop right-of-way plans; prepare hydrologic and hydraulic reports; prepare type, size and location report; perform bridge/structure design and review; 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 the necessary number of 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 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; documentation study activities and findings; and prepare construction plans, specifications and estimates.

The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines. This is the general work effort involved. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

The selected firm may be required to supplement the District's Bridge Inspection staff by providing a bridge inspection team with all necessary equipment and material.

Provide survey data for in-house design projects, if needed. Survey information must be directly compatible with District's in-house design capabilities. The District uses in-house software (available to the consultant) or TDS software with a DOS operating data collector.

Project schedules will be maintained by the Department and Consultant using "Welcom's Open Plan" software.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Barry G. Hoffman, P.E., District Engineer, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Any technical questions concerning the requirements for this project should be directed to: Mr. John Bachman, District 8-0, at (717) 783-4519.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties  
Project Reference No. 08430AG2234**

The Department of Transportation will retain an engineering firm for an Open-End Contract to perform environmental studies and if required, preliminary design engineering on various projects in the eight-county area of Engineering District 8-0. The Contract will be for a sixty (60) month period from the date of execution with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$250 thousand.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Specialized experience and technical competence of firm with emphasis on the firm's ability to handle projects of a diverse and complex nature. The firm's experience in environmental studies and ability to procure all necessary permits; experience in 3R and I-4R design, safety improvement projects and bridge design projects

c. 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.

d. Location of consultant in respect to the District.

e. Use of Microstation CADD.

f. Current workload.

g. Available staffing for this assignment. The selected firm could be assigned up to 20 concurrent Work Orders of a similar or diverse nature. Prompt turn-around time is expected.

h. Relative size of firm to size of projects that may be completed under this Contract.

Areas of environmental study associated with these projects may include, but are not limited to: soils, geology, streams, rivers & watercourses, wetlands, floodplains, navigable waterways, surface water and groundwater resources, National & State Wild & Scenic Rivers & Streams, vegetation, wildlife and habitat, terrestrial and aquatic ecology, threatened and endangered species investigation, farmland, National Natural Landmarks, natural and wild areas, cultural resources, parks and recreation facilities, hazardous or residual waste including underground storage tanks, air quality, noise, energy, vibration, public controversy on environmental grounds, aesthetic and other values including visual quality, and socio-economic impacts. All environmental studies will be conducted in accordance with accepted analysis techniques and methodologies.

The selected firm may be required to perform any or all of the 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 or re-evaluate impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared, reviewed and/or distributed may include, but are not limited to: early coordination and scoping documentation and correspondence; technical files; meeting minutes; public meeting and hearing presentations; handouts and displays; technical basis reports; Conceptual State Survey Reports; NEPA environmental documents, including Categorical Exclusions; Section 106 documents, including background research, field views and preparation of documentation required under the Programmatic Agreement for Minor Transportation projects, Section 2002; Section 4(f) and Section 6(f) evaluations; Section 404, 501 and Chapter 105 permits; NPDES permits, 404(b)(1) Alternative Analysis; mitigation plans and reports; wetland monitoring plans; and wetland and floodplain findings.

Other tasks to be completed may include, but not limited to: entry of information into the District Environmental management System and/or other project management systems; coordinating field views and meetings; review and preparation of comments on environmental policy; monitoring the incorporation of mitigation measures in final design documents; wetland monitoring; Federal Consistency coordination for projects within Gettysburg Historic District; deed and historical research; file review and archiving.

The possibility exists that several difference types of partial or total projects may be assigned with short completion schedules and may encompass a wide range of environmental studies and/or preliminary design efforts.

The anticipated types of projects may include, but are not limited to, bridge replacement or bridge rehabilitations with approach work, roadway betterments (3R Type), I-4R projects, SAMI studies, SAMI final design, Capital Improvement Projects (bridges or roadways), and minor location studies.

As part of final design, the engineering firm may be required to perform any or all of the following duties: attend field views and prepare minutes; perform necessary field survey; develop alternatives to the alignment; plot topography and cross sections; prepare submissions for field views and safety review meeting; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the project design; develop erosion control details and narrative; prepare hydrologic and hydraulic reports; prepare type, size and location report; preliminary traffic control plans; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; make all necessary contact with railroad officials for any railroad related cost estimates, permits, insurance, approvals, and other required information; collect signal timing and accident data; perform traffic counts and speed delay studies; evaluate alternatives using benefit/cost analysis and document study activities and findings.

The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines. This is the general work effort involved. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

Provide survey data for in-house design projects, if needed. Survey information must be directly compatible with District's in-house design capabilities. The District uses in-house software (available to the consultant) or TDS software with a DOS operating data collector.

Project schedules will be maintained by the Department and Consultant using "Welcom's Open Plan" software.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Barry G. Hoffman, P.E., District Engineer, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Any technical questions concerning the requirements for this project should be directed to: Mr. John Bachman, District 8-0, at (717) 783-4519.

Any questions concerning the submittal of the letter of interest for this Open-End Contract 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 are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060. Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) 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 twentieth day.

The second copy of the letter of interest and required information 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 corporate which is permitted under the 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 (1) 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 (1) 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).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal

identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

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.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do *not* include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged 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 DBE 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.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (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, or a Company, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or 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.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255

must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

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. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the 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. 98-1288. Filed for public inspection August 7, 1998, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The

Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 1198, Printers Number 1487 (Afflerbach), providing for reimbursement for routine patient care costs when an insured, enrollee, or subscriber participates in approved cancer clinical trials.

Initial notification of request for information and documentation was published in the *Pennsylvania Bulletin* on May 23, 1998, with documentation due to the Council by July 23, 1998.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until August 28, 1998. Any additional comments on this information must be received by this time. Council offices are located at: 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments (six copies) to Flossie Wolf at this address.

#### *Submissions for SB 1198*

1. The Insurance Federation of Pennsylvania (John R. Doubman, Secretary & Counsel)

- Statement addressing Section 9 requirements and opposing Senate Bill 1198.

- Copy of the Federation's submissions opposing Senate Bill 1334 from the legislative session of 1995.

- Attachments addressing institutional review boards.

2. Managed Care Association of Pennsylvania (Kimberly J. Kockler, Executive Director)

- Statement addressing Section 9 requirements and opposing Senate Bill 1198.

- Attachments discussing cancer deaths, clinical trials, clinical research, institutional review boards, and legislation from other states.

3. Highmark (Bruce R. Hironimus, Vice President of Government Affairs)

- Statement addressing Section 9 requirements and opposing Senate Bill 1198.

- Attachments discussing cancer statistics, health insurance trends, projected costs of mandates, investigational treatments, cancer clinical trials, cancer care, and health care costs.

4. Dr. John H. Glick (Director of the University of Pennsylvania Cancer Center), Dr. Ronald B. Herberman (Director of the University of Pittsburgh Cancer Institute), and Dr. Robert C. Young (Director of the Fox Chase Cancer Center)

- Letter in support of Senate Bill 1198 (referencing documentation submitted in April, 1996, and June, 1996).

5. Rohm and Haas Company (Lois C. Morris, Manager, Health Care & Disability Programs)

- Letter opposing health care mandates including those proposed in Senate Bill 1198.

6. Independence Blue Cross (Mary Ellen McMillen, Vice President, Legislative Affairs)

- Letter opposing mandates in general, including information regarding health insurance trends.

7. AFLAC—The American Family Life Assurance Company of Columbus (Richard J. Gmerek and Elvira O. Guida of the Law Offices of Maley, Williamson, Hayden & Gmerek)

- Statement addressing Senate Bill 1198 and requesting exemptions for certain types of supplemental policies.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 98-1289. Filed for public inspection August 7, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
106-3	Environmental Hearing Board Practice and Procedure	7/27/98
12-51	Department of Labor & Industry Construction of Prisons, Jails, Reformatories, Houses of Correction and the Like	7/27/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-1290. Filed for public inspection August 7, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Blue Cross of Northeastern PA; Filing No. 362-BC-SEC-65-NE-DE-1/99; Blue Cross Security 65 Non-Group Rate Increase

Blue Cross of Northeastern Pennsylvania requested to increase rates for the Non-Group Security 65 Program for an effective date of January 1, 1999. Specifically, the requested rate increases are 48.60%, 15.82%, 14.81% and 10.75% for Security 65 packages A, B, C and H respectively, which yields a 14.31% overall average rate increase.

	<i>Current Rate</i>	<i>Proposed Rate</i>
Security 65 Package A	\$23.23	\$34.55
Security 65 Package B	\$47.38	\$54.90
Security 65 Package C	\$59.40	\$68.20
Security 65 Package H	\$94.88	\$105.10

This increase will produce approximately \$5.0 million of additional revenue and will impact approximately 50,000 subscribers.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, 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*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1291. Filed for public inspection August 7, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with his company's termination of the insured's automobile policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Ifeyi and Felix Ndukwe; file no. 98-181-04428; Allstate Insurance Company; doc. no. P98-07-019; August 27, 1998, at 1 p.m.

Appeal of Evan and Carol Thomas; file no. 98-121-04633; Erie Insurance Group (Pioneer Family Auto); doc. no. P98-07-025; September 8, 1998, at 1 p.m.;

Appeal of Terry L. Schoch; file no. 98-181-04440; Erie Insurance Company; doc. no. P98-07-024; September 9, 1998, at 10 a.m.;

Appeal of Cynthia and Edward Williamson; file no. 98-193-03078; Erie Insurance Company; doc. no. P98-07-023; September 9, 1998, at 1 p.m.;

Appeal of Shirley A. Gibbons; file no. 98-121-04589; Erie Insurance Company; doc. no. P98-07-022; September 10, 1998, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1292. Filed for public inspection August 7, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Service  
Without Hearing

**A-110650 F0003. Pike County Light and Power Company.** Application of Pike County Light and Power Company for a certificate of public convenience evidencing approval of the transfer from Orange and Rockland Utilities, Inc., to Consolidated Edison, Inc., by merger, the title to, or the possession or use of all property of Pike County Light and Power Company, used or useful in the public service.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before August 24, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pike County Light and Power Company

*Through and By Counsel:* Michael W. Hassell, Esquire, Morgan, Lewis and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1293. Filed for public inspection August 7, 1998, 9:00 a.m.]

### 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 August 31, 1998, 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 beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115100, Folder 2. V-Force, Inc., t/d/b/a Christian Ride & Courier Service** (R. R. 1, P. O. Box 55, Warriors Mark, Blair County, PA 16877), a corporation of

the Commonwealth of Pennsylvania—beginning right—persons in paratransit service, between points in the counties of Centre, Clearfield, Blair and Huntingdon, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* David M. Axinn, 1904 North Juniata Street, Hollidaysburg, PA 16648.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00115139, Folder 2. Alpha Moving & Storage (PA), Inc.** (350 Warren Street, Jersey City, Hudson County, NJ 07302), a corporation of the Commonwealth of Pennsylvania, household goods in use, between points in the counties of Chester, Delaware, Philadelphia, Bucks and Montgomery, and from points in said counties, to points in Pennsylvania. *Attorney:* Michael Simon, 317 Madison Avenue, New York, NY 10017.

### Motor Carrier Applications—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 Aug. 24, 1998.

- |                |   |
|----------------|---|
| A-00115144     | Erdley Trucking, Inc.<br>R. D. #3, Box 95, Mifflinburg, PA<br>17844   |
| A-00115138     | Terry M. Goss, t/a T & C Mobile<br>Home Transporting<br>R. D. #1, Box 311, Marion Center,<br>PA 15719   |
| A-00115139     | Alpha Moving & Storage (PA), Inc.<br>350 Warren Street, Jersey City, NJ<br>07302; Michael J. Simon, 317 Madison<br>Avenue, New York, NY 10017 |
| A-00115149     | Day Excavating, Inc.<br>R. R. #2, Box 521D, Lewisburg, PA<br>17837  |
| A-00115148     | Raymond K. Martin, t/a R.K. Martin<br>Trucking<br>428 Royers Road, Myerstown, PA<br>17067   |
| A-00115147     | Ephriam B. Wade, t/a Ephriam B.<br>Wade Hauling<br>131 Squirrel Hollow Road,<br>Douglasville, PA 19518  |
| A-00115152     | Richard A. White, t/a R. A. White<br>Lumber<br>Box 175, Donegal, PA 15628   |
| A-00115151     | Jeff Shieler, t/a Omni Courier<br>1218 Delaware Lane, Downingtown,<br>PA 19335  |
| A-00094461 F.2 | Louron, Inc.<br>P. O. Box B, Glassport, PA 15045  |
| A-00115150     | Carl Ramon Snook, t/a Carl Snook<br>Trucking<br>HC 64, Box 254, Trout Run, PA<br>17771  |



- A-00115160 M & M Express, Inc.  
401 City Avenue, Suite 800, Bala  
Cynwyd, PA 19004: Andrew K.  
Light, 10 West Market Street, Suite  
1500, Indianapolis, IN 46204-2969
- A-00115159 Donald E. Switzer, Jr., t/a D & S  
Trucking  
P. O. Box 301, Bellefonte, PA 16823
- A-00115158 D K & C Transportation, Inc.  
#2 Office Park Court, Columbia, SC  
29223: Trey Harrell, 118 Columbia  
Avenue, Chapin, SC 29036
- A-00115157 Preston Ward, t/a Ward's Hauling  
1857 Sheepford Road, Mechanics-  
burg, PA 17055: David H. Radcliff,  
3905 North Front Street, Harris-  
burg, PA 17110
- A-00115156 Edwin H. Ranck  
1127 White Oak Road, Christiana,  
PA 17509: Donald H. Hess, 41 East  
Orange Street, Lancaster, PA 17602
- A-00115155 Daniel A. Carney, t/a Carney Cattle &  
Fence Company  
103 Keystone Avenue, Cresson, PA  
16630
- A-00115154 Emery Expedite I, Inc.  
P. O. Box 6046, Portland, OR 97228:  
James W. Patterson, One Liberty  
Place, 32nd Floor, Philadelphia, PA  
19103
- A-00115153 Troy M. Geib, Sr., t/a Special Care  
Transport  
12 Park Avenue, Middletown, PA  
17057: David B. Dowling, P. O. Box  
1146, Harrisburg, PA 17108

JAMES P. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1294. Filed for public inspection August 7, 1998, 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:

August 24, 1998 Charles Miskar (D) 2:30 p.m.  
(Payment of Death Benefit)

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 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 98-1296. Filed for public inspection August 7, 1998, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Wednesday, August 19, 1998, for Project #98-209-002 (a Heavy Duty I-Beam Festoon System for a Kocks Container Crane located at the Tioga Marine Terminal). The Bid Document can be obtained from the Procurement Administrator, 210 West Washington Square, 13th Flr., Philadelphia, PA 19106, (215) 928-9100 and will be available August 4, 1998. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 98-1295. Filed for public inspection August 7, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 86-021-RF72:** North Somerset Service Plaza—Reconstruction of Entrance Ramp and Modifications to Parking Area at MP 112.45 in Somerset Co., PA

*Bid Opening Date:* September 10, 1998, 11 a.m.

*Bid Surety:* 5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per set by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission. Attention: Secretary-Treasurer's Office, P. O. Box 67676, Har-

risburg, PA 17106-7676. No Refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

Direct any questions on this project to Inessa Evenchik, at (717) 939-9551, Ext. 5770.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1297. Filed for public inspection August 7, 1998, 9:00 a.m.]

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# 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.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

#### 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 A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!**

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities**

**1056388** Construction, mining, excavating and highway maintenance equipment—5 each latest model multi-terrain self-propelled track vehicle and tow behind snow grooming equipment.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1152238** Lumber, millwork, plywood and veneer—13,000 each White Pine lumber no. 2 or better 1" x 6" x 6'.

**Department:** Game Commission  
**Location:** Howard, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1092388** Motor vehicles, trailers and cycles—2 each latest model multi-terrain, self-propelled track vehicle.

**Department:** Conservation and Natural Resources  
**Location:** Swiftwater, Monroe County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1145148** Motor vehicles, trailers and cycles—2 each 1998 model Ford Crown Victoria LX sedan.

**Department:** Attorney General  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1146148** Motor vehicles, trailers and cycles—1 each 1998 model Buick LeSabre Custom SE sedan.

**Department:** Attorney General  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1114078** Paper and printing—350M Form H105.112 Local Registrar's Certification of Death.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1128198** Paper and printing—500M Professional License and ID cards size 8 1/2" x 11".

**Department:** State  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**SERVICES****Agricultural Services—02**

**02** Provide fish feed for an experimental study at the Bellefonte and Big Spring Fish Culture Stations during the period September 01, 1998 through February 28, 1999. Fish feed products purchased in bulk quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Location:** Big Spring, Cumberland County; Bellefonte, Centre County Fish Culture Stations, PA  
**Duration:** September 01, 1998 through February 28, 1999  
**Contact:** Dennis C. Ricker, (814) 359-5141

**01** Provide fish feed used in a Statewide fish culture program during the period October 01 through December 31, 1998. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested  
**Duration:** October 01, 1998—December 31, 1998  
**Contact:** Dennis C. Ricker, (814) 359-5141

**Audio/Video—04**

**RFP 1998-034-0001** The Pennsylvania Public Television Network Commission is issuing a Request For Proposal for a television broadcast network (facilities, data, media and scheduling), management and control system.

**Department:** PA Public TV Network  
**Location:** 24 Northeast Drive, Hershey, PA 17033  
**Duration:** One time purchase  
**Contact:** Ronald T. Lask, (717) 533-3077

**Computer Related Services—08**

**Project No. 4620-002** Interested vendors are invited to prepare and submit bids to provide service, materials and labor to upgrade of Roadway Weather Information System to comply with the Year 2000 requirements. There are 20 RWIS sites throughout Pennsylvania. The upgrade will be for hardware, firmware and software as well as traffic and video monitoring for the following Interstates: I-79 and I-80.

**Department:** Transportation  
**Location:** BOMO 7th Floor, 555 Walnut Street; Various counties along I-79 and I-80 Statewide  
**Duration:** 3 months  
**Contact:** Doug Schmitt, (717) 788-5075

**SP 381655** Web Access to PA Law Library for 61 concurrent users either through individual licensing or port access (supports multiple users). Licensing must include unlimited access time and printing capabilities for a flat monthly fee. Web site must be accessible via Microsoft's Internet Explorer 3.0 or greater. Vendor must provide training on the use of the databases at a training center local to the staff (Harrisburg, Pittsburgh/Erie, Philadelphia/Reading, Wilkes-Barre). Vendor must secure site so that staff cannot access functions that would incur additional charges to the Department of Public Welfare.

**Department:** Public Welfare  
**Location:** Statewide locations  
**Duration:** November 1, 1998 through October 31, 1999  
**Contact:** Kathy A. King-McCarthy, (717) 705-3878

**Construction—09**

**001** Pattern or stamped concrete walkway. All walkways to have a minimum of 4 inches of base stone with a minimum of 4 inches of finish concrete. Concrete to be no less than 3,000 psi to 4,000 psi reinforced with fiber.

**Department:** PA Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067  
**Duration:** Indeterminate 1998—99  
**Contact:** Joseph Cameli, (215) 946-0400

**Contract No. FBP-96-19-0001A** Demolition of existing bridge (steel I-beams with oak decking, stone abutments and wingwalls); construct new bridge (prestressed concrete beams, reinforced concrete abutments, deck and wingwalls). All work is located in Forest District 19, approximately 8 miles north of East Stroudsburg.

**Department:** Conservation and Natural Resources  
**Location:** Price Township, Monroe County, PA  
**Duration:** Complete all work by October 31, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-313-395** Erosion and sedimentation control; maintenance and protection of traffic; trenchless pipe replacement (12" diameter—534 L.F., 10" diameter—3,194 L.F., 8" diameter—10,466 L.F., and 6" diameter—845 L.F.); manhole replacement (527 V.F.); resetting frames and covers (86 each); seeding and mulching; seating of wet well No. 4; access for wet wells 1, 2, 3 and 5; repavement of disturbed areas; and sag relief (240 L.F. up to 10' depth and 50 L.F. greater than 10' depth). Work is at Shawnee State Park.

**Department:** Conservation and Natural Resources  
**Location:** Napier and Juniata Townships, Bedford County, PA  
**Duration:** 180 days  
**Contact:** Construction Management Section, (717) 787-5055

**DGS 984-2** Project title: Restoration and Preservation. Brief description: Work consists of general, HVAC, plumbing and electrical construction for recreation of original outbuildings, fencing, related sitework and barn with contemporary interior construction housing display and toilet rooms for new visitors' center. General, HVAC, Plumbing and Electrical Construction. Plans deposit: \$75 per set. Payable to: John Milner Associates, Inc. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: John Milner Associates, Inc., 535 North Church Street, West Chester, PA 19380, (610) 436-9000. Bid date: Wednesday, September 9, 1998 at 2 p.m. A prebid conference has been scheduled for Wednesday, August 19, 1998 at 10:30 a.m. at Joseph Priestley House, Northumberland, Northumberland County, PA. Contact: Peter Benton, (610) 436-9000. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Joseph Priestley House, Northumberland, Northumberland County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41CE2.1** Project title: Fireproofing for Keystone Building. Brief description: Work consists of, but is not limited to, the following: temporary heat and pump/mix area enclosures, temporary water; hardener on penthouse beams, cleaning, spray fireproofing on structural steel and decking, patching allowance, hardener on duct shaft beams, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P.E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41CE3.1** Project title: Masonry for the Keystone Building. Brief description: Work consists of, but is not limited to, the following: Interior/exterior masonry, waterproofing/sealant, precast concrete, CMU exterior/interior, masonry anchor/ties to steel lintels, masonry reinforcing and grouting, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P.E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41CE4.1** Project title: Stone Cladding. Brief description: Work consists of, but is not limited to, the following: interior/exterior granite, interior/exterior limestone, control/expansion joints, stone anchors and ties to CMU, all framing for interior limestone, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P.E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EN1.4** Project title: Ductbanks and Temporary Electric. Brief description: Work consists of, but is not limited to, the following: Communications ductbank for building, electric ductbank feeders for building, maintenance on electric service, lower level electrical rough-ins, etc. Electrical construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EN4.1** Project title: Skylights for Keystone Building. Brief description: Work consists of, but is not limited to, the following: Skylight systems, all glazing and sealants, exterior maintenance equipment, wind testing, mock ups, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EN5.1** Project title: Roofing for Keystone Building. Brief description: Work consists of, but is not limited to, the following: membrane roofing system, penthouse wall system, flashing and sheet metal, roof insulation, copings, roof terrace paver system, metal roofing system, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EN6.3** Project title: Plumbing—Roof Drains. Brief description: Work consists of, but is not limited to, the following: Provide and set roof drains and pans, roof drain piping system, etc. Plumbing construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EN7.1** Project title: Windows/Curtain Wall/Storefront/Glazing. Brief description: Work consists of, but is not limited to, the following: Atrium curtain wall systems, hollow metal glazing, storefront systems, hardware for systems, floor firestop at curtain wall, all glazing and sealants, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EN8.1** Project title: Miscellaneous Metals. Brief description: Work consists of, but is not limited to, the following: Ornamental metals, railings, gratings, stairs, bollards, overhead doors, etc. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, September 15, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 18, 1998 at 3 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41PR4.2** Project title: Fans for Keystone Building. Brief description: Work consists of, but is not limited to, the following: FOB jobsite, 2-year service contract, shop drawings, test, etc. HVAC construction. Plans deposit: \$50 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, August 25, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 11, 1998 at 2 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41PR3.2** Project title: Air Handling Units. Brief description: Work consists of, but is not limited to, the following: FOB jobsite, 2-year service contract, shop drawings, test, etc. HVAC construction. Plans deposit: \$50 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, August 25, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 11, 1998 at 2 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P. E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41PR1.4** Project title: Generator Equipment, Switchgear and transformers. Brief description: Work consists of, but is not limited to, the following: FOB jobsite, generator equipment, 2-year service contract, shop drawings, text, etc. Electrical construction. Plans deposit: \$50 per set. Payable to: CRSS Constructors. 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 to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased. Mail request to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, August 25, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, August 11, 1998 at 2 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Bill Chambers, P.E., (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**K99004** Edinboro University of Pennsylvania is seeking bids for an air conditioning system at Ross Hall, Edinboro University main campus. Bids are due by 2 p.m. on September 1, 1998 in the Purchasing Office, 219 Mc Nerney Hall, Edinboro, PA 16444. A prebid meeting will be held on August 12, 1998 at 10 a.m. in the Construction Office, Earley Hall. Plans and documents are available for a \$30 nonrefundable fee from Tom Anderson, Purchasing Office, (814) 732-2704. MBE/WBE firms are urged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Main Campus  
**Duration:** 60 calendar days from Notice to Proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**WC 690** West Chester University is soliciting sealed bids for sitework to include excavation, storm drainage, erosion control, paving to include new parking lot for 8 spaces, landscape work; and new exterior site lighting. Prevailing wages apply. Performance and payment bonds will be required.

**Department:** State System of Higher Education  
**Location:** West Chester University, 210 East Rosedale Avenue, West Chester, PA 19383  
**Duration:** 90 days from Notice to Proceed  
**Contact:** June Schwartz, Contracts Manager, (610) 436-2705

## Engineering Services—14

**08430AG2231** Open-end contract for various engineering services and environmental studies for projects in Engineering District 1-0, that is, Crawford, Erie, Forest, Mercer, Venango and Warren Counties.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2232** Open-end contract for various engineering and environmental studies for various projects in Engineering District 1-0, that is, Crawford, Erie, Forest, Mercer, Venango and Warren Counties.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2233** Two open-end contracts to provide various design and environmental services in Engineering District 8-0.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2234** To provide various environmental and engineering services in Engineering District 8-0.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Food—19

**7087** Bread, rolls and related products, fresh—quarterly bid.

**Department:** Military and Veterans Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** October 1998 through June 1999  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

## Fuel Related Services—20

**00673-000-98-TANK** Underground storage tank removal. Remove one existing gasoline UST (275 gallons). A mandatory prebid meeting and sign-in will be held at the Conrad Weiser Homestead, for all firms interested in submitting bids for the project, on Tuesday, August 25, 1998, at 2:30 p.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (610) 589-2934. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Monday, September 14, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Conrad Weiser Homestead, 28 Weiser Road, Womelsdorf, PA 19567-9718  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

**00677-000-98-TANK** Remove UST/Install AST. Remove one existing gasoline UST (1,000 gallons), and provide and install one new fire rated gasoline AST (500 gallons). A mandatory prebid meeting and sign-in will be held at the Pennsbury Manor, Visitor Center, for all firms interested in submitting bids for the project, on Wednesday, August 26, 1998, at 10:30 a.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (215) 946-0400. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Monday, September 14, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19607  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

**00696-000-98-TANK** Remove UST/Install AST. Remove one existing gasoline UST (350 gallons), and provide and install one new fire rated gasoline AST (350 gallons) and one new fire rated gasoline AST (250 gallons). A mandatory prebid meeting and sign-in will be held at the Anthracite Heritage Museum Visitor Center, for all firms interested in submitting bids for the project, on Monday, August 24, 1998, at 10:30 a.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (717) 963-4804. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Tuesday, September 8, 1998, at 11 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Anthracite Heritage Museum, R. D. 1, Bald Mountain Road, Scranton, PA 18504  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

**00700-000-98-TANK** Remove UST/Install AST. Remove one existing gasoline UST (275 gallons), provide and install one new fire rated gasoline AST (500 gallons), and relocate one existing diesel AST. A mandatory prebid meeting and sign-in will be held at the Landis Valley Museum Visitor Center, for all firms interested in submitting bids for the project, on Thursday, August 27, 1998, at 10 a.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (717) 569-0401. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Monday, September 14, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

**00707-000-98-TANK** UST/Removal and Replacement. Remove one existing gasoline AST (275 gallons), and provide and install one new fire rated gasoline AST (250 gallons). A mandatory prebid meeting and sign-in will be held at the Hope Lodge Museum Visitor Center, for all firms interested in submitting bids for the project, on Wednesday, August 26, 1998, at 2:30 p.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (215) 646-1595. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Monday, September 14, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Hope Lodge, 553 Bethlehem Pike, Fort Washington, PA 19034  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

**00723-000-98-TANK** Remove UST/Install AST. Remove one existing diesel UST (1,000 gallons), and provide and install one new fire rated, dual compartment gasoline (250 gallons)/diesel (250 gallons) fire rated AST. A mandatory prebid meeting and sign-in will be held at the Bushy Run Battlefield Visitor Center, for all firms interested in submitting bids for the project, on Friday, August 28, 1998, at 10:30 a.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (724) 527-5584. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Monday, September 14, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Bushy Run Battlefield, Bushy Run Road, Jeannette, PA 15644  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

**00379-000-98-TANK** Remove UST/Install AST. Remove one existing gasoline UST (250 gallons), and provide and install one new fire rated gasoline AST (250 gallons). A mandatory prebid meeting and sign-in will be held at the Railroad Museum of PA, for all firms interested in submitting bids for the project, on Tuesday, August 25, 1998, at 10 a.m. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (717) 687-8628. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling). Bids are due on Monday, September 14, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Railroad Museum of Pennsylvania, Box 15, Strasburg, PA 17579  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caufield, (717) 772-2401

## Hazardous Material Services—21

**CAL 98-01** California University of Pennsylvania of the State System of Higher Education is interested in obtaining the services of hazardous waste disposal for the System's State-owned universities. Interested contractors can request their copy of the proposal by faxing a written request to Vickie A. Laubach at (724) 938-4512. There will be a prebid conference on Tuesday, August 25, 1998, at 10 a.m. in the University's Purchasing Office, Azorsky Administration Building. Sealed proposals are due September 28, 1998, at 2 p.m. in Room 117, Azorsky Administration Building. The System encourages responses from small firms, minority firms, women-owned firms and firms which have not previously performed work for the System, and will consider joint ventures that will enable these firms to participate in the System's contracts.

**Department:** State System of Higher Education  
**Location:** California University of PA, California, PA 15419-1394  
**Duration:** Multi-Year  
**Contact:** Vickie A. Laubach, (724) 938-4430

## HVAC—22

**0140-40** Boiler and air conditioning maintenance and repair contract.

**Department:** Transportation  
**Location:** North and Maple Streets, Mercer, PA 16137  
**Duration:** One year  
**Contact:** Harold E. Miller, (724) 662-5350

**FM-67** Provide emergency and routine repair work to the heating, air conditioning, plumbing and electrical systems. (As needed). The contractor must respond to the call within 4 hours of receiving a call either directly or by way of 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 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

**Department:** State Police  
**Location:** Facility Management Division, Trevoise Station, 3970 New Street, Bensalem, PA 18020  
**Duration:** September 1, 1998 to June 30, 2000  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-68** Provide emergency and routine repair work for heating, plumbing, electrical and air conditioning systems. The contractor must respond to the call within 4 hours of receiving a call either directly or by way of 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 of parts where applicable, and further agrees to guarantee workmanship and replacement parts, provided by his firm for 90 days. Materials and parts are to be charged at cost. Bidding to be done on labor rate per hour for mechanic and helper plus travel

**Department:** State Police  
**Location:** Facility Management Division, Washington Headquarters, Garage and Exam, 83 Murtland Avenue, Washington, PA 15301  
**Duration:** September 1, 1998 to June 30, 2000  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-69** Provide emergency and routine repair work for the following systems: plumbing and electric. (As needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by way of 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/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's cost.

**Department:** State Police  
**Location:** Facility Management Division, Greensburg Headquarters, 100 North Westmoreland Avenue, Greensburg, PA 15601-0436  
**Duration:** September 1, 1998 to June 30, 2000  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484



**Janitorial Services—23**

**JC-17-98** Janitorial services—General cleaning 5 nights a week (Monday—Friday). Daily cleaning will include emptying and wiping all waste receptacles, etc., spot cleaning of walls, electric switch plates, vacuum rugs, and the like. Monthly dusting, washing and polishing of office furniture, etc., dusting and cleaning venetian blinds, cleaning and washing restrooms, and scrubbing and application polishing of all floors, and the like. Approximately 9,600 square feet.

**Department:** Labor and Industry  
**Location:** OES, Upper Darby Job Center No. 0116, 71 South Union Avenue, Lansdowne, Delaware County, PA 19050  
**Duration:** October 1, 1998 through September 30, 1999  
**Contact:** Karen B. Pasdon, Manager, (610) 284-6887 or 284-6888

**Laboratory Services—24**

**2877** Provide laboratory analysis of fish tissue samples for dioxins and furans.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** Upon execution through February 28, 1999  
**Contact:** Ally Hubler, (717) 787-2471

**Property Maintenance—33**

**398407** Plant hardwood and conifer trees on forested sites within the Sproul State Forest. These plantings will take place in Clinton, Centre and Cameron Counties. Planting will involve approximately 248,300.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Sproul State Forest  
**Duration:** September 30, 1999  
**Contact:** Jeff Prowant, (717) 923-6011

**SPC 297081** The Bureau of Forestry requires the planting of 88,700 tree seedlings on approximately 135 acres of reclaimed strip mine land in Snyder Township, Jefferson County. The installation of 10,000 tree shelters will also be required.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Snyder Township, Jefferson County, PA  
**Duration:** May 1—15, 1999  
**Contact:** Tina M. Alban, (814) 364-5150

**Real Estate Services—35**

**050-800** Independent Fee Appraisals may be solicited to prepare real estate appraisal reports for right-of-way damages in Berks, Lehigh, and Northampton Counties for the following projects: S. R. 0222-003; S. R. 0422-JUG; S. R. 0033-002; and S. R. 0222-04M.

**Department:** Transportation  
**Location:** R/W, 2460 Parkwood Drive, Allentown, PA 18103  
**Duration:** 1998/99  
**Contact:** K. W. Kipp, Chief Appraiser, (610) 791-6010

**050-801** Independent Fee Appraisals may be solicited to prepare real estate appraisal reports for right-of-way acquisitions and damages, City of Bethlehem on Project S. R. 0412-01B.

**Department:** Transportation  
**Location:** R/W, 2460 Parkwood Drive, Allentown, PA 18103  
**Duration:** 1998/99  
**Contact:** K. W. Kipp, Chief Appraiser, (610) 791-6010

**1100-R/W** S. R. 0008-A05, 0051-A10, 0051-046: The Department of Transportation will be accepting bids on residential and commercial/industrial properties for the above referenced routes in the City of Pittsburgh and Etna, PA. All appraisers must be certified in the General Appraiser category and be on PennDOT's Prequalified List, as registered at their Harrisburg, PA 17120 Headquarters. Appraisal format to satisfy accepted appraisal standards and PennDOT procedures.

**Department:** Transportation  
**Location:** Right-of-Way, District 11, 45 Thoms Run Road, Bridgeville, PA 15017  
**Duration:** Up to 5 years from appraisal date  
**Contact:** Myron Hartos, District Chief Appraiser, (412) 429-4831

**010342** Requesting real estate appraisal bids for various types of properties on highway improvement projects throughout Engineering District 1-0. These projects include State Routes 4034-A51, 0019-A04 and 0019-A05 in Erie County; State Route 0018-A01 in Mercer County; State Route 0948-02M in Forest County; State Route 0006-B01 in Crawford County and State Route 3008-B00 in Venango County. Some of the assignments may require the retention of a machinery and equipment appraisal. All appraisers must be listed on the Department's Prequalified Fee Appraiser Roster for the appropriate class of each appraisal assignment.

**Department:** Transportation  
**Location:** PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323  
**Duration:** August 1, 1998—July 31, 2003  
**Contact:** William R. Pixley, Chief Appraiser, (814) 437-4203

**PSERS-Appraisal** The Public School Employees' Retirement System is soliciting bids for a vendor to complete and present self contained real estate appraisal reports on two of three properties. Vendor is to conduct complete appraisal and possibly yearly update appraisals for the next 3 years. Please contact the Public School Employees' Retirement System for complete set of bid specifications and package.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** Indeterminate 1998—99  
**Contact:** Rebecca A. Snead, (717) 720-4607

## Miscellaneous—39

**01** Site preparation, installation and all materials for a 6-strand, electric fence at 3 locations: Area 1—Red Wolf—located in Armagh Township, Mifflin County in the area of Red Ridge Trail and Wolf Den Trail. Approximately 12,378 feet. Area 2—Chicken Track—located in Hartley Township, Union County in the area of Henstep Valley Trail. Approximately 10,450 feet. Area 3—Horseshoe Bend—located in Adams Township, Snyder County in the area of Horseshoe Bend Trail. Approximately 5,500 feet. Operator may bid on one or all sites.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Bald Eagle State Forest, District No. 7, P. O. Box 147, Laurelton, PA 17835  
**Duration:** Contract terminates September 30, 1999  
**Contact:** Michael Becker, Forester, (717) 922-3344

Site preparation, installation and all material for a woven wire fence at 8 locations: 1. Approximately 7,720 lineal feet off of Rainsares Road. 2. Approximately 5,519 lineal feet off of Rag Valley Road. 3. Approximately 4,500 lineal feet off of Rag Valley Road. 4. Approximately 8,593 lineal feet off of Greens Valley Road. 5. Approximately 14,982 lineal feet off of Jones Mountain Road. 6. Approximately 5,468 lineal feet off of Hunter Road. 7. Approximately 8,093 lineal feet off of Hunter Road. 8. Approximately 11,220 lineal feet off of Shade Mountain Road. Operator may bid on one or all sites.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Bald Eagle State Forest, District No. 7, P. O. Box 147, Laurelton, PA 17835  
**Duration:** Contract terminates September 30, 1998  
**Contact:** Michael Becker, Forester, (717) 922-3344

**035** The Department of Environmental Protection is soliciting proposals for the construction or renovation of public recreation areas or facilities using waste tires or waste tire-derived materials. Proposals will only be accepted from nonprofit organizations and municipalities. Proposals are due by noon September 30, 1998. For copies of the Request for Proposal, contact Shuvonna Ballard, Bureau of Land Recycling and Waste Management, 400 Market Street, Harrisburg, PA 17101-2301.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** January 1999—August 1999  
**Contact:** Shuvonna Ballard, (717) 787-9870

**090-MSCP98** Request for Proposal (RFP). The Office of the Chancellor, State System of Higher Education, wishes to secure the services of a vendor to provide consulting services with respect to the size and productivity of the management/staff human resources of the State System. The RFP will provide interested vendors with detailed information to prepare and submit proposals to the Office of the Chancellor for consideration. The selected vendor must complete its preliminary report by December 1, 1998, with final recommendations by February 1, 1999. If interested, a copy of the RFP may be obtained by contacting Pamela Brand at (717) 720-4164 or faxing a request to (717) 720-4161. Bids must be submitted by 12 noon on August 26, 1998.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** Indeterminate 1998—99  
**Contact:** Pamela L. Brand, (717) 720-4164

**98-1** Erect two woven wire deer enclosures and remove and reinstall part of an electric deer enclosure.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Forest District 3, Tuscarora State Forest, Shirley Township, Huntingdon County, 0.5 mile from Blacklog Mountain Road and its intersection with Licking Creek and 3 miles east of Blacklog Mountain.  
**Duration:** Project to be completed by June 1, 1999  
**Contact:** Stephen Wacker, (717) 536-3191

**392462** Clinical dietitian—under the direction and in consultation with the Director of Dietary services, shall administer the clinical program. This work shall include the review and setting of clinical policy in accordance with JCAHO and ADA standards. The tasks assigned to the Clinical Dietitians, the coordination of the facility's Dysphagia project, and the development and coordination and integration of the Dietary aspect of patient education programs as the facility, also shall develop and administer the clinical Q. I. program.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2001, a period of 2 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**392463** Nutritional Care Dietitian—under the direction and in consultation with the Director of Dietary Services, shall coordinate food acceptance surveys, tabulate the results and report all significant findings to the Dietary Director. The contractor under the direction and in consultation with the Director of Dietary Services shall conduct and/or participate in the Q. I. activities, monitoring, tabulating and corrective action required.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2001, a period of 2 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**398408** Site preparation and install woven wire fences in a forested area located on the Sprout State Forest. The vendor will supply all materials necessary to construct the fences. The sites are located throughout the Sprout State Forest in Centre and Clinton Counties.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Clinton and Centre Counties, PA  
**Duration:** September 30, 1999  
**Contact:** Jeff Prowant, (717) 923-6011

**BEST-1-98** Solicitation of Service Delivery Area and Non-Service Delivery Area providers to operate regional, Statewide, and industry wide employment and training programs to assist eligible Dislocated Workers in accordance with Title III of the Job Training Partnership Act as amended by the Economic Dislocation and Worker Assistance Act. Special attention will be given to proposals that operate a training consortia offering a multi-institutional, retraining and education program. A preproposal conference will be held August 26, 1998 at the Holiday Inn, Grantville, PA at 9:30 a.m. Contractors who were awarded funds the first round are not eligible this round. Those interested in receiving an RFP package should call John C. Vogel at (717) 772-0781.

**Department:** Labor and Industry  
**Location:** Bureau of Employment Services and Training—Statewide  
**Duration:** October 1, 1998 through June 30, 2000 (with funds being awarded on a program year basis)  
**Contact:** John C. Vogel, Director, (717) 772-0781

**RFA 97-07-21** The Department of Health, Bureau of Chronic Diseases, is issuing a Request for Application (RFA) 97-07-21 to fund innovative research ideas related to breast or cervical cancer. Ten copies of the application must be submitted to the Pennsylvania Department of Health, Division of Contracts, Room 824, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, by 3 p.m. on September 9, 1998. Applications received after this time will not be considered. No preproposal conference will be held.

**Department:** Health  
**Location:** Harrisburg, PA 17108-0090  
**Duration:** 12 months  
**Contact:** Dr. Godwin Obiri, Bureau of Epidemiology, (717) 783-4677

**SP 396460** Rental of buses and drivers to transport the students at Scotland School for Veterans' Children to various interscholastic sporting events, parades and other recreational events throughout the school year. Service will be required on an as needed basis. We will attempt to give 24-hour notice when buses are needed, but less notice may be given in emergency situations. This contract will have a 4-year option to renew by mutual agreement and any increases in cost to be negotiated.

**Department:** Military and Veterans Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Road, Scotland, PA 17254-0900  
**Duration:** October 1, 1998—June 30, 1999; 4-year renewal option  
**Contact:** Ronald J. Sheppard, Business Manager, (717) 264-7187, ext. 690

[Pa.B. Doc. No. 98-1298. Filed for public inspection August 7, 1998, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> 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:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Computer In- tegration Group	20,000.00
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Tally Systems Corp.	5,000.00
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Core Technol- ogy Corp.	5,000.00
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Raritan Com- puter Sys- tems	5,000.00
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Filenet Corp.	5,000.00
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Perfect Order Mfg.	5,000.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Information Builders, Inc.	5,000.00
5810-03 Sup. No. 3 and RIP No. 3	08/03/98	Pearl Soft- ware, Inc.	5,000.00
1053158-01	07/28/98	Calico Indus- tries, Inc.	61,824.00
8249080-01	07/28/98	Shaul Equip- ment and Supply Co.	90,317.00
1062118-01	07/28/98	Tetra Pak, Inc.	81,075.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-1299. Filed for public inspection August 7, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF EDUCATION

[22 PA. CODE CHS. 3—6]

### Academic Standards and Assessment

The State Board of Education (Board) proposes to delete Chapters 3, 5 and 6 and add a new Chapter 4 which relates to academic standards and assessment, as set forth in Annex A, under authority of the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

#### *Purpose*

The proposed new Chapter 4 will replace existing Chapters 3 (school profiles), 5 (curriculum) and 6 (vocational education). The purpose of replacing these regulations with a single regulation focused on academic standards is to establish a single clear, concise and comprehensive regulation to govern the educational offerings of the public schools of this Commonwealth. For purposes of 1 Pa.C.S. § 1937, this chapter is a new regulation substituted for Chapters 3, 5 and 6.

#### *Requirements of the Regulations*

Proposed Chapter 4 defines the purpose of public education; delineates academic standards; defines requirements for strategic planning; describes State and local school entity responsibilities for assessment; provides requirements for instruction at primary, intermediate, middle and high school levels as well as for vocational and special education; delineates graduation requirements; establishes seals of proficiency and distinction for high school diplomas; describes profiles for school performance; and, sets forth provisions for students in other than public schools.

#### *Affected Parties*

The proposed regulations affect the students and professional employes of the public schools of this Commonwealth (including intermediate units, area vocational-technical schools, public charter and alternative schools). Provisions at § 4.71 affect nonpublic nonlicensed schools. Sections 4.71—4.74 set forth provisions relating to and affecting students in other than public schools. Nothing in proposed Chapter 4 is intended to change or go beyond the current homeschooling law.

#### *Cost and Paperwork Estimates*

Chapter 5, which this proposed regulation replaces, required students to achieve a broad array of 53 learning outcomes prior to graduation; Chapter 4 will require students to achieve standards in specific academic areas during their education. Requirements for portfolio assessment and proficiency in foreign language are eliminated. Each of these changes will yield savings to school entities by (1) focusing the curriculum; (2) eliminating training and evaluation costs associated with portfolio assessment and (3) avoiding the responsibility of hiring additional foreign language teachers. Modest savings to the Commonwealth are anticipated in removing the requirement that strategic plans be reviewed, evaluated and approved by the Department.

Costs to implement this regulation for a school entity may include curriculum development, professional development of teachers, and additional remediation efforts. It

is anticipated that costs for curriculum development beyond those routinely encountered by school entities will be more than offset by the savings.

The major portion of a new \$3 million State appropriation in the 1998-99 budget will support professional development activities to prepare educators to implement academic standards. Two other programs supported by this appropriation, urban education academies and summer institutes for teachers will also assist educators in understanding and implementing academic standards. A \$3 million dollar increase in the appropriation to support the State assessment system will cover the costs of converting the current program to meet the requirements of these proposed regulations. Costs beyond what are currently expended to identify and provide additional learning opportunities for students in the early grades should be more than offset by reduced costs for remediation in later grades.

Proposed Chapter 4 does not set forth new, additional paperwork requirements. Paperwork requirements are decreased by this proposal in that the requirement to submit local strategic plans to the Department for review and evaluation will be eliminated in Chapter 4.

#### *Effective Date*

These regulations will become effective upon final publication in the *Pennsylvania Bulletin*. State assessment under these proposed regulations will begin in the 1998-99 school year under § 4.51. Strategic plans will be developed under § 4.83 (relating to implementation schedule). Certain other sections (for example, seals of proficiency and distinction) of the regulation will require compliance 3 years from the effective date of the regulation.

#### *Sunset Date*

The effectiveness of Chapter 4 will be reviewed by the Board every 4 years, in accordance with the Board's policy and practice respecting all regulations promulgated by the Board. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on July 29, 1998 to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed regulations, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If the Committees have comments on the regulations, they will notify the Board within 20 days after the close of the public comment period. IRRC will submit its comments on the proposed regulations within 10 days from the closing date of the Committees' review period. The comments shall specify the regulatory review criteria which have not been met by any portion of the regulations. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor of objections raised.

*Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Peter H. Garland, Executive Director of the State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*, (717) 787-3787.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Dr. Peter Garland at (717) 787-3787 or TDD (717) 787-7367.

Alternative formats of the proposed regulations (such as braille, large print, a cassette tape) can be made available to members of the public upon request to Dr. Garland at the telephone and TDD numbers listed above.

PETER H. GARLAND,  
*Executive Director*

**Fiscal Note:** 6-265. (1) General Fund; (2) Implementing Year 1997-97 is \$1 million; (3) 1st Succeeding Year 1998-98 is \$6 million; 2nd Succeeding Year 1999-00 is \$6 million; 3rd Succeeding Year 2000-01 is \$6 million; 4th Succeeding Year 2001-02 is \$6 million; 5th Succeeding Year 2002-03 is \$6 million; (4) FY 1997-98 \$4.15 million (PA Assessment); FY 1996-97 \$4.04 million; FY 1995-96 \$4.07 million; (7) For teacher professional development . . . For PA assessment; (8) recommends adoption.

(\*) The General Appropriation Act of 1998 (Act 1998-6A) made two appropriations to the Department of Education to support the implementation of these academic standards. A \$3 million appropriation was made to ensure successful integration of these standards by teachers in classrooms through teacher professional development in the Public School System and at the Academy for Urban Education and the Governor's Institutes for Teachers at the Governor's Schools for Excellence; and the appropriation for PA Assessment was increased by \$3 million to promote the evaluation of achieving these standards through academic testing.

**Annex A****TITLE 22. EDUCATION****PART I. BOARD OF EDUCATION****Subpart A. MISCELLANEOUS PROVISIONS**

*(Editor's Note: The Board is proposing to delete the text of 22 Pa. Code Chapters 3, 5 and 6 as they currently exist in the Pennsylvania Code, at pages 3-1—3-6, (serial pps. (229101)—(229106)), pages 5-1—5-43 (serial pps. (229107), (229108), (215559)—(215599), and pages 6-1—6-12 (234189)—(234200)).*

*(Editor's Note: The following chapter is new. It is being printed in regular type to enhance readability.)*

**CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT****GENERAL PROVISIONS**

Sec.	
4.1	Statutory authority.
4.2	Purpose.
4.3	Definitions.
4.4	General policies.

**ACADEMIC STANDARDS AND PLANNING**

4.11.	Purpose of public education.
4.12.	Academic standards.
4.13.	Strategic plans.

**CURRICULUM AND INSTRUCTION**

4.21.	Elementary education: primary and intermediate levels.
4.22.	Middle level education.
4.23.	High school education.
4.24.	High school graduation requirements.
4.25.	Languages.
4.26.	ESOL.
4.27.	Physical education and athletics.
4.28.	Special education.
4.29.	HIV/AIDS.

**VOCATIONAL-TECHNICAL EDUCATION**

4.31	Vocational-technical education
4.32	Standards and reports
4.33	Advisory committees
4.34	Programs and equipment
4.35	AVTS

**SCHEDULING AND LEARNING OPTIONS**

4.41.	Scheduling.
4.42.	Grade structure.

**ASSESSMENT**

4.51.	State assessment system.
4.52.	School entity assessment system.

**SCHOOL PROFILES**

4.61	School profiles
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**PROVISIONS RELATING TO OTHER THAN PUBLIC SCHOOLS**

4.71.	Certification by principal of nonpublic nonlicensed school.
4.72.	Credentials other than the high school diploma.
4.73.	Correspondence schools.
4.74.	Students in special situations.

**ENFORCEMENT AND IMPLEMENTATION**

4.81.	Allegations of deficiencies.
4.82.	Exceptions.
4.83.	Implementation schedule.

**GENERAL PROVISIONS****§ 4.1. Statutory authority.**

The statutory authority in this chapter is the School Code.

**§ 4.2. Purpose.**

The purpose of this chapter is to establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined.

**§ 4.3. Definitions.**

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

*AVTS—Area vocational-technical school—*An area vocational-technical school, which is a public school, that provides vocational-technical education to secondary school students, out-of-school youth and adults in a geographical area comprised and operated by one or more school districts and established under sections 1840—1853 of the School Code (24 P. S. §§ 18-1840—18-1853).

*Academic standard—*What a student should know and be able to do at a specified grade level.

*Assessment—*A valid and reliable measurement of student performance on a set of academic standards in a subject area.

*Apprenticeship program—*A competency-based program that coordinates and integrates classroom instruction with a structured work-based employment experience designed for students.

*Board*—The State Board of Education established by sections 2601-B—2606-B of the School Code (24 P. S. §§ 26-2601-B—26-2606-B).

*Cooperative vocational-technical education*—A planned method of instruction developed through a signed cooperative arrangement among school representatives, students, parents and employers in the community to provide students with an opportunity to alternate in-school academic and vocational-technical instruction in entry-level paid employment in an occupational field, in which the student's total occupational work experience is planned, coordinated and supervised by the school in close cooperation with the employer.

*Curriculum*—A series of planned instruction that is coordinated and articulated and implemented in a manner designed to result in the achievement by all students of specific knowledge and skills and the application of this knowledge.

*Department*—The Department of Education of the Commonwealth.

*ESOL*—English to speakers of other languages.

*Employment area*—A geographic area where vocational-technical education program completers are most likely to be employed.

*Individuals with Disabilities Education Act*—20 U.S.C.A. §§ 1400—1485.

*Instruction*—The delivery of academic and vocational content by teachers to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards determined in school entity strategic plans under § 4.13 (relating to strategic plans).

*Intermediate unit*—A regional educational service agency established under section 951—974 of the School Code (24 P. S. §§ 9-951—9-974), which provides educational services to participating school districts as part of the public school system of the Commonwealth.

*Parent or guardian*—A person responsible for student's care.

*Planned instruction*—Instruction offered by a school entity based upon a written plan which consists of at least the following elements:

(i) Objectives of the course or instructional unit to be achieved by all students.

(ii) Content, including materials and activities, and estimated instructional time to be devoted to achieving the standards. Courses or instructional units of varying lengths of time may be taught.

(iii) The relationship between the objectives of the course or instructional unit and academic standards specified under § 4.12 (relating to academic standards) and to those determined in the school entity's strategic plan under § 4.13 (relating to strategic plans), as well as the relationship between the objectives of the course or instructional unit and those of others offered by the school entity.

(iv) Procedures for measurement of the objectives of the course or instructional unit.

*School Code*—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

*School entity*—A school district, intermediate unit or AVTS.

*Secretary*—The Secretary of Education of the Commonwealth.

*School organization*—The organization of a school district's programs into kindergarten, primary, intermediate level, middle level and high school programs, including programs operated at AVTSs.

*Tech-prep program*—A combined secondary and postsecondary program which leads to an associate degree or certificate and employment by providing technical preparation in engineering technology, applied science, mechanical, industrial or practical art or trade, agriculture, health or business, including development of competence in mathematics, science and communications through a sequential course of study.

*Vocational-technical education*—Programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training.

#### § 4.4. General policies.

(a) It is the policy of the Board that the local curriculum be designed by school entities to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards designated in school entity strategic plans under § 4.13 (relating to strategic plans).

(b) It is the policy of the Board that local school entities have the greatest possible flexibility in curriculum planning consistent with providing quality education and in compliance with the School Code, including requirements for courses to be taught (24 P. S. §§ 15-1501 and 16-1605), subjects to be taught in the English language (24 P. S. § 15-1511), courses adapted to the age, development and needs of the pupils (24 P. S. § 15-1512), minimum school year of 180 days and minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level (24 P. S. §§ 15-1501 and 15-1504), employment of sufficient numbers of qualified professional employees (24 P. S. § 11-1106) and superintendents to enforce the curriculum requirements of State law (24 P. S. § 10-1005), and this part.

(c) Educational programs shall be provided without discrimination on the basis of race, sex, color, religion, disability, sexual orientation or national origin.

(d) School entities shall adopt policies to assure that parents or guardians have the following:

(1) Access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.

(2) A process for the review of instructional materials.

(3) The right to have their children excused from specific instruction which conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parents.

(4) If upon inspection of State assessments parents find the assessments in conflict with their religious belief and wish their student be excused from the assessment, the right of the parents will not be denied upon written request to the school entity superintendent.

(5) Opportunity for involvement in the strategic planning process of the district under § 4.13 (relating to strategic plans).

(6) The right to have their children excluded from research studies or surveys conducted by entities other than the school entity unless prior written consent has been obtained.

#### ACADEMIC STANDARDS AND PLANNING

##### § 4.11. Purpose of public education.

(a) This section and §§ 4.12 and 4.13 (relating to academic standards; and strategic plans) describe the purpose of public education, the academic standards, their relationship with one another and each school entity's strategic plan.

(b) Public education prepares students for adult life by attending to their intellectual and developmental needs and challenging them to achieve at their highest level possible. In conjunction with families and other community institutions, public education prepares students to become self-directed, life-long learners and responsible, involved citizens.

(c) Together with parents, families and community institutions, public education provides opportunities for students to:

- (1) Acquire knowledge and skills.
- (2) Develop integrity.
- (3) Process information.
- (4) Think critically.
- (5) Work independently.
- (6) Collaborate with others.
- (7) Adapt to change.

(d) The academic standards describe the knowledge and skills which students will be expected to demonstrate before graduating from a public school.

(e) Achievement of high academic standards in public education is dependent upon the quality of instruction in schools and student effort supported by the involvement of family and community.

(f) Assessment in public education is designed to determine student attainment of State and local academic standards.

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

- (1) Reading, writing, speaking and listening.
- (2) Mathematics.
- (3) Science and technology.
- (4) Environment and ecology.
- (5) Social studies (civics and government, geography, economics and history).
- (6) Arts and humanities.
- (7) Career education and work.
- (8) Health, safety and physical education.
- (9) Family and consumer science.
- (10) World languages.

##### § 4.12. Academic standards.

(a) School entities may develop, expand or improve existing academic standards in the following content

areas until the Board adopts standards under subsection (g) and rescinds the description of the corresponding content area:

(1) *Science and technology.* Study of the natural world and facts, principles, theories and laws in the areas of biology, chemistry, physics and earth sciences. Technology is the application of science to enable societal development including food production, manufacturing, building, transportation and communication. Science and technology share the use of the senses, science processes, inquiry, investigation, analysis and problem solving strategies.

(2) *Environment and ecology.* Understanding the components of ecological systems and their interrelationships with social systems and technologies. These components incorporate the disciplines of resource management, agricultural diversity, government and the impact of human actions on natural systems. This interaction leads to the study of watersheds, threatened and endangered species, pest management and the development of laws and regulations.

(3) *Social studies.*

(i) *History.* Study of the record of human experience including important events; interactions of culture, race and ideas; the nature of prejudice; change and continuity in political systems; effects of technology; importance of global-international perspectives; and the integration of geography, economics and civics studies on major developments in the history of the Commonwealth, the United States and the world.

(ii) *Geography.* Study of relationships among people, places and environments, of geographic tools and methods, characteristics of place, concept of region and physical processes.

(iii) *Civics and government.* Study of United States constitutional democracy, its values and principles, study of the Pennsylvania Constitution and government including the study of principles, operations and documents of government, rights and responsibilities of citizenship, how governments work and international relations.

(iv) *Economics.* Study of how individuals and societies choose to use resources to produce, distribute and consume goods and services. Knowledge of how economies work, economic reasoning and basic economic concepts, economic decisionmaking, economic systems, Pennsylvania and the United States economy, and international trade.

(4) *Arts and humanities.* Study of dance, theater, music, visual arts, language and literature including forms of expression, historical and cultural context, critical and aesthetic judgement, and production, performance or exhibition of work.

(5) *Career education and work.* Understanding career options in relationship to individual interests, aptitudes and skills including the relationship between changes in society, technology, government and economy and their effect on individuals and careers. Development of knowledge and skill in job-seeking and job-retaining skills and, for students completing vocational-technical programs, the skills to succeed in the occupation for which they are prepared.

(6) *Health, safety and physical education.* Study of concepts, skills and societal factors which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts and strategies, safety in physical activity settings, and leadership and cooperation in physical activities.



(7) *Family and consumer science.* Understanding the role of consumers as a foundation for managing available resources to provide for personal and family needs and to provide basic knowledge of child health and child care skills.

(8) *World languages.* Ability to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures.

(b) In designing educational programs, school entities shall provide for the attainment of the academic standards under subsections (a) and (c) and additional academic standards which they describe in their strategic plans under § 4.13(c) (relating to strategic plans). Attaining the academic standards in this section requires students to demonstrate the acquisition and application of knowledge.

(c) School entities shall prepare students to attain academic standards in mathematics, reading, writing, speaking and listening as contained in Appendix A and incorporated here by reference and additional standards as may be adopted by the Board.

(d) A school entity's curriculum shall be designed to provide students with instruction needed to attain these academic standards.

(e) School entities shall apply academic standards for students in all areas described under subsections (a) and (c). The school entity assessment plan under § 4.52 (relating to school entity assessment system) shall include a description of how the academic standards will be measured by the entity and how information from the school entity assessments is used to assist students having difficulty meeting the academic standards.

(f) School entities shall assess the attainment of academic standards developed pursuant to subsections (a) and (c) and any other academic standards which they develop and describe in their strategic plans under § 4.52(c) for purposes of high school graduation and strategies for assisting students to attain them. Plans for assessment developed by school entities will take into account that academic standards in subsections (a) and (c) may be attained by students in various ways and shall be assessed by school entities in various ways. Children with disabilities may attain the academic standards by completion of their Individualized Education Programs under the Individuals with Disabilities Education Act and this part.

(g) In developing academic standards in subsection (a) content areas, the Secretary shall consult with educators, business and community leaders, and parents. Academic standards in the following content areas will be developed by the Secretary and presented to the Board no later than the following schedule:

September, 1998	Science and Technology Environment and Ecology Health, Safety and Physical Education Civics and Government
September, 1999	Arts and Humanities World Languages Family and Consumer Sciences Economics Geography
September, 2000	History Career Education and Work

(h) School entities are responsible under subsections (a), (c), (g) and § 4.13(c)(5) for assessing individual student attainment of academic standards and for assisting those students having difficulty attaining them. Upon request by a school entity, the Department will provide the entity with technical assistance in the development of academic standards and assessments that are sufficient to assure that students are making progress toward the attainment of standards required for high school graduation under subsection (f) and those identified in the strategic plan under § 4.13(c)(3).

(i) Every 3 years the Board will review the State academic standards and State assessments under this section to determine if they are appropriate, clear, specific, and challenging, and will make revisions as necessary by revising this chapter.

**§ 4.13. Strategic plans.**

(a) Every school entity shall develop a strategic plan once every 6 years and review that plan for revision at the midpoint according to an implementation schedule developed by the Department under § 4.83 (relating to implementation schedule). A school district plan shall incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates.

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop a strategic plan once every 6 years and review that plan at the midpoint according to an implementation schedule developed by the Department under § 4.83.

(c) The strategic plan shall be based upon internal and external needs, leading to the specification of priorities for action and action plans. The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school entity's ability to conduct a continuous strategic planning process. The plan shall include the following components in addition to others the school entity determines to include:

- (1) A mission statement.
- (2) A listing of the school entity's educational and organizational goals as they relate to student achievement.
- (3) A description of academic standards for student achievement which shall be consistent with those under § 4.12 (relating to academic standards).
- (4) The planned instruction to be offered and the instructional and assessment practices to be used in order to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(5) An assessment plan under § 4.52 (relating to school entity assessment plan) designed to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated sufficient proficiency of the academic standards and how information from the assessments shall be made available to the public.

(6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achieve-

ment goals shall demonstrate connection to the academic standards under § 4.12 (relating to academic standards) including, but not limited to, annual improvement goals for student scores on State and local assessments.

(7) The professional development plan under section 1205.1 of the School Code (24 P.S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).

(8) A description of the school entity's organization and organizational goals and their relationship to differing student needs within the school entity's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(9) A description of the professional personnel, school library, classroom and other resources the school entity plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(d) Strategic plans shall be developed through active participation by parents, students, school directors, teachers, school administrators, other school personnel, business and other community representatives. Teacher representatives shall be chosen by teachers, and administrative representatives shall be chosen by the administrative personnel, and school director representatives shall be chosen by the board of the school entity.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school entity's offices and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school entity superintendent of record and is approved by the school entity's board of directors. If the board of directors alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it in order to reach the greatest possible consensus prior to its submission and shall include any minority report which is developed.

(f) A locally approved strategic plan shall remain in effect until it is superseded by a locally approved revision or a new strategic plan developed under this section.

## CURRICULUM AND INSTRUCTION

### § 4.21. Elementary education: primary and intermediate levels.

(a) The primary program shall ordinarily be completed by children who are approximately 8 years of age. School districts shall provide opportunities for individualized rates of learning and social and emotional development that reflect differing rates of development and learning styles of young children.

(b) Curriculum and instruction in the primary program shall focus on introducing young children to formal education, developing an awareness of the self in relation to others and the environment, and developing skills of communication, thinking and learning.

(c) The intermediate level program shall ordinarily be completed by children who are approximately 11 years of age.

(d) Curriculum and instruction in the intermediate level program shall continue the development of commu-

nication, thinking and learning skills and shall begin to focus on learning specific subject matter content.

(e) Planned instruction in the following areas shall be provided to every student every year in the primary program. Planned instruction may be provided as separate course or as an instructional unit within another course or other instructional activity:

(1) Language arts, integrating reading, writing, phonics, spelling, listening, speaking, literature and grammar, and information management, including library skills.

(2) Mathematics, including problem-solving and computation skills.

(3) Science and technology education, involving active learning experiences for students.

(4) Environment and ecology education, involving active learning experiences for students.

(5) Social studies (civics and government, economics, geography and history).

(6) Health, safety and physical education, includes instruction in concepts, skills and societal factors which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.

(7) The arts, including active learning experiences in art, music, dance and theater.

(f) Planned instruction in the following areas shall be provided to every student every year in the intermediate level program. Planned instruction may be provided as separate course or as an instructional unit within another course or other instructional activity:

(1) Language arts, integrating reading, writing, spelling, listening, speaking, literature and grammar.

(2) Mathematics, including problem-solving and computation skills.

(3) Science and technology, including, when appropriate, instruction about agriculture and agricultural science.

(4) Environment and ecology, including when appropriate, instruction about agriculture and agricultural science.

(5) Social studies (civics and government, economics, geography and history).

(6) The arts, including art, music, dance and theater.

(7) Understanding and use of library and other information sources.

(8) Health, safety and physical education, includes instruction in concepts, skills and societal factors which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.

(g) Planned instruction in the following areas shall be provided to every student at least once by the end of elementary school. Planned instruction may be provided as separate course or as an instructional unit within another course or other instructional activity. See section 1511 of the School Code (24 P.S. § 15-1511).

(1) History of the United States.

(2) History of Pennsylvania.

(3) Geography.

## (4) Civics.

(h) This section does not preclude the teaching of other planned instruction designed to achieve a school district's mission, goals and academic standards.

(i) School districts shall determine the most appropriate way to operate their primary and intermediate level elementary programs to achieve the purposes under subsections (b) and (d) and the mission, goals and academic standards in their strategic plans under § 4.13 (relating to strategic plans).

(j) As of \_\_\_\_ (*Editor's Note:* The blank refers to a date 3 years from the effective date of adoption of this proposal.) students who have not achieved proficiency in reading and mathematics during their primary grades (K-3), as determined by the school entity, shall be afforded additional instructional opportunities through a grade-level learning plan developed by the school entity. The plan will assist the student in acquiring the knowledge and skills necessary to achieve at the proficient level. Assessments to measure proficiency shall be described in the school entity assessment system under § 4.52 (relating to school entity assessment system).

(k) As of \_\_\_\_ (*Editor's Note:* The blank refers to a date 3 years from the effective date of adoption of this proposal.) students who have not achieved proficiency in reading and mathematics by the end of grade 5 as determined on State assessments under § 4.51 (relating to State assessments) shall be afforded instructional opportunities to develop knowledge and skills necessary to achieve the proficient level.

**§ 4.22. Middle level education.**

(a) The middle level program ordinarily serves children who are approximately 11-14 years of age. School districts may modify the grouping of students based upon student needs identified in their strategic plans under § 4.13 (relating to strategic plans).

(b) Curriculum and instruction in the middle level program shall focus on mastery of academic subjects, the development of critical and creative thinking, information literacy, good health and encourage active participation in the school and community.

(c) Planned instruction in the following areas shall be provided to every student in the middle level program. Planned instruction may be provided as separate course or as an instructional unit within a course or other instructional activity:

(1) Language arts, integrating reading, writing, listening, speaking, literature and grammar.

(2) Mathematics, including mathematical reasoning, algebra and problem-solving.

(3) Science and technology, which involves active learning experiences and which may include laboratory experiments and, when appropriate, information about agriculture and agricultural science.

(4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, Pennsylvania, and the world).

(5) Environment and ecology, including social, political and economic aspects of ecology and when appropriate, information about agriculture and agricultural sciences.

(6) Information skills, including access to traditional and electronic information sources, computer use and research.

(7) Health, safety and physical education, includes instruction in concepts, skills and societal factors which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.

(8) The arts, including art, music, dance and theater.

(9) Career education, including exposure to various career options and the educational preparation necessary to achieve those options.

(10) Technology education, emphasizing practical application of academic skills and problem-solving experiences facilitated by technology.

(11) Family and consumer science, including principles of consumer behavior and basic knowledge of child health and child care skills.

(d) This section does not preclude the teaching of other planned instruction designed to achieve a school district's academic standards.

(e) School districts shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and the academic standards in their strategic plans under § 4.13.

**§ 4.23. High school education.**

(a) Instruction in the high school program shall focus on the development of abilities needed to succeed in work and advanced education through a planned sequence of courses.

(b) Curriculum and instruction in the high school program shall provide all students opportunities to develop the skills of analysis, synthesis, evaluation and problem-solving, and information literacy.

(c) Planned instruction in the following areas shall be provided to every student in the high school program. Planned instruction may be provided as separate course or as an instructional unit within a course or other instructional activity:

(1) Language arts, integrating reading, writing, listening, speaking, literature and grammar.

(2) Mathematics, including problem-solving, mathematical reasoning, algebra, geometry and concepts of calculus.

(3) Science and technology, including participation in hands-on experiments and at least one laboratory science chosen from life sciences, earth and space sciences, chemical sciences, physical sciences and agricultural sciences.

(4) Social studies (civics and government, economics, geography and history including the history and cultures of the United States, Pennsylvania and the world).

(5) Environment and ecology, including scientific, social, political and economic aspects of ecology.

(6) The arts, including art, music, dance and theater.

(7) Use of applications of microcomputers and software, including word processing, database, spreadsheets and telecommunications; and information skills, including access to traditional and electronic information sources, computer use and research.

(8) Health, safety and physical education, includes instruction in concepts, skills and societal factors which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor

skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.

(9) Family and consumer science, including principles of consumer behavior and basic knowledge of child health and child care skills.

(d) The following planned instruction shall be made available to every student in the high school program:

(1) Vocational-technical education under §§ 4.3 and 4.31—4.35 (relating to definitions; and vocational education).

(2) Business education, including courses to assist students in developing business and information technology skills.

(3) World languages under § 4.25 (relating to languages).

(4) Technology education, incorporating technological problem-solving and the impacts of technology on individuals and society.

(e) College-level advanced placement courses may be offered as planned instruction in the high school curriculum.

(f) This section does not preclude the teaching of other planned instruction designed to achieve a school district's academic standards.

(g) School entities shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and the academic standards in their strategic plans under § 4.13 (relating to strategic plans).

#### § 4.24. High school graduation requirements.

(a) Each school entity shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic planning). Requirements shall include course completion and grades, completion of a culminating project, and results of State and local assessments of academic standards. To graduate students shall demonstrate proficiency in reading, writing and mathematics on State assessments administered in grade 11 or 12 or comparable local assessment under § 4.52 (relating to school entity assessment system). The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

(b) As of \_\_\_\_ (*Editor's Note:* The blank refers to a date 3 years from the effective date of adoption of this proposal.) students who attain a score at the proficiency level or better on State assessments in reading, writing and mathematics administered in grade 11 or 12 shall be granted a Pennsylvania Seal of Proficiency.

(c) As of \_\_\_\_ (*Editor's Note:* The blank refers to a date 3 years from the effective date of adoption of this proposal.) students who attain a score at the advanced level of proficiency on State assessments in reading, writing and mathematics administered in grade 11 or 12 shall be granted a Pennsylvania Seal of Distinction.

(d) State Seals of Proficiency or Distinction shall be affixed to diplomas and noted on student transcripts.

(e) Each school entity shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsection (a).

(f) Children with disabilities who satisfactorily complete a special education program developed by an Indi-

vidualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school entity of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet all requirements of this chapter.

#### § 4.25. Languages.

(a) Every school district shall provide instruction in at least two languages in addition to English, at least one of which shall be a modern language, and at least one of which shall be offered in a minimum 4-year sequence in the secondary program (middle level and high school).

(b) World language instruction under subsection (a) may be offered beginning at any grade level, including the elementary grades.

(c) Students graduating from high school should demonstrate proficiency in a language other than English.

#### § 4.26. ESOL.

Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under § 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

#### § 4.27. Physical education and athletics.

(a) Physical education shall be taught as required under §§ 4.21(e)(5) and (f)(8), 4.22(c)(7) and 4.23(c)(9) (relating to elementary education: primary and intermediate levels; middle level education; and high school education).

(b) The physical education program shall be adapted for students who are unable to participate in the regular physical education program.

(c) The physical education program shall provide co-educational instruction, except that separation by sex may be permitted in courses involving contact sports. Separation by sex may not be used to exclude students of either sex from participating in any physical education instruction.

(d) In addition to physical education instruction under subsections (a)—(c), students of both sexes shall have equal access in interscholastic and intramural athletic programs to all of the following:

- (1) School facilities.
- (2) Coaching and instruction.
- (3) Scheduling of practice time and games.
- (4) Number of activities at each level of competition.
- (5) Equipment, supplies and services.
- (6) Funding appropriate to the sport.

(e) School districts may sponsor coeducational teams in interscholastic and intramural sports programs.

(f) Interscholastic and intramural teams playing contact sports may be separated by sex, but this subsection may not be used to exclude students of either sex from participating in a sport.

#### § 4.28. Special education.

(a) Under the Individuals with Disabilities Education Act and this part, children with disabilities shall be

provided an education which enables them to be involved in and progress in the general curriculum under this chapter.

(b) Students who are gifted as defined in this part shall be provided an education that enables them to participate in acceleration or enrichment, or both, as appropriate.

(c) The educational program provided to children with disabilities shall be in accordance with their Individualized Education Programs under the Individuals with Disabilities Education Act and this part, even if the Individualized Education Program does not otherwise meet all the requirements of this chapter.

(d) Planned courses for children with disabilities shall conform to the requirements established for planned courses in § 4.3 (relating to definitions) as it relates to planned instruction.

#### § 4.29. HIV/AIDS.

(a) Instruction regarding prevention of human immunodeficiency virus (HIV) infection/acquired immunodeficiency syndrome (AIDS) shall be given for primary, intermediate, middle school and high school education and shall follow the requirements of subsections (b) and (c).

(b) Educational materials and instruction shall be determined by the local school district and be appropriate to the age group being taught. The program of instruction shall include information about the nature of the disease, the lack of a cure, the ways the disease is transmitted and how infection can be prevented. The school district may omit instruction in the elementary grades on the transmission of the disease through sexual activity. Programs discussing transmission through sexual activity shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission. Programs shall stress that avoidance of illegal drug use is the only completely reliable means of preventing transmission through shared drug paraphernalia.

(c) A school district shall excuse a pupil from HIV/AIDS instruction when the instruction conflicts with the religious beliefs or principles of the pupil or parent or guardian of the pupil and when excusal is requested in writing. Prior to the commencement of instruction, a school district shall publicize that detailed curriculum outlines and curricular materials used in conjunction with the instruction are available to parents and guardians during normal school hours or at teacher-parent conferences. Curricular materials, if practical, shall be made available by the school district for home instruction use by a parent or guardian of a student excused from the district's HIV/AIDS instruction.

### VOCATIONAL-TECHNICAL EDUCATION

#### § 4.31. Vocational-technical education.

(a) Vocational-technical education courses, including applied science and technology, shall be developed in the planned instruction format and shall be accessible to all high school students attending those grades in which vocational-technical education courses are offered.

(b) Vocational-technical education courses may be taught at AVTSs or other high schools.

(c) Vocational-technical education programs shall consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge, skills, attitudes and behaviors are taught in a systematic manner. When appropriate,

vocational-technical education programs may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills and positive attitudes.

(d) Vocational-technical education courses shall include content based upon occupational analysis, clearly stated performance objectives deemed critical to successful employment and assessment of student competencies based upon performance standards. In listing planned instruction in its strategic plan under § 4.13 (relating to strategic plans), a school entity shall indicate which courses meet the requirements of this section.

(e) The record of a student enrolled in a vocational-technical education program shall include the student's educational and occupational objectives and the results of the assessment of student competencies under subsection (d).

(f) Safety education, consisting of safety practices, accident prevention, occupational health habits and environmental concerns shall be integrated into the instruction and practices in vocational-technical education programs.

(g) School districts and AVTSs administering vocational-technical education programs shall develop written policies regarding admissions. Course announcements, guidance materials and other communications shall convey the philosophy of equal access to students considering enrolling in AVTSs and shall include a description of admissions policies. The policies shall assure that when admissions to AVTSs must be limited, the admissions shall be on a nondiscriminatory basis.

#### § 4.32. Standards and reports.

(a) The Secretary is responsible for the promulgation of standards appropriate for implementing this subsection. Present standards, to the extent that they are inconsistent, are superseded by this chapter.

(b) The Secretary will report annually to the Board on the status of vocational-technical education programs, including tech-prep and apprenticeship programs. Reports will include numbers and types of programs, numbers of students, post-program status of students, Statewide competency standards and assessment information.

#### § 4.33. Advisory committees.

(a) A school district or AVTS administering or planning to administer vocational-technical education programs shall appoint a local advisory committee. Membership on the committee shall consist of business and industry representatives, public sector employers, agriculture, labor organizations, community organizations, postsecondary education institutions and the general public. The appointed advisory committee shall meet at least once each year and shall give advice to the board and the administration concerning the program of the school, including its general philosophy, academic and other standards, strategic plans, course offerings, support services, safety requirements and the skill needs of employers. An advisory committee may serve multiple institutions where employment areas overlap.

(b) An administrative committee, composed of chief school administrators representing participating school districts, shall be included in the organization of each AVTS. The committee shall play an integral part in the development of the AVTS strategic plan under § 4.13 (relating to strategic plans) and advise the AVTS board and the administration concerning the educational program and policies of the school.

(c) An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district or AVTS. The committee shall meet at least once each year to advise the board, administration and staff on curriculum, equipment, instructional materials, safety requirements, program evaluation and other related matters and to verify that the programs meet industry standards and, if appropriate, licensing board criteria and that they prepare students with occupation related competencies.

**§ 4.34. Programs and equipment.**

(a) A satellite vocational-technical education program may be operated by an AVTS board in conformity with a memorandum of understanding adopted with the participating school district's board of school directors.

(b) Certified guidance personnel in each secondary school and AVTS shall be assigned responsibility to provide pupils with vocational-technical guidance services.

(c) Equipment will be deemed appropriate if it is compatible, insofar as practical, to that used in occupations or households for which vocational-technical education is provided.

**§ 4.35. AVTSs**

(a) AVTS attendance areas shall conform to the plan of the State Board of Vocational Education. Boards of school directors may petition the State Board for Vocational Education for attendance area assignment or reassignment.

(b) The following provisions apply to the establishment of AVTSs:

(1) Where more than one district constitutes an attendance area, the appropriate intermediate unit may, and upon the request of a school district shall, call for an election by the boards of school directors within the attendance area to determine if an AVTS shall be established.

(2) A school district within the attendance area may elect to participate in the establishment of the AVTS.

(3) Where a single school district constitutes an attendance area, the board of school directors of that district may establish and operate AVTSs and be considered an AVTS board.

(c) The following provisions apply to articles of agreement for the establishment and operation of AVTSs:

(1) The boards of school directors of the school districts electing to participate in the AVTS shall enter into a written agreement setting forth rights and obligations of the participating school districts.

(2) No change may be made in the articles of agreement under paragraph (1) without the consent of each participating school district by the affirmative vote of each board of school directors.

(3) No school district may withdraw from the articles of agreement under paragraph (1) without the consent of each participating school district.

**SCHEDULING AND LEARNING OPTIONS**

**§ 4.41. Scheduling.**

(a) Kindergarten programs shall provide each kindergarten student with at least 2 1/2 hours of instruction each day for the full school term unless the school district obtains prior Department approval for an alternative kindergarten program.

(b) A school district shall obtain approval of the Department prior to scheduling 1/2-day sessions other than in kindergarten under subsection (a).

(c) A school district shall obtain approval of the Department prior to establishing a new school or changing school organization.

(d) Planned instruction offered in summer school may be designed as credit or noncredit offerings.

**§ 4.42. Grade structure.**

This chapter does not require educational programs to be organized in traditional grades according to students' chronological ages or academic achievement levels.

**ASSESSMENT**

**§ 4.51. State assessment system**

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance.

(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) Provide results to school entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

(4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.

(5) Provide information to the general public on school performance.

(b) All State assessment instruments will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 (relating to academic standards) may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats, and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(1) Performance on State reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.

(2) Performance on State mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions which require a written solution to a problem.

(3) Performance on State writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.

(4) Levels of proficiency shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(c) The Department will develop or cause to be developed State assessments based on academic standards in mathematics, reading and writing under § 4.12 (relating to academic standards) and contained in Appendix A. In developing assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. To ensure that information regarding student performance is available to parents and teachers State assessments developed under this section shall include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department or other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.

(d) Beginning in the 1998-99 school year, the State assessments shall be administered annually and shall include assessments of the State academic standards in mathematics and reading at grades 5, 8 and 11 and in writing at grades 6, 9 and 11. The purpose of the initial year of testing is to validate assessment instruments and to provide initial information to teachers and schools to inform the redesign of curricula and instructional strategies to enable students to achieve academic standards.

(e) Students not achieving proficiency in the initial administration of State assessments in grade 11 shall be provided one additional opportunity in grade 12 to demonstrate proficiency on State assessments.

(f) Expansion of the State assessment system will be authorized by the Board through a revision of this chapter.

(g) The Department will implement provisions for security of the State assessment system, including the following provisions:

(1) Action by a professional employe or commissioned officer which is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school district shall be subject to disciplinary action under sections 1259—1267 of the School Code (24 P. S. §§ 12-1259—12-1267).

(2) Cheating by students or employes other than those covered in paragraph (1) shall be subject to disciplinary action by the school district.

(3) Cheating or breaches of assessment security shall be reported to the Secretary as soon as detected.

(h) The Secretary has the authority to establish guidelines for the administration of the State assessment system.

(i) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school entity information and pertinent data for the school district and its students.

(j) Children with disabilities shall be included in the State assessment system, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

#### § 4.52. School entity assessment system.

(a) Each school entity shall design a school district assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under §§ 4.12 and 4.13(c)(3) (relating to academic standards; and strategic plans). The school entity shall provide assistance to students not attaining proficiency in academic standards and the assistance to be provided shall be indicated in the entity's strategic plan under § 4.13.

(2) Use assessment results to improve curriculum and instructional practices, to inform instructional strategies and to develop future strategic plans under § 4.13.

(3) Provide information requested by the Department regarding the achievement of academic standards, which does not include student names, identification numbers or individually identifiable information.

(4) Provide summary information including results of school district assessments under § 4.52 (relating to school district assessment) to the general public regarding the achievement of students, which does not include student names, identification numbers or individually identifiable information.

(b) The school entity assessment system shall be implemented no later than 1 year after its strategic plan or revision is approved by the board of school directors under § 4.13.

(c) The school entity assessment system shall be described in the district's strategic plan under § 4.13(b)(5).

(d) The school entity assessment system shall be designed to include a variety of assessment strategies which may include the following:

(1) Written work by students.

(2) Scientific experiments conducted by students.

(3) Works of art or musical, theatrical or dance performances by students.

(4) Other demonstrations, performances products or projects by students related to specific academic standards.

(5) Examinations developed by teachers to assess specific academic standards.

(6) Nationally-available achievement tests.

(7) Diagnostic assessments.

(8) Evaluations of portfolios of student work related to achievement of academic standards.

(9) Other measures as appropriate, which may include standardized tests.

(f) Individual test information shall be maintained in a student's educational record in a manner consistent with the requirements of section 438 of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g) and 34 CFR Part 99 (relating to family educational rights and privacy).

(g) Children with disabilities shall be included in the State assessment system, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

**SCHOOL PROFILES**

**§ 4.61. School profiles.**

(a) School profiles developed by the Secretary will include the following information, in addition to other information the Secretary deems appropriate:

- (1) Results of State assessments under § 4.51 (relating to State assessment system).
- (2) Results of school entity assessments under § 4.52 (relating to school entity assessment), which may not include student names, identification numbers or individually identifiable information.
- (3) School performance improvement goals based on State assessment results under § 4.13 (relating to strategic plans).
- (4) Class size.
- (5) Information about the instructional program.
- (6) Percentages of students who graduate or who drop out and the status of graduates the year after they leave high school.
- (7) Student attendance.
- (8) Teacher attendance.
- (9) Information about fiscal support of the school, school district or AVTS.

(b) In compiling school profiles under this chapter, the Department will provide school entities interpretive information to assist in using the profiles for strategic planning under § 4.13 (relating to strategic planning).

(c) The Secretary will prescribe procedures for reporting State assessment data to schools and communities.

**PROVISIONS RELATING TO OTHER THAN PUBLIC SCHOOLS**

**§ 4.71. Certification by principal of nonpublic non-licensed school.**

Elementary or secondary nonpublic nonlicensed schools, shall, within 30 days of beginning classes, file the following notarized certificate with the Secretary.

I certify that this school is a day school for the education of children in which the following mandated programs or courses of study are taught in the English language for a minimum of 180 days of instruction or a minimum of 450 hours of instruction in the kindergarten program, a minimum of 900 hours of instruction in the elementary schools and a minimum of 990 hours of instruction in the secondary schools: Elementary school level—English, including spelling, reading and writing, arithmetic, geography, the history of the United States and Pennsylvania, science, civics, including loyalty to the State and National Government [24 P. S. § 15-1511], safety education, and the humane treatment of birds and animals, health, including physical education and physiology, music and art. Secondary school level—art, English, health, mathematics, music, physical education, science and social studies (including U. S. and Pennsylvania history [24 P. S. § 16-1605]).

Name of School \_\_\_\_\_  
 Location of School \_\_\_\_\_  
 Mailing Address (If Different from Above) \_\_\_\_\_  
 County \_\_\_\_\_ IU# \_\_\_\_\_  
 Public School District in which school is located \_\_\_\_\_

Nonpublic Principal

(Signature of Principal)

Telephone Number: Area Code ( ) \_\_\_\_\_

NOTARIZATION:

Return to: Division of Nonpublic and  
 Private School Services  
 Bureau of Community and Student Services  
 Department of Education  
 333 Market Street  
 Harrisburg, PA 17126-0333

**§ 4.72. Credentials other than the high school diploma.**

The requirements for a Commonwealth secondary school diploma shall be as follows:

(1) The Commonwealth secondary school diploma may be issued to an applicant who is a resident of this Commonwealth and does not possess a secondary school diploma upon presentation of evidence of full matriculation and the satisfactory completion of a minimum of 1 full year or 30 semester hours of study at an accredited institution of postsecondary education.

(2) In addition to the provisions of paragraph (1), the Commonwealth secondary school diploma may be issued to an applicant who is a resident of this Commonwealth, does not possess a secondary school diploma and is not enrolled in a public, licensed private, registered accredited or licensed nonpublic secondary school upon earning a passing score as determined by the Department on the high school level tests of General Educational Development (GED). A person 18 years of age or older may qualify for GED testing upon request. A person between 16 and 18 years of age may qualify for GED testing upon the issuance of a court order or at the written request of one of the following:

- (i) An employer who requires a high school equivalency credential for job opportunities.
- (ii) An official of an accredited institution of postsecondary education which accepts applicants on the basis of GED test scores.
- (iii) A recruiting officer of a branch of the armed forces that requires a high school equivalency credential for entry of new recruits.
- (iv) The director of a State institution on behalf of residents, patients or inmates.

(3) The Department will not ordinarily issue a diploma until after the high school class of which the applicant was a member has been graduated. This restriction may be waived by the Department upon the recommendation of the school district for persons between 16 and 18 years of age who meet the higher education or GED requirements for the secondary school diploma.

**§ 4.73. Correspondence schools.**

An applicant 18 years of age or older shall be issued a Certificate of Preliminary Education upon presentation to the Department of evidence of the issuance of a high school diploma by an accredited private correspondence school licensed or approved by the State Board of Private Licensed Schools.

**§ 4.74. Students in special situations.**

(a) A foreign student without educational credentials may earn the Commonwealth secondary school diploma



by meeting the requirements under § 4.72 (relating to credentials other than the high school diploma).

(b) A graduate of a secondary school in another state which is not on an approved list of secondary schools may earn an appropriate credential by passing an examination administered by the education agency of that state or by its designee or by meeting the requirements for the Commonwealth secondary school diploma under § 4.72.

(c) Credit granted by a public school in this Commonwealth shall be accepted by all public schools and institutions in this Commonwealth upon the transfer of a student.

**ENFORCEMENT AND IMPLEMENTATION**

**§ 4.81. Allegations of deficiencies.**

(a) The Secretary will receive and investigate allegations of curriculum deficiencies from professional employees, commissioned officers, parents of students or other residents of a school district or AVTS.

(b) The Secretary will notify the school district or AVTS superintendent of allegations and may require the superintendent to submit one or more of the following:

- (1) Relevant descriptions of planned instruction.
- (2) A series of written articulated courses of instructional units.
- (3) Relevant student assessment information.
- (4) Information on staff assignments.
- (5) Other information pertinent to investigating a specific allegation.

(c) If the Secretary determines that a curriculum deficiency exists, the school district or AVTS shall be required to submit to the Secretary for approval a plan to correct the deficiency.

(d) Within 1 year of the implementation of a corrective action plan under subsection (c), the Secretary will review the actions taken to correct the deficiency. If the deficiency remains uncorrected, the Secretary will send a formal notice of deficiency to the school district or AVTS board of school directors, and the notice shall be announced at the school board meeting immediately following its receipt.

(e) If the school district or AVTS does not take appropriate actions to correct the deficiency after the notice of deficiency is announced, the Secretary will take action under State law.

**§ 4.82. Exceptions.**

(a) The Secretary may grant exceptions to specific provisions of this chapter when it is necessary to adapt them to the curriculum needs of individual school entities or to facilitate transition to the revised provisions of this chapter. Specific exception may be made for school districts which develop or implement academic standards that are comparable to or exceed those found in § 4.12 (relating to academic standards). Exceptions may be granted under the following conditions:

(1) The request for an exception shall be in writing and shall include relevant information supporting the need for the exception.

(2) The exception shall be valid for a limited term not to exceed 2 years.

(3) The request shall be made prior to initiating the action requiring approval and shall have the prior approval of the school entity's board of school directors.

(b) The Secretary will report annually to the Board on the status of requests for exceptions under this section.

**§ 4.83. Implementation schedule.**

(a) The initial strategic plans under § 4.13 (relating to strategic plans) shall be developed by a schedule to be determined by the Department. All plans addressing the requirements of this chapter shall be on file with the Department by September 30, 2001.

(b) In the school year in which a school entity submits its initial strategic plan under § 4.13, the school entity shall implement professional development, curriculum development and assessment development activities identified in the strategic plan and shall receive technical assistance from the Department.

**APPENDIX A**

**Academic Standards for Reading, Writing, Speaking and Listening and**

**Academic Standards for Mathematics**

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THE ACADEMIC STANDARDS

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**II. INTRODUCTION**

This document includes Reading, Writing, Speaking and Listening Standards:

- 1.1. Learning to Read Independently
- 1.2. Reading Critically in All Content Areas
- 1.3. Reading, Analyzing and Interpreting Literature
- 1.4. Types of Writing
- 1.5. Quality of Writing
- 1.6. Speaking and Listening
- 1.7. Characteristics and Function of the English Language
- 1.8. Research

The Reading, Writing, Speaking and Listening Standards describe what students should know and be able to do with the English Language at four grade levels (third, fifth, eighth and eleventh). The standards provide the targets for instruction and student learning essential for

success in all academic areas, not just language arts classrooms. Although the standards are not a curriculum or a prescribed series of activities, school entities will use them to develop a local school curriculum that will meet local students' needs.

The language arts—Reading, Writing, Speaking and Listening—are unique because they are processes that students use to learn and make sense of their world. Students do not read “reading”; they read about history, science, mathematics and other content areas as well as about topics for their interest and entertainment. Similarly, students do not write “writing”; they use written words to express their knowledge and ideas and to inform or entertain others.

Because of the unique nature of the language arts, all teachers in a school will use the Reading, Writing, Speaking and Listening Standards. The standards define the skills and strategies employed by effective readers and writers; therefore, all teachers will assist their students in learning them through multiple classroom situations in all the subject areas.

The Reading, Writing, Speaking and Listening standards also provide parents and community members with information about what students should know and be able to do as they progress through the educational program and at graduation. With a clearly defined target provided by the standards, parents, students, educators and community members become partners in learning success.

A glossary is included to assist the reader in understanding terminology contained in the standards.

<b>1.1. Learning to Read Independently</b>			
<b>1.1.3. GRADE 3</b>	<b>1.1.5. GRADE 5</b>	<b>1.1.8. GRADE 8</b>	<b>1.1.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
A. Before reading identify the purposes and types of text (e.g., literary, informational).	A. Before reading establish the purpose for reading a type of text (literary, informational).	A. Before reading locate appropriate texts (literary, informational, documents) for an assigned purpose.	A. Before reading locate various texts, media and traditional resources for assigned and independent projects.
B. Preview the text formats (e.g., title, headings, chapters, and table of contents).	B. Select texts for a particular purpose using the format of the text as a guide.	B. Identify and use common organizational structures and graphic features to comprehend information.	B. Analyze the structure of informational materials explaining how authors used these to achieve their purposes.
C. During reading use knowledge of phonics, word analysis (e.g. root words, prefixes, and suffixes), syllabication, picture and context clues to decode and understand new words.	C. During reading use knowledge of phonics, syllabication, prefixes, suffixes, the dictionary or context clues to decode and understand new words. Use these words accurately in writing and speaking.	C. During reading use knowledge of root words as well as context clues and glossaries to understand specialized vocabulary in the content areas. Use these words accurately in speaking and writing.	C. During reading use knowledge of root words and words from literary works to recognize and understand the meaning of new words. Use these words accurately in speaking and writing.

<b>1.1. Learning to Read Independently</b>			
<b>1.1.3. GRADE 3</b>	<b>1.1.5. GRADE 5</b>	<b>1.1.8. GRADE 8</b>	<b>1.1.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>D. Read text using self-monitoring comprehension strategies (e.g., predicting, revising predictions, rereading, using headings, graphics, charts, organization of text, adjusting reading rate).</p> <p>E. Acquire a reading vocabulary by identifying and correctly using words, (e.g. antonyms, synonyms, categories of words). Use a dictionary when appropriate.</p> <p>F. Understand the meaning of and use correctly new vocabulary learned in various subject areas.</p> <p>G. After reading demonstrate understanding and interpretation of both fiction and nonfiction text.</p> <ul style="list-style-type: none"> <li>• Retell or summarize the major ideas, themes or procedures of the text.</li> <li>• Connect the new information or ideas in the text to known information.</li> <li>• Clarify ideas and understandings through rereading and discussion.</li> <li>• Make responsible assertions about the text by citing evidence from the text.</li> </ul>	<p>D. Identify the basic ideas and facts in text using strategies such as prior knowledge, illustrations and headings, and information from other sources to make predictions about text.</p> <p>E. Acquire a reading vocabulary by correctly identifying and using words related as synonyms, homophones and homographs and words related through roots, suffixes and/or prefixes. Use a dictionary or related reference.</p> <p>F. Identify, understand the meaning of and use correctly key vocabulary from various subject areas.</p> <p>G. After reading demonstrate understanding and interpretation of both fiction and nonfiction text.</p> <ul style="list-style-type: none"> <li>• Summarize the major ideas, themes or procedures of the text.</li> <li>• Relate new information or ideas from the text to that learned through additional reading and media (e.g., films, audiotapes).</li> <li>• Clarify ideas and understandings through rereading and discussion.</li> <li>• Make responsible assertions about the ideas from the text by citing evidence.</li> <li>• Extend ideas found in the text.</li> </ul>	<p>D. Identify basic facts and ideas in text using strategies such as recalling genre characteristics, setting a purpose for reading or generating essential questions as aids to comprehension and clarifying understanding through rereading and discussion.</p> <p>E. Expand a reading vocabulary by identifying and correctly using idioms and words with literal and figurative meanings. Use a dictionary or related reference.</p> <p>F. Understand the meaning of and apply key vocabulary across the various subject areas.</p> <p>G. After reading demonstrate understanding and interpretation of both fiction and nonfiction text, including public documents.</p> <ul style="list-style-type: none"> <li>• Make, and support with evidence, assertions about texts.</li> <li>• Compare and contrast texts using themes, settings, characters and ideas.</li> <li>• Make extensions to related ideas, topics or information.</li> <li>• Describe the context of a document.</li> <li>• Analyze the positions, arguments and evidence in public documents.</li> </ul>	<p>D. Identify, describe, evaluate and synthesize the essential ideas in text. Assess those reading strategies that were most effective in learning from a variety of texts.</p> <p>E. Establish a reading vocabulary by identifying and correctly using new words acquired through the study of their relationships to other words. Use a dictionary or related reference.</p> <p>F. Understand the meaning of and apply key vocabulary across the various subject areas.</p> <p>G. After reading demonstrate understanding and interpretation of both fiction and nonfiction text, including public documents.</p> <ul style="list-style-type: none"> <li>• Make, and support with evidence, assertions about texts.</li> <li>• Compare and contrast texts using themes, settings, characters and ideas.</li> <li>• Make extensions to related ideas, topics or information.</li> <li>• Assess the validity of the document based on context.</li> <li>• Analyze the positions, arguments and evidence in public documents.</li> <li>• Evaluate the strategies of the author.</li> <li>• Critique public documents to identify strategies common in public discourse.</li> </ul>

<b>1.1. Learning to Read Independently</b>			
<b>1.1.3. GRADE 3</b>	<b>1.1.5. GRADE 5</b>	<b>1.1.8. GRADE 8</b>	<b>1.1.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>H. Demonstrate fluency and comprehension in reading.</p> <ul style="list-style-type: none"> <li>• Read familiar materials aloud with accuracy.</li> <li>• Self-correct mistakes.</li> <li>• Use appropriate rhythm, flow, meter and pronunciation.</li> <li>• Read a variety of genres and types of text.</li> <li>• Demonstrate comprehension (Standard 1.1.3.G.).</li> </ul> <p>(Recommend: 25 books/year)</p>	<p>H. Demonstrate fluency and comprehension in reading.</p> <ul style="list-style-type: none"> <li>• Read familiar materials aloud with accuracy.</li> <li>• Self-correct mistakes.</li> <li>• Use appropriate rhythm, flow, meter and pronunciation.</li> <li>• Read a variety of genres and types of text.</li> <li>• Demonstrate comprehension (Standard 1.1.5.G.).</li> </ul> <p>(Recommend: 25 books/year)</p>	<p>H. Demonstrate fluency and comprehension in reading.</p> <ul style="list-style-type: none"> <li>• Read familiar materials aloud with accuracy.</li> <li>• Self-correct mistakes.</li> <li>• Use appropriate rhythm, flow, meter and pronunciation.</li> <li>• Read a variety of genres and types of text.</li> <li>• Demonstrate comprehension (Standard 1.1.8.G.).</li> </ul> <p>(Recommend: 25 books/year)</p>	<p>H. Demonstrate fluency and comprehension in reading.</p> <ul style="list-style-type: none"> <li>• Read familiar materials aloud with accuracy.</li> <li>• Self-correct mistakes.</li> <li>• Use appropriate rhythm, flow, meter and pronunciation.</li> <li>• Read a variety of genres and types of text.</li> <li>• Demonstrate comprehension (Standard 1.1.11.G.).</li> </ul> <p>(Recommend: 25 books/year)</p>

<b>1.2. Reading Critically in All Content Areas</b>			
<b>1.2.3. GRADE 3</b>	<b>1.2.5. GRADE 5</b>	<b>1.2.8. GRADE 8</b>	<b>1.2.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Read and understand essential content of informational texts and documents in all academic areas.</p> <ul style="list-style-type: none"> <li>• Differentiate fact from opinion within text.</li> <li>• Distinguish between essential and nonessential information within a text.</li> <li>• Make inferences from text when studying a topic (e.g., science, social studies) and draw conclusions based on text.</li> <li>• Analyze text organization and content to derive meaning from text using established criteria.</li> </ul>	<p>A. Read and understand essential content of informational texts and documents in all academic areas.</p> <ul style="list-style-type: none"> <li>• Differentiate fact from opinion across texts.</li> <li>• Distinguish between essential and nonessential information across a variety of texts, identifying stereotypes and exaggeration where present.</li> <li>• Make inferences about similar concepts in multiple texts and draw conclusions.</li> <li>• Evaluate text organization and content to determine the author's purpose and effectiveness.</li> </ul>	<p>A. Read and understand essential content of informational texts and documents in all academic areas.</p> <ul style="list-style-type: none"> <li>• Differentiate fact from opinion utilizing resources that go beyond traditional text to electronic media, newspapers, magazines and periodicals.</li> <li>• Distinguish between essential and nonessential information across texts and going beyond texts to a variety of media; identify bias and propaganda where present.</li> <li>• Draw inferences based on a variety of information sources.</li> <li>• Evaluate text organization and content to determine the author's purpose and effectiveness according to the author's theses, accuracy, and thoroughness.</li> </ul>	<p>A. Read and understand essential content of informational texts and documents in all academic areas.</p> <ul style="list-style-type: none"> <li>• Differentiate fact from opinion across a variety of texts, by using complete and accurate information, coherent arguments and points of view.</li> <li>• Distinguish between essential and nonessential information across a variety of sources, identifying the use of proper references or authorities and propaganda techniques where present.</li> <li>• Use teacher and student established criteria for making decisions and drawing conclusions.</li> <li>• Evaluate text organization and content to determine the author's purpose and effectiveness according to the author's theses, accuracy, thoroughness, logic and reasoning.</li> </ul>

<b>1.2. Reading Critically in All Content Areas</b>			
<b>1.2.3. GRADE 3</b>	<b>1.2.5. GRADE 5</b>	<b>1.2.8. GRADE 8</b>	<b>1.2.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>B. Use and understand a variety of media and evaluate the quality of material produced.</p> <ul style="list-style-type: none"> <li>• Use electronic media for research.</li> <li>• Identify techniques used in television and use the knowledge to distinguish between facts and misleading information.</li> <li>• Develop media project (e.g., script, play, audiotape) for a targeted audience.</li> </ul> <p>C. Produce work in at least one literary genre that follows the conventions of the genre.</p>	<p>B. Use and understand a variety of media and evaluate the quality of material produced.</p> <ul style="list-style-type: none"> <li>• Use a variety of media such as computerized card catalogues and encyclopedias for research.</li> <li>• Evaluate the role of media as a source of both entertainment and information.</li> <li>• Design and develop media project (e.g., script, play, audiotape) for a targeted audience.</li> </ul> <p>C. Produce work in at least one literary genre that follows the conventions of the genre.</p>	<p>B. Use and understand a variety of media and evaluate the quality of material produced.</p> <ul style="list-style-type: none"> <li>• Compare and analyze how different media offer a unique perspective on the information presented.</li> <li>• Analyze the techniques of particular media messages and their effect on a targeted audience.</li> <li>• Use, design and develop media to expand understanding (e.g., authors and works from a particular historical period).</li> </ul> <p>C. Produce work in at least one literary genre that follows the conventions of the genre.</p>	<p>B. Use and understand a variety of media and evaluate the quality of material produced.</p> <ul style="list-style-type: none"> <li>• Select appropriate electronic media for research and evaluate the quality of the information received.</li> <li>• Explain how the techniques used in electronic media modify traditional forms of discourse for different purposes.</li> <li>• Use, design and develop media to demonstrate understanding (e.g., a major writer or literary period or movement).</li> </ul> <p>C. Produce work in at least one literary genre that follows the conventions of the genre.</p>

<b>1.3. Reading, Analyzing and Interpreting Literature</b>			
<b>1.3.3. GRADE 3</b>	<b>1.3.5. GRADE 5</b>	<b>1.3.8. GRADE 8</b>	<b>1.3.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Read and understand works of literature.</p> <p>B. Identify literary elements in stories describing characters, setting and plot.</p> <p>C. Identify literary devices in stories.</p> <ul style="list-style-type: none"> <li>• Rhyme</li> <li>• Rhythm</li> <li>• Personification</li> </ul>	<p>A. Read and understand works of literature.</p> <p>B. Compare the use of literary elements within and among texts, including characters, setting, plot, theme, and point of view.</p> <p>C. Describe how the author uses literary devices to convey meaning.</p> <ul style="list-style-type: none"> <li>• Sound techniques (e.g., rhyme, rhythm, meter, alliteration)</li> <li>• Figurative language (e.g., personification, simile, metaphor, hyperbole)</li> </ul>	<p>A. Read and understand works of literature.</p> <p>B. Analyze the use of literary elements by an author including characterization, setting, plot, theme, point of view, tone, and style.</p> <p>C. Analyze the effect of various literary devices.</p> <ul style="list-style-type: none"> <li>• Sound techniques (e.g., rhyme, rhythm, meter, alliteration)</li> <li>• Figurative language (e.g., personification, simile, metaphor, hyperbole, illusion)</li> </ul>	<p>A. Read and understand works of literature.</p> <p>B. Analyze the relationships, uses and effectiveness of literary elements used by one or more authors in similar genres including characterization, setting, plot, theme, point of view, tone, and style.</p> <p>C. Analyze the effectiveness, in terms of literary quality, of the author's use of literary devices.</p> <ul style="list-style-type: none"> <li>• Sound techniques (e.g., rhyme, rhythm, meter, alliteration)</li> <li>• Figurative language (e.g., personification, simile, metaphor, hyperbole, irony, satire)</li> <li>• Literary structures (e.g., foreshadowing, flashbacks, progressive and digressive time)</li> </ul>

<b>1.3. Reading, Analyzing and Interpreting Literature</b>			
<b>1.3.3. GRADE 3</b>	<b>1.3.5. GRADE 5</b>	<b>1.3.8. GRADE 8</b>	<b>1.3.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
D. Identify the structures in poetry (e.g., pattern books, predictable books and nursery rhythms).	D. Identify and respond to the effects of sound and structure in poetry (e.g., alliteration, rhyme, verse form).	D. Identify poetic forms (e.g., ballad, sonnet, couplet).	D. Analyze and evaluate in poetry the appropriateness of diction and figurative language (e.g., irony, understatement, overstatement and paradox).
E. Identify the structures in drama (e.g., dialogue, story enactment, acts and scenes).	E. Analyze drama as information source, entertainment, persuasion or transmitter of culture.	E. Analyze drama to determine the reasons for a character's actions, taking into account the situation and basic motivation of the character.	E. Analyze how a scriptwriter's use of words creates tone and mood, how choice of words advances the theme or purpose of the work.
F. Read and respond to nonfiction and fiction, including poetry and drama.	F. Read and respond to nonfiction and fiction, including poetry and drama.	F. Read and respond to nonfiction and fiction, including poetry and drama.	F. Read and respond to nonfiction and fiction, including poetry and drama.

<b>1.4. Types of Writing</b>			
<b>1.4.3. GRADE 3</b>	<b>1.4.5. GRADE 5</b>	<b>1.4.8. GRADE 8</b>	<b>1.4.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
A. Write narrative pieces (e.g., stories, poems and plays). <ul style="list-style-type: none"> <li>• Include detailed descriptions of people, places and things.</li> <li>• Use relevant illustrations.</li> <li>• Include literary elements (Standard 1.3.3.B.).</li> </ul>	A. Write poems, plays and multi-paragraph stories. <ul style="list-style-type: none"> <li>• Include detailed descriptions of people, places and things.</li> <li>• Use relevant illustrations.</li> <li>• Utilize dialogue.</li> <li>• Apply literary conflict.</li> <li>• Include literary elements (Standard 1.3.5.B).</li> <li>• Use literary devices (Standard 1.3.5.C.).</li> </ul>	A. Write short stories, poems and plays. <ul style="list-style-type: none"> <li>• Include varying organizational methods.</li> <li>• Use relevant illustrations.</li> <li>• Utilize dialogue.</li> <li>• Apply literary conflict.</li> <li>• Include literary elements (Standard 1.3.8.B.).</li> <li>• Use literary devices (Standard 1.3.8.C.).</li> </ul>	A. Write short stories, poems and plays. <ul style="list-style-type: none"> <li>• Include varying organizational methods.</li> <li>• Use relevant illustrations.</li> <li>• Utilize dialogue.</li> <li>• Apply literary conflict.</li> <li>• Include varying characteristics (e.g., from limerick to epic, from whimsical to dramatic).</li> <li>• Include literary elements (Standard 1.3.11.B.).</li> <li>• Use literary devices (Standard 1.3.11.C.).</li> </ul>
B. Write informational pieces (e.g., descriptions, letters, reports and instructions), using illustrations when relevant.	B. Write multi-paragraph informational pieces (e.g., essays, descriptions, letters, reports and instructions). <ul style="list-style-type: none"> <li>• Include cause and effect.</li> <li>• Develop a problem and solution when appropriate to the topic.</li> <li>• Use relevant graphics such as maps, charts, graphs, tables, illustrations and photographs.</li> </ul>	B. Write multi-paragraph informational pieces (e.g., letters, descriptions, reports, instructions, essays, articles and interviews). <ul style="list-style-type: none"> <li>• Include cause and effect.</li> <li>• Develop a problem and solution when appropriate to the topic.</li> <li>• Use relevant graphics (e.g., maps, charts, graphs, tables illustrations and photographs).</li> <li>• Use primary and secondary sources.</li> </ul>	B. Write complex informational pieces (e.g., research papers, analyses, evaluations, and essays). <ul style="list-style-type: none"> <li>• Include a variety of methods to develop the main idea.</li> <li>• Use precise language and specific detail.</li> <li>• Include cause and effect.</li> <li>• Use relevant graphics (e.g., maps, charts, graphs, tables, illustrations and photographs).</li> <li>• Use primary and secondary sources.</li> </ul>

<b>1.4. Types of Writing</b>			
<b>1.4.3. GRADE 3</b>	<b>1.4.5. GRADE 5</b>	<b>1.4.8. GRADE 8</b>	<b>1.4.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
C. Write an opinion and support it with facts.	C. Write persuasive pieces with a clearly stated position or opinion and supporting detail, citing sources when needed.	C. Write persuasive pieces. <ul style="list-style-type: none"> <li>• Include a clearly stated position or opinion.</li> <li>• Include convincing, elaborated and properly cited evidence.</li> <li>• Develop reader interest.</li> <li>• Anticipate and counter reader concerns and arguments.</li> </ul> D. Maintain a written record of activities, course work, experience, honors, and interests.	C. Write persuasive pieces. <ul style="list-style-type: none"> <li>• Include a clearly stated position or opinion.</li> <li>• Include convincing, elaborated and properly cited evidence.</li> <li>• Develop reader interest.</li> <li>• Anticipate and counter reader concerns and arguments.</li> <li>• Include a variety of methods to advance the argument or position.</li> </ul> D. Maintain a written record of activities, course work, experience, honors, and interests. E. Write a personal resumé.

<b>1.5. Quality of Writing</b>			
<b>1.5.3. GRADE 3</b>	<b>1.5.5. GRADE 5</b>	<b>1.5.8. GRADE 8</b>	<b>1.5.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
A. Write with a sharp, distinct focus identifying topic, task and audience.  B. Write using well-developed content appropriate for the topic. <ul style="list-style-type: none"> <li>• Gather and organize information.</li> <li>• Write a series of related sentences or paragraphs with one central idea.</li> <li>• Incorporate details relevant and appropriate to the topic.</li> </ul>	A. Write with a sharp, distinct focus identifying topic, task and audience.  B. Write using well-developed content appropriate for the topic. <ul style="list-style-type: none"> <li>• Gather, organize and select the most effective information appropriate for the topic, task and audience.</li> <li>• Write paragraphs that have a topic sentence and supporting details.</li> </ul>	A. Write with a sharp, distinct focus. <ul style="list-style-type: none"> <li>• Identify topic, task and audience.</li> <li>• Establish a single point of view.</li> </ul> B. Write using well-developed content appropriate for the topic. <ul style="list-style-type: none"> <li>• Gather, determine validity and reliability of and organize information.</li> <li>• Employ the most effective format for purpose and audience.</li> <li>• Write paragraphs that have details and information specific to the topic and relevant to the focus.</li> </ul>	A. Write with a sharp, distinct focus. <ul style="list-style-type: none"> <li>• Identify topic, task and audience.</li> <li>• Establish and maintain a single point of view.</li> </ul> B. Write using well-developed content appropriate for the topic. <ul style="list-style-type: none"> <li>• Gather, determine validity and reliability of, analyze and organize information.</li> <li>• Employ the most effective format for purpose and audience.</li> <li>• Write fully developed paragraphs that have details and information specific to the topic and relevant to the focus.</li> </ul>

<b>1.5. Quality of Writing</b>			
<b>1.5.3. GRADE 3</b>	<b>1.5.5. GRADE 5</b>	<b>1.5.8. GRADE 8</b>	<b>1.5.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>C. Write with controlled and/or subtle organization.</p> <ul style="list-style-type: none"> <li>• Sustain a logical order.</li> <li>• Include a recognizable beginning, middle and end.</li> </ul> <p>D. Write with an awareness of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>• Use sentences of differing lengths and complexities.</li> <li>• Use descriptive words and action verbs.</li> </ul> <p>E. Revise writing to improve detail and order by identifying missing information and determining if ideas follow logically.</p> <p>F. Edit writing using the conventions of language.</p> <ul style="list-style-type: none"> <li>• Spell common, frequently used words correctly.</li> <li>• Use capital letters correctly (first word in sentences, proper nouns, pronoun "I").</li> <li>• Punctuate correctly (period, exclamation point, question mark, commas in a series).</li> <li>• Use nouns, pronouns, verbs, adjectives, adverbs and conjunctions properly.</li> <li>• Use complete sentences (simple, compound, declarative, interrogative, exclamatory and imperative).</li> </ul>	<p>C. Write with controlled and/or subtle organization.</p> <ul style="list-style-type: none"> <li>• Sustain a logical order within sentences and between paragraphs using meaningful transitions.</li> <li>• Include an identifiable introduction, body and conclusion.</li> </ul> <p>D. Write with an understanding of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>• Use different types and lengths of sentences.</li> <li>• Use precise language including adjectives, adverbs, action verbs and specific details that convey the writer's meaning.</li> <li>• Develop and maintain a consistent voice.</li> </ul> <p>E. Revise writing to improve organization and word choice; check the logic, order of ideas and precision of vocabulary.</p> <p>F. Edit writing using the conventions of language.</p> <ul style="list-style-type: none"> <li>• Spell common, frequently used words correctly.</li> <li>• Use capital letters correctly</li> <li>• Punctuate correctly (period, exclamation point, question mark, commas, quotation marks, apostrophe).</li> <li>• Use nouns, pronouns, verbs, adjectives, adverbs, conjunctions, prepositions and interjections properly.</li> <li>• Use complete sentences (simple, compound, declarative, interrogative, exclamatory and imperative).</li> </ul>	<p>C. Write with controlled and/or subtle organization.</p> <ul style="list-style-type: none"> <li>• Sustain a logical order within sentences and between paragraphs using meaningful transitions.</li> <li>• Establish topic and purpose in the introduction.</li> <li>• Reiterate the topic and purpose in the conclusion.</li> </ul> <p>D. Write with an understanding of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>• Use different types and lengths of sentences.</li> <li>• Use tone and voice through the use of precise language.</li> </ul> <p>E. Revise writing after rethinking logic or organization and rechecking central idea, content, paragraph development, level of detail, style, tone and word choice.</p> <p>F. Edit writing using the conventions of language.</p> <ul style="list-style-type: none"> <li>• Spell common, frequently used words correctly.</li> <li>• Use capital letters correctly.</li> <li>• Punctuate correctly (period, exclamation point, question mark, commas, quotation marks, apostrophe, colon, semicolon, parentheses).</li> <li>• Use nouns, pronouns, verbs, adjectives, adverbs, conjunctions prepositions and interjections properly.</li> <li>• Use complete sentences (simple, compound, complex, declarative, interrogative, exclamatory and imperative).</li> </ul>	<p>C. Write with controlled and/or subtle organization.</p> <ul style="list-style-type: none"> <li>• Sustain a logical order throughout the piece.</li> <li>• Include an effective introduction and conclusion.</li> </ul> <p>D. Write with a command of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>• Use different types and lengths of sentences.</li> <li>• Use precise language.</li> </ul> <p>E. Revise writing to improve style, word choice, sentence variety and subtlety of meaning after rethinking how questions of purpose, audience and genre have been addressed.</p> <p>F. Edit writing using the conventions of language.</p> <ul style="list-style-type: none"> <li>• Spell all words correctly.</li> <li>• Use capital letters correctly.</li> <li>• Punctuate correctly (period, exclamation point, question mark, commas, quotation marks, apostrophe, colon, semicolon, parentheses, hyphen, brackets, ellipsis).</li> <li>• Use nouns, pronouns, verbs, adjectives, adverbs, conjunctions, prepositions and interjections properly.</li> <li>• Use complete sentences (simple, compound, complex, declarative, interrogative, exclamatory and imperative).</li> </ul>



<b>1.5. Quality of Writing</b>			
<b>1.5.3. GRADE 3</b>	<b>1.5.5. GRADE 5</b>	<b>1.5.8. GRADE 8</b>	<b>1.5.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
G. Present and/or defend written work for publication when appropriate.	G. Present and/or defend written work for publication when appropriate.	G. Present and/or defend written work for publication when appropriate.	G. Present and/or defend written work for publication when appropriate.

<b>1.6. Speaking and Listening</b>			
<b>1.6.3. GRADE 3</b>	<b>1.6.5. GRADE 5</b>	<b>1.6.8. GRADE 8</b>	<b>1.6.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Listen to others.</p> <ul style="list-style-type: none"> <li>• Ask questions as an aid to understanding.</li> <li>• Distinguish fact from opinion.</li> </ul> <p>B. Listen to a selection of literature (fiction and/or nonfiction).</p> <ul style="list-style-type: none"> <li>• Relate it to similar experiences.</li> <li>• Predict what will happen next.</li> <li>• Retell a story in chronological order.</li> <li>• Recognize character and tone.</li> <li>• Identify and define new words and concepts.</li> </ul> <p>C. Speak using skills appropriate to formal speech situations.</p> <ul style="list-style-type: none"> <li>• Use appropriate volume.</li> <li>• Pronounce most words accurately.</li> <li>• Pace speech so that it is understandable.</li> <li>• Demonstrate an awareness of audience.</li> </ul>	<p>A. Listen to others.</p> <ul style="list-style-type: none"> <li>• Ask pertinent questions.</li> <li>• Distinguish relevant information, ideas and opinions from those that are irrelevant.</li> <li>• Take notes when prompted.</li> </ul> <p>B. Listen to a selection of literature (fiction and/or nonfiction).</p> <ul style="list-style-type: none"> <li>• Relate it to what is known.</li> <li>• Predict the result of the story actions.</li> <li>• Retell actions of the story in sequence, explain the theme, and describe the characters and setting.</li> <li>• Identify and define new words and concepts.</li> <li>• Summarize the selection.</li> </ul> <p>C. Speak using skills appropriate to formal speech situations.</p> <ul style="list-style-type: none"> <li>• Use complete sentences.</li> <li>• Pronounce words correctly.</li> <li>• Use appropriate volume.</li> <li>• Pace speech so that it is understandable.</li> <li>• Adjust content for different audiences (e.g., fellow classmates, parents).</li> <li>• Speak with a purpose in mind.</li> </ul>	<p>A. Listen to others.</p> <ul style="list-style-type: none"> <li>• Ask probing questions.</li> <li>• Analyze information, ideas and opinions to determine relevancy.</li> <li>• Take notes when needed.</li> </ul> <p>B. Listen to selections of literature (fiction and/or nonfiction).</p> <ul style="list-style-type: none"> <li>• Relate them to previous knowledge.</li> <li>• Predict content/events.</li> <li>• Summarize events and identify the significant points.</li> <li>• Identify and define new words and concepts.</li> <li>• Analyze the selections.</li> </ul> <p>C. Speak using skills appropriate to formal speech situations.</p> <ul style="list-style-type: none"> <li>• Use complete sentences.</li> <li>• Pronounce words correctly.</li> <li>• Adjust volume to purpose and audience.</li> <li>• Adjust pace to convey meaning.</li> <li>• Add stress (emphasis) and inflection to enhance meaning.</li> </ul>	<p>A. Listen to others.</p> <ul style="list-style-type: none"> <li>• Ask clarifying questions.</li> <li>• Synthesize why information, ideas and opinions are relevant or irrelevant.</li> <li>• Take notes.</li> </ul> <p>B. Listen to selections of literature (fiction and/or nonfiction).</p> <ul style="list-style-type: none"> <li>• Relate them to previous knowledge.</li> <li>• Predict solutions to identified problems.</li> <li>• Summarize and reflect on what has been heard.</li> <li>• Identify and define new words and concepts.</li> <li>• Analyze and synthesize the selections relating them to other selections heard or read.</li> </ul> <p>C. Speak using skills appropriate to formal speech situations.</p> <ul style="list-style-type: none"> <li>• Use a variety of sentence structures to add interest to a presentation.</li> <li>• Pace the presentation according to audience and purpose.</li> <li>• Adjust stress, volume, and inflection to provide emphasis to ideas or to influence the audience.</li> </ul>

<b>1.6. Speaking and Listening</b>			
<b>1.6.3. GRADE 3</b>	<b>1.6.5. GRADE 5</b>	<b>1.6.8. GRADE 8</b>	<b>1.6.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>D. Contribute to discussions.</p> <ul style="list-style-type: none"> <li>• Ask relevant questions.</li> <li>• Respond with appropriate information or opinions to questions asked.</li> <li>• Listen to and acknowledge the contributions of others.</li> <li>• Display appropriate turn-taking behaviors.</li> </ul> <p>E. Participate in small and large group discussions and presentations.</p> <ul style="list-style-type: none"> <li>• Participate in everyday conversation.</li> <li>• Give oral readings.</li> <li>• Deliver short reports (e.g., Show-and-Tell, field trip summary).</li> <li>• Conduct short interviews.</li> <li>• Give simple directions and explanations.</li> <li>• Report an emergency.</li> </ul>	<p>D. Contribute to discussions.</p> <ul style="list-style-type: none"> <li>• Ask relevant questions.</li> <li>• Respond with relevant information or opinions to questions asked.</li> <li>• Listen to and acknowledge the contributions of others.</li> <li>• Adjust involvement to encourage equitable participation.</li> <li>• Give reasons for opinions.</li> <li>• Summarize, when prompted.</li> </ul> <p>E. Participate in small and large group discussions and presentations.</p> <ul style="list-style-type: none"> <li>• Participate in everyday conversation.</li> <li>• Present an oral reading.</li> <li>• Deliver research reports.</li> <li>• Conduct interviews.</li> <li>• Plan and participate in group presentations.</li> <li>• Contribute to informal debates.</li> </ul>	<p>D. Contribute to discussions.</p> <ul style="list-style-type: none"> <li>• Ask relevant, probing questions.</li> <li>• Respond with relevant information, ideas or gives reasons in support of opinions expressed.</li> <li>• Listen to and acknowledge the contributions of others.</li> <li>• Adjust tone and involvement to encourage equitable participation.</li> <li>• Clarify, illustrate or expand on a response when asked.</li> <li>• Present support for opinions.</li> <li>• Paraphrase and summarize, when prompted.</li> </ul> <p>E. Participate in small and large group discussions and presentations.</p> <ul style="list-style-type: none"> <li>• Initiate everyday conversation.</li> <li>• Select a topic and present an oral reading.</li> <li>• Conduct interviews as part of the research process.</li> <li>• Organize and participate in informal debates.</li> </ul>	<p>D. Contribute to discussions.</p> <ul style="list-style-type: none"> <li>• Ask relevant, clarifying questions.</li> <li>• Respond with relevant information or opinions to questions asked.</li> <li>• Listen to and acknowledge the contributions of others.</li> <li>• Adjust tone and involvement to encourage equitable participation.</li> <li>• Facilitate total group participation.</li> <li>• Introduce relevant, facilitating information, ideas and opinions to enrich the discussion.</li> <li>• Paraphrase and summarize as needed.</li> </ul> <p>E. Participate in small and large group discussions and presentations.</p> <ul style="list-style-type: none"> <li>• Initiate everyday conversation.</li> <li>• Select and present an oral reading on an assigned topic.</li> <li>• Conduct interviews.</li> <li>• Participate in a formal interview (e.g., for job, college).</li> <li>• Organize and participate in informal debate around a specific topic.</li> <li>• Use evaluation guides (National Issues Forum, Toastmasters) to evaluate group discussion (e.g., of peers, on television).</li> </ul>

<b>1.6. Speaking and Listening</b>			
<b>1.6.3. GRADE 3</b>	<b>1.6.5. GRADE 5</b>	<b>1.6.8. GRADE 8</b>	<b>1.6.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>F. Use media for learning purposes.</p> <ul style="list-style-type: none"> <li>• Explain the importance of television, radio, film, and Internet in the lives of people.</li> <li>• Explain how advertising sells products.</li> <li>• Show or explain what was learned (e.g., audiotape, computer download).</li> </ul>	<p>F. Use media for learning purposes.</p> <ul style="list-style-type: none"> <li>• Compare information received on television with that received on radio or in newspapers.</li> <li>• Access information on the Internet.</li> <li>• Discuss the reliability of information received on Internet sources.</li> <li>• Explain how film can represent either accurate versions or fictional versions of the same event.</li> <li>• Explain the role of advertisers in the media.</li> <li>• Use a variety of images and sound to create an effective presentation on a topic.</li> </ul>	<p>F. Use media for learning purposes.</p> <ul style="list-style-type: none"> <li>• Describe how the media provides information that is sometimes accurate, sometimes biased based on a point of view or by the opinion or beliefs of the presenter.</li> <li>• Analyze the role of advertising in the media.</li> <li>• Create a multi-media (e.g., film, music, computer-graphic, verbal) presentation for display or transmission.</li> </ul>	<p>F. Use media for learning purposes.</p> <ul style="list-style-type: none"> <li>• Use various forms of media to elicit information to make a student presentation, complete class assignments and projects.</li> <li>• Evaluate the role of media in focusing attention and forming opinions.</li> <li>• Create a multi-media (e.g., film, music, computer-graphic, verbal) presentation for display or transmission that demonstrates an understanding of a specific topic or issue or teaches others about it.</li> </ul>

<b>1.7. Characteristics and Functions of the English Language</b>			
<b>1.7.3. GRADE 3</b>	<b>1.7.5. GRADE 5</b>	<b>1.7.8. GRADE 8</b>	<b>1.7.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Identify words from other languages that are commonly used English words.</p> <p>B. Identify variations in the dialogues of literary characters and relate them to differences in occupation or geographical location.</p>	<p>A. Identify words from other languages that are commonly used English words. Use a dictionary to find the meaning and origin of these words.</p> <p>B. Identify differences in formal and informal speech (e.g., dialect, slang and jargon).</p> <p>C. Identify word meanings that have changed over time (e.g., cool mouse).</p>	<p>A. Describe the origins and meanings of common, learned and foreign words used frequently in English language (e.g., carte blanche, faux pas).</p> <p>B. Analyze the role and place of standard American English in speech, writing, and literature.</p> <p>C. Identify new words that have been added to the English language over time.</p>	<p>A. Describe the influence of historical events on the English language.</p> <p>B. Analyze when differences in language are a source of negative or positive stereotypes among groups.</p> <p>C. Explain and evaluate the role and influence of the English language within and across countries.</p>

1.8. Research			
1.8.3. GRADE 3	1.8.5. GRADE 5	1.8.8. GRADE 8	1.8.11. GRADE 11
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i>			
<p>A. Select a topic for research.</p> <p>B. Locate information using appropriate sources and strategies.</p> <ul style="list-style-type: none"> <li>Locate resources for a particular task (e.g., newspapers, dictionary).</li> <li>Select sources (e.g., dictionaries, encyclopedias, interviews to write a family history, observations and electronic media).</li> <li>Use table of contents, key words, and guide words.</li> <li>Use traditional and electronic search tools.</li> </ul> <p>C. Organize and present the main ideas from the research.</p> <ul style="list-style-type: none"> <li>Take notes from sources using a structured format.</li> <li>Summarize, orally or in writing, the main ideas.</li> </ul>	<p>A. Select and refine a topic for research.</p> <p>B. Locate information using appropriate sources and strategies.</p> <ul style="list-style-type: none"> <li>Evaluate the usefulness and qualities of the sources.</li> <li>Select appropriate sources (e.g., dictionaries, encyclopedias, other reference materials, interviews, observations, and computer databases).</li> <li>Use table of contents, indices, key words, cross-references and appendices.</li> <li>Use traditional and electronic search tools.</li> </ul> <p>C. Organize and present the main ideas from the research.</p> <ul style="list-style-type: none"> <li>Take notes from sources using a structured format.</li> <li>Present the topic using relevant information.</li> <li>Credit sources using a structured format (e.g., author, title).</li> </ul>	<p>A. Select and refine a topic for research.</p> <p>B. Locate information using appropriate sources and strategies.</p> <ul style="list-style-type: none"> <li>Determine valid resources for researching the topic, including primary and secondary sources.</li> <li>Evaluate the importance and quality of the sources.</li> <li>Select essential sources (e.g., dictionaries, encyclopedias, other reference materials, interviews, observations, and computer databases).</li> <li>Use table of contents, indices, key words, cross-references and appendices.</li> <li>Use traditional and electronic search tools.</li> </ul> <p>C. Organize, summarize and present the main ideas from the research.</p> <ul style="list-style-type: none"> <li>Identify the steps necessary to carry out a research project.</li> <li>Take relevant notes from sources.</li> <li>Develop a thesis statement based on the research.</li> <li>Give precise, formal credit for others' ideas, images or information using a standard method of documentation.</li> <li>Use formatting techniques to create an understandable presentation for the designated audience.</li> </ul>	<p>A. Select and refine a topic for research.</p> <p>B. Locate information using appropriate sources and strategies.</p> <ul style="list-style-type: none"> <li>Determine valid resources for researching the topic, including primary and secondary sources.</li> <li>Evaluate the importance and quality of the sources.</li> <li>Select sources appropriate to the breadth and depth of the research (e.g., dictionaries, thesauruses, other reference materials, interviews, observations, and computer databases).</li> <li>Use table of contents, indices, key words, cross references, and appendices.</li> <li>Use traditional and electronic search tools.</li> </ul> <p>C. Organize, summarize, and present the main ideas from the research.</p> <ul style="list-style-type: none"> <li>Take notes relevant to the research topic.</li> <li>Develop a thesis statement based on the research.</li> <li>Anticipate readers' problems or misunderstandings.</li> <li>Give precise, formal credit for others' ideas, images or information using a standard method of documentation.</li> <li>Use formatting techniques (e.g., headings, graphics) to aid reader understanding.</li> </ul>

III. GLOSSARY

- Alliteration:** The repetition of initial consonant sounds in neighboring words.
- Allusion:** A reference in literature to a familiar person, place or event.
- Analysis:** The process or result of identifying the parts of a whole and their relationships to one another.
- Antonym:** A word that is the opposite of another word.
- Characterization:** The method an author uses to reveal his characters and their various personalities.
- Compare:** A literary technique of placing together characters, situations or ideas to show common or differing features.
- Context clues:** Information from the reading that identifies a word or group of words.

<b>Conventions of Language:</b>	Mechanics, usage, and sentence completeness.
<b>Evaluation:</b>	Examine and judge carefully.
<b>Figurative language:</b>	Language that cannot be taken literally since it was written to create a special effect or feeling.
<b>Fluency:</b>	The clear, easy, written or spoken expression of ideas. Freedom from word-identification problems that might hinder comprehension in silent reading or the expression of ideas in oral reading.
<b>Focus:</b>	The center of interest or attention.
<b>Genre:</b>	A category used to classify literary works, usually by form, technique or content. Example: prose, poetry.
<b>Graphic organizer:</b>	A diagram or pictorial device that shows relationships.
<b>Homophone:</b>	A word that is pronounced the same, but that has different meaning. Example: hair/hare, scale (fish)/scale (musical).
<b>Hyperbole:</b>	An exaggeration or overstatement. Example: <i>I was so embarrassed I could have died.</i>
<b>Idiomatic language:</b>	An expression peculiar to itself grammatically or that cannot be understood if taken literally. Example: <i>Let's get on the ball.</i>
<b>Irony:</b>	Using a word or phrase to mean the exact opposite of its literal or usual meaning.
<b>Literary conflict:</b>	The struggle that grows out of the interplay of the two opposing forces in a plot.
<b>Literary elements:</b>	The essential techniques used in literature, such as characterization, setting, plot, and theme.
<b>Literary devices:</b>	Tools used by the author to enliven and provide voice to the writing, such as dialogue and alliteration.
<b>Literary structures:</b>	The author's method of organizing text, such as foreshadowing and flashbacks.
<b>Metaphor:</b>	Comparing of two unlike things in which no words of comparison ( <i>like</i> or <i>as</i> ) are used. Example: <i>That new kid in class is really a squirrel.</i>
<b>Meter:</b>	The repetition of stressed and unstressed syllables in a line of poetry.
<b>Narrative:</b>	A story, actual or fictional, expressed orally or in writing.
<b>Paraphrase:</b>	A restatement of a text or passage in other words, often to clarify meaning or show understanding.
<b>Pattern book:</b>	A book with a predictable plot structure and often written with predictable text; also known as predictable book.
<b>Personification:</b>	An object or abstract idea is given human qualities or human form. Example: <i>Flowers danced about the lawn.</i>
<b>Phonics:</b>	The relationship between letters and sounds fundamental in beginning reading.
<b>Point of View:</b>	The way in which an author reveals characters, events and ideas in telling a story; the vantage point from which the story is told.
<b>Public document:</b>	Documents that focus on civic issues or matters of public policy at the community level and beyond.
<b>Reading critically:</b>	Reading in which a questioning attitude, logical analysis and inference are used to judge the worth of text; evaluating relevancy and adequacy of what is read; the judgement of validity, or worth of what is read, based on sound criteria.
<b>Reading rate:</b>	The speed at which a person reads, usually silently.
<b>Research:</b>	A systematic inquiry into a subject or problem in order to discover, verify or revise relevant facts or principles having to do with that subject or problem.
<b>Satire:</b>	A literary tone used to ridicule or make fun of human vice or weakness.
<b>Self-monitor:</b>	Knowing when what one is reading or writing is making sense and adjusting strategies for comprehension.
<b>Semantics:</b>	The study of meaning in language.
<b>Simile:</b>	A comparison of two unlike things in which a word of comparison ( <i>like</i> or <i>as</i> ) is used. Example: <i>She eats like a bird.</i>
<b>Sources:</b>	
<b>Primary:</b>	Text and/or artifacts, which tell or show a first-hand account of an event; original works used when researching.
<b>Secondary:</b>	Text and/or artifacts used when researching which are derived from something original.
<b>Subject area:</b>	An organized body of knowledge; a discipline; a content area.

<b>Style:</b>	How an author writes; an author's use of language, its effects and appropriateness to the author's intent and theme.
<b>Synonym:</b>	One or two words in a language that have highly similar meanings. Example: sorrow, grief, sadness.
<b>Syntax:</b>	The pattern or structure of word order in sentences, clauses and phrases.
<b>Theme:</b>	A topic of discussion or writing; a major idea broad enough to cover the entire scope of a literary work.
<b>Thesis:</b>	The basic argument advanced by a speaker or writer who then attempts to prove it; the subject or major argument of a speech or composition.
<b>Tone:</b>	The attitude of the author toward the audience and characters, such as serious or humorous.
<b>Voice:</b>	The fluency, rhythm and liveliness in writing that makes it unique to the writer. Writing without voice is mechanical and flat.

## Academic Standards for Mathematics

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#### V. INTRODUCTION

This document includes Mathematics Standards:

- 2.1. Numbers, Number Systems and Number Relationships
- 2.2. Computation and Estimation
- 2.3. Measurement and Estimation
- 2.4. Mathematical Reasoning and Connections
- 2.5. Mathematical Problem Solving and Communication
- 2.6. Statistics and Data Analysis
- 2.7. Probability and Predictions
- 2.8. Algebra and Functions
- 2.9. Geometry
- 2.10. Trigonometry
- 2.11. Concepts of Calculus

The Mathematics Standards describe what students should know and be able to do at four grade levels (third, fifth, eighth and eleventh). They reflect the increasing complexity and sophistication that students are expected to achieve as they progress through school.

This document avoids repetition of learned skills, making an obvious progression across grade levels less explicit. Teachers shall expect that students know and can apply the concepts and skills expressed at the preceding level. Consequently, previous learning is reinforced but not retaught.

Students who achieve these mathematical standards will be able to communicate mathematically. Although it is an interesting and enjoyable study for its own sake, mathematics is most appropriately used as a tool to help organize and understand information from other academic disciplines. Because our capacity to deal with all things mathematical is changing rapidly, students must be able to bring the most modern and effective means of technology to bear on their learning of mathematical concepts and skills.

A glossary is included to assist the reader in understanding terminology contained in the standards.

<b>2.1. Numbers, Number Systems and Number Relationships</b>			
<b>2.1.3. GRADE 3</b>	<b>2.1.5. GRADE 5</b>	<b>2.1.8. GRADE 8</b>	<b>2.1.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to . . .</i></b>			
<p>A. Count using whole numbers (to 10,000) and by 2's, 3's, 5's, 10's, 25's and 100's.</p> <p>B. Use whole numbers and fractions to represent quantities.</p> <p>C. Represent equivalent forms of the same number through the use of concrete objects, drawings, word names, and symbols.</p> <p>D. Use drawings, diagrams, or models to show the concept of fraction as part of a whole.</p> <p>E. Count, compare and make change using a collection of coins and one-dollar bills.</p> <p>F. Apply number patterns (even and odd) and compare values of numbers on the hundred board.</p> <p>G. Use concrete objects to count, order, and group.</p> <p>H. Demonstrate understanding of one-to-one correspondence.</p> <p>I. Apply place-value concepts and numeration to counting, ordering, and grouping.</p> <p>J. Estimate, approximate, round, or use exact numbers as appropriate.</p> <p>K. Describe the inverse relationship between addition and subtraction.</p> <p>L. Demonstrate knowledge of basic facts in four basic operations.</p>	<p>A. Use expanded notation to represent whole numbers or decimals.</p> <p>B. Apply number theory concepts to rename a number quantity.</p> <p>C. Demonstrate that mathematical operations can represent a variety of problem situations.</p> <p>D. Use models to represent fractions and decimals.</p> <p>E. Explain the concepts of prime and composite numbers.</p> <p>F. Use simple concepts of negative numbers such as on a number line, in counting, and temperature.</p> <p>G. Develop and apply number theory concepts (e.g., primes, factors, multiples, and composites) to represent numbers in various ways.</p>	<p>A. Represent and use numbers in equivalent forms (integers, fractions, decimals, percents, exponents, scientific notation and square roots).</p> <p>B. Simplify numerical expressions involving exponents, scientific notation and using order of operations.</p> <p>C. Distinguish between and order rational and irrational numbers.</p> <p>D. Apply ratio and proportion to mathematical problem situations involving distance, rate, time, and similar triangles.</p> <p>E. Simplify and expand algebraic expressions using exponential forms.</p> <p>F. Use the number line model to demonstrate integers and their applications.</p> <p>G. Use the inverse relationships between addition, subtraction, multiplication, division, and exponentiation and root extraction to determine unknown quantities in equations.</p>	<p>A. Use operations such as opposite, reciprocal, absolute value, raising to a power, finding roots and logarithms.</p>

<b>2.2. Computation and Estimation</b>			
<b>2.2.3. GRADE 3</b>	<b>2.2.5. GRADE 5</b>	<b>2.2.8. GRADE 8</b>	<b>2.2.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to . . .</i></b>			
<p>A. Apply addition and subtraction situations using concrete objects.</p> <p>B. Solve single and double digit addition and subtraction problems with regrouping in vertical form.</p> <p>C. Demonstrate concept of multiplication as repeated addition and arrays.</p> <p>D. Demonstrate concept of division as repeated subtraction and as sharing.</p> <p>E. Use estimation skills to arrive at conclusions.</p> <p>F. Determine the reasonableness of calculated answers.</p> <p>G. Explain addition and subtraction algorithms with regrouping.</p>	<p>A. Create and solve word problems involving addition, subtraction, multiplication and division of whole numbers.</p> <p>B. Develop and apply algorithms to solve word problems that involve addition, subtraction, and/or multiplication with decimals with and without regrouping, fractions and mixed numbers, that include like and unlike denominators.</p> <p>C. Demonstrate the ability to round numbers.</p> <p>D. Determine through estimations the reasonableness of answers to problems involving addition, subtraction, multiplication and division of whole numbers.</p> <p>E. Demonstrate skills for using fraction calculators to verify conjectures, confirm computations, and explore complex problem solving situations.</p> <p>F. Apply estimation strategies to a variety of problems including time and money.</p> <p>G. Explain multiplication and division algorithms.</p> <p>H. Select a method for computation and explain why it is appropriate.</p>	<p>A. Complete calculations by applying the order of operations.</p> <p>B. Add, subtract, multiply and divide different kinds and forms of rational numbers including integers, decimal fractions, percents and proper and improper fractions.</p> <p>C. Solve word problems using ratio and proportion.</p> <p>D. Estimate the value of irrational numbers.</p> <p>E. Estimate amount of tips and discounts using ratios, proportions and percents.</p> <p>F. Determine appropriateness of overestimating or underestimating in computation.</p> <p>G. Identify the difference between exact value and approximations and determine which is appropriate for a given situation.</p> <p>H. Check the reasonableness of an answer.</p>	<p>A. Develop and use computation concepts, operations and procedures on real numbers in problem solving situations.</p> <p>B. Use estimation to solve problems for which exact answer is not needed.</p> <p>C. Construct and apply mathematical models, including lines and curves of best fit, to estimate values of related quantities.</p> <p>D. Describe and explain the amount of error that may exist in a computation using estimates.</p> <p>E. Recognize that the degree of precision needed in calculating a number depends on how the results will be used and the instruments used to generate the measure.</p> <p>F. Demonstrate skills for using computer spreadsheets and scientific and graphing calculators.</p>



<b>2.3. Measurement and Estimation</b>			
<b>2.3.3. GRADE 3</b>	<b>2.3.5. GRADE 5</b>	<b>2.3.8. GRADE 8</b>	<b>2.3.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
<p>A. Compare measurable characteristics of different objects on the same dimensions (time, temperature, area, length, weight, capacity, perimeter).</p> <p>B. Determine the measurement of objects with non-standard and standard (e.g., US customary and metric) units.</p> <p>C. Determine and compare elapsed times.</p> <p>D. Tell time (analog and digital) to the minute.</p> <p>E. Determine appropriate unit of measure.</p> <p>F. Use concrete objects to determine area and perimeter.</p> <p>G. Estimate and verify measurements.</p> <p>H. Demonstrate that a single object has different attributes that can be measured in different ways (e.g. length, mass/weight, time, area, temperature, capacity and perimeter).</p>	<p>A. Select and use appropriate instruments and units for measuring quantities such as perimeter, volume, area, weight, time, and temperature.</p> <p>B. Select and use standard tools to measure the size of figures with specified accuracy, including length, width, perimeter, and area.</p> <p>C. Estimate, refine, and verify specified measurements of objects.</p> <p>D. Convert linear measurements within the same system.</p> <p>E. Add and subtract measurements.</p>	<p>A. Develop formulas and procedures for determining measurements (e.g. area, volume, distance, etc.).</p> <p>B. Solve rate problems (e.g. rate x time = distance, principal x interest rate = interest, etc.).</p> <p>C. Measure angles in degrees and determine relations of angles.</p> <p>D. Estimate, use, and describe measures of distance, rate, perimeter, area, volume, capacity, weight, mass and angles.</p> <p>E. Describe how a change in linear dimension of an object affects its perimeter, area, and volume.</p> <p>F. Use scale measurements to interpret maps or drawings.</p> <p>G. Create and use scale models.</p>	<p>A. Select and use appropriate units and tools to measure to the degree of accuracy required in particular measurement situations.</p> <p>B. Measure and compare angles in degrees and radians.</p> <p>C. Determine relationships between linear, square and cubic measures and describe how changes in one of the measures of the figure affect the others.</p> <p>D. Demonstrate ability to produce measures with specified levels of precision.</p>

<b>2.4. Mathematical Reasoning and Connections</b>			
<b>2.4.3. GRADE 3</b>	<b>2.4.5. GRADE 5</b>	<b>2.4.8. GRADE 8</b>	<b>2.4.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
<p>A. Make, check, and verify predictions about the quantity, size and shape of objects and groups of objects.</p> <p>B. Use measurements to determine the geography of the school building.</p>	<p>A. Compare quantities and magnitudes of numbers.</p> <p>B. Use models, number facts, properties and relationships to check and verify predictions and explain reasoning.</p>	<p>A. Make conjectures based on logical reasoning and test conjectures by using counter-examples.</p> <p>B. Combine numeric relationships to arrive at a conclusion.</p>	<p>A. Use direct proofs, indirect proofs, or proof by contradiction to validate conjectures.</p> <p>B. Construct valid arguments from stated facts.</p>

<b>2.4. Mathematical Reasoning and Connections</b>			
<b>2.4.3. GRADE 3</b>	<b>2.4.5. GRADE 5</b>	<b>2.4.8. GRADE 8</b>	<b>2.4.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
	<p>C. Draw inductive and deductive conclusions within mathematical contexts.</p> <p>D. Distinguish between relevant and irrelevant information in a mathematical problem.</p> <p>E. Interpret statements made with precise language of logic (i.e. all, every, none, some, or, many).</p> <p>F. Use statistics to quantify issues in social studies.</p>	<p>C. Use if . . . then statements to construct simple valid arguments.</p> <p>D. Construct, use, and explain algorithmic procedures for computing and estimating with whole numbers, fractions, decimals and integers.</p> <p>E. Distinguish between inductive and deductive reasoning.</p> <p>F. Use measurements and statistics in family and consumer science.</p>	<p>C. Determine the validity of an argument.</p> <p>D. Use truth tables to reveal the logic of mathematical statements.</p> <p>E. Demonstrate mathematical solutions to problems in the physical sciences.</p>

<b>2.5. Mathematical Problem Solving and Communication</b>			
<b>2.5.3. GRADE 3</b>	<b>2.5.5. GRADE 5</b>	<b>2.5.8. GRADE 8</b>	<b>2.5.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
<p>A. Use appropriate problem solving strategies such as guess and check and working backwards.</p> <p>B. Determine when sufficient information is present to solve a problem and explain how to solve a problem.</p> <p>C. Select and use an appropriate method, materials and strategy to solve problems, including mental mathematics, paper and pencil, and concrete objects.</p>	<p>A. Develop a plan to analyze a problem, identify the information needed to solve the problem, carry out the plan, check whether an answer makes sense and explain how the problem was solved.</p> <p>B. Use appropriate mathematical terms, vocabulary, language symbols and graphs to clearly and logically explain solutions to problems.</p> <p>C. Show ideas in a variety of ways, including words, numbers, symbols, pictures, charts, graphs, tables, diagrams and models.</p> <p>D. Connect, extend, and generalize problem solutions to other concepts, problems and circumstances in mathematics.</p>	<p>A. Invent, select, use, and justify the appropriate methods, materials and strategies used to solve problems.</p> <p>B. Verify and interpret results using precise mathematical language, notation, and representations, including numerical tables and equations, simple algebraic equations and formulas, charts, graphs and diagrams.</p> <p>C. Justify strategies and defend approaches used and conclusions reached.</p> <p>D. Determine pertinent information in problem situations, and whether any further information is needed for solution.</p>	<p>A. Select and use appropriate mathematical concepts and techniques from different areas of mathematics and apply them to solving non-routine and multi-step problems.</p> <p>B. Use symbols, mathematical terminology, standard notation, mathematical rules, graphing and other types of mathematical representations to communicate observations, predictions, concepts, procedures, generalizations, ideas and results.</p> <p>C. Present mathematical procedures and results clearly, systematically, succinctly and correctly.</p> <p>D. Conclude a solution process with a summary of results and evaluate the degree to which the results obtained represent an acceptable response to the initial problem and why the reasoning is valid.</p>

<b>2.5. Mathematical Problem Solving and Communication</b>			
<b>2.5.3. GRADE 3</b>	<b>2.5.5. GRADE 5</b>	<b>2.5.8. GRADE 8</b>	<b>2.5.11. GRADE 11</b>
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i>			
	<p>E. Select, use, and justify the methods, materials and strategies used to solve problems.</p> <p>F. Use appropriate problem solving strategies such as solving a simpler problem or drawing a picture or diagram.</p>		

<b>2.6. Statistics and Data Analysis</b>			
<b>2.6.3. GRADE 3</b>	<b>2.6.5. GRADE 5</b>	<b>2.6.8. GRADE 8</b>	<b>2.6.11. GRADE 11</b>
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i>			
<p>A. Gather, organize and display data using pictures, tallies, charts, bar graphs, and pictographs.</p> <p>B. Formulate and answer questions based on data shown on graphs.</p> <p>C. Predict the likely number of times a condition will occur based on the analyzed data.</p> <p>D. Form and justify an opinion on whether a given statement is reasonable based on a comparison to data.</p>	<p>A. Organize and display data using pictures, tallies, tables, charts, bar graphs, and circle graphs.</p> <p>B. Describe data sets using mean, median, mode and range.</p> <p>C. Sort data using Venn diagrams.</p> <p>D. Predict the likely number of times a condition will occur based on the analyzed data.</p> <p>E. Construct and defend simple conclusions based on data.</p>	<p>A. Compare and contrast different plots of data using values of mean, median, mode, quartiles and range.</p> <p>B. Explain effects on reliability of sampling procedures and of missing or incorrect information.</p> <p>C. Fit a line to the scatter plot of two quantities and describe any correlation of the variables.</p> <p>D. Design and carry out a random sampling procedure.</p> <p>E. Analyze and display data in stem-and-leaf and box-and-whisker plots.</p> <p>F. Use scientific and graphing calculators and computer spreadsheets to organize and analyze data.</p> <p>G. Determine the validity of the sampling method described in studies published in local or national newspapers.</p>	<p>A. Design and conduct an experiment using random sampling, describe the data as an example of a distribution using statistical measures of center and spread, and organize and represent the results with graphs. (Use standard deviation, variance and t-tests).</p> <p>B. Use appropriate technology to organize and analyze data taken from the local community.</p> <p>C. Determine regression equation of best fit (e.g., linear, quadratic, and exponential).</p> <p>D. Make predictions using interpolation, extrapolation, regression, and estimation, using technology.</p> <p>E. Determine the validity of the sampling method described in a given study.</p> <p>F. Determine the degree of dependence of two quantities specified by a two-way table.</p> <p>G. Describe questions of experimental design, use of control groups, treatment groups, cluster sampling and reliability.</p> <p>H. Use sampling techniques to draw inferences about large populations.</p>

<b>2.6. Statistics and Data Analysis</b>			
2.6.3. GRADE 3	2.6.5. GRADE 5	2.6.8. GRADE 8	2.6.11. GRADE 11
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i>			
			I. Describe the normal curve and use its properties to answer questions about sets of data that are assumed to be normally distributed.

<b>2.7. Probability and Predictions</b>			
2.7.3. GRADE 3	2.7.5. GRADE 5	2.7.8. GRADE 8	2.7.11. GRADE 11
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to . . .</i>			
A. Predict and measure the likelihood of events and recognize that the results of an experiment may not match predicted outcomes.  B. Design a fair and an unfair spinner.  C. List or graph the possible results of an experiment.  D. Analyze data using the concepts of largest, smallest, most often, least often and middle.	A. Perform simulations with concrete devices (dice, spinner, etc.) to predict the chance of an event occurring.  B. Determine the fairness of the design of a spinner.  C. Express probabilities as fractions and decimals.  D. Compare predictions based on theoretical probability and experimental results.  E. Calculate the probability of a simple event.  F. Determine patterns generated as a result of an experiment.  G. Determine the probability of an event involving "and", "or" or "not".  H. Predict and determine why some outcomes are certain, more likely, less likely, equally likely or impossible.  I. Find all possible combinations and arrangements involving a limited number of variables.  J. Make a tree diagram and list the elements in the sample space.	A. Determine the number of combinations and permutations for an event.  B. Present the results of an experiment using visual representations (tables, charts, and graphs).  C. Analyze predictions such as election polls.  D. Compare and contrast results from observations and mathematical models.  E. Make valid inferences, predictions and arguments based on probability.	A. Compare odds and probability.  B. Apply probability and statistics to perform an experiment involving a sample and generalize its results to the entire population.  C. Draw a conclusion regarding the validity of a probability or statistical argument and justify conclusion.  D. Use experimental and theoretical probability distributions to make judgments about the likelihood of various outcomes in uncertain situations.  E. Solve problems involving independent simple and compound events.

<b>2.8. Algebra and Functions</b>			
<b>2.8.3. GRADE 3</b>	<b>2.8.5. GRADE 5</b>	<b>2.8.8. GRADE 8</b>	<b>2.8.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
<p>A. Recognize, describe, extend, create and replicate a variety of patterns including attribute, activity, number and geometric patterns.</p> <p>B. Use concrete objects and trial and error to solve number sentences and check if solutions are sensible and accurate.</p> <p>C. Substitute a missing addend in a number sentence.</p> <p>D. Create a story to match a given combination of symbols and numbers.</p> <p>E. Use concrete objects and symbols to model the concepts of variables, expressions, equations, and inequalities.</p> <p>F. Explain the meaning of solutions and symbols.</p> <p>G. Gather information and display it in the form of a table or a chart.</p> <p>H. Describe and interpret the data shown in tables and charts.</p> <p>I. Demonstrate simple function rules.</p>	<p>A. Recognize, reproduce, extend, create and describe patterns, sequences and relationships verbally, numerically, symbolically and graphically, using a variety of materials.</p> <p>B. Connect patterns to geometric relations and basic number skills.</p> <p>C. Form rules based on patterns (e.g., an equation that relates pairs in a sequence).</p> <p>D. Use concrete objects and combinations of symbols and numbers to create expressions that model mathematical situations.</p> <p>E. Explain the use of combinations of symbols and numbers in expressions, equations, and inequalities.</p> <p>F. Describe a realistic situation using information given in equations, inequalities, tables or graphs.</p> <p>G. Select and use appropriate strategies, including concrete materials, to solve number sentences and explain the method of solution.</p> <p>H. Locate and identify points on a coordinate system.</p> <p>I. Generate functions from tables of data and relate data to corresponding graphs and functions.</p>	<p>A. Apply simple algebraic patterns to basic number theory and to spatial relations.</p> <p>B. Discover, describe, and generalize patterns, including linear, exponential and simple quadratic relationships.</p> <p>C. Create and interpret expressions, equations, or inequalities that model problem situations.</p> <p>D. Use concrete objects to model algebraic concepts.</p> <p>E. Select and use a strategy to solve an equation or inequality, explain the solution and check the solution for accuracy.</p> <p>F. Solve and graph equations and inequalities using scientific and graphing calculators and computer spreadsheets.</p> <p>G. Represent relationships with tables, graphs in the coordinate plane, and verbal or symbolic rules.</p> <p>H. Graph a linear function from a rule or table.</p> <p>I. Generate a table or graph from a function and use graphing calculators and computer spreadsheets to graph and analyze functions.</p>	<p>A. Analyze a given set of data for the existence of a pattern and represent the pattern algebraically and graphically.</p> <p>B. Give examples of patterns that occur in data from other disciplines.</p> <p>C. Use patterns, sequences and series to solve routine and non-routine problems.</p> <p>D. Formulate expressions, equations, inequalities, systems of equations, systems of inequalities, and matrices to model routine and non-routine problem situations.</p> <p>E. Use equations to represent curves such as lines, circles, ellipses, parabolas and hyperbolas.</p> <p>F. Identify whether systems of equations and inequalities are consistent or inconsistent.</p> <p>G. Analyze and explain systems of equations, systems of inequalities and matrices.</p> <p>H. Select and use an appropriate strategy to solve systems of equations and inequalities using graphing calculators, symbol manipulators, spreadsheets, and other software.</p> <p>I. Use matrices to organize and manipulate data, including matrix addition, subtraction, multiplication, and scalar multiplication.</p>

<b>2.8. Algebra and Functions</b>			
<b>2.8.3. GRADE 3</b>	<b>2.8.5. GRADE 5</b>	<b>2.8.8. GRADE 8</b>	<b>2.8.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
J. Analyze simple functions and relationships and locate points on a simple grid.		J. Show that an equality relationship between two quantities remains the same as long as the same change is made to both quantities; and explain how a change in one quantity determines another quantity in a functional relationship.	<p>J. Demonstrate the connection between algebraic equations and inequalities and the geometry of relations in the coordinate plane.</p> <p>K. Select, justify, and apply an appropriate technique to graph a linear function in two variables, including slope-intercept, x- and y-intercepts, graphing by transformations, and the use of a graphing calculator.</p> <p>L. Write the equation of a line when given the graph of the line, two points on the line, or the slope of the line and a point on the line.</p> <p>M. Given a set of data points, write an equation for a line of best fit.</p> <p>N. Solve linear, quadratic, and exponential equations both symbolically and graphically.</p> <p>O. Determine the domain and range of a relation, given a graph or set of ordered pairs.</p> <p>P. Analyze a relation to determine whether a direct or inverse variation exists and represent it algebraically and graphically.</p> <p>Q. Represent functional relationships in tables, charts, and graphs.</p> <p>R. Create and interpret functional models.</p> <p>S. Analyze properties and relationships of functions (linear, polynomial, rational, trigonometric, exponential, and logarithmic).</p> <p>T. Analyze and categorize functions by their characteristics.</p>

<b>2.9. Geometry</b>			
<b>2.9.3 GRADE 3</b>	<b>2.9.5. GRADE 5</b>	<b>2.9.8 GRADE 8</b>	<b>2.9.11 GRADE 11</b>
<b><i>Pennsylvania's public school shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
<p>A. Name and label geometric shapes in two and three dimensions (circle/sphere, square/cube, triangle/pyramid, rectangle/prism)</p> <p>B. Build geometric shapes using concrete objects (manipulatives).</p> <p>C. Draw two and three dimensional geometric shapes and construct rectangles, squares and triangles on the geoboard and on graph paper satisfying specific criteria.</p> <p>D. Find and describe geometric figures in real life.</p> <p>E. Identify and draw lines of symmetry in geometric figures.</p> <p>F. Identify symmetry in nature.</p> <p>G. Fold paper to demonstrate the reflections about a line.</p> <p>H. Show relationships between and among figures using reflections.</p> <p>I. Predict how shapes can be changed by combining or dividing them.</p>	<p>A. Give formal definitions of geometric figures.</p> <p>B. Classify and compare triangles and quadrilaterals according to sides or angles.</p> <p>C. Identify and measure circles, their diameters and radii.</p> <p>D. Describe in words how geometric shapes are constructed.</p> <p>E. Construct two and three dimensional shapes and figures using manipulatives, geoboards and computer software.</p> <p>F. Find familiar solids in the environment and describe them.</p> <p>G. Create an original tessellation.</p> <p>H. Describe the relationship between the perimeter and area of triangles, quadrilaterals and circles.</p> <p>I. Represent and use the concepts of line, point, and plane.</p>	<p>A. Construct figures incorporating perpendicular and parallel lines, the perpendicular bisector of a line segment and an angle bisector using computer software.</p> <p>B. Draw, label, measure and list the properties of complementary, supplementary, and vertical angles.</p> <p>C. Classify familiar polygons as regular or irregular up to a decagon.</p> <p>D. Identify, name, draw and list all properties of squares, cubes, pyramids, parallelograms, quadrilaterals, trapezoids, polygons, rectangles, rhombi, circles, spheres, triangles, prisms, and cylinders.</p> <p>E. Construct parallel lines, draw a transversal, measure and compare angles formed such as alternate interior and exterior angles.</p> <p>F. Distinguish between similar and congruent polygons.</p> <p>G. Approximate the value of <math>\pi</math> (pi) through experimentation.</p> <p>H. Use simple geometric figures such as triangles and squares to create, through rotation, transformational figures in three dimensions.</p> <p>I. Generate transformations using computer software.</p>	<p>A. Construct geometric figures using dynamic geometry tool (Geometer's Sketchpad, Cabri Geometre, etc.)</p> <p>B. Prove two triangles or two polygons are congruent or similar using algebraic and coordinate as well as deductive proofs.</p> <p>C. Identify and prove the properties of quadrilaterals involving opposite sides and angles, consecutive sides and angles, and diagonals using deductive proofs.</p> <p>D. Identify corresponding parts in congruent triangles to solve problems.</p> <p>E. Solve problems involving inscribed and circumscribed polygons.</p> <p>F. Use the properties of angles, arcs, chords, tangents, and secants to solve problems involving circles.</p> <p>G. Solve problems using analytic geometry.</p> <p>H. Construct a geometric figure and its image using various transformations.</p> <p>I. Model situations geometrically to formulate and solve problems.</p>

<b>2.9. Geometry</b>			
<b>2.9.3 GRADE 3</b>	<b>2.9.5. GRADE 5</b>	<b>2.9.8 GRADE 8</b>	<b>2.9.11 GRADE 11</b>
<b><i>Pennsylvania's public school shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
	<p>J. Define the basic properties of squares, pyramids, parallelograms, quadrilaterals, trapezoids, polygons, rectangles, rhombi, circles, triangles, cubes, prisms, spheres, and cylinders.</p> <p>K. Analyze simple transformations of geometric figures and rotations of line segments.</p> <p>L. Identify properties of geometric figures (i.e., parallel, perpendicular, similar, congruent, symmetrical).</p>	<p>J. Analyze geometric patterns, such as tessellations and sequences of shapes, and develop descriptions of the patterns.</p> <p>K. Analyze objects to determine if they illustrate tessellations, symmetry, congruence, similarity, and scale.</p>	<p>J. Analyze figures in terms of the kinds of symmetries they have.</p>

<b>2.10. Trigonometry</b>			
<b>2.10.3 GRADE 3</b>	<b>2.10.5. GRADE 5</b>	<b>2.10.8 GRADE 8</b>	<b>2.10.11 GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills to . . .</i></b>			
<p>A. Identify right angles in the environment.</p> <p>B. Model right angles and right triangles using concrete objects.</p>	<p>A. Identify and compare parts of right triangle including right angles, acute angles, hypotenuse, and legs.</p> <p>B. Create right triangles on a geoboard.</p>	<p>A. Compute measures of sides and angles using proportions, the Pythagorean Theorem, and right triangle relationships.</p> <p>B. Solve problems requiring indirect measurement for lengths of sides of triangles.</p>	<p>A. Use graphing calculators to display periodic and circular functions; describe properties of the graphs.</p> <p>B. Identify, create, and solve practical problems involving right triangles using the trigonometric functions and the Pythagorean Theorem.</p>

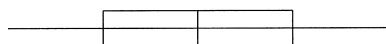
<b>2.11. Concepts of Calculus</b>			
<b>2.11.3 GRADE 3</b>	<b>2.11.5. GRADE 5</b>	<b>2.11.8 GRADE 8</b>	<b>2.11.11 GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire to the knowledge and skills to . . .</i></b>			
<p>A. Identify whole number quantities and measurements from least to most and greatest value.</p> <p>B. Identify least and greatest values represented in bar graphs and pictographs.</p> <p>C. Categorize rates of change as faster and slower.</p> <p>D. Continue a pattern of numbers or objects that could be extended infinitely.</p>	<p>A. Make comparisons of numbers such as more, less, same, least, most, greater than and less than.</p> <p>B. Identify least and greatest values represented in bar and circle graphs.</p> <p>C. Identify maximum and minimum.</p> <p>D. Describe the relationship between rates of change and time.</p>	<p>A. Analyze graphs of related quantities for minimum and maximum values and justify.</p> <p>B. Describe concept of unit rates, ratios, and slope in context of rate of change.</p> <p>C. Continue a pattern of numbers or objects that could be extended infinitely.</p>	<p>A. Determine maximum and minimum values of a function over a specified interval.</p> <p>B. Interpret maximum and minimum values in problem situations.</p> <p>C. Graph and interpret rates of growth/decay.</p> <p>D. Determine sums of finite sequences of numbers and infinite geometric series.</p>



2.11. Concepts of Calculus			
2.11.3 GRADE 3	2.11.5. GRADE 5	2.11.8 GRADE 8	2.11.11 GRADE 11
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire to the knowledge and skills to . . .</i>			
	E. Estimate areas and volumes as the sums of areas of tiles and volumes of cubes.  F. Describe the relationship between the size of the unit of measurement and the estimate of the areas and volumes.		E. Estimate areas under curves using sequences of areas.

VI. GLOSSARY

- Absolute value:** A number's distance from zero on a number line. The absolute value of 2 is equal to the absolute value of -2.
- Algorithm:** A method of performing an arithmetic operation.
- Analog time:** Time displayed on a timepiece having hour and minute hands.
- Array:** Arrangement of a series of items according to the values of the items, e.g., largest to smallest.
- Box-and-whisker plot:** A graphic method for showing a summary of data using median, quartiles and extremes of data.



- Capacity:** The volume of a container given in units of liquid measure.
- Combination:** A subset of the elements in a given set, without regard to the order in which those elements are arranged.
- Composite number:** Any positive integer exactly divisible by one or more positive integers other than itself and 1.
- Congruent:** Having the same shape and the same size.
- Conjecture:** A statement believed to be true but not proved.
- Coordinate system:** A method of locating points in the plane or in space by means of numbers. A point in the plane is located by its distances from both a horizontal and a vertical line called the axes. The horizontal line is called the x-axis. The vertical line is called the y-axis. The pairs of numbers are called ordered pairs. The first number, called the x-coordinate, designates the distance along the horizontal axis. The second number, called the y-coordinate, designates the distance along the vertical axis. The point at which the two axes intersect has the coordinates (0,0) and is called the origin.
- Correlation:** A measure of the mutual relationship between two variables.
- Customary system:** A system of weights and measures frequently used in the United States. The basic unit of weight is the pound; the basic unit of capacity is the quart.
- Deductive reasoning:** The process of reasoning from statements accepted as true to reach a conclusion.
- Direct variation:** When two variables are so related that their ratio remains constant, one of them is said to vary directly as the other.
- Domain:** The set of all possible replacements for the placeholder in an open sentence.
- Equation:** A statement of equality between two mathematical expressions. (e.g.,  $X + 5 = Y - 2$ ).
- Equivalent forms:** Different forms of numbers that name the same number; (e.g., fraction, decimal, percent as 1/2, .5, 50%).
- Exponential function:** A function whose general equation is  $y = a X b^x$  or  $y = a X b^{kx}$ , where a, b, and k stand for constants.
- Exponent:** A numeral used to tell how many times a number or variable is used as a factor. (e.g.,  $a^2$ ,  $2^n$ ,  $y^x$ ).
- Expression:** A mathematical phrase that can include operations, numerals, and variables. In algebraic terms:  $2l + 3x$ ; in numeric terms:  $13.4 - 4.7$ .
- Factor:** The numbers or variables multiplied in a multiplication expression.

<b>Factorial:</b>	The expression $n!$ ( $n$ factorial) is the product of all the numbers from 1 to $n$ for any positive integer $n$ .
<b>Function:</b>	A relation in which each value of an independent variable takes on a unique value of the dependent value.
<b>Geoboard:</b>	A board with pegs aligned in grid fashion which permits rubber bands to be wrapped around pegs to form geometric figures.
<b>Graphing calculator:</b>	A calculator that will store and draw the graph of several functions at once.
<b>Independent events:</b>	Events such that the outcome of the first event has no effect on the probabilities of the outcome of the second event. (e.g., two tosses of the same coin are independent events).
<b>Inductive reasoning:</b>	Forming generalizations from particular observations in a common occurrence.
<b>Inequality:</b>	A mathematical sentence that contains a symbol; such as $>$ , $<$ , $\geq$ , $\leq$ , or $\neq$ and in which the terms on either side of the symbol are unequal. (e.g., $x < y$ , $7 > 3$ , $n \geq 4$ ).
<b>Infinite:</b>	Has no end or goes on forever.
<b>Integer:</b>	A number that is a positive whole number, a negative whole number, or zero.
<b>Inverse:</b>	A new conditional formed by negating both the antecedent and the consequent of a conditional.
<b>Inverse operations:</b>	Operations that undo each other (e.g., addition and subtraction are inverse operations, multiplication and division are inverse operations).
<b>Inverse variation:</b>	When the ratio of one variable to the reciprocal of the other is constant, one of them is said to vary inversely as the other.
<b>Irrational number:</b>	A number that cannot be written as a simple fraction. It is an infinite and non-repeating decimal.
<b>Limit:</b>	A number to which the terms of a sequence get closer so that beyond a certain term all terms are as close as desired to that number.
<b>Line of best fit:</b>	The line that fits a set of data points with the smallest value for the sum of the squares of the errors (vertical distances) from the data points to the line. Also called the regression line.
<b>Linear function:</b>	A function whose general equation is $y = mx + b$ , where $m$ and $b$ stand for constants, and $m \neq 0$ .
<b>Linear measurement:</b>	Measurement in a straight line.
<b>Logarithm:</b>	The exponent indicating the power to which a fixed number, the base, must be raised to produce a given number. For example, if $n^x = a$ , the logarithm of $a$ , with $n$ as the base, is $x$ ; symbolically, $\log_n a = x$ . If the base is 10, the log of 100 is 2 or $10^2$ .
<b>Manipulatives:</b>	Materials that allow students to explore mathematics concepts in a concrete mode.
<b>Mathematical induction:</b>	A formal method of proving that a statement about a positive integer $n$ is true for all positive integers $n$ , by: 1) proving that the statement is true for the first integer, then 2) proving that if the statement is true for $n$ , it must be true for $(n-1)$ .
<b>Mathematical model:</b>	A representation in the mathematical world of some phenomenon in the real world. It frequently consists of a function or relation specifying how two variables are related.
<b>Matrix:</b>	A rectangular array of numbers representing such things as the coefficients in a system of equations arranged in rows and columns.
<b>Maximum:</b>	The greatest number in a set of data.
<b>Mean:</b>	The mean of a set of numbers is the sum of the set of numbers divided by $n$ , the number of numbers in the set.
<b>Median:</b>	The number that lies in the middle when a set of numbers is arranged in order. If there are two middle values, the median is the mean of these values.
<b>Metric system:</b>	A system of measurement used throughout the world based on factors of 10. It includes measures of length, weight, and capacity.
<b>Minimum:</b>	The least number in a set of data.
<b>Missing addend:</b>	A member of an addition number sentence in which that term is missing. (e.g., $5 + \underline{\quad} = 8$ ).
<b>Mode:</b>	The number(s) which occurs most often in a set of numbers. (e.g., in the set 1, 2, 3, 3, 5, 8; the mode is 3).
<b>Multiple:</b>	A number which is the product of a given integer and another integer. (e.g., 6 and 9 are multiples of 3).
<b>Normal curve:</b>	A graph describing the normal distribution in which more scores are found in the center and fewer scores are found at the extremes.

<b>One-to-one Correspondence:</b>	When one and only one element of a second set is assigned to an element of a first set, all elements of the second set are assigned, and every element of the first set has an assignment, the mapping is called one-to-one. (e.g., in the set Bill Clinton, George Bush, Ronald Reagan, Jimmy Carter, Hillary Clinton, Barbara Bush, Nancy Reagan, and Rosalynn Carter, there is a one-to-one correspondence between the pairs.)
<b>Open sentence:</b>	A statement that contains at least one unknown. It becomes true or false when a quantity is substituted for the unknown. (e.g., $x + 5 = 9$ , $y - 2 = 7$ ).
<b>Order of operations:</b>	Rules for evaluating an expression: work first within parentheses; then calculate all powers, from left to right; then do multiplications or divisions, from left to right; then do additions and subtractions, from left to right.
<b>Patterns:</b>	Regularities in situations such as those in nature, events, shapes, designs and sets of numbers (for example, spirals on pineapples, geometric designs in quilts, the number sequence 3, 6, 9, 12, . . .).
<b>Permutation:</b>	An arrangement of a given number of objects from a given set.
<b>Perpendicular lines:</b>	Two lines which intersect to form right angles. (e.g., $\perp$ , $\lrcorner$ , $\llcorner$ ).
<b>Plotting points:</b>	Locating points by means of coordinates, or a curve by plotted points, and to represent an equation by means of a curve so constructed.
<b>Polygon:</b>	A union of segments connected end to end, such that each segment intersects exactly two others at its endpoints.



<b>Powers:</b>	A number expressed using an exponent. The number $5^3$ is read five to the third power or five cubed.
<b>Prime:</b>	An integer greater than one whose only positive factors are 1 and itself. (1, 2, 3, 5, 7, 11, 13, 17, and 19 are prime numbers)
<b>Probability:</b>	A number from 0 to 1 that indicates how likely something is to happen.
<b>Problem solving:</b>	Finding ways to reach a goal when no routine path is apparent.
<b>Proof by contradiction:</b>	A proof in which, if $s$ is to be proven, one reasons from not $s$ until a contradiction is deduced; from this it is concluded that not $s$ is false, which means that $s$ is true.
<b>Proportion:</b>	An equation of the form $a/b = c/d$ which states that the two ratios are equivalent.
<b>Quadrilateral:</b>	A four-sided polygon.
<b>Quartiles:</b>	The three values that divide an ordered set into four subsets of approximately equal size. The second quartile is the median.
<b>Radian:</b>	A unit of angular measure equal to $1/(2\pi)$ of a complete revolution.
<b>Range (1):</b>	The difference between the greatest number and the least number in a set of data.
<b>Range (2):</b>	The set of output values for a function.
<b>Rate of change:</b>	The limit of the ratio of an increment of the function value at the point to that of the independent variable as the increment of the variable approaches zero.
<b>Ratio:</b>	A comparison of two numbers by division.
<b>Rational numbers:</b>	Any number that can be written in the form $a/b$ where $a$ is any interger and $b$ is any integer except zero.
<b>Real numbers:</b>	The set consisting of all rational numbers and all irrational numbers.
<b>Reasonableness:</b>	Quality of a solution such that it is not extreme or excessive.
<b>Reciprocal:</b>	The fractional number that results from dividing one by the number.
<b>Rectangular prism:</b>	A three-dimensional figure whose sides are all rectangles, a box.
<b>Reflection:</b>	A tranformation that produces the mirror image of a geometric figure.
<b>Regression:</b>	The line that represents the least deviation from the points in a scatter plot of data.
<b>Regular polygon:</b>	A polygon in which all sides have the same measure and all angles have the same measure.
<b>Relation:</b>	A set of ordered pairs.
<b>Reliability:</b>	The extent to which a measuring procedure yields the same results on repeated trials.
<b>Repeated addition:</b>	A model for multiplication. (e.g., $2 + 2 + 2 = 3 \times 2$ ).
<b>Rotation:</b>	A transformation that maps every point in the plane to its image by rotating the plane around a fixed point.

<b>Scientific calculator:</b>	A calculator which represents very large or very small numbers in scientific notation and with the powering, factorial, square root, negative, and reciprocal keys.						
<b>Scientific notation:</b>	A way of writing a number of terms of an integer power of 10 multiplied by a number greater than or equal to 1 and less than 10.						
<b>Sequence:</b>	A set of ordered quantities. (e.g., positive integers).						
<b>Series:</b>	The indicated sum of the terms of a sequence.						
<b>Similarity:</b>	Having the same shape but not necessarily the same size.						
<b>Simple event:</b>	An event whose probability can be obtained from consideration of a single occurrence. (e.g., the tossing of a coin is a simple event).						
<b>Simulation:</b>	Modeling a real event without actually observing the event.						
<b>Slope:</b>	The slope of a line is the ratio of the change in $y$ to the corresponding change in $x$ . The constant $m$ in the linear function equation. Rise/run.						
<b>Standard deviation:</b>	The square root of the variance.						
<b>Stem-and-leaf plot:</b>	A frequency distribution made by arranging data. (e.g., student scores on a test were 98, 96, 85, 93, 83, 87, 85, 87, 93, 75, 77, and 83. This data is displayed in a stem-and-leaf plot below.						
	<table style="margin-left: auto; margin-right: auto;"> <tr><td style="padding-right: 5px;">9</td><td style="border-left: 1px solid black; padding-left: 5px;">8, 6, 3, 3</td></tr> <tr><td style="padding-right: 5px;">8</td><td style="border-left: 1px solid black; padding-left: 5px;">7, 7, 5, 5, 3, 3</td></tr> <tr><td style="padding-right: 5px;">7</td><td style="border-left: 1px solid black; padding-left: 5px;">7, 5</td></tr> </table>	9	8, 6, 3, 3	8	7, 7, 5, 5, 3, 3	7	7, 5
9	8, 6, 3, 3						
8	7, 7, 5, 5, 3, 3						
7	7, 5						
<b>Systems of equations:</b>	Two or more equations that are conditions imposed simultaneously on all the variables, but may or may not have common solutions. (e.g., $x + y = 2$ , and $3x + 2y = 5$ ).						
<b>Symmetry:</b>	A line of symmetry separates a figure into two congruent halves, each of which is a reflection of the other, (e.g., $\emptyset$ , the line through the center of the circle divides it into congruent halves).						
<b>t-test:</b>	A statistical test done to test the difference of means of two samples.						
<b>Tessellations:</b>	A repetitive pattern of polygons that covers an area with no holes and no overlaps, like floor tiles.						
<b>Transformations:</b>	An operation on a geometric figure by which each point gives rise to a unique image.						
<b>Translations:</b>	A transformation that moves a geometric figure by sliding each of the points the same distance in the same direction.						
<b>Tree diagram:</b>	A diagram used to show the total number of possible outcomes in a probability experiment.						
<b>Trigonometric functions:</b>	A function (sine, cosine, tangent, cotangent, secant, cosecant) whose independent variable is an angle measure, usually in degrees or radians.						
<b>Valid argument:</b>	An argument with the property no matter what statements are substituted in the premises, the truth value of the form is true. If the premises are true, then the conclusion is true.						
<b>Variable:</b>	A symbol used to stand for any one of a given set of numbers or other objects. (e.g., in the equation $y = x + 5$ , $y$ and $x$ are variables).						
<b>Variance:</b>	In a data set, the sum of the squared deviations divided by one less than the number of elements in the set (sample variance $s^2$ ) or by the number of elements in the set (population variance $\sigma^2$ ).						
<b>Vector:</b>	A quantity that has both magnitude and direction. (e.g., physical quantities such as velocity and force).						
<b>Venn diagram:</b>	A display that pictures unions and intersections of sets.						
<b>Volume:</b>	The amount of space enclosed in a space (3-dimensional) figure, measured in cubic units.						
<b>Y-intercept:</b>	The $y$ -intercept of a line is the $y$ -coordinate of the point at which the graph of an equation crosses the $y$ -axis.						
$\pi$ :	pi, the ratio of the circumference of a circle to its diameter: about 3.1415926535.						

[Pa.B. Doc. No. 98-1300. Filed for public inspection August 7, 1998, 9:00 a.m.]