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

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Pennsylvania Bulletin

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

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

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

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

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 1999.

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THE GOVERNOR

GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-3]

Governor's Advisory Commission on African-American Affairs

May, 10, 1999

Whereas, the history of African Americans in Pennsylvania reflects a diverse and unique blend of cultural, social, and economic influences which have had and continue to have a beneficial impact on life in the Commonwealth; and

Whereas, African-American citizens continue to gain access to avenues of economic development, including access to capital for business formation, educational opportunities necessary for effective business development and growth, and to established networking relationships, as well as to innovative techniques designed to encourage and promote minority business ownership; and

Whereas, to ensure numerous gains achieved over the years which have resulted in increased access to political, economic, and institutional systems, expanded opportunities in education and employment, and the passage and enforcement of important antidiscrimination legislation, African Americans are still confronted with systemic conditions which disproportionately affect this segment of our population adversely and limits opportunities; and

Whereas, a forum is required within which the unique needs and issues of concern that are prevalent in the African-American community and integrity of all of the citizens of our Commonwealth can be articulated and addressed.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on African American Affairs (hereinafter referred to as "Commission") as the Commonwealth's advocate agency for its African-American citizens as hereinafter set forth.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter YY. GOVERNOR'S ADVISORY COMMISSION ON AFRICAN-AMERICAN AFFAIRS

§ 5.701. Functions.

The functions of the Commission are to:

(1) Advise the Governor on policies, procedures, legislation and regulations which affect the African-American community and which will enable the Commonwealth to be responsive to the needs of the African-American community.

(2) Develop, review and recommend to the Governor policies in the areas of health and human services, housing, education, employment, business formation and development, public accommodations and in contracting practices and procedures.

(3) Provide appropriate assistance and advice to the Pennsylvania Minority Business Development Authority, as may be necessary, to assist the

authority in its statutory duties and functions as the principal State agency for the promotion and encouragement of minority economic development within this Commonwealth.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs affecting African-Americans are effectively utilized and that benefits accrue equitably to members of the African-American community.

(5) Work with the Governor's Office and the African-American community to promote legislation which ensures the equitable treatment of all citizens of this Commonwealth.

(6) Serve as a resource for community groups on African-American issues, programs, sources of funding and compliance requirements within State government for the benefit and advancement of African-Americans.

(7) Assist local African-American community groups in developing strategies and programs which will expand and enhance the social, cultural and economic status of the African-American community.

(8) Work with the Bureau of Equal Employment Opportunity to strengthen the enforcement of the Commonwealth's antidiscriminatory hiring, retention and promotion policies.

(9) Promote the cultural arts in their various forms within the African-American community through coordinated efforts and advocacy.



Governor

Fiscal Note: GOV. 99-4. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-846. Filed for public inspection May 28, 1999, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions During the 1999 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1999 Regular Session.

1999 ACTS—ACTS 3 through 6 (numerical)

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1999-03	April 28	HB319	PN326	30 days	Mental Health or Mental Retardation Facility Closure Act—enactment
1999-04	May 12	SB557	PN1101	Immediately*	Tax Reform Code of 1971—omnibus amendments
1999-05	May 12	HB102	PN84	Immediately	Nurse Aide Resident Abuse Prevention Training Act—enrollment in State-approved nurse aide training programs
1999-06	May 13	SB492	PN517	July 1, 1999	Capital Budget Act of 1999-2000—enactment

1999 APPROPRIATIONS—ACTS 1A through 24A (numerical)

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1999-01A	May 5	HB980	PN1703	July 1, 1999	General Appropriation Act of 1999—enactment
1999-02A	May 12	HB1011	PN1119	July 1, 1999	Department of Labor and Industry and Department of Community and Economic Development—workers' compensation, occupational diseases and Office of Small Business Advocate
1999-03A	May 12	HB1020	PN1128	July 1, 1999	Office of Small Business Advocate—operation
1999-04A	May 14	HB1021	PN1129	July 1, 1999	Office of Consumer Advocate—operation
1999-05A	May 13	SB484	PN499	July 1, 1999	State Employees' Retirement Board—administrative expenses, etc.
1999-06A	May 13	SB485	PN500	July 1, 1999	Public School Employees' Retirement Board—administrative expenses, etc.
1999-07A	May 13	SB486	PN501	July 1, 1999	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
1999-08A	May 13	SB737	PN801	July 1, 1999	Philadelphia College of Osteopathic Medicine—instruction
1999-09A	May 13	SB739	PN802	July 1, 1999	University of the Arts—instruction and student aid
1999-10A	May 13	SB742	PN804	July 1, 1999	Johnson Technical Institute—operation and maintenance
1999-11A	May 13	SB743	PN805	July 1, 1999	Williamson Free School of Mechanical Trades—operation and maintenance
1999-12A	May 13	SB753	PN862	July 1, 1999	Beacon Lodge Camp—services to the blind
1999-13A	May 13	SB502	PN594	July 1, 1999	Philadelphia Health and Education Corporation, MCP Hahnemann University—instruction, student aid, minority education and recruitment and cardiovascular and heart failure/transplant studies
1999-14A	May 13	SB763	PN827	July 1, 1999	Arsenal Family and Children's Center—operation

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1999-15A	May 13	SB738	PN1061	July 1, 1999	Thomas Jefferson University—instruction, maintenance, student aid, College of Allied Health Sciences, Children's Heart Hospital and Tay-Sachs disease program
1999-16A	May 13	SB741	PN1063	July 1, 1999	Berean Training and Industrial School—operation and maintenance
1999-17A	May 13	SB755	PN1064	July 1, 1999	Carnegie Museums—operation of planetarium and institute, maintenance and purchases
1999-18A	May 13	SB756	PN1065	July 1, 1999	Everhart Museum—operation, maintenance and purchases
1999-19A	May 13	SB757	PN1066	July 1, 1999	African-American Museum—operation, maintenance and purchases
1999-20A	May 13	SB758	PN1067	July 1, 1999	Academy of Natural Sciences—maintenance
1999-21A	May 13	SB759	PN1068	July 1, 1999	University of Pennsylvania Museum—maintenance and purchases
1999-22A	May 13	SB760	PN1069	July 1, 1999	Franklin Institute Science Museum—maintenance
1999-23A	May 13	SB761	PN1070	July 1, 1999	Mercer Museum—operation, maintenance and purchases
1999-24A	May 13	SB762	PN1071	July 1, 1999	Whitaker Center for Science and the Arts—operation, maintenance and purchases

* with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified of where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 99-847. Filed for public inspection May 28, 1999, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Assignment of Judges

Rule 701. Assignment of judges to courts.

(a) *Certification of availability for assignment by former or retired judges.* A former or retired judge who consents to accept assignment on temporary judicial service shall file with the Administrative Office a statement of the period during which he is willing to be assigned to a court, and a certification that he has not, since his last judicial duty, engaged in the practice of law or in any activity incompatible with judicial office and does not intend to engage in the practice of law in the future. Excepting those in appellate senior judge status, senior judge status shall end at age seventy-five; however, those serving in senior judge status as of the effective date of this rule may continue to do so notwithstanding the age seventy-five limitation. In order to be qualified for assignment, such judge shall not have been defeated for reelection and shall have served as a judge (whether or not continuously or on the same court) by election or appointment for an aggregate of at least ten years, except that any duly elected justice or judge, having an aggregate of five years' judicial service or seniority, who is required to retire at age seventy, shall be eligible for assignment. Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.

Directive: In accordance with Rule of Judicial Administration 701(a), the Administrative Office of Pennsylvania Courts promulgates this directive establishing minimum standards for suitable facilities and adequate staff for the senior judges of the courts of common pleas.

The president judge of a judicial district, in consultation with the Court Administrator of Pennsylvania as needs may require, shall provide from available resources for each senior judge formerly of the judicial district who is regularly or periodically assigned in that district and for each visiting senior judge the following facilities and staff for matters arising under the appointment:

(a) the use of judicial chambers which shall be of adequate size and appropriately furnished, afford a measure of privacy, and include office equipment and supplies as are necessary to conduct judicial business;

(b) services of a law clerk who shall provide customary assistance including legal research and drafting of legal documents; and

(c) services of a secretary who shall provide customary assistance including typing correspon-

dence, orders and opinions, answering phone calls and taking messages, receiving and sending mail and deliveries.

* * * * *

[Pa.B. Doc. No. 99-848. Filed for public inspection May 28, 1999, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendments to Pa.R.A.P. 341 and Orphans' Court Rule 7.1; Joint Recommendation 98-1

The Appellate Court Procedural Rules Committee proposes to amend Rule 341 of the Pennsylvania Rules of Appellate Procedure, together with Rule 7.1 of the Orphan's Court Rules. The proposed amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

1. NOTICE is hereby given that the comment period to Title 210—Appellate Procedure and Title 231—Rules of Civil Procedure RE: Proposed Amendments to Pa.R.A.P. 341 and Orphans' Court Rule 7.1; Joint Recommendation 98-1 which appeared in 29 Pa.B. 1709—1712 (April 3, 1999) has been extended from May 14, 1999 until July 15, 1999.

2. The Explanatory Comment to the Joint Recommendation 98-1 is amended at 29 Pa.B. 1711 under the sections entitled "The Waiver Problem" and "The Uniformity Problem" to include a citation to the following article written by Carmina Y. D'Aversa entitled: "The Orphans' Court Practitioner's Dilemma of Whether to File Exceptions," No. 42 Pennsylvania Bar Association's *Real Property, Probate and Trust Law Newsletter* (Fall, 1995), reprinted at Volume 7, No. 20 of *The Pennsylvania Bar News* (October 27, 1997).

3. Finally, at 29 Pa.B. 1712 issue of the Bulletin, the Official Note to Proposed Orphans' Court Rule 7.1 should read: "The 1999 amendment discontinues the prior practice [not] permitting local rules to govern whether exceptions are required after entry of an order, decree or adjudication."

[Pa.B. Doc. No. 99-849. Filed for public inspection May 28, 1999, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 21]

[CORRECTION]

Proposed Amendment to Pa.R.A.P. 2185; Recommendation 33

An error appeared in the proposed amendments to the Rules of Appellate Procedure as they appeared at 29 Pa.B. 2441, 2443 (May 8, 1999). In Rule 2185, the word "and" should have been printed in regular type. The correct version of Rule 2185 appears in Annex A, with ellipses referring to the existing text of the rule.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 21. BRIEFS AND REPRODUCED RECORD FILING AND SERVICE

Rule 2185. Time for Serving and Filing Briefs.

(a) *General Rule*—The appellant shall serve appellant's brief not later than the date fixed pursuant to Subdivision (b) of this rule, or within 40 days after the date on which the record is filed, if no other date is so fixed. The appellee shall serve appellee's brief within 30 days after service of appellant's brief and reproduced record if proceeding under Rule 2154(a). A party may serve a reply brief permitted by these rules within 14 days after service of the preceding brief but, except for good cause shown, a reply brief must be served and filed so as to be received at least three days before argument. **In cross appeals, the brief of the appellee in the cross appeal shall be served within 30 days after service of the preceding brief.** Except as prescribed by Rule 2187(b) (advance text of briefs) each brief shall be filed not later than the last day fixed by or pursuant to this rule for its service.

* * * * *

[Pa.B. Doc. No. 99-745. Filed for public inspection May 7, 1999, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 100, 200, 400, 1000, 1910, 1930, 2054, 2950, 2970, 3000 AND 4000]

Amendment of Rules Governing Service by a Competent Adult; No. 313 Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 14th day of May, 1999, the following Pennsylvania Rules of Civil Procedure are amended to read as follows hereto: Rules 76, 234.2, 405, 400.1, 404,

1075.1, 1910.13-1, 1910.13-2, 1910.21-1, 1910.22, 1930.4, 2054, 2958.1, 2973.2, 3129.2, 3140, 3283 and 4009.33.

Whereas prior distribution and publication of the amendments would otherwise be required, it has been determined that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 1999.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 100. RULES OF CONSTRUCTION

Rule 76. Definitions.

The following words and phrases when used in any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly, shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

* * * * *

Competent adult—an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party.

* * * * *

CHAPTER 200. BUSINESS OF COURTS

Rule 234.2. Subpoena. Issuance. Service. Compliance. Fees. Prisoners.

* * * * *

(b) A copy of the subpoena may be served upon any person within the Commonwealth by [a competent] an adult.

* * * * *

CHAPTER 400. SERVICE OF ORIGINAL PROCESS SERVICE GENERALLY

Rule 400. Person to Make Service.

* * * * *

(b) In addition to service by the sheriff, original process may be served also by a competent adult [who is not a party] in the following actions: equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought.

Official Note: See Rule 76 for the definition of "competent adult."

Service of original process in domestic relations matters is governed by Rule 1930.4.

* * * * *

Rule 400.1. Provisions for All Courts of the First Judicial District.

(a) In an action commenced in [Philadelphia County] the First Judicial District, original process may be served

(1) within the county by the sheriff or a competent adult [who is not a party to the action], or

* * * * *

Official Note: See Rule 76 for the definition of "competent adult."

The First Judicial District is comprised of Philadelphia County.

(b) In an action commenced in any other county, original process may be served in Philadelphia County by deputized service as provided by Rule 400(d) or by a competent adult [**who is not a party to the action**].

Official Note: See Rule 76 for the definition of "competent adult."

(c) [**In an action for protection from abuse, service may be made by any competent adult**] **Rescinded.**

Official Note: For service in an action for protection from abuse, see Rule 1930.4(b).

Rule 404. Service Outside the Commonwealth.

Original process shall be served outside the Commonwealth within ninety days of the issuance of the writ or the filing of the complaint or the reissuance or the reinstatement thereof:

Official Note: For reissuance and reinstatement of original process, see Rule 401(b).

(1) by a competent adult [**who is not a party**] in the manner provided by Rule 402(a);

Official Note: See Rule 76 for the definition of "competent adult."

(2) [**by any competent adult**] by mail in the manner provided by Rule 403;

* * * * *

CHAPTER 1000. ACTIONS AT LAW

Subchapter E. ACTION IN REPLEVIN

Rule 1075.1. Writ of Seizure Upon Notice and Hearing.

* * * * *

(d) The motion and notice of the hearing may be served by [**any competent**] an adult by leaving a copy at the address endorsed on an appearance or prior pleading, but if there is no such endorsement, then in the manner provided by Rule 402(a) for the service of original process or, if that is not possible, then by any other means reasonably calculated to give notice. The return of service shall be governed by Rule 405.

* * * * *

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.13-1. Failure or Refusal to Appear Pursuant to Order of Court. Bench Warrant.

(a) If a party fails to appear at a conference and/or hearing as directed by order of court, the court may issue a bench warrant for the arrest of the party if it finds

* * * * *

(2) upon the affidavit of a hearing officer or conference officer that

* * * * *

(iv) a competent adult [**who is not a party to the action**] handed a copy of the court order to the party, and filed an affidavit of service.

Official Note: See Rule 76 for the definition of "competent adult."

* * * * *

Rule 1910.13-2. Form of Request for Bench Warrant and Supporting Affidavit. Form of Bench Warrant.

(a) Request for a bench warrant pursuant to Rule 1910.13-1 shall be in substantially the following form and shall be attached to the Bench Warrant form set forth in subdivision (b) of this rule:

[CAPTION]

REQUEST FOR BENCH WARRANT AND SUPPORTING AFFIDAVIT

* * * * *

2. The party received the order of court scheduling the conference and/or hearing in the following manner:

* * * * *

(d) A competent adult [**who is not a party to this action**] handed a copy of the court order to the party. The adult's affidavit of service is attached.

* * * * *

Rule 1910.21-1. Civil Contempt. Petition. Service. No Answer Required.

* * * * *

(d) The petition shall be served upon the respondent

* * * * *

(3) by a competent adult [**who is not a party to the action**]; or

Official Note: See Rule 76 for the definition of "competent adult."

* * * * *

Rule 1910.22. Attachment of Income.

* * * * *

(d)(1) The order of attachment shall be substantially in the form prescribed by Rule 1910.31 and shall be served upon the obligor's employer by [**a competent**] an adult in the manner prescribed by Rule 402(a) governing service of original process or by registered mail, return receipt requested. Service by mail is complete upon the return of the registered mail receipt personally signed by the employer or other evidence of service satisfactory to the court.

* * * * *

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(1) *Persons Who May Serve.* Original process in all domestic relations matters may be served by the sheriff or [**any**] a competent adult [**who is not a party to the action**]:

* * * * *

Official Note: See Rule 76 for the definition of "competent adult."

(b) *Service in Protection From Abuse Matters.* In Protection from Abuse matters only, original process may be served by [**any competent**] an adult.

* * * * *

CHAPTER 2050. INCAPACITATED PERSONS AS PARTIES

Rule 2054. Actions by and Against Incapacitated Persons. Averments in Plaintiff's Pleadings.

* * * * *

(c) An action in which a defendant is an incapacitated person shall be commenced against the defendant by name in the manner in which a like action is commenced against [a competent] an adult who is not incapacitated.

CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

Rule 2958.1. Notice Served Prior to Execution.

* * * * *

(b) The notice shall be served

(1) upon a defendant in the judgment who has not entered an appearance

(i) by the sheriff or by a competent adult [who is not a party to the action] in the manner prescribed by Rule 402(a) for the service of original process upon a defendant, or

Official Note: See Rule 76 for the definition of "competent adult."

* * * * *

CHAPTER 2970. CONFESSION OF JUDGMENT FOR POSSESSION OF REAL PROPERTY

Rule 2973.2. Notice Served Prior to Execution.

* * * * *

(b) The notice shall be served

(1) upon a defendant in the judgment who has not entered an appearance

(i) by the sheriff or by a competent adult [who is not a party to the action] in the manner prescribed by Rule 402(a) for the service of original process upon a defendant, or

Official Note: See Rule 76 for the definition of "competent adult."

* * * * *

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3129.2. Notice of Sale. Handbills. Written Notice. Publication.

* * * * *

(c) The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

(1) Service of the notice shall be made

(i) upon a defendant in the judgment who has not entered an appearance and upon the owner of the property

(A) by the sheriff or by a competent adult [who is not a party to the action] in the manner prescribed by Rule 402(a) for the service of original process upon a defendant, or

Official Note: See Rule 76 for the definition of "competent adult."

* * * * *

Rule 3140. Notice by garnishee.

* * * * *

(c) A copy is forwarded within the requirement of this rule when it is delivered to the defendant by [a competent] an adult at any place within or without the Commonwealth in the manner prescribed by Rule 402(a) for service of original process or when it is mailed to the defendant by registered mail directed to [his] the defendant's last known address.

* * * * *

Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

PROCEEDINGS UNDER SECTION 8103(A) TO FIX FAIR MARKET VALUE OF REAL PROPERTY SOLD

Rule 3283. Service.

(a) The petition shall be served

* * * * *

(2) upon any other respondent

(i) by the sheriff or a competent adult [who is not a party to the action] in the manner prescribed by Rule 402(a) for service of original process, or

Official Note: See Rule 76 for the definition of "competent adult."

* * * * *

CHAPTER 4000. DEPOSITIONS AND DISCOVERY ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4009.33. Motion for Entry upon Property of a Person not a Party.

(a) A motion to permit entry upon property of a person not a party shall begin with the notice prescribed by subdivision (c) and shall describe with reasonable particularity the property to be entered and the activities to be performed. The motion shall be served personally by [a competent] an adult in the same manner as original process. A copy of the motion shall also be served upon all other parties to the action pursuant to Rule 440.

* * * * *

Explanatory Comment

The rules of civil procedure governing service of original process and other legal papers have used the term "competent adult." In certain instances, the term has been used with the restrictive language "who is not a party to the action."

The Supreme Court of Pennsylvania has amended Definition Rule 76 by adding the following definition: "'competent adult' means an individual eighteen years of age or older who is neither a party to the action or an employee or a relative of a party." In view of this new

definition, the rules of civil procedure which used the term "competent adult who is not a party to the action" have been amended by deleting as unnecessary the restrictive language "who is not a party to the action." These rules using the term "competent adult" will be governed by the new definition. The rules which used the term "competent adult" without the restrictive language have been amended by deleting the word "competent," thus continuing to permit service by an adult without further restriction.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairman

[Pa.B. Doc. No. 99-850. Filed for public inspection May 28, 1999, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURES

PART I. GENERAL

[234 PA. CODE CH. 50]

Proceedings in Summary Cases

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 51 (Means of Instituting Proceedings in Summary Cases), 61 (Procedures Following Filing of Citation — Issuance of Summons), 86 (Appeals), and 95 (Proceedings In Summary Cases Charging Parking Violations), and approve the revision of the Comment to Rule of Criminal Procedure 53 (Contents of Citation). These rule changes would clarify the procedures for electronically filing parking violation information in cases in which a defendant has failed to respond to a parking ticket. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed rule changes precedes the Report. Deletions appear in bold and brackets, and additions appear in bold and are underlined.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Wednesday, June 23, 1999.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART I. INSTITUTING PROCEEDINGS

Rule 51. Means of Instituting Proceedings in Summary Cases.

Criminal proceedings in summary cases shall be instituted either by:

- (a) issuing a citation to the defendant; or
- (b) filing a citation; or
- (c) filing a complaint; or
- (d) arresting without a warrant when arrest is specifically authorized by law [.]; or
- (e) **electronic filing of parking ticket information.**

Official Note: Previous Rule 51, adopted January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; Comment revised December 15, 1983, effective January 1, 1984; rescinded July 12, 1985, effective January 1, 1986; and replaced by present Rules 3, 51, 52, 55, 60, 65, 70, 75, and 95. Present Rule 51 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised January 31, 1991, effective July 1, 1991; Comment revised January 16, 1996, effective immediately; Comment revised June 6, 1997, effective immediately; **amended _____, effective _____.**

Comment

* * * * *

For the procedures in summary cases charging parking violations, see Part VII, Rule 95. Although a criminal proceeding may be instituted in these cases by issuing a citation either by handing it to a defendant or placing it on a vehicle windshield, it is expected that many parking cases will be disposed of without a criminal proceeding under these rules. A parking ticket, which is not a citation, is used by a political subdivision and the defendant pays the amount specified on the ticket within the time specified. **Paragraph (e) and Rule 95(a) authorize the electronic filing of the parking ticket information in those cases in which a defendant fails to respond to the political subdivision's parking ticket.**

* * * * *

Committee Explanatory Reports:

* * * * *

Report explaining the June 6, 1997 Comment revision published with the Court's Order at 25 Pa.B. 2923 (June 21, 1997).

Report explaining the proposed amendments published at 29 Pa.B. 2772 (May 29, 1999).

PART II. CITATION PROCEDURES

Rule 53. Contents of Citation.

* * * * *

Official Note: Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered as Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended

January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present rule adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995 ; **Comment revised _____ , effective _____ .**

Comment

* * * * *

With regard to the "proper" issuing authority as used in these rules, see Rule 21.

See Rule 95 for procedures for instituting cases in which there is a parking violation. When the parking violation information is electronically filed as permitted by Rule 95(a), only a summons is issued as provided in Rule 61.

Committee Explanatory Reports:

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Final Report explaining the July 25, 1994 amendments published with Court's Order at 24 Pa.B. 4068 (August 13, 1994).

Report explaining the proposed Comment revisions published at 29 Pa.B. 2772 (May 29, 1999).

PART IIB. PROCEDURES WHEN CITATION FILED

Rule 61. Procedures Following Filing of Citation— Issuance of Summons.

(A) Upon the filing of the citation, **or receipt of electronically filed parking violation information**, the issuing authority shall issue a summons commanding the defendant to respond within 10 days of receipt of the summons, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons in which case an arrest warrant shall be issued. The summons shall be served as provided in these rules.

(B) Except in cases charging parking violations when the **[citation] parking violation information** is electronically filed, a copy of the citation shall be served with the summons.

(C) In cases charging parking violations when the **[citation] parking violation information** is electronically filed, the summons shall also include:

- (1) the date, time, and location of the parking violation;
- (2) a description of the vehicle and the license number; and
- (3) a description of the parking violation.

Official Note: Previous Rule 117, adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 76. Present Rule 61, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective

dates all are extended to July 1, 1986; amended July 17, 1996, effective January 1, 1997; **amended _____ , effective _____ .**

Comment

* * * * *

This rule **[was amended in 1996 to facilitate] facilitates** the electronic filing of **[citations charging] parking [violations] violation information by (1) eliminating the requirement that a copy of the citation be served with the summons in cases in which the parking violation information is electronically filed pursuant to Rule 95(a), and (2) requiring additional information be added to the summons.** See Rule 95 (Proceedings in Summary Cases Charging Parking Violations).

Committee Explanatory Reports:

Final Report explaining the July 17, 1996 amendments published with the Court's Order at 26 Pa.B. 3629 (August 3, 1996).

Report explaining the proposed amendments published at 29 Pa.B. 2772 (May 29, 1999).

PART VI. GENERAL PROCEDURES IN SUMMARY CASES

Rule 86. Appeals.

* * * * *

(F) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation, **if any**;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; **amended _____ 1999, effective _____ , 1999.**

Comment

* * * * *

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 85, the matter must be heard de novo by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

Paragraph (F) was amended in 1999 to align this rule with Rule 95(A), which permits the electronic filing of parking violation information in lieu of filing a citation. Therefore, in electronically filed parking violation cases only, because there is no

original citation, the issuing authority would file the summons with the clerk of courts pursuant to paragraph (F).

Certiorari was abolished by former Rule 67 in 1973, pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of certiorari, of course, continues.

Bail, when set in a summary case, must be set in accordance with the bail rules, Chapter 4000.

Committee Explanatory Reports:

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Final Report explaining the October 1, 1997 amendments published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

Report explaining the proposed amendments published at 29 Pa.B. 2772 (May 29, 1999).

PART VIII. PROCEDURES IN SUMMARY CASES CHARGING PARKING VIOLATIONS

Rule 95. Proceedings in Summary Cases Charging Parking Violations.

[(a)] (A) Political subdivisions may use parking tickets to inform defendants of parking violations and to offer defendants an opportunity to avoid criminal proceedings by paying an amount specified on the ticket within the time specified on the ticket.

(1) When a political subdivision does use parking tickets and a ticket has been handed to a defendant or placed on a vehicle windshield, a criminal proceeding shall be instituted only if the defendant fails to respond as requested on the ticket.

(2) [In that event,] When a defendant fails to respond to a parking ticket, the criminal proceeding shall be instituted **either**

(a) by a law enforcement officer filing a citation with the proper issuing authority, **or**

(b) by having the parking violation information electronically filed and verified with the proper issuing authority.

Upon **[the filing of the citation,]** receipt of the citation or the electronically filed information, the issuing authority shall proceed as provided in Rule 61, and the case shall proceed **[in the same manner as other summary cases instituted by filing a citation,]** in accordance with Rules **[61] 62—64.**

[(b)] (B) When a parking ticket has not been used, a criminal proceeding in a summary case charging a parking violation shall be instituted by a law enforcement officer issuing a citation either by handing it to a defendant or by placing it on a vehicle windshield.

(1) Upon the issuance of a citation, the case shall ordinarily proceed in the same manner as other summary cases instituted by issuing a citation to the defendant, in accordance with Rules 55—59.

(2) If the defendant fails to respond to the citation, the issuing authority shall issue a summons and the case shall then proceed in accordance with Rules 61—64 as if the proceedings were instituted by filing a citation, unless the issuing authority has reasonable grounds to believe

that the defendant will not obey a summons, in which case an arrest warrant shall be issued and the case shall proceed in accordance with Rule 76.

[(c) The filing of a citation charging a parking violation may be accomplished by electronic filing.]

Official Note: Adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended July 17, 1996, effective January 1, 1997; **amended _____, effective _____.**

Comment

If the defendant pays the amount specified on the parking ticket within the time specified on the ticket, the case will be concluded without the institution of a criminal proceeding. If the defendant makes no response within the suggested time, or if the defendant indicates a desire to plead not guilty, and the subdivision desires to proceed with the case, a law enforcement officer must determine the identity of the vehicle owner from the Department of Transportation and then institute a criminal proceeding by **either** filing a citation directly with the proper issuing authority, **or having the parking violation information electronically filed** under paragraph **[(a)] (A)** of this rule.

When the parking violation information is electronically filed pursuant to paragraph (A)(2)(b), the individual who electronically transmits the information must verify with the issuing authority that the information transmitted accurately reflects the information on the subject parking tickets.

[Paragraph (c) was added in 1996 to specifically authorize that a citation charging a parking violation may be filed electronically.]

When a parking ticket is not used and a criminal proceeding is instituted under paragraph **[(b)] (B)** of this rule by issuing a citation to a defendant, if the defendant does not properly respond to the citation, the issuing authority must notify the law enforcement officer, who should obtain from the Department of Transportation the name of the owner of the vehicle. The law enforcement officer should immediately furnish this information to the issuing authority, who must then issue a summons or a warrant.

See Rule 21 for the "proper" issuing authority as used in these rules.

Committee Explanatory Reports:

Final Report explaining the July 17, 1996 amendments **permitting parking citations to be electronically transmitted** published with the Court's Order at 26 Pa.B. 3629 (August 3, 1996).

Report explaining the proposed amendments clarifying the procedures for electronically transmitting parking ticket information published at 29 Pa.B. 2772 (May 29, 1999).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 51, 61, 86, and 95; Revision of the Comment to Pa.R.Crim.P. 53

Electronic Filing of Parking Violation Information

The Committee is proposing a number of clarifying amendments that are intended to fill in gaps in the procedures that permit the electronic filing of parking violation information. These changes do not substantively

alter the present procedures under Rules 61 and 95, but merely provide further elaboration on these procedures as an aid to the bench and bar.¹

Background

The Committee undertook its review of the procedures for electronically filing parking violation information after receiving several inquiries concerning the interplay between the electronic filing provisions of Rules 61 (Procedures Following Filing of Citation—Issuance of Summons) and 95 (Proceedings In Summary Cases Charging Parking Violations) and the procedures for citations in Rule 53 (Contents of Citation) and appeals in Rule 86 (Appeals). The inquiries questioned whether, when a parking citation is electronically filed, there had to be a paper copy of the citation; whether there had to be a verification of the information electronically filed; and when the information has been electronically filed, what documentation must be transmitted from the issuing authority to the clerk of courts when an appeal is filed.

The Committee's examination of the matter started with the rules. Rule 95 presently provides that, in those limited cases in which a defendant fails to respond to a parking ticket, the political subdivision may institute a criminal proceeding by filing a citation with the proper issuing authority, see paragraph (a), and that the filing of such a citation may be accomplished by electronic filing, see paragraph (c) (emphasis added). Rule 61 presently provides for the expansion of the contents of the summons to include the information that ordinarily appears on the citation in cases charging a parking violation when the citation is electronically filed.

The Committee also reviewed the history of the electronic filing provisions. One point that had been made when the initial changes were made was that the provision for electronic filing was a first step toward integrating the technology for advanced communication into the Criminal Rules. The changes also were intended to (1) provide a cost-effective and efficient means for municipalities and issuing authorities to transmit documents, and (2) reduce the amount of paperwork that flowed between the respective offices. See Committee Final Report at 26 Pa.B. 3629 (August 3, 1996). A final consideration supporting the changes was that the use of electronic filing for parking violations would have little impact on defendants—a parking violation is never filed unless the defendant fails to respond to a parking ticket; and the summons a defendant receives provides the defendant with all the relevant information concerning the parking violation charged.

After reviewing the history of the rule changes permitting electronic filing and the rule provisions providing for electronic filing, and based on the members' experience with electronic filings, the Committee agreed that some rule changes should be proposed to alleviate the concerns addressed to the Committee, but that the changes need only elucidate the earlier amendments providing for the utilization of electronic filing for parking violation information.

Discussion of Rule Changes

1. Rule 95 (Proceedings in Summary Cases Charging Parking Violations)

The concerns addressed to the Committee centered on a basic issue with regard to the use of advance communication technology—whether there should be a paper copy of

the documentation electronically transmitted. The Committee had agreed at the time of the original proposal, and reaffirmed as we reconsidered the matter, that, because a parking ticket will have already been issued to a defendant and a summons setting forth all the relevant information about the parking violation will be issued to institute the criminal proceeding in cases in which the defendant has failed to respond to the parking ticket, there is no need for an actual citation to be prepared. Rather, only the parking violation information is necessary. The Committee noted further that, when the original recommendation had been developed in 1995, we had little practical experience with advanced communication technology in the context of criminal proceedings, so the amendments to Rules 61 and 95 merely applied the existing concept of filing a parking citation to the electronic filing provisions. In view of these considerations, the Committee concluded that Rule 95 should be amended to more clearly incorporate advanced communication technology principles by removing the citation concept from the electronic filing provisions within the context of parking tickets. To accomplish this, paragraph (A) would be divided into subparagraphs, and paragraph (c) would be deleted.² Paragraph (A)(2) covers the cases in which a defendant has failed to respond to a parking ticket, and distinctly provides for the two methods of providing the issuing authority with the necessary information to issue a summons under Rule 61—filing the citation with the issuing authority or having the parking violation information electronically transmitted to the issuing authority. This change makes it clear that what is electronically filed is the information, not a citation.

The Comment would be revised to caution that the individual who electronically transmits the parking violation information must verify in some manner that the information transmitted accurately reflects the information on the subject parking tickets. This "verification" is not the same as the verification required in Rule 53 for citations, and because there is no citation when there is a Rule 95 electronic filing, the Rule 53 verification requirement would not apply.

2. Rule 61 (Procedures Following Filing of Citation—Issuance of Summons)

The Committee is proposing some conforming amendments to Rule 61 that underscore in the rule that, when there is electronic filing, what is transmitted is the parking violation information. The proposed changes also make it clear that both when a citation is filed and the parking violation information is electronically transmitted, the issuing authority is to issue a summons. The Comment would be revised to include a caveat that, when information is electronically filed, a copy of the citation does not have to be served with the summons.

3. Conforming and Correlative Rule Changes

The Committee is proposing conforming and correlative changes to several other rules to further emphasize that a citation would not be filed when parking violation information is electronically filed. First, Rule 51 (Means of Instituting Proceedings in Summary Cases) would be amended by the addition of a new paragraph (e) providing that electronic filing of parking ticket information is another means of instituting proceedings in summary cases, albeit in the very limited situation of cases in which the defendant has failed to respond to a parking ticket. Second, the Comment to Rule 53 (Contents of Citation) would be revised to include a cross-reference to

¹Rules 61 and 95 were amended in 1996 to permit the electronic filing of parking citations. See Committee explanatory Final Report at 26 Pa. B. 3629 (August 3, 1996).

²Paragraph (B) also would be divided into subparagraphs to more clearly set forth the procedures covered by paragraph (B).

Rule 95, and make it clear that only a summons is issued pursuant to Rule 61 when parking violation information is electronically filed. Finally, Rule 86 (Appeals) would be amended by the addition of "if any" following "citation" at the end of paragraph (F)(2) to accommodate cases in which the parking violation information has been electronically filed and there is no citation.

[Pa.B. Doc. No. 99-851. Filed for public inspection May 28, 1999, 9:00 a.m.]

PART I. GENERAL
[234 PA. CODE CH. 50]

Rule 71, Procedure Following Arrest Without Warrant; Rule 81, Collateral; No. 243; Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the May 14, 1999 changes to Rules of Criminal Procedure 71 and 81 concerning trials after arrests without a warrant and collateral in summary cases. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 14th day of May, 1999, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 26 Pa.B. 4892 (October 12, 1996), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 681/682), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.Crim.P. 71 is hereby amended and the revision of the Comment to Pa.R.Crim.P. 81 is approved, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1999.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

**PART IV. PROCEDURES IN SUMMARY CASES
WHEN DEFENDANT IS ARRESTED WITHOUT
WARRANT**

Rule 71. Procedure Following Arrest Without Warrant.

[(a) (A) When a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to paragraph [(b) (B) or taken before the proper issuing authority under paragraph [(c) (C).

[(b) (B) When a defendant has been arrested without a warrant, the arresting officer may, when the officer deems it appropriate, promptly release the defendant from custody when the following conditions have been met:

* * * * *

[(c) (C) When the defendant has not been released from custody under paragraph [(b) (B), the defendant shall be taken without unnecessary delay before the

issuing authority where a citation shall be filed against the defendant. The defendant shall be given an immediate trial unless:

(1) the Commonwealth is not ready to proceed, or the defendant requests a postponement **or is not capable of proceeding**, and in [**either event**] **any of these circumstances**, the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, or

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective [**date**] **dates** extended to July 1, 1986; amended August 9, 1994, effective January 1, 1995; **amended May 14, 1999, effective July 1, 1999.**

Comment

[**This rule replaces previous Rule 62.]**

* * * * *

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the May 14, 1999 amendments to paragraph (c)(1) and the Comment published with the Court's Order at 29 Pa.B. (May 29, 1999).

**PART VI. GENERAL PROCEDURES IN SUMMARY
CASES**

Rule 81. Collateral.

[(a) (A) ***

[(b) (B) ***

[(c) (C) ***

Official Note: Adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; **Comment revised May 14, 1999, effective July 1, 1999.**

Comment

[**This rule is substantially new. It is, in part, derived from the bail or security provisions of previous Rules 52A.2.(b), 55.2, 57(b)(1), and 64.4.]**

The term "collateral" is intended to convey the dual purpose of the amount of money that is deposited. First, the amount deposited is used as bail to secure the defendant's appearance at the summary trial. Second, the amount deposited is used as security, and may be forfeited in the event of a conviction to satisfy any fine and costs.

A defendant may not be penalized or denied a hearing because he or she cannot pay the full amount of the fine and costs as collateral.

Although this rule permits an issuing authority to fix collateral in an amount up to the full amount of fine and costs, the issuing authority is not required to fix collateral or any particular amount of collateral, and may set an amount less than the fine and costs. The issuing authority may also release the defendant on recognizance when the issuing authority has reasonable grounds to believe that the defendant will appear or the defendant is without adequate resources to deposit collateral. To request a lower amount of collateral or to be released on recognizance, the defendant must appear personally before the issuing authority to enter a plea, as provided in Rules 58, 63, and 68.

For the purpose of paragraph (b), any guaranteed arrest bond certificate issued by an automobile club or association pursuant to 40 P.S. § 837 (1959) would constitute a "cash equivalent."

Committee Explanatory Reports:

Final Report explaining the May 14, 1999 Comment revisions published with the Court's Order at 29 Pa.B. 2775 (May 29, 1999).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 71 (Procedure Following Arrest Without Warrant and Revision of the Comment to Pa.R.Crim.P. 81 (Collateral))

PROCEDURE FOLLOWING ARREST WITHOUT WARRANT

On May 14, 1999, effective July 1, 1999, the Supreme Court, upon the recommendation of the Criminal Procedural Rules Committee, amended Pa.R.Crim.P. 71 to clarify that the rule does not require an immediate trial following an arrest without a warrant when a defendant is not capable of proceeding, and approved the revision of the Comment to Pa.R.Crim.P. 81 to clarify that the term "collateral" serves a dual purpose—bail, to insure the defendant's appearance at trial, and security, so the money deposited can be forfeited at the conclusion of the case if necessary and applied to any fine and costs.

Background

The Committee received several inquiries concerning the pretrial detention of individuals who are arrested for public drunkenness and are a danger to themselves. From communications with members of the minor judiciary, the Committee learned that this matter has been a recurring problem for the local municipalities. The correspondents noted that a contributing factor to the overall problem is the immediate trial requirement in paragraph (C) of Rule 71 (Procedure Following Arrest Without Warrant), which, if strictly construed, provides only two exceptions to holding an immediate trial—when the defendant or the Commonwealth requests a postponement, or when the defendant's criminal record has to be ascertained. The correspondents questioned whether an issuing authority could delay the immediate trial in situations in which the defendant is not capable of proceeding, such as when an individual is arrested for public drunkenness and is too intoxicated to understand the nature of the proceedings. The correspondents also commented that there was a great deal of confusion concerning the authority to incarcerate a defendant who is unable to post collateral.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Although the Committee was sympathetic to the correspondents' concerns about the problems they are encountering with public drunkenness, the members did not think that the resolution should be by the Criminal Rules governing summary cases providing for pretrial detention of defendants charged with public drunkenness. We did, however, conclude that the questions concerning immediate trials and collateral needed to be addressed.

Discussion of Rule Changes

(1) Rule 71 (Procedure Following Arrest Without Warrant)

The Committee reviewed the Rule 71 history. The history was clear that the rule was intended to encourage immediate trials in summary cases because, given the relatively minor nature of the infractions and sentences, defendants should not be unnecessarily detained before trial. However, we found nothing in the history that addressed the issue of whether summary trials should be held in cases in which a defendant is not capable of proceeding.

The Committee discussed the matter, and applying general criminal law principles, concluded that the obvious answer is that no criminal trial should ever be held when a defendant is incompetent and unable to proceed. In view of this, the members were troubled that some members of the minor judiciary are under the impression that Rule 71 precludes them from postponing the summary trial in those cases in which the defendant was incapable of proceeding. Turning to Rule 71, the Committee noted that paragraphs (C)(1) and (C)(2) seemed to be the source of the confusion by setting forth only two situations as exceptions to the immediate trial requirement, and that the problem could be easily resolved by an expansion of the rule.

In view of these considerations, the following clarifying changes have been made to Rule 71. First, paragraph (C)(1) has been amended to include, as one of the exceptions to the immediate trial requirement, the situation in which the defendant is not capable of proceeding. In addition, paragraph (C)(1) has been amended to make it clear that, in any of the situations enumerated in the paragraph, the defendant must be given the opportunity to deposit collateral for his or her appearance at trial.

(2) Collateral

The Committee also reviewed the Rule 81 history concerning collateral, which is summarized in the Committee's 1983 explanatory Report describing the proposed amendments to Chapter 50. This proposal included the addition of the term "collateral" to the rules. See 13 Pa.B. 2948 (10/1/83). As explained in the Report, the term "collateral" replaced the terms "bail" and "security" in summary cases because it conveyed the dual purpose of the amount of money that is deposited: "First, the amount posted is used as bail to secure the defendant's appearance at the summary trial. Second, the amount posted is used as security when it is forfeited after conviction to satisfy any fine and costs." *Id.* at 2963.

In view of this published rule history, which distinctly articulates the scope and application of collateral in summary cases, the Committee did not think an amendment to Rule 81 was necessary. Furthermore, for the same reasons that Rule 71 requires an immediate trial in the ordinary summary case—the minor nature of the infractions and sentences, the members did not want to encourage pretrial detentions in summary cases, and agreed that Rule 81 should not provide that a defendant may be detained for failing to deposit collateral. However,

in view of the obvious confusion among members of the minor judiciary concerning detention and collateral, the Rule 81 Comment has been revised by the inclusion of the historical explanation concerning the meaning and application of collateral in summary cases.

[Pa.B. Doc. No. 99-852. Filed for public inspection May 28, 1999, 9:00 a.m.]

**PART I. GENERAL
[234 PA. CODE CH. 50]**

Rule 86, Police Officer's Presence at Summary Trial De Novo; No. 242; Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the May 14, 1999 amendments to Rule of Criminal Procedure 86 concerning the police officer's presence at the summary trial de novo. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 14th day of May, 1999, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 26 Pa.B. 2166 (May 11, 1996), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 674), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.Crim.P. 86 is hereby amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1999.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART VI. GENERAL PROCEDURES IN SUMMARY CASES

Rule 86. Appeals.

* * * * *

(G) When a defendant appeals after conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the appropriate division of the court of common pleas as the president judge shall direct. In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. **[Unless the presence of the law enforcement officer is waived in open court by the defendant, the failure of the officer to appear and testify shall result in a dismissal of the charges.]** The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver

signed by the defendant and defense counsel, or the defendant if proceeding pro se, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; **[Comment]** revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; **amended May 14, 1999, effective July 1, 1999.**

Comment

* * * * *

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 85, the matter must be heard de novo by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

The 1999 amendment of paragraph (G), made in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995), permits the court to continue the case if there is good cause for the officer's unavailability.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 1, 1997 amendments published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to paragraph (G) concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2776 (May 29, 1999).

FINAL REPORT¹

Amendment to Pa.R.Crim.P. 86 (Appeals)

Presence of Law Enforcement Officer at Trial De Novo

On May 14, 1999, effective July 1, 1999, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended paragraph (G) of Pa.R.Crim.P. 86 (Appeals). This amendment expands on the exceptions to the dismissal sanction prescribed in paragraph (G) when a police officer fails to appear to include those situations when there is good cause for the absence and the trial judge grants a continuance.

Discussion

Rule 86(G) requires that in appeals from summary proceedings under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

officer who observed the offense must appear and testify. Paragraph (G) also provides that the failure of the officer to appear and testify must result in a dismissal of the charges unless the defendant, in open court, waives the law enforcement officer's presence. The Committee undertook a review of the Rule 86(G) dismissal provisions in view of *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995), appeal denied, 665 A.2d 467 (Pa. 1995), the first case to interpret the "dismissal" requirement of Rule 86(G) as being absolute.

In *Hightower*, the trial court granted two continuances of the trial de novo, one due to the officer's wife's sudden illness and hospitalization, and the other to accommodate the officer's scheduled vacation. The defendant contended that the trial court abused its discretion by granting a continuance when a dismissal was required. The Superior Court agreed, holding that under Pa.R.Crim.P. 86(G), when "an officer fails to appear to testify, the charges must be dismissed unless the defendant waives the officer's presence in open court. No other exception to this rule is provided." *Id.* at 873-874.

Although the Committee felt that the *Hightower* opinion was a fair reading of present Rule 86(G), we also agreed that the language of paragraph (G) was not intended to preclude a court from granting a continuance when a valid reason exists for the officer's unavailability. Accordingly, paragraph (G) has been amended by adding a "good cause" exception, and by separating into subparagraphs the waiver and good cause exceptions to the dismissal requirement. The amendment to paragraph (G) also makes it clear that the defendant may waive the officer's presence either in open court on the record or by filing with the clerk of courts a written waiver that is signed by the defendant and defense counsel, if any. In addition, the Comment has been revised to include an explanation that the new language was added in response to the *Hightower* opinion.

[Pa.B. Doc. No. 99-853. Filed for public inspection May 28, 1999, 9:00 a.m.]

PART I. GENERAL

[234 PA. CODE CH. 1100]

Rule 1104, Juror Qualification Form and Challenge to the Array; No. 241; Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the May 14, 1999 amendments to Rule of Criminal Procedure 1104 (Juror Qualification Form, Lists of Trial Jurors, and Challenge to the Array) that make it clear that the rule provides for two distinct, but related, concepts concerning the selection of jurors for service: (1) the procedures for the officials designated by law to select persons for jury service; and (2) the procedures to challenge the array of jurors. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 14th day of May 1999, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), with a Final Report to be published with this Order;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1104 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103 (b), and shall be effective July 1, 1999.

Annex A

TITLE 234. RULES AND CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1100. TRIAL

Rule 1104. Juror Qualification Form, Lists of Trial Jurors, and Challenge to the Array.

(A) *Juror Qualification Form and Lists of Trial Jurors.*

The officials designated by law to select persons for jury service shall:

- (1) devise, distribute, and maintain juror qualification forms as provided by law;
- (2) prepare, publish, and post lists of the names of persons to serve as jurors as provided by law; and
- (3) upon the request of the attorney for the Commonwealth or the defendant's attorney, furnish a list containing the names of prospective jurors summoned to try the case together with copies of the juror qualification forms returned by such prospective jurors.

(B) *Challenge to the Array.*

(1) Unless opportunity did not exist prior thereto, a challenge to the array shall be made not later than 5 days before the first day of the week the case is listed for trial of criminal cases for which the jurors have been summoned and not thereafter, and shall be in writing, specifying the facts constituting the ground for the challenge.

[(C)] (2) A challenge to the array may be made only on the ground that the jurors were not selected, drawn, or summoned substantially in accordance with law.

Official Note: Adopted January 24, 1968, effective August 1, 1968; Comment revised January 28, 1983, effective July 1, 1983; amended September 15, 1993, effective January 1, 1994; the September 15, 1993 amendments suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order amending Rule 1104 is superseded by the September 18, 1998 Order, and Rule 1104 is amended September 18, 1998, effective July 1, 1999; **amended May 14, 1999, effective July 1, 1999.**

Comment

The qualification, selection, and summoning of prospective jurors, as well as related matters, are generally dealt with in Chapter 45, Subchapters A—C, of the Judicial Code, 42 Pa.C.S. §§ 4501—4503, 4521—4526, 4531—4532. "Law" as used in paragraph [(C)] (B)(2) of this rule is intended to include these Judicial Code provisions. However, paragraphs (B)(1) and [(C)] (2) of this rule are intended to supersede the procedures set forth in Section 4526(a) of the Judicial Code and that provision is suspended as being inconsistent with this rule. See PA. CONST. art. V, § 10; 42 Pa.C.S. § 4526(c). Sections 4526(b) and (d)—(f) of the Judicial Code are not affected by this rule.

* * * * *

Committee Explanatory Reports:

Report explaining the September 15, 1993 amendments published at 21 Pa.B. 150 (January 12, 1991). Order suspending, until further Order of the Court, the September 15, 1993 amendments concerning juror information questionnaires published at 24 Pa.B. 333 (January 15, 1994).

Final Report explaining the September 18, 1998 amendments concerning juror information questionnaires published with the Court's Order at 28 Pa.B. 4887 (October 3, 1998).

Final Report explaining the May 14, 1999 amendments placing titles in paragraphs (A) and (B) published with the Court's Order at 29 Pa.B. 2778 (May 29, 1999).

FINAL REPORT¹**Amendments to Pa.R.Crim.P. 1104****EDITORIAL CHANGES AND TECHNICAL CORRECTIONS**

On May 14, 1999, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court adopted changes to Pa.R.Crim.P. 1104 (Juror Quali-

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

fication Form, Lists of Trial Jurors, and Challenge to the Array), effective July 1, 1999.² These changes make it clear that the rule provides for two distinct, but related, concepts concerning the selection of jurors for service: (1) the procedures for the officials designated by law to select persons for jury service; and (2) the procedures to challenge the array of jurors.

Rule 1104 provides the procedures for selecting persons for jury service and challenging the array. Following the adoption on September 18, 1998 of the amendments to Rule 1104 concerning juror qualification forms, the Committee has become aware of some confusion concerning the construction of the rule. The Committee attributed the confusion to the format of the rule, and agreed that the simplest resolution would be to insert captions into the rule thereby dividing the rule into two sections. Accordingly, the rule has been modified so that paragraph (A) is titled, "Juror Qualification Forms and Lists of Trial Jurors" and new paragraph (B) is titled "Challenge to the Array," and applies to present paragraphs (b) and (c), now paragraphs (B)(1) and (B)(2).

[Pa.B. Doc. No. 99-854. Filed for public inspection May 28, 1999, 9:00 a.m.]

² These editorial changes and technical corrections are directly related to the Court's September 18, 1998 Order amending, inter alia, Rule 1104, which will become effective on July 1, 1999, and are, therefore, effective simultaneously.

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 64]

[L-990140]

Cramming and Slamming

The Pennsylvania Public Utility Commission (Commission) on January 14, 1999, adopted a proposed rulemaking to standardize local exchange company (LEC) responses to customer contacts alleging cramming and slamming. The contact persons are Terrence Buda, Law Bureau, (717) 787-5755, and Janice Ragonese, Bureau of Consumer Services, (717) 772-4835.

Executive Summary

Over the last 2 years, hundreds of residential customers have filed informal telecommunications industry-related complaints with the Commission regarding certain practices identified as cramming, which is adding an unauthorized charge to a customer's telephone bill, and slamming, which is changing a customer's telecommunications service provider without authorization. The purpose of the proposed regulations is to standardize LEC responses to customer contacts alleging these practices. By standardizing these responses, the procedures will reduce the need for customers to seek Commission intervention to resolve cramming and slamming complaints. Thus, by having the LEC place the responsibility for resolving the complaint on the interexchange carrier, information service provider, or billing clearinghouse, the party responsible for the problem will have to expend time and effort to resolve the matter, as opposed to the LEC and the Commission's Bureau of Consumer Services.

Public Meeting held
January 14, 1999

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; and Aaron Wilson, Jr.

Proposed Rulemaking Order and Final Interim Guidelines*

By the Commission:

I. Procedural History

On June 4, 1998, the Pennsylvania Public Utility Commission (Commission) issued a Tentative Order at Docket No. M-00981063 proposing to adopt voluntary interim guidelines (Interim Guidelines) pending the promulgation of formal regulations to standardize LEC responses to customer contacts alleging unauthorized changes in telecommunications service providers and unauthorized billing charges. These voluntary Interim Guidelines, when finalized after the receipt of public comment, are intended to provide guidance to jurisdictional utilities when handling customer contacts involving cramming and slamming complaints.¹

Written comments were received from AT&T Communications of Pennsylvania, Inc. (AT&T); Bell Atlantic-

Pennsylvania, Inc. (BA-PA); GTE North Incorporated and GTE Communications Corporation (GTE); MCI Telecommunications Corporation (MCI); the Office of Consumer Advocate (OCA); the Pennsylvania Telephone Association (PTA), and the United Telephone Company of Pennsylvania and Sprint Communications Company, L.P. (Sprint). After review and consideration of all comments, the Commission has developed final-form voluntary Interim Guidelines. These Interim Guidelines will also serve as proposed regulations for standardizing LEC responses to customer contacts alleging unauthorized changes to a residential customer's telecommunications service provider, and unauthorized charges added to the customer's bill. The following is a summary of comments and our response to the comments, and regulatory analysis in support of the adoption of voluntary Interim Guidelines and proposed amendments.

II. COMMENTS

A. Cramming

1. General Comments

AT&T recommends that rather than implementing its own guidelines at this time, the Commission should await the implementation of several national initiatives designed to combat cramming. (AT&T Comments, p. 1). AT&T notes that the Anti-Cramming Best Practices Guidelines (Best Practices Guidelines),² which were developed by the carriers who most frequently face cramming complaints, appear to address the same issues raised in the Commission's Tentative Order as well as additional cramming issues such as LEC-service provider contract terms and provisions. AT&T believes that the Commission's best course at this time would be to determine first whether the LECs operating in this Commonwealth in fact implement these Best Practices Guidelines. If the LECs do use them, AT&T concludes that "an additional set of largely redundant state guidelines should be unnecessary." (AT&T Comments, pp. 2-3).

Based on the need for a jurisdictional consistency, Sprint recommends that the Commission refrain from adopting any binding regulations prior to Federal direction. Sprint notes that "the FCC is wisely delaying its rules to ensure they are in line with any new Federal legislative direction." (Sprint Comments, p. 6).

The PTA states that "with some modification, the Interim Guidelines will be a step in the right direction toward elimination of this illegal and reprehensible conduct," but also advises that the Commission should "keep in mind that the unauthorized carriers, and not the LECs should be made to atone for the illegal conduct." (PTA Comments, p. 8).

GTE supports "all commercially reasonable efforts to control slamming and cramming," and, agreeing with PTA's theme, asserts that "the Commission should focus action on the offending carriers and not the LECs." (GTE Comments, p. 3).

The BA-PA suggests that the Commission defer the rulemaking until the Commission can determine the effect of Federal guidelines, but states that it "intends to implement the Commission's interim guidelines, once

*Editor's Note: Interim Guidelines Docket No. M-00981063 was published at 28 Pa.B. 3176 (July 4, 1999).

¹The terms "cramming" and "slamming" are specifically defined in Appendix A and refer to unauthorized charges for products or services and unauthorized changes of telecommunications service providers, respectively.

²The Best Practices Guidelines, issued on July 22, 1998, are the culmination of an industry workshop's efforts to identify best practices designed to prevent, deter, and eliminate cramming. On April 22, 1998, William Kennard, Chairperson of the Federal Communications Commission, invited a group of the largest local exchange carrier providers of billing and collection services to participate in this workshop.

they are finalized, except in limited instances where it may be impracticable for it to do so." (BA-PA Comments, pp. 1-2).

MCI states that "well-intentioned measures taken against cramming caused by non-telecommunications companies—such as billing aggregators, clubs, and entities offering hotlines—may adversely affect MCI's ability to offer its 'casually' billed, tariffed services and such popular services as 1-800-COLLECT and 10-10-321 and other third party billed services." MCI is afraid that the Commission's rules will have the unintended and adverse anticompetitive effect of reducing customer choice. (MCI Comments, p. 4-5). MCI believes that the timing of BA-PA's July 22, 1998, announcement that it will be the first company to "limit the number of service providers whose charges can appear on their bills" with the publication of the Commission's Interim Guidelines is no coincidence, and asserts that "the Commission should not give the dominant carrier in this Commonwealth the legally sanctioned means to discriminate." (MCI Comments, p. 7).

The OCA supports the Tentative Order of June 5, 1998, and Interim Guidelines and proposes, with specific explanations, that the Interim Guidelines be further strengthened. (OCA Comments, p. 1). One of the OCA's proposals for strengthening the Interim Guidelines is to require the LEC to advise consumers that local service cannot be terminated for nonpayment of charges that result from slamming or cramming. The OCA believes that with such a requirement in place, "consumers will be able to refuse to pay unauthorized charges without unwarranted fear that they may risk the loss of their basic telephone service as a result." (OCA Comments, p. 1).

The OCA also questions the extent to which similar remedies would be applied to consumers who are victims of slamming or cramming by local exchange carriers. Although the cramming and slamming definitions appear, in OCA's opinion, to apply to cramming and slamming by LECs, the OCA believes that the cramming and slamming remedies do not seem to specifically apply to unauthorized charges imposed by a LEC or toll service slammed by a LEC. The OCA submits that "the PUC should make the Interim Guidelines applicable to all potential slamming and cramming incidents, regardless of the type of service provider." (OCA Comments, p. 5-6).

2. Response to General Comments

We do not agree with the recommendations that would prevail upon this Commission to refrain from finalizing the proposed Interim Guidelines, or refrain from a rulemaking pending review of the effect of the various National initiatives and Federal action. Having recognized that the problem of cramming exists, we have a responsibility and duty to the consumers in this Commonwealth, at the very least, to provide a means for them to eliminate these crammed charges from their telephone bills. Moreover, we do not believe there is anything in our voluntary Interim Guidelines that conflicts with the Anti-Cramming Best Practices Guidelines advocated by some of the commentators, which are also voluntary. As a result of our viewpoint, we are not predisposed to find that our Interim Guidelines with respect to cramming are largely redundant and therefore unnecessary. Instead of taking a wait and see attitude and delaying any action until we determine whether the LECs use the Best Practices Guidelines, we will have in place our own guidelines in the interim.

Our experience with some consumers who have had charges crammed on their bills is that one of the most

frustrating aspects of the problem is the inability to reach the party responsible for the crammed charge. The consumer might attempt to call the interexchange carrier, but instead reach the clearing house or billing aggregator, and the billing agent may attempt to resolve the billing dispute charges, but cannot provide the consumer with details about the call. The consumer often wants to know who provided the service for which they are charged and they want to talk to that company. Given that consumers often cannot reach the company to discuss the legitimacy of the charge, many of these consumers will then turn to their LEC to express their dissatisfaction over the crammed charge. We believe that the Interim Guidelines establish a process for the LEC to remove the charges, thereby addressing an important part of a residential customer's cramming complaint quickly and effectively.

It is not our specific intent, at this point, to prevent the actual cramming occurrence. Rather, the purpose of the Interim Guidelines is to standardize the LEC's response to the customer contact once the authorized charge appears on the bill. Consequently, we are not persuaded by arguments that we do not have jurisdiction to regulate this response. We submit that arguments raised by GTE on this jurisdictional issue miss the mark because of a misunderstanding regarding the intent and scope of the proposed guidelines.

Instead of regulating the services that a LEC provides on a contractual basis to other carriers, Chapter 64 (relating to standards and billing practices for residential telephone service) and the proposed amendments address the billing and collection service a LEC provides to its customers. As indicated in § 64.1 (relating to statement of purpose and policy), the regulatory provisions are intended to establish and enforce fair residential telephone service standards for, among other services, billing. Therefore, under Commonwealth law, LECs are obligated to provide consumers with basic billing rights for all billing on the local telephone bill.

Stated another way, we perceive billing as a part of the overall local exchange service a Pennsylvania LEC provides to its customers, as opposed to the service provided to a carrier or service provider under a contract where the LEC bills for their charges. We believe that the bill a utility presents to its customers is included within the service it provides, whether the utility service is dial tone, natural gas, kilowatts or water. *Cf. West Penn Power Company v. Pennsylvania Public Utility Commission*, 578 A.2d 75 (Pa. Cmwlth. 1990), (vegetation maintenance by an electric utility is a service which is governed by section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501). Even if the bill included charges for services we do not regulate or calls outside our jurisdiction (interstate), we still regulate presentation of the charges on the bill. The fact that we may not regulate the rate for a long distance telephone call or the quality of service for the call does not mean we do not regulate the presentation of the charges for the call by a Pennsylvania LEC to a Pennsylvania consumer. In fact, as a point of reference, if an interexchange carrier issued the bill, these same regulations under Chapter 64 would not have to be complied with by the carrier since the carrier is not a LEC. *Final Rulemaking Order, Chapter 64—Standards and Billing Practices for Residential Telephone Service*, I-80090338, adopted November 30, 1984, effective January 1, 1985 (14 Pa.B. 4354). It is through the billing service provided by the LEC to its customers that the Commission asserts jurisdiction.

Additionally, specific regulations in Chapter 64 clarify that while we may not have jurisdiction over an inter-

state call, we retain jurisdiction over how the call is to be billed to a Pennsylvania consumer by a Pennsylvania LEC. Section 64.14(a)(5) (relating to billing information) requires that the bill for toll charges list the "date, time, destination, duration and rate period for each toll call." GTE's assertion that the Commission has not asserted jurisdiction over the intrastate billing process could not be further from the truth. Billing is a part of the telecommunications service that a LEC provides to its customers. Therefore, it is effectively tariffed since the rate for dial tone by a LEC is tariffed.

We also disagree with the OCA recommendation that "the PUC should make the Interim Guidelines applicable to all potential slamming and cramming incidents, regardless of the type of service provider." It is specifically the submission of charges by third parties to LECs for inclusion on the customer's local telephone bill that led us to recognize the problem of cramming. We believe that the problem is, by definition, a problem with third-party billing. We further believe that there are already remedies in place under the Chapter 64 residential telephone service standards to deal with a LEC that would include unauthorized charges of its own on its bill. Regarding the OCA's recommendation to require the LEC to advise consumers that local service cannot be terminated for nonpayment of charges that result from slamming or cramming, we do not believe this additional information needs to be part of the guidelines since the charges are to be removed from the LEC bill. Finally, the residential suspension notice required under § 64.72 (relating to suspension notice information) clearly informs a customer, at the appropriate time, of the part of an arrearage that threatens basic service.

3. *Comments Responding to Specific Issues Raised in Tentative Order*

In the Tentative Order, the Commission expressed interest in receiving comments about the following four specific issues relating to cramming: (1) the extent of Commission jurisdiction over complaints which involve cramming of telephone related charges or service and nontelephone related charges or service; (2) the Commission's authority to order LECs to recouse the charges to the information service provider and what effect billing contracts may or may not have on the Commission's authority; (3) the Commission's authority to order LECs to flag an account at the request of a customer so that no future billing or charges can be placed on the account; and (4) the type of complaints that should be referred to the Office of Attorney General (OAG), the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC).

In regard to the first two issues, we have already indicated that GTE asserts that the Commission does not have jurisdiction in these instances and emphasizes that "the Commission has no jurisdiction over interstate calls and the vast amount of the disputed charges will be interstate calls." Additionally, GTE argues that the current billing and collections contracts with the carriers do not contain terms and conditions that permit the actions proposed in the Interim Guidelines. (GTE Comments, pp. 3-10). Finally, GTE states that the Commission does not have the authority to order the LEC to recouse the unauthorized charges "especially if such recourse violates the current contract between the LEC and IXC." (GTE Comments, p. 11).

The BA-PA believes that the Commission "correctly suggests that the wellspring of its jurisdiction in this area is its power to control the service quality and adequacy of

LEC billing and collection directed at the LEC's end user customers." The BA-PA also believes that the Commission's jurisdiction should encompass LEC billing and collection for information service provider charges, regardless of whether such charges are telephone or non-telephone related. (BA-PA Comments, p. 2).

MCI maintains that there is the potential for anticompetitive behavior and fraud with respect to recouping charges. MCI also calls into question the Commission's authority regarding this type of regulatory provision given sections 253 and 258 of the Telecommunications Act of 1996 (TA-96 or the Act) (MCI Comments, p. 21).

Regarding the third issue on the Commission's authority to order LECs to "flag" an account, GTE again believes that the Commission does not have the authority to order LECs to "flag" an account. (GTE Comments, p. 11). In response to the Commission's query about flagging being anticompetitive, GTE suggests that flagging is not permissible when it is based on types of service and not a provider. GTE references section 251(b) of TA-96 and the FCC *Second Report and Order* in Docket No. CC 96-98, pointing out that although the issue of flagging is not addressed specifically, these sections indicate that "non-discriminatory treatment should be permissible if directed by the Commission." (GTE Comments, pp. 11-12).

MCI interprets the Interim Guidelines as allowing third party billing for such services as 1-800-COLLECT (where the called party consents to the call), 10-10-321 and 10-10-222 "dial around" calls (where the end users affirmatively dial MCI's carrier identification code, thus indicating consent to be billed for the call by the LEC on MCI's behalf). MCI has not yet determined whether it is technically possible to "bill block" in accordance with the provisions, but is certain that such capacity would give LECs "the unilateral ability to prevent the use of MCI's casual services, thus diminishing consumer choice and protecting the LECs' services from competitive pressures." (MCI Comments, p. 21-22).

The BA-PA believes that the Commission's jurisdiction to direct LECs to flag accounts is questionable and suggests that the Commission remove the flag provision of the interim cramming guidelines. The BA-PA argues that a broad prohibition of this sort would take LECs beyond the limits of their authority and force them to be billing police. In addition to being impracticable, the BA-PA asserts that should an account flag prevent the billing of any competitive telecommunications service covered by TA-96, an aggrieved provider might contest the flag as a barrier to entry or otherwise unlawful under the Act. (BA-PA Comments, p. 5).

The fourth issue relates to the appropriate complaint referral. GTE comments that the FCC has jurisdiction over interstate or international service charges, the FTC has responsibility over nontelephone service charges, and the OAG is responsible for investigating any case of suspected fraud or violation of State law. (GTE Comments, p. 12).

The BA-PA recommends that the Commission require LECs to provide information about complaint options only to customers who inquire about filing a complaint with a regulatory agency. The BA-PA argues that it would be time-consuming and potentially confusing to have to determine which regulatory agency is the appropriate complaint forum for a particular consumer. In many cases, the BA-PA submits, the information would be unnecessary considering that some consumers will have

no interest in filing a complaint with another agency after they get the cramming charges off their bill. The BA-PA believes that the jurisdictional distinction for complaints to the FCC, FTC and OAG, as set forth in the Tentative Order, is reasonable and would apply that criteria in assisting crammed customers seeking information about filing a complaint with a regulatory agency. (BA-PA Comments, p. 5-6).

4. *Response to Comments on Specific Issues*

Although the billing and collection contracts between the LEC and the information service provider or billing aggregator do not need to be filed with the Commission, we do have oversight responsibilities regarding the billing practices of the LECs. (See 52 Pa. Code § 64). The Anti-Cramming Best Practices Guidelines issued on July 22, 1998, concede that "consumer-designated billing options can be an extremely powerful method of controlling third party cramming on the LEC bill and should be actively pursued." (p. 25). It is interesting to note that these industry sponsored guidelines consider this method a Best Practice worth pursuing. Yet, most of the comments on the practice of flagging an account for telephone-related services were negative and perceive the practice to be anticompetitive.

The purpose of proposed § 64.23(a)(3) (relating to standardizing LEC responses to customer contacts alleging unauthorized changes to the customer's long distance carrier and unauthorized changes added to the customer's bill) is to address the recurring nature of some third-party crammed charges. In many of the cramming complaints filed with the Commission, the crux of the complaint is that the charge appears on the customer's bill every month. Even though the charge is removed when the customer complains to the company, the customer does not want to have to call each month to dispute the charge and have it removed. Therefore, we included the requirement that in addition to recouring the disputed charge, the LEC will make an effort to stop further billing of the charge. Given the ongoing nature of this unsavory billing practice, it is necessary that we retain this provision.

In light of the comments, however, we clarify that it is only when a charge is recurring that the LEC must attempt to prevent the further billing of that charge. For example, a customer may notice on his bill a monthly charge of \$4.05 for voicemail. Simply recouring the \$4.05 will not necessarily mean that the charge will not appear again the next month. The proposed amendments require the LEC to notify the alleged crammer that charges for this voicemail service should no longer be sent through for billing.

In the previous section of this order we have addressed at length our authority over the presentation of the bill by the LEC and our jurisdiction over the billing service provided by a LEC. We are satisfied that the conclusion we have reached is legally correct.

Contrary to GTE's assertion, in our experience, the vast amount of disputed charges regarding cramming are not for interstate calls—most are for charges for products or services such as caller ID, pager, personal 800 number, and the like. Furthermore, as evidenced by recent actions of the BA-PA, billing and collections contracts can be modified. In fact, the Best Practices Guidelines, which GTE played a part in developing, rely heavily on modifying billing and collection contracts as a means to thwart cramming. Give the amount of time that will elapse between the issuance of voluntary Interim Guidelines and

final-form regulations, it is our opinion the LECs will have ample time to address appropriate modification of billing and collection contracts. Finally, in light of the BA-PA's comments on the complaint options, we have modified subsection (a)(5). However, rather than making the customer ask, the modified provision will state that the LEC should ask if the customer wants additional information for filing a complaint with a regulatory agency or other appropriate entity.

5. *Comment on Definitions*

GTE recommends using the definition of "cramming" that appears as follows in the Best Practices Guidelines: "The submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on End-user Customer's local telephone bills." GTE reasons that the definition as proposed in the Interim Guidelines "may lead a reader to believe that the LEC is in the practice of billing in a careless manner and is not implementing the proper rules to combat the cramming problem." (GTE Comments, p. 13).

MCI believes that the words "customer" and "authorized" used in the definition of "cramming" and also "slamming" are vague and can be interpreted in different ways. MCI explains that if "customer" means the person responsible for the telephone bill and "thereby the only person who may authorize a change in carrier," the definitions are "contrary to the way many households conduct business today and would impose a burden on consumers" by not permitting one spouse or member of a household to change the telecommunications service of the household. MCI states that the terms are "pejorative and lend themselves to emotional responses, are overbroad and subject to differing interpretations." (MCI Comments, pp. 13-15). Regarding the definition of "service provider," MCI recommends that a distinction be made between "service provider" and "telecommunications provider." The definition of service provider, in MCI's opinion, should include only "unregulated entities—those entities maintaining 'hotlines,' 'clubs,' 900-numbers and the like." Furthermore, MCI believes that the interim rules should not apply to telecommunications providers, "pending further proceedings." (MCI Comments, p. 15).

6. *Response to Comments on Definitions*

We agree with GTE's recommendation to use the definition that appears in the Best Practices Guidelines. However, in changing the definition to reflect the language in the Best Practices Guidelines, we are not changing our position that a ratepayer of record clearly has the right to contact a LEC about the bill for which he is responsible, and allege that there are charges on the bill for services or products that the ratepayer neither ordered nor authorized and, therefore, wants removed.

MCI's recommendation to modify the definition appears to reflect its fear that "casually" billed, tariffed services will be adversely affected if a distinction is not made between service provider and telecommunications service provider. We do not believe that such a distinction is necessary since it has been our experience in the handling of informal complaints alleging cramming that the services that are "crammed" onto customers' local exchange bills are nonbasic services which, by definition, are services and products other than telephone service. See, 52 Pa. Code § 64.2.

7. *Comments on subsection (a)(1)—Clarifying the Customer's Complaint*

MCI seeks a determination as to what "clarification" the LECs would "suggest and thereby procure" from a

customer. MCI anticipates that "given the other powers conferred by the Interim Guidelines," one might question whether the LECs can be "depended upon to give neutral information." MCI also questions what investigation the LECs would "engage in before 'removing' charges and 'instructing' an IXC as to how it may proceed with respect to the latter's customers?" In answer to its own questions, MCI postulates that litigation would ensue over, not only the effect of the Interim Guidelines on billing and collection agreements, but also over the Commission's authority under sections 253 and 258 of TA-96. In regard to "cramming," MCI recommends that if interim rules are issued at all, they should be with respect to "unauthorized charges from non-telecommunications companies." (MCI Comments, p. 20-21).

8. *Response to Comments on subsection (a)(1)*

We will not modify the language in subsection (a)(1) since the proposed language requires only that the LEC identify the charge and clarify that it is a cramming complaint.³ In other words, upon contact from a customer alleging that the bill includes an unauthorized charge for, by way of example, a paging service, the LEC would pick out the charge on the bill and make sure that the customer is complaining about the charge because he or she never ordered a paging service from that company. No investigation is needed since the LEC is not making a determination as to the legitimacy of the charge and merits of the complaint—the LEC is simply removing the charge from the bill and sending it back to the third party. Rather than "instructing the IXC as to how it may proceed" with its customers, the LEC is removing the charge and telling the company in question not to send that charge through again because the customer has complained that the charge is unauthorized. The IXC or service provider certainly has the choice to bill the charge directly or to pursue other avenues of collection.

With respect to the authority to enforce these types of provisions under section 253 of the Act, the argument appears to be that this state regulatory provision is an "illegal barrier to entry" under section 253. In response, we submit that there is no legal right to bill for an unauthorized service and, in any event, nothing in TA-96 would prohibit the state from protecting public welfare and safeguarding the rights of consumers.

9. *Comments on Subsection (a)(2)—Removing Charges from LEC Bill and Recursing to Service Provider or Billing Agent*

The PTA agrees that the unauthorized cramming charges should be recoured to the IXC, billing clearinghouse, or information service provider. (PTA Comments, p. 2). The BA-PA comments in a footnote that the LEC's removal and recouping of claimed cramming charges "should put the information service provider and any billing aggregator involved on notice that the customer has objected to the charges as unauthorized, and that no additional charges for the unauthorized service should be billed on the customer's telephone bill." (BA-PA Comments, p. 4).

10. *Response to Comment on Subsection (a)(2)*

No changes will be made in this provision. To reiterate, no determination is being made by the LEC as to the legitimacy of the charges. The charges are simply being removed from the LEC bill.

³We are, however, modifying subsection (a), as well as subsection (b), for slamming by deleting the phrase "it is recommended" since final regulations (Annex A) will require mandatory language.

11. *Comments on Subparagraph (a)(3)—LEC Informing Billing Agent and/or Service Provider to Prevent Further Billing*

The PTA emphasizes that its member companies do not currently have mechanisms in place to flag an individual account in order to prevent the billing of future unauthorized charges. Furthermore, the PTA member companies "do not believe that it is their responsibility to block the charges from an IXC, billing clearinghouse, or information service provider." It is the belief of these member companies that a "flag," instituted by a LEC could disadvantage a customer and, practically speaking, it would be difficult to flag an account for many services." (PTA Comments, p. 2).

12. *Response to Comment on Subsection (a)(3)*

The purpose of this provision is not to prevent further cramming. We included the provision as a means to stop the continued billing of a charge for a product or service that the customer claims has been crammed onto their local telephone bill. Many of these charges represent monthly recurring fees. We recognize the difficulty that LECs may encounter when attempting to limit the charges that appear on the LEC's bill to only the charges from the LEC and from the customer's regional and long distance carriers. We also recognize that such a move may be impracticable. However, given this clarification, we will retain this provision to help stop the continued billing of a charge for a product or service that the customer claims has been crammed onto his local telephone bill.

13. *Comments on Subsection (a)(4) and (5)—LEC Informing the Customer of Other Collection Remedies and the Right to Contact the OAG, the FCC and the FTC*

In regard to subsection (a)(4), the PTA agrees with informing the customer that the billing entity may attempt other methods to collect the charges. (PTA Comments, p. 3). However, with respect to subsection (a)(5), the PTA objects to having to inform the customer of the right to pursue a cramming complaint with the OAG, FCC or FTC. The PTA believes that the provision would require the LEC to make judgment calls on the nature of the complaint and the charge at issue in order to make an assessment of which agency would have jurisdiction. (PTA Comments, p. 3). The PTA emphasizes that the revisions to the Residential Telephone Service Regulations⁴ relieved LECs of having to take responsibility for this type of dispute. The PTA submits that, instead of the responsibility being the LECs, the IXC or other service provider "with whom the customer has the dispute" should be charged with the responsibility of informing the customer of his or her options to pursue a complaint. (PTA Comments, p. 4).

MCI states that carriers should "when asked" advise consumers to contact the appropriate agency. It is MCI's opinion, however, that, if the consumer is satisfied, "not all complaints need to be escalated to a State or Federal agency." (MCI Comments, p. 3).

The BA-PA recommends that this guideline be changed to require the LEC to provide this information only to those customers who inquire about filing a complaint with a regulatory agency. (BA-PA Comments, p. 5).

14. *Response to Comments on Subsection (a)(4) and (5)*

In light of the comments, we have modified subsection (a)(5). However, rather than making the LEC ask if the

⁴See *Rulemaking to Rescind Obsolete Regulations Regarding Telephone and Residential Telephone Service*, 52 Pa. Code Chapters 63 and 64, Docket No. L-00960113.

customer wants additional information for filing a complaint with a regulatory agency or other appropriate entity, the LEC will only be required to provide the information to customers who indicate a desire to receive this information.

15. *Comments on Subsection (a)(6)—Record Maintenance to Monitor Adherence to Billing Contract*

Sprint recommends that in the interest of jurisdictional consistency, the Commission should adopt the FCC's guideline of preserving complaint records for a 12-month period. According to their comments, Sprint has already implemented policies and updated billing and collection contracts to allow for "the termination of billing for service providers that knowingly and purposefully slam or cram customers." Sprint states that revised National billing and collection policy guidelines issued by Sprint on March 1, 1998 are more restrictive as to what services and products Sprint will bill. (Sprint Comments, p. 4).

The BA-PA maintains that, as part of its anticramming program, it has developed an internal data base to track individual customer cramming complaints. The BA-PA explains that it will use this data base to monitor billing and collection contract compliance, "and to directly notify information service providers and/or their billing agents to cease billing charges objected to by customers as unauthorized." (BA-PA Comments, p. 6).

16. *Response to Comments on Subsection (a)(6)*

We have modified the time frame for record maintenance from 2 years to 3 years to be consistent with 66 Pa.C.S. § 3314, which sets 3 years as the time frame within which the Commission can bring an action or prosecution for violations of our regulations. If it becomes necessary to initiate some type of enforcement action to assess penalties, the 3 year record retention will provide the opportunity to review instances that may be part of the action. Therefore, although we originally proposed 2 years as the time period for record retention that the commentators were to consider, we must settle on three years to acknowledge the statutory provision in the Public Utility Code.

B. *Slamming*

17. *General Comments*

GTE expressed a general concern that the Commission's proposed guidelines would effectively "put the responsibility of the enforcement/correction efforts" on the LECs." GTE believes that the Commission's proposals would place the administrative burden and cost of slamming on the LEC. According to GTE, slamming is best prevented and controlled through proper verification procedures, and it recommends the use of the current FCC verification rules in this Commonwealth to assure cross-jurisdictional consistency. (GTE comments, p. 4).

AT&T notes that the FCC has instituted two prior rulemaking proceedings regarding slamming and is currently considering comments in response to a July 15, 1997, *Further Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration* (FNPRM) in CC Docket 94-129. (AT&T Comments, p. 3). AT&T, along with Sprint and MCI, suggest that the Commission evaluate the impact of the FCC's regulations before implementing additional rules within the Commonwealth. (AT&T Comments, p. 4; Sprint Comments, p. 6; MCI Comments, p. 9).

More specifically, Sprint believes that customer education is also an important factor in minimizing instances of slamming as well as cramming, and reveals that it is

developing material to educate consumers on issues such as "fully reading and understanding the fine print before signing Letter of Authorization (LOA) forms, and listening to and understanding telemarketing sales attempts." (Sprint Comments p. 5).

MCI again expresses concern that the Interim Guidelines inadvertently provide the BA-PA with an additional weapon against its competitors by allowing LECs to remove and return legitimate long distance and related charges to IXC's. (MCI Comments, p. 4). Furthermore, MCI argues that the Interim Guidelines, if unchanged, will have the effect of raising toll rates and stifling the development of competition in this Commonwealth. (MCI Comments, p. 4). MCI recommends that the Interim Guidelines be modified to state that the Commission will enforce the FCC's verification rules with respect to unauthorized changes of carriers. (MCI Comments, p. 9). MCI believes these FCC verification rules, codified at 47 CFR 64.1100 and 64.1150, combined with the voluntary practices of responsible carriers, provide a consistent, balanced approach to slamming. (MCI Comments, p. 4).

The OCA supports the proposed guidelines and suggests two ways to further strengthen them. First, the OCA recommends specifically informing customers that their basic local service cannot be terminated for failure to pay charges resulting from slamming and cramming. (OCA Comments, p. 1). The OCA submits that in many instances consumers pay charges resulting from slamming and cramming because they believe the failure to pay the charges may risk termination of local or basic service. The OCA, therefore, believes the Interim Guidelines would be strengthened by a requirement that the LECs advise consumers they may refuse to pay unauthorized charges without the fear of loss of basic telephone service. (OCA Comments, p. 2). Second, the OCA recommends that the Commission apply the Interim Guidelines to local services. The OCA notes that the proposed definition of slamming includes reference to local exchange service; however, the slamming remedies seem to apply only to slamming by IXC's. The OCA argues that the PUC not discriminate between industry segments when applying slamming and cramming remedies. The OCA, therefore, recommends that the Interim Guidelines should be applicable to all potential slamming and cramming incidents regardless of the type of service provider. (OCA Comments, pp. 5-6).

18. *Response to General Comments*

At this point, given the negative comments from parties regarding the "slamming" portion of our proposed rulemaking order, we believe it important to reiterate and clarify some points made in our Tentative Order. First, the proposed regulations are intended to focus on resolution of the narrow portion of the customer's complaint over which the Commission clearly has jurisdiction; namely, the LEC intrastate billing and collection service. The fact that the LEC performs billing on a contractual basis for IXC's does not negate the Commission's jurisdiction over this LEC intrastate billing function. Customers who receive consolidated billing from their local exchange company favor such billing because of its convenience. When consolidated billing becomes a vehicle for placement of unauthorized charges, a residential customer deserves a quick method of eliminating the unauthorized charges. Under the Interim Guidelines, customers who allege they are victims of an unauthorized presubscribed interexchange carrier (PIC) switch receive the immediate benefit of removal of outstanding charges placed by an allegedly unauthorized party on their LEC bills, along

with an offer to “flag” or “freeze,” at the customer’s request, the customer’s account to prevent a recurrence of the incident.

This offer to place a “flag” or “freeze” on the account is not new—this option has been available for several years. Furthermore, the Interim Guidelines ensure that a customer is informed that the charges that are removed by the LEC from the LEC bill are not necessarily eliminated or forgiven by the service. The IXC retains its rights to pursue collection of these charges, and the customer, in turn, may pursue any dispute over these charges.

The Interim Guidelines are not standards governing changing IXCs since the procedures are applied after a switch has occurred. Therefore, the intent behind the Interim Guidelines cannot be to prevent slamming, but to regulate the LECs’ reaction to the slamming occurrence. In other words, the Interim Guidelines do not replace the FCC verification rules or any additional Federal regulations designed to govern PIC switches. Thus, we believe the effect of these Interim Guidelines on IXCs that currently implement reasonable marketing and switching practices should be minimal.

Given our position on the impact that our Interim Guidelines will have on PIC switches, we shall not follow the IXCs’ recommendation to evaluate the new FCC regulations on slamming before moving forward on additional rules. We do, however, welcome the tougher rules being adopted by the FCC to reduce slamming. *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 94-129 (Released December 23, 1998). Under the new rules, customers who have had their telephone service provider changed without their consent are relieved from paying charges imposed for up to 30 days after such a slamming incident. The FCC also strengthened carrier switch verification procedures and broadened the scope of its anti-slamming procedures by extending the rules to LECs and local phone service. The verification procedures were strengthened by requiring companies to obtain either a written letter authorizing the change, third-party verification of the request, or have customers call a toll-free number on their own. As can be clearly seen, these new rules will have no impact on our Interim Guidelines.

Also, since the Interim Guidelines are not standards for changing or switching carriers, we do not agree with the OCA that the Interim Guidelines should include a reference to alleged unauthorized changes in a customer’s local exchange carrier. We view this type of complaint as falling under the dispute provisions of Chapter 64. Unauthorized local exchange carrier switches, while included in the definition of “slamming,” need not be included in the instant voluntary Interim Guidelines since the instant guidelines are designed to restore account billing to its prior status and remove allegedly unauthorized charges billed on a contractual basis for IXCs. In the case of alleged local exchange carrier slamming, the affected customer’s grievance about the unauthorized switch in the provision of residential telephone service falls under the scope of Chapter 64. Therefore, these types of complaints are properly viewed as Chapter 64 disputes and resolved through application of the appropriate Chapter 64 provisions.

The issue of the inclusion of intraLATA toll service and charges in the application of the instant Interim Guide-

lines is more complex. As noted by the PTA in its comments, the recent revisions of the Chapter 64 included amendment of the definition of “dispute” to exclude IXC charges on the LEC bill. Some IXC charges are for intraLATA toll usage, and therefore, some customers who alleged unauthorized switching by an IXC will need to have IXC charges for intraLATA toll service removed from the LEC bill as part of the application of the Interim Guidelines. However, where the LEC provides intraLATA toll service, any disagreement over the billing of these charges require application of the Chapter 64 provisions since the revision in § 64.2 in the definition of the term “dispute” does not exclude as disputable subject matter intraLATA toll service provided by the LEC.

Accordingly, we will continue to define the term “slamming” to include the unauthorized changing of a customer’s local exchange carrier and intraLATA toll carrier, but will not require application of the instant voluntary Interim Guidelines to either (1) local exchange charges or (2) intraLATA toll charges provided by the customer’s LEC.

19. *Comments on Definitions*

MCI notes that the proposed definition of “slamming” refers to the customer not having authorized a transaction, or to there having been an unauthorized transaction. MCI expresses concern that this language would not permit one spouse or another member of a household to change the telecommunication service of the household. If the customer is the person responsible for the telephone bill and is thereby the only person who may authorize a change in carrier, MCI submits that the definitions are contrary to the way many households conduct business today and would impose a burden on consumers. (MCI Comments, p. 13). MCI argues that carriers should not be punished if the billed “customer” later claims that an adult member of the household lacked “authority” to make a PIC change if that member is a decision-maker and over 18 years old. (MCI Comments, p. 14). Therefore, MCI recommends that if the Interim Guidelines are to address authorization or what one may or may not authorize, the LECs should recognize the FCC’s verification rules as providing a safe harbor for IXCs with respect to slamming. (MCI Comments, p. 13).

AT&T recommends that the Interim Guidelines should include the failure to switch carriers in the definition of “slamming” to address those complaints where a customer has not had their request for change in carrier implemented timely. (AT&T Comments, p. 6).

20. *Response to Comments on Definitions*

We disagree with MCI’s argument that carriers are being unfairly treated by allowing the ratepayer of record for a residential account to allege that an adult member of the household lacked “authority” to make a PIC change. We believe that a ratepayer of record clearly has the right to contact the LEC about the bill for which he or she is liable and allege that changes to the account were not authorized by the ratepayer of record and, therefore, should be reversed. IXCs should be reminded that once the action is reversed, the carrier may pursue any claim of liability that it wishes to make before an appropriate legal forum. However, in this Commonwealth, this Commission will continue to place considerable weight and importance on arguments from ratepayers of record who complain that actions affecting their accounts were taken without their permission.

With respect to AT&T’s recommendation concerning the definition of “slamming,” we decline to include the phrase

"failure to switch carriers" in this definition since, as stated previously, we are not attempting to design rules for changing carriers, or for addressing disputes about timely changes. We are designing standards which address the hundreds of complaints we have received about changes in LEC intrastate billings due to alleged unauthorized switching of a customer's PIC.

21. *Comments on Subsection (b)(1) and (3)—Identifying the Name of the IXC and Isolating the Charges*

MCI recommends that the Commission clarify subsection (b)(1) and (3) so as to insure that only those charges related to the alleged slam be "protected" from collection action while the PIC switch is being investigated. MCI contends that consumers should pay current bills as due. MCI also questions how the LEC would "clarify" that the customer did not authorize the switch, and also questions whether LECs can be depended upon to give neutral information. Finally, MCI expresses concern about the type of investigation the LECs, armed with these provisions, would engage in before "removing" charges and "instructing" an IXC as to how it may proceed with respect to the IXC's customers. (MCI Comments, pp. 20-21). As a result of these concerns, MCI believes the Commission should "leave the existing 'no fault' PIC dispute process in place and implement the FCC's verification rules with respect to unauthorized changes in carriers; and issue interim rules, if at all, with respect to unauthorized charges from non-telecommunications companies." (MCI Comments, pp. 20-21).

22. *Response to Comments and Subsection (b)(1) and (3)*

We will adopt MCI's suggestion and modify subsection (b)(3) of the Interim Guideline to clarify that the isolated charges are the only charges that will be removed from the LEC bill. In regard to MCI's concerns over the actions of the LEC, the intent of the rules is not to require the LEC to conduct any type of investigation of the customer's allegation of slamming. Subsection (b)(4) clarifies this point by providing that the LEC inform the customer that it does not intend to investigate the matter, or make a determination regarding the validity of the customer's allegation of slamming. The LEC is merely restoring the customer's bill to its status prior to the alleged slamming. The IXC may decide to pursue its claim of liability through other collection remedies, and the LEC will inform the customer of this possibility. Given this possibility of further collection action on the part of the service provider or billing agent, the LEC will also provide the customer with general information about how the customer may pursue a complaint alleging slamming.

23. *Comments on Subsection (b)(2)—Waiving PIC Charge*

The PTA endorses the proposed procedure whereby the LECs would reconnect the customer to their "chosen" long-distance company prior to slamming and remove the PIC change charge from the customer's account. The PTA notes that LECs have a tariff in place to recoup waived PIC change charges. (PTA Comments, p. 4).

GTE's position is that LECs should not have to restore the customer's account to its pre-slammed PIC designation without charge, since that would violate GTE North's approved tariffs. Given that there is a cost incurred by the LEC to make such changes, GTE believes that the offending carriers should pay for the charges. (GTE Comments, p. 7).

24. *Response to Comments on Subsection (b)(2)*

We will not modify the language at subsection (b)(2) which provides that the LEC offer to restore the custom-

er's account, at no charge, to the IXC the customer received service from prior to the alleged unauthorized switch. As MCI recognized in its comments, the major carriers subscribe to a no fault policy for consumer PIC changes whereby a customer who wants to switch back to their prior carrier for any reason may do so at no charge. We agree with MCI that this no fault policy is consumer friendly and, therefore, will retain language that ensures that a customer does not incur this expense in cases where the customer alleges slamming has occurred. While this admittedly limits the manner by which GTE may apply its tariff rule in cases of alleged slamming, it does not prevent GTE from applying its tariff rule. In this regard, we direct GTE's attention to the PTA's comment that "LECs have tariffs in place to recoup the waived PIC change charge from the unauthorized IXC."

25. *Comments on Subsection (b)(2)—"Flagging" the Account*

Numerous comments were made regarding the Interim Guideline procedures that direct the LEC to offer to place a safeguard on the customer's account to prevent further switches without express authorization from the customer. The PTA agrees with offering the customer the option of having his account flagged with a "Don't Touch" (DT) indicator, as opposed to the Commission ordering LEC's to impose a DT on every account that has been slammed. The PTA believes customers should know about the DT options, but the LEC should place it on a customer's account only upon customer request since (1) customers having the DT on their account must notify the LEC orally or in writing before the LEC changes their carrier, and (2) once the DT indicator is on the account, the customer will not be able to call the carrier and have a Letter of Agency sent to the LEC to change carriers. The PTA opines that the DT indicator is not anti-competitive provided the customer, not the LEC, has made the choice about whether to put the indicator on the account. (PTA Comments, p. 5).

The BA-PA and GTE argue that the Commission does not have the authority to order LECs to flag all slammed residential accounts and require verbal or written customer authorization before making any subsequent PIC change. These parties point out that a blanket flag on all slammed accounts might conflict with the wishes of many slammed customers. This in turn could result in claims by IXCs that this restriction constitutes an unlawful barrier to entry to this Commonwealth's toll market in violation of TA-96. (BA-PA Comments, p. 7; GTE Comments, p. 6).

While GTE opposes a blanket requirement to flag all slammed accounts, it is not opposed to a PIC freeze upon customer request given that, in GTE's opinion, "PIC freezes are the best customer safeguard against slamming." GTE contends that the Commission may allow LECs to offer PIC freezes after the customer has been slammed so as to ensure that it does not happen again. GTE explains further that it currently offers a PIC freeze but only after the customer has requested one, and signed and returned a numbered form. GTE cautions that allowing verbal authorization from the customer would weaken an effective GTE practice and would not be in the best interest of the consumer or the industry. (GTE Comments, p. 6).

AT&T points out that the Commission's proposal does not contain administrative rules that would be necessary to prevent anticompetitive practices while advancing the proconsumer intent of the PIC freeze. (AT&T Comments, p. 4-5). Specifically, AT&T recommends that the LEC be

required to provide written notification to customers when they implement a PIC freeze, and that the notification include an explanation of the procedures necessary to lift the freeze. Additionally, AT&T recommends that if a PIC freeze rule is to be adopted, it should be modified to establish a separate freeze for both interLATA and intraLATA PIC selections. AT&T asserts that the Commission needs to define the phrase "express authorization" since this phrase allows too much room for a LEC to engage in anticompetitive behavior by interpreting the phrase in whatever manner it deems appropriate. In this regard, AT&T suggests that a customer with a PIC freeze should be allowed to change their presubscribed carrier through proper third party verification procedures. Finally, AT&T argues that there should be a mechanism in place for a carrier to determine that a potential customer has a PIC freeze in place. (AT&T Comments, p. 4-5).

In expressing concerns similar to AT&T's, MCI contends that it is anticompetitive for an ILEC to be in competition with an IXC or CLEC and to place PIC "freezes" on customer accounts. In MCI's view, this practice denies the IXC and/or the CLEC the opportunity to fairly compete for that customer. (MCI Comments, p. 4). MCI further contends that PIC freezes can be anticompetitive because the freeze locks customers into their existing provider, which in most cases is the incumbent LEC.⁵ With a PIC freeze in place, MCI submits that a soliciting carrier has no way of knowing whether a consumer has a PIC freeze until they submit the order to the LEC and the LEC rejects it. MCI explains that many customers who have requested a PIC freeze do not recall that they made this request, or assume that their new choice will override the freeze. MCI argues that since the consumer would have to advise his or her carrier to lift the freeze before he or she makes a change, this step would be an additional hurdle that creates consumer frustration. In light of these concerns, MCI believes it is essential that our procedures recognize that a PIC freeze can be overridden by the customer's choice as evidenced by a properly conducted third party verification process. (MCI Comments, pp. 10-19).

The OCA believes it is appropriate for the consumer that has been slammed to be offered, at no charge, the opportunity to safeguard the account from future slamming. The OCA, however, cautions that a PIC freeze should not be abused for anticompetitive purposes and should only be applied when the consumer requests it, since the account belongs to the consumer, not to the LEC or any IXC. The OCA opines that the use of a PIC freeze should not be considered anticompetitive so long as such a safeguard is, in fact, what the consumer desires and has specifically requested in order to be protected against further unauthorized switches. Given that the OCA perceives that slamming the consumer's local exchange or basic service is likely to prove even more problematic than unauthorized switching of the consumer's toll service, the OCA encourages the Commission to apply similar rules for local service slamming as well. (OCA Comments, p. 3).

26. *Response to Comments of Subparagraph (b)(2)*

We agree with the OCA's observation that a customer may wish to place a freeze or safeguard on local exchange and intraLATA services as well as interLATA service. However, we have not modified the language in the rules since, as stated previously, our intent is to address LEC billing charges that result from outside parties who use the LEC as a billing vehicle.

⁵We assume MCI is referring to the intraLATA traffic.

We also agree that any freeze must not be mandatory, but instead made in response to a specific customer request. Accordingly, we have modified the language at subsection (b)(2) so as to clarify that the LEC will inform the customer that, at the customer's request, the LEC will place a freeze on the portion of the service that the customer designates.

However, we shall decline to impose additional administrative rules designed to prevent anticompetitive practices at this time. We do not believe consumer interests will be advanced through the creation of additional administrative rules. Pending the promulgation of formal regulations to standardize LEC responses to customer contacts about changes to their LEC bill due to alleged IXC slamming, we will allow each LEC to continue to implement its current administrative practices to determine how the freeze process will be implemented. GTE, for example, states that it offers a PIC freeze but only after the customer has requested one, and signed and returned a numbered form. GTE believes that allowing verbal authorization from the customer would weaken an effective GTE practice and would not be in the best interest of the consumer or the industry. We have no objection to GTE's continuation of this administrative process. In the same way, other LECs may wish to honor verbal requests and follow up such requests with written notification to customers which includes in the notification an explanation of the procedures necessary to lift the freeze. We similarly have no objection to this procedure.

As indicated by our decision, we do not share the concerns expressed by MCI with respect to anticompetitive behavior. Given the purpose of the Interim Guidelines, which is to safeguard the rights of customers after a slam, we cannot overly concern ourselves as to what procedures in place provide an optimum setting for competition. While we are sensitive to any claims that our Interim Guidelines will have the effect of prohibiting or negatively impacting a telecommunications carrier's ability to provide a service, we do not believe the action we are taking could be viewed as anticompetitive. We have not made the freeze mandatory, but only at the customer's request, and the customer is being frozen to the pre-slammed IXC service to which the customer subscribed. Furthermore, we submit that this procedure does not change practices that are already followed by many LECs. Since the Interim Guidelines do not affect freeze procedures already in place, such as GTE's, we cannot see how anything changes for MCI in GTE's territory. Moreover, other LECs might very well allow an oral third party verification process to override the PIC freeze. To the extent that a customer might not want to endure any inconvenience in having the freeze lifted, which he requested, we submit that the expression of consumer frustration would not be reasonable under the circumstances and we cannot set procedure under this premise.

27. *Comments on Subparagraph (b)(3)—Removing Charges from LEC Bill and Recursing to IXC or Billing Agent*

The Tentative Order specifically requested comments about the rebilling by the LEC of the unauthorized charges based on the rates charged by the customer's presubscribed carrier. As expected, parties responded with diverse comments.

The PTA objects strongly to the idea of the LEC being responsible for re-billing the unauthorized charges based on rates that the customer's pre-subscribed carrier would have charged. The PTA cites three reasons why the

Commission would be remiss to assign additional administrative burdens related to slamming to LEC's. First, IXCs are subject to the jurisdiction of the FCC and it must determine the most appropriate penalty for slamming. Second, the FCC has already placed the recalculation burden on the IXC. In its June 14, 1995 *Report and Order* (CC Docket No. 94-129) at paragraph 37, the FCC left it to the unauthorized carrier, in cooperation with the affected consumer, to arrive at a settlement that calculates the proper amount of charges that the consumer would have paid had the consumer's PIC never been changed. Third, rebilling by the LEC would be tantamount to changing the tariffed rates that the IXC carriers charge. (PTA Comments, p. 7)

The BA-PA and GTE agree with PTA in objecting to the LEC re-billing charges. GTE argues that the Commission does not have the authority to order the LEC to rebill, and adds the concern that such rebilling may violate current contracts between the LEC and IXC. (GTE Comments, p. 5). GTE further states it would be a severe administrative burden and require major modification of LEC billing systems to perform a rebilling and present a corrected version of the unauthorized charges. GTE believes that in those cases where the IXC alleges that the customer authorized the change consistent with the FCC's verification rules, the dispute would be between the IXC and the customer with the LEC not being involved in any manner. GTE advocates that LECs should not remove charges from the bill unless recourse is available from the carrier. Customers should pay for the costs of the calls that they would have received from their authorized carrier. (GTE Comments, pp. 5-8).

The BA-PA argues that neither BA-PA nor other LECs have the ability to rerate another carrier's charges based on a third carrier's charges, which rerating would be a prerequisite for the rebilling apparently contemplated by the Commission. The BA-PA asserts that only the customer's presubscribed carrier could do the rerating since only that carrier would be conversant with the rates charged by it to the customer. (BA-PA Comments, pp. 6-7). The BA-PA recommends that the words "or the portion of the charge(s) that the customer is unwilling to pay" be added after the word "charge(s)" in this guideline. This would permit the BA-PA and other LECs flexibility in situations where slammed customers are willing to pay some or even all of their bills from the unauthorized carrier. (BA-PA Comments, p. 8).

AT&T argues that since a slammed customer does receive a service, rather than permitting the customer to escape payment, a better alternative would be to require the unauthorized carrier to rerate the bill to the level that the authorized carrier would charge. (AT&T Comments, p. 4).

MCI notes that LECs by contract must bill long distance and related charges, and expresses the concern that LECs would find a safe harbor to remove and return legitimate long distance charges to IXCs. (MCI Comments, p. 4). MCI contends that the IXCs would not have feasible means of collecting for authorized services. MCI expects that some fraction of consumers will discover that, by claiming their carrier was changed without their consent, they can receive free service, increasing bad debt and other collection costs. MCI argues that the better remedy is to recognize and enforce the FCC's verification rules. (MCI Comments, p. 4).

Sprint opposes any regulations that would relieve customers who claim they were slammed from the duty to

pay any charges for calls made during the time that they were assigned to an allegedly unauthorized carrier. (Sprint Comments, p. 10).

The OCA believes the Commission should not authorize LEC rebilling of charges after a consumer has been slammed. The OCA argues that it may be very difficult for the LEC to determine what the appropriate bill would have been had the PIC actually provided the service. Furthermore, the OCA contends this proposal would seem to go beyond the federal law which addresses a related point. The OCA states that TA-96 requires the slamming carrier to pay the PIC when and if the consumer pays charges billed by the slamming carrier. The OCA submits that the act does not suggest any authority on the part of the LEC to re-bill the customer for a service that was not even provided by the PIC, as the Tentative Order suggests.

28. *Response to Comments on Subsection (b)(3)*

We believe there is merit to the numerous arguments raised by parties opposed to the idea of a LEC rebilling unauthorized charges based on the rates charged by the customer's presubscribed carrier. Therefore, we will not attempt to encourage this action in the Interim Guidelines or impose a requirement in the proposed rulemaking.

29. *Comments on Subparagraph (b)(4)—LEC Informs IXC to Cease Further Billing*

GTE believes that restoring a customer to their authorized PIC will effectively remove any further billing from the incorrect carrier and, therefore, no specific mention of billing treatment is necessary. (GTE Comments, p. 4).

30. *Response to Comments on Subparagraph (b)(4)*

We do not agree that restoring a customer to their authorized PIC will automatically remove any further billing from the incorrect carrier. Customers have filed informal complaints with the Commission's Bureau of Consumer Services because of further billing from the incorrect carrier subsequent to restoration to their authorized carrier. Therefore, we will retain the provision in the Interim Guidelines that the LEC should provide this information to the customer.

31. *Comments on Subsection (b)(5)—LEC Informs Customer of Other Collection Action; Subsection (b)(6)—Provide Customer with Right to Contact FCC, FTC, or PA OAG*

The PTA objects to informing the customer of the right to pursue a "slamming" complaint against the provider of the service or the billing agent by contacting the OAG, the FCC or the FTC. A regulation would require the LEC to make judgment calls on the nature of the complaint and the service or charge at issue. In addition, the PTA submits that the Commission recently revised its regulations regarding the resolution of "disputes" by LECs. According to the PTA, the regulations exclude from the definition of dispute: "matters outside the scope of this chapter, or failure to negotiate a mutually satisfactory payment agreement regarding undisputed amounts, or a disagreement over billing data provided to the local exchange carrier by an interexchange carrier." See *Rulemaking to Rescind Obsolete Regulations Regarding Telephone and Residential Telephone Service, 52 PA Code Chapters 63 and 64*, Docket No. L-00960113 (adopted April 9, 1998). (PTA Comments, p. 4).

The BA-PA suggests limiting LEC complaint disclosures to only those customers who seek information about filing a complaint with a regulatory agency. (BA-PA comments,

p. 8). MCI agrees that carriers should, when asked, advise consumers to contact the appropriate agency should the consumer not be satisfied with the results of an investigation. (MCI Comments, p. 3).

32. *Response to Comments to Subparagraphs (b)(5) and (b)(6)*

The Interim Guidelines do not set forth a dispute process for resolution of customer allegations of slamming. The Interim Guidelines merely provide a customer with immediate restoral and billing of authorized services only. The alleged IXC slammer may in fact pursue a claim that the PIC switch was indeed properly authorized and argue that the charges taken off the LEC bill are legitimate. Since the Interim Guidelines will not necessarily result in a complete resolution of a customer's slamming complaint, some customers will naturally ask the LEC for information about the appropriate agency to approach in order to pursue their complaint. We realize that the LEC representative may not always make the correct assessment of which agency has jurisdiction, but experience tells us that, in instances where a customer is referred to the wrong place, the customer generally is redirected with a proper referral. In light of the comments, however, we have modified subsection (b)(6) so as to provide complaint disclosure information only to customers who indicate a desire to receive additional information for filing a complaint with a regulatory agency or government office. Accordingly, there is no burden placed on the LEC to ask the customer if he or she desires to receive this information.

33. *Comments on Subsection (b)(7)—Record Maintenance*

GTE states that the 2-year record maintenance period of informal and formal Commission written customer complaints is reasonable, but opposes the apparent Commission attempt to place the responsibility for enforcement on the LECs through cancellation of the billing contract. (GTE Comments, pp. 8-9).

The BA-PA offers that it will continue to maintain records of customer slamming complaints, but does not do this to monitor IXC's compliance with the billing and collection contracts or to provide a basis for cancellation of any contracts for excessive slamming complaints. The BA-PA contends that, unlike cramming, there is no linkage between slamming and the BA-PA's billing and collection contracts. Because of this, the BA-PA recommends that the Commission completely eliminate this guideline, or at least delete all language in the guideline from "in order to ..." onward. (BA-PA Comments, pp. 8-9).

MCI argues that the requirement to maintain the records of the slamming complaints filed with the Commission will not result in a complete record. MCI notes that LECs may not be aware of all "slamming" complaints in Pennsylvania because of the no-fault PIC change process, in which a customer may ask the LEC to change his PIC back to the previous carrier for a myriad of reasons which could include an unauthorized PIC change. Moreover, MCI believes that this subparagraph, to the extent it suggests LECs unilaterally decide what is "excessive" and when a contract should be canceled, provides the potential for anticompetitive behavior. (MCI Comments, p. 15-16).

Sprint advocates, in the interest of jurisdictional consistency, that the Commission adopt the FCC's guideline of maintaining complaint records for a 12-month period. Sprint also informs us that it already has internal policies and billing and collection contracts to allow

cancellation of billing service for service providers that knowingly and purposefully slam or cram customers. (Sprint Comments, p. 4).

34. *Response to Comments on Subparagraph (b)(7)*

As with respect to cramming, we have also modified the time frame for record maintenance for slamming by increasing it from 2 years to 3 years to be consistent with 66 Pa.C.S. § 3314, which sets 3 years as the time frame within which the Commission can bring an action or prosecution for violations of our regulations. If it becomes necessary to initiate some type of enforcement action to assess penalties, the 3-year record retention will provide the opportunity to review instances that may be part of the action.

III. *Conclusion*

We believe that the Interim Guidelines established in this Order are critically important to protecting consumers from cramming and slamming and safeguarding their rights after a cramming or slamming, or both, has occurred. As all interested parties have already had an opportunity to provide public comment on the Interim Guidelines as proposed, we hereby adopt the Interim Guidelines, as modified per the discussion in this order, and offer them on an optional basis to jurisdictional utilities to provide guidance on standardizing LEC responses to customer contacts alleging unauthorized changes to the customer's telecommunications service provider and unauthorized charges added to the customer's bill, until the proposed regulations receive final approval. We note that this approach of adopting Interim Guidelines until final regulations have been promulgated has previously been used by this Commission in a number of other instances to implement telephone and electric reform legislation. *See, e.g., Interim Guidelines for Standardizing Local Exchange Company Responses to Customer Contacts Alleging Unauthorized Changes to the Customer's Telecommunications Service Provider and Unauthorized Charges Added to the Customer's Bill*, Docket No. M-00981063 (Tentative Order entered June 5, 1998); *Chapter 28 Electric Generation Customer Choice and Competition Act—Customer Information—Interim Requirements*, Docket No. M-00960890.F0008 (Order entered July 11, 1997); *Re: Licensing Requirements for Electric Generation Suppliers—Interim Licensing Procedures*, M-00960890.F0004 (Order entered February 13, 1997).

Nevertheless, it is also our intention to establish mandatory final-form regulations that will govern LEC responses to customer contacts alleging unauthorized changes in telecommunications service providers and unauthorized billing charges. As is the normal procedure for promulgating regulations under the Regulatory Review Act (71 P. S. §§ 745.1—745.7), we shall be informed by and carefully consider comments to the proposed-form regulations set forth as Annex A, the industry and consumer experience with the voluntary Interim Guidelines adopted herein, and any future developments at the Federal level before we issue mandatory final-form regulations for approval by the Independent Regulatory Review Commission (IRRC).

Accordingly, this proposal is promulgated under sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501; 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 promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section

745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder in 4 Pa. Code §§ 7.251—7.235. *Therefore,*

It is Ordered That:

1. The proposed rulemaking at Docket No. L-00990140 be granted to consider the regulations set forth in Annex A.

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

3. The Secretary shall submit this order and Annex A for review and comment to IRRC and the Legislative standing committees.

4. The Secretary shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. An original and 15 copies of any comments referencing the docket number of the proposed amendments be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. The Secretary shall specify publication of the Order in accordance with 45 Pa.C.S. § 727.

5. The proposed Annex A regulations are hereby adopted as final Interim Guidelines at Docket No. M-00981063, and can be used by jurisdictional utilities, on a voluntary basis, to provide guidance until such time as final regulations are approved at Docket No. L-00990140.

6. The contact persons for this rulemaking are Terrence J. Buda, Law Bureau, (717) 787-5755 (legal), Louis Sauers (717) 783-6688, Janice Ragonese (717) 772-4835, and Peggy Hartman (717) 772-0806, Bureau of Consumer Services (technical).

7. A copy of this order and Annex A shall be served upon the commentators, all jurisdictional telecommunication utilities, the Office of Trial Staff, the Office of Consumer Advocate, and the Small Business Advocate.

By the Commission

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-204. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELEPHONE SERVICE

Subchapter A. PRELIMINARY PROVISIONS

§ 64.2. Definitions.

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

Cramming—The submission or inclusion of unauthorized, misleading or deceptive charges for products or services on end-user customers' local telephone bills.

* * * * *

Service provider—Facilities-based interexchange carrier or interexchange reseller or information service provider initiating the service or charges.

Slamming—The unauthorized changing of a customer's telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

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Subpart B. PAYMENT AND BILLING STANDARDS

§ 64.23 Standardizing LEC responses to customer contacts alleging unauthorized changes to the customer's long distance carrier and unauthorized charges added to the customer's bill.

(a) **Cramming.** Upon contact from the customer alleging that cramming has occurred on the bill rendered to the customer by the LEC, the LEC shall do the following:

(1) Identify the charges, and clarify that the customer's complaint is that the customer did not authorize the charges or order or use the services or products associated with the charges.

(2) Inform the customer that the charges will be removed from the LEC bill and recoured to the service provider or its billing agent.

(3) Inform the customer that the LEC will instruct the billing agent or service provider, or both, to take the steps necessary to prevent further billing of those charges or types of charges to the customer's account.

(4) Inform the customer that removal of the charges from the LEC bill does not guarantee that the service provider or its billing agent will not use other collection remedies, including direct billing of the recoured charges or use of a collection agency.

(5) Provide to customers who indicate a desire to receive complaint disclosure information adequate information about how to pursue the complaint against the service provider or billing agent by contacting the Bureau of Consumer Protection, (800) 441-2555 of the Pennsylvania Office of Attorney General, the Federal Communications Commission and the Federal Trade Commission.

(6) Maintain for a minimum of 3 years records of the customer complaints of cramming to monitor adherence to the terms of the billing contract the LEC has with the service provider or billing agent, or both, relating to cancellation of the contract for excessive cramming complaints.

(b) **Slamming.** Upon contact from the customer alleging that slamming has occurred on one or both of the past two bills rendered to the customer by the LEC, regardless of dates of calls, the LEC shall do the following:

(1) Identify the name of the alleged unauthorized IXC, isolate the charge, and clarify that the customer's complaint is that the customer did not authorize the switch to this IXC.

(2) Offer to restore the customer's account, at no charge, to the IXC the customer had received service from prior to the unauthorized switch, and, at the request of the customer, to place a safeguard on the customer's account to prevent the LEC from

processing an IXC request for a switch without the LEC obtaining express authorization from the customer.

(3) Inform the customer that the isolated charges will be removed from the LEC bill and returned to the IXC or its billing agent.

(4) Inform the customer that the LEC will instruct the IXC or billing agent, or both, to take the steps necessary to prevent further billing to the customer's account.

(5) Inform the customer that removal of the charges from the LEC bill does not guarantee that the IXC or its billing agent will not use other collection remedies, including direct billing of the recouped charges or use of a collection agency.

(6) Provide to customers who indicate a desire to receive complaint disclosure information adequate information about how to pursue a complaint against the IXC or billing agent, or both, by contacting the Federal Communications Commission or the Bureau of Consumer Protection, (800) 441-2555 of the Pennsylvania Office of Attorney General.

(7) Maintain for a minimum of 3 years records of the customer allegations of slamming.

[Pa.B. Doc. No. 99-855. Filed for public inspection May 28, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Peach and Nectarine Research Program

Under the applicable provisions of the Agricultural Commodities Marketing Act, a referendum was held from April 16 to April 30, 1999, to determine if the producers affected by the Pennsylvania Peach and Nectarine Research Program desired to have the Program continue for another 5 years. In order to pass, a majority of eligible producers voting had to vote in favor of the Program continuing. An impartial Teller Committee met on May 6, 1999, to count the ballots. The following results were

submitted to me by the Teller Committee: a total of 68 eligible votes were cast, with 51 producers voting in favor of and 17 producers voting against continuing the Program. The eligible votes favoring continuation of the Program represented 75.0% of the eligible votes and those against continuation of the Program represented 25.0% of the eligible votes. There were two spoiled or ineligible ballots. Because a majority of the votes were cast in favor of the Program, the Pennsylvania Peach and Nectarine Research Program shall continue for another 5 years.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-856. Filed for public inspection May 28, 1999, 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 May 18, 1999.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-13-99	Sky Financial Group, Inc., Bowling Green, Ohio, to acquire 100% of voting shares of First Western Bancorp, New Castle, Pennsylvania	Bowling Green, OH	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-10-99	1st Summit Bank Johnstown Cambria County Purchase of Assets/Assumption of Liabilities of two Branch Offices of Laurel Bank, Johnstown, located at: 1705 Route 286 Indiana Indiana County	Johnstown 922 N. Philadelphia Ave. Indiana Indiana County (Consolidated into Route 286 branch.)	Effective
5-12-99	Harris Savings Bank Harrisburg Dauphin County Purchase of Assets/Assumption of Liabilities of two Branch Offices of Commonwealth Bank, Norristown, Located at: 2203 West Cumberland Street Lebanon Lebanon County	Harrisburg 152 North 8th Street Lebanon Lebanon County (Will be consolidated into Cumberland Street branch.)	Approved

Branch Application

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-99	Abington Savings Bank Jenkintown Montgomery County	101 Ft. Washington Ave. Fort Washington Montgomery County	Opened
5-10-99	Harris Savings Bank Harrisburg Dauphin County	1147 N. Eichelberger St. Hanover York County	Opened
5-12-99	Somerset Trust Company Somerset Somerset County	234 Main Street Meyersdale Somerset County	Approved
5-12-99	East Penn Bank Emmaus Lehigh County	861 North Route 100 Upper Macungie Twp. Lehigh County	Filed
5-17-99	Harris Savings Bank Harrisburg Dauphin County	Wertzville Road and Center Street Enola East Pennsboro Twp. Cumberland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-7-99	Laurel Bank Johnstown Cambria County	922 N. Philadelphia Avenue Indiana Indiana County	Effective

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
5-14-99	The Rittenhouse Trust Company Radnor Delaware County	To provide for an amendment to Article II changing the location of the principal place of business <i>from</i> : 2 Radnor Corporate Center, Suite 400, Radnor, PA; <i>to</i> : 3 Radnor Corporate Center, Suite 450, Radnor, PA.	Approved Effective 5-17-99
5-14-99	Asian Bank (In Organization) Philadelphia Philadelphia County	To provide for an amendment to Article Second changing the location of the principal place of business <i>from</i> : 1010 Arch Street, Philadelphia, PA; <i>to</i> : 1008 Arch Street, Philadelphia, PA; and Articles Sixth and Seventh, reflecting the withdrawal of an incorporator/director and the change of address of another incorporator/director.	Approved and Effective

SAVINGS ASSOCIATIONS

None.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-10-99	Allentown Teachers Credit Union Allentown Lehigh County	4031 Independence Dr. Schnecksville Lehigh County	Opened

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-857. Filed for public inspection May 28, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Availability of Grants under the Forest Lands Beautification Act

The Department of Conservation and Natural Resources (Department) will begin accepting grant applications for the Forest Lands Beautification Grant Program on June 1, 1999. The General Assembly has enacted the Forest Lands Beautification Act (Act 125 of 1998) (act) to address the illegal disposal of waste on State Forest and State Park lands. The purposes of the act are to deter illegal waste disposal practices on State Forest and State Park lands and provide for its removal, recycling and proper disposal. In addition, the purpose of the act is to provide for the abatement of illegal waste sites and the threats to public health, safety and the environment associated with the sites. The act also provides for the establishment of cooperative programs with local communities that prevent the illegal disposal of waste on State Forest and State Park lands or abutting lands.

The act established the Forest Lands Beautification Fund. This fund received \$1.5 million from the Recycling Fund created by the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988 (Section 706 of Act 101). Moneys in the fund are appropriated to the Department to carry out the purposes of the act. This allocation may continue annually, upon approval of the Governor, for a period of 5 years from the effective date of the act, which was December 3, 1998.

Grant funds are to be used for activities that cleanup active and inactive illegal dump sites and prevent further unauthorized disposal of waste on State Forest and State Park lands or abutting lands. In addition, activities that encourage proper disposal of waste on the lands, that encourage recycling and reduction of waste in those areas, and/or that increase public awareness of proper waste disposal methods will be funded.

Local agencies and nonprofit organizations are eligible for funding. Large and small projects will be considered. Large projects are those larger than \$25,000 and/or seeking to satisfy activities as described, but on a multicounty, regional or Statewide basis. Small projects are those between \$5,000 and \$25,000 and/or seeking to satisfy activities as described, but on an individual community, township, county, State Forest District or State Park basis. Large and small projects that first attack illegal dump sites and associated practices in the central and southcentral counties of this Commonwealth, as identified by the Department, will receive priority consideration for funding.

The deadline for submitting completed grant applications is 4 p.m. on Friday, July 9, 1999. Persons interested in applying for grant funding should contact the Department at the following address to obtain a program manual and application: Department of Conservation and Natural Resources, Bureau of Forestry, Forest Lands Beautification Grant Program Coordinator, 6th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 783-0379, fax (717) 783-5109.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 99-858. Filed for public inspection May 28, 1999, 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 Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 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 comment 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 Water Management 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 aids service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (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 0054950. Industrial waste, **Wampler Foods, Inc.**, Route 113 and Allentown Road, Franconia, PA 18924.

This application is for renewal of an NPDES permit to discharge treated process wastewater from wastewater treatment plant in Franconia Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Indian Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.3 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	20	25
(11-1 to 4-30)	20	40	50
Total Suspended Solids	10	20	25
Oil and Grease	15		30
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Ammonia as N			
(5-1 to 10-31)	3.0	6.0	7.5
(11-1 to 4-30)	9.0	18.0	22.5
NO ₂ and NO ₃	10	20	25
Phosphorus			
(4-1 to 10-31)	2.0	4.0	5.0
Total Dissolved Solids	monitor/report	monitor/report	
Hardness (as CaCO ₃)	monitor/report	monitor/report	
Osmotic Pressure			100 MOS/Kg
Fecal Coliform	200/100 ml		
Total Residual Chlorine			
(0—2 years)	monitor/report	monitor/report	
(3—5 years)	0.5		1.2
Color			100 PC Units
Mercury	monitor/report	monitor/report	
Copper	monitor/report	monitor/report	
Zinc	0.25	0.50	0.63
Phenols	0.005	0.01	0.013

The proposed limits for stormwater discharge from Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		monitor/report	
COD		monitor/report	
Oil and Grease		monitor/report	
Total Suspended Solids		monitor/report	
Total Kjeldahl Nitrogen		monitor/report	
Total Phosphorus		monitor/report	
Fecal Coliform		monitor/report	
Iron (Dissolved)		monitor/report	

Other Conditions:

1. Test Methods
2. Groundwater Monitoring of NPWA wells.

The EPA waiver is not in effect.

PA 0011428. Industrial waste, **Amerada Hess Corporation**, 1 Hess Plaza, Woodbridge, NJ 07095-0961.

This application is for the renewal of an NPDES permit to discharge treated stormwater from a petroleum marketing terminal in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the tidal portion of the Schuylkill River in Zone 4 of the Delaware Estuary.

The receiving stream is classified for the following uses: warm water fishery.

The proposed effluent limits for Outfall 001, based on a maximum flow of 1.0 mgd during rain event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor/report	

Other Requirements:

1. DMR to DRBC
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

The EPA waiver is in effect.

PA 0031097. Sewage, **Radley Run Sewer Association, Inc. c/o Radley Run Country Club**, 1100 Country Club Road, West Chester, PA 19382.

This application is for renewal of an NPDES permit to discharge treated sewage from the Radley Run Country Club STP in Birmingham Township, **Chester County**. This is an existing discharge to Radley 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 17,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Ammonia (as N)	20	40
Phosphorus (as P) (4-1 to 10-31)	1.5	3.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	report I. Min.	report
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

PA 0052353. Sewage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

This application is for renewal of an NPDES permit to discharge treated sewage from the Buckingham Village WWTP in Buckingham Township, **Bucks County**. This is an existing discharge to Lahaska 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 .236 mgd 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 ₅ (11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
Ammonia (as N) (11-1 to 4-30)	10.0	15.0	20.0
Total Residual Chlorine	0.50		1.2

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 2.0 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.

PA 0011088. Industrial waste, **Exxon Company, U.S.A.**, 6850 Essington Avenue, Philadelphia, PA 19153.

This application is for renewal of an NPDES permit to discharge treated process wastewaters from an oil-water separator in City of Philadelphia, **Philadelphia County**. This is an existing discharge to unnamed tributary to Mingo Creek—001, Schuylkill River—002.

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 and 002 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor/report		
pH	within limits of 6.0—9.0 at all times		

The proposed effluent limits for stormwater Outfalls 003, 004 and 005 are as follows: not monitored.

Other Requirements:

1. DMR to DRBC
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

PA 0010944. Industrial waste, renewal, **Occidental Chemical Corporation**, 375 Armand Hammer Boulevard, P. O. Box 699, Pottstown, PA 19464.

This application is for renewal of an NPDES permit to discharge stormwater from existing in Lower Pottsgrove Township, **Montgomery County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 303, from oil/water separator are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	1,000	2,000	2,500
Total Suspended Solids	30	60	75
Oil and Grease	15		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Zinc	monitor/report	monitor/report	

The proposed effluent limits for Outfall 103, from fire water reservoir overflow are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.0		1.0

The proposed effluent limits for Outfalls 003, 004, 005 and 006 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			monitor/report
Chemical Oxygen Demand			monitor/report
Oil and Grease			monitor/report
pH			monitor/report
Water Priority Chemicals			monitor/report
Total Suspended Solids			monitor/report
Total Phosphorous			monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrogen			monitor/report
Iron (Dissolved)			monitor/report
Total Zinc			monitor/report

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager, Water Management—2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0008231. Industrial waste, SIC: 2258, **Gold Mills, Inc.**, Penn Dye and Finishing Plant, 1 Penn Dye Street, Pine Grove, PA 17963.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into Swatara Creek in Pine Grove Borough, **Schuylkill County**.

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

Effluent limits were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.0 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	23.70	47.48	
Total Suspended Solids	25.0	50.0	
COD	380	760	
Sulfide	.95	1.90	
Phenols	.02	.04	.05
Total Chromium	.47	.95	
Dissolved Oxygen		a minimum of 6.0 mg/l at all times	
Phosphorus as "P"	2.30	4.60	5.70
Oil and Grease	15.0	30.0	
pH		6.0—9.0 standard units at all times	

Outfalls 002 to 007 are stormwater outfalls. There are no effluent limitations for these discharges.

The EPA waiver is not in effect.

PA 0060658. Sewerage, **Washington Park Sanitary Company**, 1199 Laurel Run Road, Wilkes-Barre, PA 18702.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary of Susquehanna River in Washington Township, **Wyoming County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Danville Water Authority in Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .07 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Dissolved Oxygen		a minimum of 3 mg/l at all times
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
pH		6.0—9.0 standard units at all times
Total Residual Chlorine		
1st Month—25th Month	monitor and report	monitor and report
25th Month—Expiration	1.2	2.8

The EPA waiver is in effect.

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

PAS 226103. Industrial waste, SIC. **Whetsell Lumber Company**, R. D. 1, Box 250, Addison, PA 15411.

This application is for issuance of an NPDES permit to discharge untreated stormwater from Addison in Addison Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Youghiogheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Ohiopyle Borough Municipal Waterworks, located at Ohiopyle, approximately 18 miles below the discharge point.

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids					monitor and report
Oil and Grease					monitor and report
Arsenic					monitor and report
Chromium					monitor and report
Copper					monitor and report

The EPA waiver is in effect.

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

PA 0101711. Sewage, **Blair Corporation**, 220 Hickory Street, Warren, PA 16366.

This application is for renewal of an NPDES permit, to discharge treated waste to Unnamed Tributary to the Allegheny River in Pleasant Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at River Mile 90, approximately 92.46 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
TSS	30	60
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	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0101877. Sewage, **Bradford Regional Airport**, Star Route Box 176, Lewis Run, PA 16738.

This application is for renewal of an NPDES permit, to discharge treated waste to Unnamed Tributary to Three Mile Run in Lafayette Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at River Mile 90, approximately 133 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
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	
Ammonia-Nitrogen		
(5-1 to 10-31)	21	42

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0032603. Sewage, **DeVite's Mobile Home Park**, R. D. 1, Box 207A, Edinburg, PA 16116.

This application is for renewal of an NPDES permit, to discharge treated sewage to Unnamed Tributary to the Shenango River in Mahoning Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. (For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western PA Water Company on the Shenango River located at New Castle, approximately 5 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0062 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia-Nitrogen (5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
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		
Total Residual Chlorine	1.4		3.3
pH	6.0—9.0 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 name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest 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 protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application 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.

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

*Northeast Regional Office: Water Management Program
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790,
(570) 826-2511.*

A. 6499401. Sewerage, **Honesdale Borough**, 958 Main Street, Honesdale, PA 18431. Application to construct and operate a new pump station to replace the existing pump station, located in Honesdale Borough, **Wayne County**. Application received in the Regional Office—May 5, 1999.

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

A. 0299408. Sewerage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Application for the construction and operation of a pressure sewer system to serve the Old Babcock Boulevard area located in the Town of McCandless and Pine Township, **Allegheny County**.

A. 0299409. Sewerage, **North Allegheny School District**, 200 Hillvue Lane, Pittsburgh, PA 15237. Application for the construction and operation of a pump station and force main to serve the Franklin Elementary School located in Franklin Park Borough, **Allegheny County**.

A. 0299411. Sewerage, **Danner Doak**, P. O. Box 334, Elizabeth, PA 15037. Application for the construction and

operation of a small flow sewage treatment plant to serve the Doak Residence located in Forward Township, **Allegheny County**.

A. 567S002-A1. Sewerage, **Hastings Area Sewer Authority**, P. O. Box 559, 207-1 Fifth Avenue, Hastings, PA 16646. Application for the modification and the operation of sewers and appurtenances, pump stations, a sewage treatment plant, and outfall and headwall to serve Hastings Area Sewer Authority Sewage Treatment Plant located in Elder Township, **Cambria County**. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**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 of 40 CFR 123.24(d).

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 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 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 Water Management 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 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.

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

NPDES Permit PAS10-T020-R. Stormwater. **The Cutler Group, Inc.**, P. O. Box 629, Horsham, PA 19044, has applied to discharge stormwater from a construction activity located in Upper Providence Township, **Montgomery County**, to Schoolhouse Run.

NPDES Permit PAS10-D110. Stormwater. **Trueblood Construction Company**, 904 Sumneytown Pike, Springhouse, PA 19477, has applied to discharge stormwater from a construction activity located in Buckingham Township, **Bucks County**, to Paunacussing Creek.

NPDES Permit PAS10-G367. Stormwater. **Megill Construction Company**, 2 Huntrise Lane, West Chester, PA 19382, has applied to discharge stormwater from a construction activity located in New London Township, **Chester County**, to Hodgson Run.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S075. Stormwater. **Some-where in the World, Inc.**, 360 Virco Dr., Buck Hill Falls, PA 18353, has applied to discharge stormwater from a construction activity located in Paradise and Barrett Townships, **Monroe County**, to Cranberry Creek.

NPDES Permit PAS10S076. Stormwater. **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA 18370, has applied to discharge stormwater from a construction activity located in Tobyhanna Township, **Monroe County**, to Upper Tunkhannock Creek.

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

NPDES Permit PAS10W074. Stormwater. **Mel Blount Youth Home of Pennsylvania**, 6 Mel Blount Drive, Claysville, PA 15326 has applied to discharge from a construction activity located in Buffalo Township, **Washington County** to an unnamed tributary to Buffalo Creek.

NPDES Permit PAS10X094. Stormwater. **Ralph Smith & Son**, R. D. 1, Box 814-C, Derry, PA 15627 has applied to discharge from a construction activity located in Salem Township, **Westmoreland County** to an unnamed tributary to Porter's Run.

Actions on plans submitted under the Storm Water Management Act (32 P. S. § 680.9).

Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. SWMP 089:48. Delaware River Sub-basin 2, Lehigh River Sub-basin 5 Storm Water Management Plan, as submitted by **Northampton County**, was approved on May 11, 1999.

SAFE DRINKING WATER

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

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 3499501. Public Water Supply, **Mifflintown Municipal Authority**, Route 333, Box 36, Mifflintown, PA 17059, Fermanagh Township, **Juniata County**. *Responsible Official:* Stanley T. Worrall, Manager, Mifflintown Municipal Authority, Route 33, Box 36, Mifflintown, PA 17059. *Type of Facility:* Construction of a new well building which will accommodate the treatment facilities, mechanical piping, electrical and instrumentation for the proposed use of two wells at 40 gpm and 35 gpm. Also for the installation of all related piping to connect the well to the existing system. *Consulting Engineer:* Allen B. Mason, P.E., Uni-Tec Consulting Engineers, Inc., 2007 Cato Avenue, State College, PA 16801. Application received January 25, 1999.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. 1499502. The Department has received a permit application from the **Borough of Unionville**, Box 81, Unionville, PA 16835, Union Borough, **Centre County** to install new chlorination facility, reservoir liner, meters in distribution system, new meters at well source, valve replacement.

A. 4199501. The Department has received a permit application from the **Muncy Borough Municipal Authority**, 14 North Washington Street, Muncy, PA 17756, Muncy Borough, **Lycoming County**, for development of two public water supply wells with associated chlorinator buildings and the interconnecting piping, between the wells and the existing distribution system.

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

A. 3799502. Public Water Supply. **Pennsylvania American Water Company—New Castle District**, 3736 Ellwood Road, P. O. Box 7559, New Castle, PA 16107-7559. Proposal involves the construction of a new finished water pump station and all associated piping interconnections for the High and Main service areas of the New Castle service area, supplied by the New Castle water treatment plant, located in Neshannock Township, **Lawrence County**.

AIR QUALITY

Notice of 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's 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—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.

01-310-001D: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for operation of four crushers, two screens, and a fabric collector for a crushing and screening plant in Cumberland Township, **Adams County**. This source is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.

06-5037A: McConway & Torley Corp. (230 Railroad Street, Kutztown, PA 19530) for a steel foundry controlled by four fabric collectors in Kutztown, **Berks County**.

21-310-025A: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) for operation of an Impactor Crusher controlled by wet suppression for the Camp Hill Quarry located in Lower Allen Township, **Cumberland County**.

21-310-031B: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for operation of a crushing and screening plant in Southampton Township, **Cumberland County**. This source is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.

22-305-001B: Kimmel's Coal and Packaging (P. O. Box 1, Wiconisco, PA 17097) for operation of a coal handling plant in Wiconisco Township, **Dauphin County**.

22-310-005D: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of a new air classifier and a new fabric collector in South Hanover Township, **Dauphin County**.

22-310-010D: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of one 5' × 16' sizing screen and one stone crusher for a stone crushing plant in Swatara Township, **Dauphin County**. This source is subject to 40 CFR, Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.

28-310-002E: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for operation of a stone processing plant in Guilford Township, **Franklin County** recently modified. The modification involved replacing an existing Cedarapids hammer mill with a Telsmith crusher. This source is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.

36-03068A: Meridian Products, Inc. (124 Earland Drive, New Holland, PA 17557) for operation of four dry arrester floor type spray booths and associated equipment in East Earl Township, **Lancaster County**.

36-312-002A: Mobil Oil Corp. (Eight South Main Road, Frazer, PA 19355) for operation of a Bulk Gasoline Terminal Loading Rack controlled by a vapor combustion unit in Manheim Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart XX, Standards for Performance for Bulk Gasoline Terminals.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

41-305-004F: Keystone Filler and Mfg. Co. (214 Railroad Street, Muncy, PA 17756) for operation of various pieces of carbon products processing equipment and associated air cleaning devices (cartridge and fabric collectors) in Muncy Creek Township, **Lycoming County**.

12-323-001: Caldwell Corp. (116 West Second Street, Emporium, PA 15834) for operation of a burnoff oven in Emporium Borough, **Cameron County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

OP-25-924: Erie Forge & Steel, Inc. (1341 West 16th Street, Erie, PA 16512) for a Reasonably Available Control Technology (RACT) Operating Permit for a combustion source in Erie, **Erie County**.

PA-10-028B: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) for operation of a ball mill and air separator in West Winfield, **Butler County**.

PA-20-272A: Universal Stainless & Alloy Products (121 Caldwell Street, Titusville, PA 16354) for operation of a cold cleaning unit in Titusville, **Crawford County**.

PA-43-309A: Bucks Fabricating (3547 Perry Highway, Hadley, PA 16130) for operation of a paint booth in Sandy Creek Township, **Mercer 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 and G (relating to operating permit requirements; and 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.

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.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Attn: Eric Gustafson, (814) 332-6940.

25-00920. Waste Management of PA—Lakeview Landfill (851 Robison Road East, Erie, PA 16509) located in Summit Township, **Erie County**. The facilities air emission sources include the landfill and flare, a leachate treatment plant with associated controls, and several IC engines. The facility is Title V because EPA completed rulemaking requiring regulation of those sources under Title V of the Clean Air Act (42 U.S.C.A. §§ 7661—7661f).

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-46-0169A: H & N Packaging, Inc. (92 County Line Road, Colmar, PA 18915) for construction of an ink room in Hatfield Township, **Montgomery County**.

PA-46-0193: Lithium Technology Corp. (5115 Campus Drive, Plymouth Meeting, PA 19462) for construction of a fiber coating pilot plant in Whitemarsh Township, **Montgomery County**.

PA-15-0090: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) for construction of flexographic offset printing units in Uwchlan Township, **Chester County**.

PA-46-0018B: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) for installation of a regenerative thermal oxidizer in Upper Hanover Township, **Montgomery County**.

PA-23-0016: PQ Corp. (1201 West Front Street, Chester, PA 19013) for construction of an alternative opacity limit/furnace in City of Chester, **Delaware County**.

PA-46-0025F: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) for a prescrubber in Upper Merion Township, **Montgomery County**.

PA-23-0082: Liberty Electric Power, LLC (Route 291 and Amtrak/Septa, Eddystone, PA 19022) for construction of a combined cycle cogeneration power in Eddystone Borough, **Delaware County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-03096: Carvel & Rick, Inc. (4437 Oregon Pike, Route 272 South, Ephrata, PA 17522-9584) for construction/installation of a paint shop primer building in West Earl Township, **Lancaster County**.

67-03063: Advanced Recycling Technology, Inc. (340 South Broad Street, Hallam, PA 17406) for construction of an industrial dryer in Hallam Borough, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

OP-53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) for modification of a 3200 horsepower natural gas-fired reciprocating internal combustion engine (Engine #1A) by increasing its horsepower to 4445 horsepower at the Ellisburg Compressor Station in Allegany Township, **Potter County**. This modification will be subject to the Department's new source review requirements.

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:

32663056. Permit Renewal, **Beilchick Brothers** (P. O. Box 7, Heilwood, PA 15745-0007), commencement, operation and restoration of bituminous strip mine in Pine Township, **Indiana County**, affecting 748.0 acres, receiving stream to Little Yellow Creek and unnamed tributaries to Little Yellow Creek, application received May 7, 1999.

11990103. **Paul F. Becker Coal Company** (1593 Old Route 22, Duncansville, PA 16635), commencement, operation and restoration of bituminous strip mine in Elder Township, **Cambria County**, affecting 15.0 acres, receiving stream unnamed tributary to Brubaker Run, application received May 7, 1999.

32930104. Permit Revision, **P & N Coal Company, Inc.** (P. O. Box 332, 240 West Mahoning Street, Punxsutawney, PA 15767) to change the land usage from forestland, pastureland or cropland to unmanaged natural habitat in East Mahoning Township, **Indiana County**, affecting 326.0 acres, receiving streams unnamed tributaries of Rayne Run, Rayne Run and Dixon Run, application received May 10, 1999.

32823070. Permit Revision, **John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711) requesting approval for a land usage of pastureland rather than forestland usage in Banks and Canoe Townships, **Indiana County**, affecting 470.7 acres, receiving streams two unnamed tributaries to Canoe Creek, application received May 7, 1999.

56890102. Permit Renewal for reclamation only, **Svonavec, Inc.** (150 West Union Street, Suite 201, Somerset, PA 15501), for continued restoration of a bituminous strip mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres, receiving stream unnamed tributaries to Casselman River and Casselman River, application received May 10, 1999.

32803053. Permit Renewal for reclamation only, **A & T Coal Company, Inc.** (c/o Vapco Engineering, P. O. Box 327, Punxsutawney, PA 15767), for continued restoration of a bituminous strip mine in Banks Township, **Indiana**

County, affecting 160.0 acres, receiving stream unnamed tributary to South Branch Bear Run, application received May 5, 1999.

56920113. Permit Renewal, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Summit and Elk Lick Townships, **Somerset County**, affecting 106.0 acres, receiving stream unnamed tributaries to Casselman River and Casselman River, application received May 10, 1999.

56990102. **Duppstadt Coal** (2835 Stutzmantown Road, Somerset, PA 15501-8332), commencement, operation and restoration of bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 87.8 acres, receiving stream Tub Mill Run, unnamed tributaries to Casselman River, unnamed tributaries to Laurel Run, application received May 12, 1999.

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

03850105R. **Kent Coal Mining Company** (533 Anthony Run Road, P. O. Box 219, Shelocta, PA 15774). Renewal application received for continued reclamation of a bituminous surface mine located in Kittanning Township, **Armstrong County**. Receiving streams: unnamed tributaries to North Branch of Cherry Run. Renewal application received May 10, 1999.

63743212R. **Washington Energy Processing, Inc.** (P. O. Box 528, Seven Church Street, Lawrence, PA 15055-0528). Renewal application received for continued operation and reclamation of a coal refuse reprocessing site located in Robinson Township, **Washington County**. Receiving stream: unnamed tributary of Little Raccoon Creek. Renewal application received May 10, 1999.

65910111. **Ralph Smith & Son, Inc.** (R. R. 1, Box 184C, Derry, PA 15627). Revision received to change the land use from forestland to pastureland on the lands of the Estate of Frank E. Pikulski on an existing bituminous surface mine located in Salem Township, **Westmoreland County**. Receiving streams: unnamed tributary to Beaver Run Reservoir. Revision application received May 12, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17970118. **Junior Coal Contracting, Inc.** (R. D. 3, Box 225A, Philipsburg, PA 16866), revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 68.5 to 71.6 acres located in Decatur Township, **Clearfield County**. Receiving streams: Shimel Run. Application received May 10, 1999.

17990110. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous surface mine-auger permit, Chest Township, **Clearfield County** affecting 350 acres. The application includes a variance request to mine within 100 feet of an unnamed tributary no. 2 to Chest Creek. Receiving streams: unnamed tributaries of Chest Creek to Chest Creek to West Branch Susquehanna River. Application received May 14, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

63921301. **UMCO Energy, Inc.** (981 Route 917, Bentleyville, PA 15314), to renew the permit for the New Century Mine in Fallowfield Township, **Washington County**, no additional discharges. Application received March 26, 1999.

30831303. **Cyprus Cumberland Resources Corp.** (145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add No. 2A Shaft Site, tributary to Whiteley Creek. Application received April 1, 1999.

32753702. **EME Homer City Generation L.P.** (18101 Von Karman Ave., Suite 1700, Irvine, CA 92612-1046), to renew the permit for the Homer City Refuse Disposal Facility in Center Township, **Indiana County**, no additional discharges. Application received April 20, 1999.

16901602. **Ancient Sun, Inc.** (P. O. Box 129, Main St., Shipperville, PA 16254), to renew the permit for the Ancient Sun Tipple in Ashland Township, **Clarion County**, no additional discharges. Application received April 22, 1999.

30841314. **Eberhart Coal Co.** (R. R. 2, Box 114, Smithfield, PA 15478), to renew the permit for the Titus Mine in Dunkard Township, **Greene County**, no additional discharges. Application received April 28, 1999.

65921601. **Seward Land & Development** (P. O. Box 363, Seward, PA 15954), to revise the permit for the Sugar Run Coal Yard in St. Clair Township, **Westmoreland County**, post mining land use, no additional discharges. Application received April 30, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

E09-784. Encroachment. **Sellersville Borough**, 140 East Church Street, Sellersville, PA 18960. To remove a dilapidated single span reinforced concrete bridge which spans an unnamed tributary to the East Branch of Perkiomen Creek (TSF) and to install and maintain, in its place, a 19-foot wide by 8-foot high reinforced concrete box culvert. This work is associated with the East Church Street Bridge Replacement and Dam Modification Project located approximately 1,500 feet northeast of the intersection of Main Street and East Church Street (Telford,

USGS Quadrangle N: 20.60 inches; W: 8.00 inches) in Sellersville Borough, **Bucks County**.

E51-177. Encroachment. **Tosco Pipeline Maintenance**, 1100 Route 1, Linden, NJ 07036. To reconstruct and maintain two dilapidated concrete foundation supports, situated one on each side of Indian Creek, a tributary of Cobbs Creek (WWF-MF) in Morris Park, for an eight inch diameter aerial pipe line crossing. The new concrete supports will have R-5 riprap protection on all sides. The site is located about 500 feet northeast of the intersection of Lansdowne Avenue and Haverford Avenue (Lansdowne USGS Quadrangle N: 18.00 inches; W: 1.00 inch) in the City and **County of Philadelphia**.

E51-178. Encroachment. **Dockside Assoc., LP**, 1750 Walton Road, Blue Bell, PA 19422. To renovate, operate and maintain the existing pier No. 9 structure which includes improving decking and piles, and to construct and maintain a 16 story project (3 stories of parking and 13 stories of apartments) to be supported by the existing foot print of pier No. 9 situated along the Delaware River. Also used to support the proposed building will be 54-capped piling structures. This site is located just south of Ben Franklin Bridge and along Christopher Columbus Blvd. (AKA Delaware Avenue) (Philadelphia, PA-NJ Quadrangle N: 14.00 inches; W: 2.10 inches) in the City and **County of Philadelphia**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-366. Encroachment. **The Residuary Trust of Andrew Yastishok**, 6500 Chapmans Road, Allentown, PA 18106. To construct and maintain a 36-inch diameter R.C.P. stormwater outfall structure along the left bank of Little Lehigh Creek (HQ-CWF). The project, associated with the Harvest Fields Residential Subdivision, is located south of S. R. 2012 approximately 0.2 miles west of its intersection with S. R. 2017 (Allentown West, PA Quadrangle N: 8.3 inches; W: 7.8 inches), Lower Milford Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E40-523. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To modify and maintain an existing streambank retaining device along the right bank of Kitchen Creek (HQ-CWF), with work including: the removal of a failed portion of the existing Gabion Wall, if required; placement of R-8 rip rap at a slope of 1.5 H:1V along the existing wall; removal of a gravel bar along the left bank, opposite the wall, to compensate for loss of cross-sectional flow area; and construction of a temporary road crossing consisting of seven 600-mm (2.0-foot) CMP culverts covered with clean rock fill. The project will impact approximately 230 linear feet of channel. The project is located along S. R. 4013, Section 301, Segment 0050, Offset 0400, approximately 0.35 mile south of the intersection of S. R. 4013 and T-654 (Red Rock, PA Quadrangle N: 2.0 inches; W: 1.0 inch), Fairmont Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-374. Encroachment. **Richard and Deborah Presco**, 205 Beaver Valley Road, Stroudsburg, PA 18360. To place fill in 0.08 acre of PFO wetlands for the purpose of constructing a private road crossing for agricultural equipment. The project is located approximately 0.1 mile southwest of the intersection of T412 (Haney Road) and T-414 (Beaver Valley Road) (Saylorburg, PA Quadrangle

N: 14.5 inches; W: 3 inches), Hamilton Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-202. Encroachment. **High House Oil Company**, 333 Erie Street, Honesdale, PA 18431. To maintain fill which was placed in the floodway along approximately 130 linear feet of the left bank of Holbert Creek (HQ-CWF, MF), for the construction of a 3-bay carwash. The project is located immediately upstream of S. R. 0006 (White Mills, PA Quadrangle N: 9.8 inches; W: 13.5 inches), Texas Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

Southcentral Region: Section Chief, Department of Environmental Protection, Southcentral Regional Office, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E06-524. Encroachment. **Womelsdorf Sewer Authority**, R. R. 2, Box 22, Womelsdorf, PA 19567. To construct and maintain a 6 inch waterline across the channel of a tributary to Tulpehocken Creek at a point immediately upstream of its mouth (Womelsdorf, PA Quadrangle N: 22.25 inches; W: 8.4 inches) in Heidelberg Township, **Berks County**.

E50-196. Encroachment. **Department of Conservation Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. To place approximately 140 feet of riprap along the channel of the North Branch of Laurel Run (EV) at a point along Laurel Run Road (Newburg, PA Quadrangle N: 22.6 inches; W: 4.2 inches) for the purpose of stopping streambank erosion in Toboyne Township, **Perry County**.

E67-663. Encroachment. **PA Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a prestressed concrete I-beam bridge having a clear span of 75 feet at a skew angle of 37° and an underclearance of 13.4 feet over Otter Creek (CH 93-CWF) on SR 2020, Section 001, Segment 0080, Offset 1829, Station 4+51.22 (Gum Tree Road) for the purpose of roadway improvements and to excavate the stream channel for approximately 150 linear feet at the proposed location 160 feet upstream of its existing location approximately 0.75 mile south of Burkholder Road (Safe Harbor, PA Quadrangle N: 2.8 inches; W: 5.4 inches) in Chanceford Township, **York County**. The project impacts 0.036 acre of wetland.

E67-664. Encroachment. **Basil A. Shorb, III, c/o Triple M. Associates**, P. O. Box 269, York, PA 17405. To place fill in 0.25 acre of wetlands and to inundate 0.47 acre of wetlands for the purpose of constructing a pond to be located 1,700 feet west of Clearview Road south of Schoolhouse Road (Abbotstown, PA Quadrangle N: 21.5 inches; W: 4.5 inches) in Dover Township, **York County**. The permittee is required to provide 0.72 acre of replacement wetlands.

E67-665. Encroachment. **Hantz Enterprises, Inc.**, Clark Drenning, 2157 Bayberry Lane, York, PA 17403. To place fill in 0.20 acre of wetlands for the purpose of constructing a stormwater management facility for the Orchard Ridge subdivision located east of Maple Drive and southwest of I-83 (York, PA Quadrangle N: 12.8 inches; W: 12.8 inches) in York Township. The permittee will construct 0.20 acre of replacement wetlands.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E08-347. Encroachment. **PA Department of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing bridge and to construct and maintain a one span reinforced concrete box culvert having a normal span of 7.62 m and a minimum effective underclearance of 1.67 m in an unnamed tributary to Towanda Creek located on S. R. 14 at Segment 60 Offset 337 located 3.571 km north of the Village of Grover (Canton, PA Quadrangle N: 1.4 inches; W: 16.5 inches) in Canton Township, **Bradford County**. This project proposes to construct a temporary stream crossing and a temporary channel change to temporarily impact 100 m of an unnamed tributary to Towanda Creek and to permanently impact 17 m of an unnamed tributary to Towanda Creek, which is designated a Cold Water Fishery.

E17-330. Encroachment. **Michael Joseph Development Corp.**, P. O. Box 1198, Wexford, PA 15090-1198. The applicant is seeking authorization to place and maintain fill in 0.62 acre of palustrine emergent and palustrine scrub shrub wetlands in order to construct a ~37.8 acre retail shopping center. The center would include a 110,500 square foot home improvement center, 50,000 square foot super market, 23,500 square foot office supply building, six 3,200 square foot buildings and necessary access drives and parking areas. The project is located at the intersection of 1st Avenue and Shaffer Road off Route 255 in Dubois, **Clearfield County** (Luthersburg, PA Quadrangle N: 22.7 inches; W: 14.6 inches). A 0.7 acre replacement wetland is proposed onsite.

E18-268. Encroachment. Jack Lucido, Senior Vice President, **Independence Pipeline Company**, 500 Renaissance Center, Detroit, MI 48243-1904. The applicant proposes to install, operate and maintain a 36-inch diameter high pressure pipeline beneath an unnamed tributary to Lock Branch (Exceptional Value), Lock Branch (Exceptional Value), Daugherty Run (High Quality—Trout Stocked Fishery), Kettle Creek (Exceptional Value), Turtle Branch (High Quality—Trout Stocked Fishery); and wetlands associated with these respective streams for the conveyance of natural gas. The 36-inch natural gas pipeline shall be installed within the stream in the dry and at a minimum depth 3.0-feet that will impact 136 linear feet of waterway and temporarily impact 0.12 acre of wetland. The project is located beginning approximately 2,000 feet north of Tamarack off Route 144 and proceeds in a northwesterly direction, the centroid of which is (Hammersley Fork, PA Quadrangle N: 14.3 inches; W: 0.9 inch) in Leidy Township, **Clinton County**. All impacts to the 0.12-acre of wetland shall be temporary and no mitigation will be required.

The issuance of a Water Obstruction and Encroachment Permit that would authorize the proposed activity requires 401 Water Quality Certification to be included into the permit.

As a single and complete project, the installation of the 36-inch pipeline will traverse Northwestern and North-central Pennsylvania. The entire pipeline spans 397.4 miles. The project has been deemed as a "Reporting" action to the U. S. Army Corps of Engineers, Baltimore District, and does not warrant consideration for PASPGP-1.

Lock Branch designated as Exceptional Value by the Department's November 1998 Chapter 93 Regulations. The project should be carried out in accordance with "Special Protection" guidelines.

The unnamed tributary to Lock Branch is designated as Exceptional Value by Department's November 1998 Chap-

ter 93 Regulations. The project should be carried out in accordance with "Special Protection" guidelines.

Daugherty Run is designated as a High Quality Trout Stocked Fishery by the Department's November 1998 Chapter 93 Regulations. The project should be carried out in accordance with "Special Protection" guidelines.

Kettle Creek is designated as Exceptional Value by the Department's November 1998 Chapter 93 Regulations. The project should be carried out in accordance with "Special Protection" guidelines.

Turtle Branch is designated as a High Quality Trout Stocked Fishery by the Department's November 1998 Chapter 93 Regulations. The project should be carried out in accordance with "Special Protection" guidelines.

The proposed pipeline crossings are not located in a detailed FEMA floodway that would be depicted on the NFIP mapping that was effective for Leidy Township on December 20, 1974.

E18-270. Encroachment. **Clinton County Solid Waste Authority**, Wayne Township Landfill, P. O. Box 209, SR 1005, Landfill Lane, McElhattan, PA 17748-0209. To maintain an existing 8 inch diameter HDPE gas pipeline connected to the deck of an existing abandoned railroad bridge over the West Branch Susquehanna River approximately 0.4 mile north of the intersection of SR 2012 with T-425 (Jersey Shore, PA Quadrangle N: 7.3 inches; W: 11.7 inches) in Wayne Township, **Clinton County**. The project will not impact on wetlands while impacting approximately 10 feet of waterway. The West Branch Susquehanna River is a Warm Water Fisheries river.

E18-271. Encroachment. **City of Lock Haven**, Richard Marcinkevage, 20 East Church Street, Lock Haven, PA 17745-2599. To place and maintain a 42 feet by 20 feet floating stage, two deadman located off the Northwest and Southwest corners, and two vertical channels anchored in concrete, during the months of May 15, through November 1 annually on the Susquehanna River located at the intersection of Jay and Water Streets at the amphitheater (Lock Haven Quadrangle PA N: 2.4 inches; W: 9.06 inches) in Lock Haven City, **Clinton County**. This project proposes to impact 840 square feet of the Susquehanna River which is designated a Warm Water Fishery and does not propose to impact any wetlands.

E19-190. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. To repair, operate and maintain the existing bridge that carries SR 2005, Segment Offset 0030/1208 across an unnamed tributary to Roaring Creek: a cold water fishery. The repair work shall consist of installing concrete bridge abutment jackets and paving of the stream bed with a maximum of 6 inches of concrete over a maximum length of 42 feet. The stream bed paving and abutment repair work will not impact wetlands while impacting 62 feet of waterway that is located along the eastern right-of-way of SR 0042 approximately 596 feet south of T-379 and SR 2005 intersection (Catawissa, PA Quadrangle N: 9.6 inches; W: 6.3 inches) in Locust Township, **Columbia County**. The repair work shall also include the installation of concrete baffles to ensure fish migration over the paved stream bed.

E41-448. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a one span, pre-stressed concrete, box beam bridge with a span of 36 feet and minimum underclearance of 4 feet across Carpenters Run on SR

2034, Section 005 approximately 0.2 mile west of T-853 (Muncy, PA Quadrangle N: 21.2 inches; W: 7.5 inches) in Muncy Township, **Lycoming County**. Estimated stream disturbance is 75 feet; stream classification is WWF.

E53-329. Encroachment. **Jay and Jenny Bright**, 111 Avenue A, Coudersport, PA 16915. To construct and maintain a steel I beam bridge with wood decking 15 feet wide by 16 feet long with a maximum underclearance of 4 feet over North Hollow Run for access to private residential property located approximately 1 mile north of the intersection of North Hollow Road and Route 6 (Sweden Valley, PA Quadrangle N: 6.8 inches; W: 11.4 inches) in Eulalia Township, **Potter County**. This project will not impact on wetlands while impacting 40 feet of waterway. North Hollow Creek is a Cold Water Fisheries stream.

E53-330. Encroachment. **Department of Conservation and Natural Resources**, Bureau of Facility and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing bridge and to construct and maintain a bridge with a 40-foot span and a 4-foot underclearance across the Germania Branch of Kettle Creek located immediately upstream of the confluence of Kortz Run and Germania Branch (Oleana, PA Quadrangle N: 21.5 inches; W: 1.6 inches) Abbott Township, **Potter County**. This project proposes to insignificantly impact 13 linear feet of Germania Branch of Kettle Creek, which is designated an Exceptional Value—Wild Trout Stream.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1272. Encroachment. **Marriott Senior Living Service, Inc.**, Marriott Drive, Washington, DC 20058. To place and maintain fill in a de minimis area of wetlands adjacent to an unnamed tributary to Little Pine Creek (TSF) for the purpose of constructing the Marriott Senior Living Facility located on the north side of Harts Run Road, just west from the intersection of Harts Run Road and Dorseyville Road (Glenshaw, PA Quadrangle N: 8.5 inches; W: 3.8 inches) in Indiana Township, **Allegheny County**.

E11-275. Encroachment. **Central Cambria Drilling Company**, P. O. Box 207, Ebensburg, PA 15931. To place and maintain fill in 0.94 acre of PEM wetland and construct 1.1 acres of PEM wetland replacement for the purpose of future property development with self storage units. The project is located off of U. S. Route 22, approximately 0.25 mile west of its intersection with U. S. Route 219 (Nanty Glo, PA Quadrangle N: 15.6 inches; W: 3.1 inches) in Cambria Township, **Cambria County**.

DAM SAFETY

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D06-480A. Dam. **E. Kuser, Inc.** (150 Grings Hill Road, Sinking Spring, PA 19608). To modify, operate and maintain the Grings Hill Detention Basin Dam across a tributary to Klimes Creek (CWF), impacting 475 feet of stream for the purpose of stormwater detention as part of proposed S. R. 0222, Section 002, of the Warren Street

Extension Project (Sinking Spring, PA Quadrangle N: 7.7 inches; W: 1.7 inches) in Cumru Township, **Berks County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA14-004C0. Environmental Assessment. **Charles J. Weyandt** (P. O. Box 118, Julian, PA 16844). To operate and maintain a nonjurisdictional dam in the watershed of Laurel Run (EV) for the purpose of recreation and fire protection located approximately 3,000 feet northwest of the intersection of Beaver Run Road (S. R. 3032) and Dicks Run Road (S. R. 3030) (Bear Knob, PA Quadrangle N: 2.15 inches; W: 14.75 inches) in Huston Township, **Centre 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.

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

A. WA 10-1002. Water Allocation. **The Municipal Authority of Adams Township**, 170 Hutchman Road, Mars, PA 16046. Newly created general purpose Authority requesting the right to purchase 150,000 gpd from the Borough of West View, West View Authority, Allegheny County, PA. This subsidiary application request is to ensure an adequate water supply to customers in a section of Adams Township, **Butler 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.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 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, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

NPDES Permit No. PA 0011096. Sunoco, Inc. (R&M), P. O. Box 426, Marcus Hook, PA 19061-0426, Borough of Marcus Hook, **Delaware County**.

The following notice reflects changes to the notice published in the February 27, 1999, *Pennsylvania Bulletin*:

The Outfall 010 is removed from the permit because the outfall is located offsite. The permittee name is changed to Sunoco, Inc. (R&M).

WQM Permit No. 0998415. Sewerage. Warrington Township and The Cutler Group, 852 Easton Road, Warrington, PA 18976. Approval to rerate the Tradesville WWTP to handle 0.33 mgd as an average monthly flow located in Warrington Township, **Bucks County**.

WQM Permit No. 4698436. Sewerage. Upper Dublin Township, 801 Loch Alsh Avenue, Fort Washington, PA 19034. Approval for the construction/modification of the Upper Dublin Township STP located in Upper Dublin Township, **Montgomery County**.

NPDES Permit No. PA0011096. Industrial Waste. Sunoco, Inc. (R & M) P. O. Box 426, Marcus Hook, PA 19061-0426 is authorized to discharge from a facility located at the Marcus Hook Refinery, located in the Borough of Marcus Hook, **Delaware County** into Baldwin Run, Middle Creek and Delaware River Estuary Zone 4.

NPDES Permit No. PA0057495. Industrial Waste. Sun Company, Inc. 10 Penn Center, 20th Floor, 1801 Market Street, Philadelphia, PA 19103 is authorized to discharge from the Former Sunoco Station No 0004-8413 located in Uwchlan Township, **Chester County** into Pine Creek.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

NPDES Permit No. PA-0063169. Industrial waste. Pocono Foods, Inc. Route 611, Mount Bethel, PA 18343 is authorized to discharge from a facility located in Upper Mount Bethel Township, **Northampton County**, to Allegheny Creek.

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

NPDES Permit No. PA0092223. Industrial waste. BASF Corporation, 370 Frankfort Road, Monaca, PA 15061-2296 is authorized to discharge from a facility located at Monaca Plant, Potter Township, **Beaver County** to receiving waters named Raccoon Creek—001, 002 and 003 and Ohio River—004.

NPDES Permit No. PA0098132. Industrial waste. Garrett Borough, P. O. Box 218, Garrett, PA 15542 is authorized to discharge from a facility located at the Garrett Borough Water Facilities, Summit Township, **Somerset County** to receiving waters named Casselman River.

NPDES Permit No. PA0020702. Sewage. Municipal Authority of the Borough of Fayette City, P. O. Box 552, Fayette City, PA 15438, is authorized to discharge from a facility located at Fayette City Wastewater Treatment Plant, Fayette City Borough, **Fayette County**.

NPDES Permit No. PA0027651. Sewage. West Newton Borough, 112 South Water Street, West Newton, PA 15089 is authorized to discharge from a facility located at West Newton Borough Sewage Treatment Plant, West Newton Borough, **Westmoreland County** to receiving waters named Youghiogheny River.

NPDES Permit No. PA0031691. Sewage. Audrey Jean Lynn, R. D. 3, Box 321, Belle Vernon, PA 15012 is authorized to discharge from a facility located at Curt Lynn Trailer Court Sewage Treatment Plant, Rostraver Township, **Westmoreland County** to receiving waters named Cedar Creek.

NPDES Permit No. PA0032271. Sewage. DCNR—Bureau of State Parks, Keystone State Park, R. R. 2, Box 101, Derry, PA 15627-9617 is authorized to discharge from a facility located at Keystone State Park Sewage Treatment Plant and Water Treatment Plant, Derry Township, **Westmoreland County** to receiving waters named McCune Run—Outfall 001, Keystone Lake—Outfall 002.

NPDES Permit No. PA0040843. Sewage. Lutheran Camp Association, Inc., P. O. Box 245, Jennerstown, PA 15547 is authorized to discharge from a facility located at Camp Sequanota Sewage Treatment Plant, Jenner Township, **Somerset County** to receiving waters named Unnamed Tributary of Pickings Run.

NPDES Permit No. PA0042242. Sewage. Sewickley Hills—Kilbuck Run Sanitary Authority, P. O. Box 283, Sewickley, PA 15143 is authorized to discharge from a facility located at Sewickley Hills—Kilbuck Run STP, Sewickley Hills Borough, **Allegheny County** to receiving waters named unnamed Tributary of Kilbuck Run, Kilbuck Run (after relocation of discharge).

NPDES Permit No. PA0043869. Sewage. North Hempfield Volunteer Fire Company, RR 15, Box 200, Greensburg, PA 15601 is authorized to discharge from a facility located at North Hempfield Volunteer Fire Company STP, Hempfield Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Brush Creek.

NPDES Permit No. PA0093335. Sewage. Louis and Ilona Yenich, 105 Hutchinson Road, Apt. 1, West Newton, PA 15089-3063 is authorized to discharge from a facility located at 770 West Newton Road, Sewickley Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Sewickley Creek.

NPDES Permit No. PA0094382. Sewage. Greensburg-Salem School District, 11 Park Street, Greensburg, PA 15601 is authorized to discharge from a

facility located at Metzgar Elementary School STP, Salem Township, **Westmoreland County** to receiving waters named Loyalhanna Lake.

NPDES Permit No. PA0205338. Sewage. **Timothy and Linda Brunatti**, 48 Brallier Drive, Ligonier, PA 15658 is authorized to discharge from a facility located at Brunatti Single Residence Sewage Treatment Plant, Ligonier Township, **Westmoreland County**.

NPDES Permit No. PA0218065. Sewage. **Roxcoal, Inc.**, P. O. Box 149, 1576 Stoystown Road, Friedens, PA 15541 is authorized to discharge from a facility located at Roxcoal, Inc. North Branch Mine Sewage Treatment Plant, T-565 and T-854, Green Township, **Indiana County** to receiving waters named Unnamed Tributary North Branch Two Lick Creek.

NPDES Permit No. PA0218103. Sewage. **Worthington-West Franklin Municipal Authority**, P. O. Box O, Worthington, PA 16262 is authorized to discharge from a facility located at Worthington STP, West Franklin Township, **Armstrong County** to receiving waters named Buffalo Creek.

Permit No. 0375403-A1. Industrial. **Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15609-1689. Installation of an ultra violet disinfection system located in Washington Township, **Armstrong County** to serve the Armstrong Power Station.

Permit No. 6596202-A1. Industrial. **Campbell's Ultra Service Center**, 1111 Claypike Road, North Huntingdon, PA 15642. Construction of an activated carbon treatment system located in North Huntingdon Township, **Westmoreland County** to serve Berton's Spring.

Permit No. 0272419-A3. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. Installation of a dechlorination facility located in Hampton Township, **Allegheny County** to serve the Pine Creek STP.

Permit No. 0299406. Sewerage. **Borough of Pleasant Hills**, 410 East Bruceton Road, Pleasant Hills, PA 15236-4500. Construction of a sewer interceptor located in the Borough of Pleasant Hills, **Allegheny County** to serve East Bruceton Road.

Permit No. 0299403. Sewerage. **Michael and Dawna Raimondi**, 464 Coal Pit Run Road, Bridgeville, PA 15017. Construction of a single residence sewage treatment plant located in South Fayette Township, **Allegheny County** to serve the Raimondi Residence.

Permit No. 0381401-T1-A1. Sewerage. **Kittanning Care Center**, R. D. 1, Route 422 East, Kittanning, PA 16201. Construction of an equalization tank located in Manor Township, **Armstrong County** to serve the Kittanning Care Center STP.

Permit No. 461S37-A1. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. Installation of a dechlorination facility located in McCandless Township, **Allegheny County** to serve the A & B STP.

Permit No. 464S14-A1. Sewerage. **Yough School District**, 99 Lowber Road, Herminie, PA 15637. Installation of a 4,000 gallon aerated sludge holding tank located at Sewickley Township, **Westmoreland County** to serve the Yough Senior High School STP.

Permit No. 467S028-A2. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. Installation of a dechlorina-

tion facility located in McCandless Township, **Allegheny County** to serve the Longvue No. 1 STP.

Permit No. 5699401. Sewerage. **Borough of Berlin**, P. O. Box 115, 700 North Street, Berlin, PA 15530-0115. Construction of sewer interceptor located at Berlin Borough, **Somerset County** to serve the Valley Road and North Street.

Permit No. 6369406-A3. Sewerage. **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. Installation of a dechlorination-post aeration facility located at Peters Township, **Washington County** to serve the Brush Run Water Pollution Control Plan.

Permit No. 6599401. Sewerage. **Allegheny Township Municipal Authority**, 136 Community Building, Leechburg, PA 15656. Construction of a pump station, conveyance facility located at Allegheny Township, **Westmoreland County** to serve the Pleasant View Phase II Development.

Permit No. 6599404. Sewerage. **Milcho Silianoff**, RR4, Route 22, Greensburg, PA 15601. Construction of a single residence sewage treatment plant located at Salem Township, **Westmoreland County** to serve the Silianoff Property.

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

WQM Permit No. 1099402. Sewage. **Squaw Valley Woodlands**, 221 Byron Center Road, Emlenton, PA 16373. This project is for the construction and operation of a proposed wastewater treatment facility located in Allegheny Township, **Butler County**.

NPDES Permit No. PA0222801. Sewerage. **Sarah Heinz House**, 934 East Ohio Street, Pittsburgh, PA 15212 is authorized to discharge from a facility located in Wayne Township, **Lawrence County** to Slippery Rock Creek.

NPDES Permit No. PA0210790. Industrial Waste. **West Penn Plastic, Inc.**, Route 422 W, R. D. 8, Box 801, New Castle, PA 16101 is authorized to discharge from a facility located in Union Township, **Lawrence County** to the Shenango River.

NPDES Permit No. PA0220736. Sewerage. **Flying "W" Ranch**, HC 2, Box 150, Tionesta, PA 16353 is authorized to discharge from a facility located in Kingsley Township, **Forest County** to an unnamed tributary to Church Run.

NPDES Permit No. PA0222721. Sewerage. **Squaw Valley Woodlands**, 221 Byron Center Road, Emlenton, PA 16373 is authorized to discharge from a facility located in Allegheny Township, **Butler County** to an unnamed tributary to Carrs Run.

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 any 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.

Section Chief, Southcentral Regional Office, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PAS-10-0620. Individual NPDES, **Northern Blair Regional Sewer Authority**, RR4, Box 236A, Tyrone, PA 16686. To Implement an Erosion and Sedimentation Control Plan for construction of about 10.5 miles of sanitary sewer line and all other associated facilities on 33 acres in Snyder Township, **Blair County**. The project is located along SR 0220 from about 2 miles north of Bald Eagle to about 1 mile south of Vail (Tyrone, PA Quadrangle N: 17.5 inches; W: 8.3 inches). Drainage will be to Bald Eagle Creek.

PAS-10-C039. Individual NPDES, **Cornell Corrections, Inc.**, 4801 Woodway, Suite 100E, Houston, TX 77056-1805. To Implement an Erosion and Sedimentation

Control Plan for the construction of a juvenile treatment facility on 61.8 acres in New Morgan Borough, **Berks County**. The project is located east of Route 176 approximately 2.8 miles north of Morgantown (Morgantown, PA Quadrangle N: 11.8 inches; W: 5.9 inches). Drainage will be to Hay Creek and the Conestoga River.

PAS-10-M102. Individual NPDES, **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To Implement an Erosion and Sedimentation Control Plan for the road widening of I-76 starting from mile post MP 187.21 to MP 198.5 on 363 acres in Metal, Lurgan and Fannett Townships, **Franklin County**. The project is located in I-76 starting from mile post MP 187.21 to MP 198.5 from (Doyleburg, PA Quadrangle N: 15.8 inches; W: 12.0 inches) to (Fannettsburg, PA Quadrangle N: 4.5 inches; W: 5.0 inches). Drainage will be to Trout Run, West Branch Conococheague Creek and its Tributaries.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S071	Brier Crest Woods, P.O.A. P. O. Box 236 Blakeslee, PA 18610	Monroe County Tunkhannock Township	Tributary to Tunkhannock Creek
PAS10S056-1	Connaught Laboratories Route 611, P. O. Box 187 Swiftwater, PA 18370	Monroe County Pocono Township	Swiftwater Creek
PAS10Q170	Winchester Road Limited Partnership The Paragon Centre 1611 Pond Rd., Suite 201 Allentown, PA 18109	Lehigh County South Whitehall Township	Little Lehigh Creek
PAS10Q169	Weiss Markets, Inc. 1000 S. Second St. Sunbury, PA 17801	Lehigh County Lower Macungie Township	Little Lehigh Creek
PAS10Q172	Bethlehem Area School Dist. 1516 Sycamore St. Bethlehem, PA 18017	Lehigh County City of Bethlehem	Monocacy Creek
PAS10S071	Brier Crest Woods Property Owners Association P. O. Box 236 Blakeslee, PA 18610	Monroe County Tunkhannock Township	Tributary to Tunkhannock Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

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 arrangement made for copying at the contact office noted.

*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

<i>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>
Lower Providence Township Montgomery County	PAR10-T521	Valley Forge Equities, Inc. P. O. Box 940, Valley Forge, PA 19482	Unnamed Tributary to Schuylkill River	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR10-T503	Upper Merion Area School District 435 Crossfield Drive, King of Prussia, PA	Tributary to Crow Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Chadds Ford Township Delaware County	PAR10-J120	Ahold Real Estate Company 950 East Paces Ferry Road Atlanta, GA 30326	Brandywine Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Ridley Township Delaware County	PAR10-J146	Ridley School District 1001 Morton Avenue Folsom, PA 19033	Little Crum Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Centre County Ferguson Township	PAR10F087	Centre Analytical Laboratorie 3048 Research Drive State College, PA 16801	Slab Cabin Run	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823
Robeson Township Berks County	PAR-10-C269	Willow Springs Phase II & III Robert L. Deeds R. R. 3, Box 2227 Birdsboro, PA 19508	Seidel Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Derry Township Dauphin County	PAR-10-I190	HERCO, Inc. 300 Park Boulevard Hershey, PA 17033	Spring Grove East	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

NOTICES

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<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>
West Hanover Township Dauphin County	PAR-10-I195	Cleveland Brothers Equipment P. O. Box 2535 5300 Paxton Street Harrisburg, PA 17105	Beaver Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAR-10-I189	E. G. "Ned" Montgomery 811 South Progress Avenue Harrisburg, PA 17111	Spring Creek West	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAR-10-I182	Richard Yingst 7100 Fishing Creek Road Harrisburg, PA 17112	Beaver Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAR-10-I183	West Hanover Development LLC 2100 West Harrisburg Pike Middletown, PA 17057	Manada Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Lampeter Township Lancaster County	PAR-10-O-372	High Associates, Ltd. 1853 William Penn Way Lancaster, PA 17605	Stauffer Run	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361
South Annville Township Lebanon County	PAR-10-P101	Weaber Log Storage Area Walter H. Weaber Sons, Inc. R. R. 4, Lebanon, PA 17042	Gingrich Run	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
Penn Township Perry County	PAR-10-5127	Ralph Lesh III P. O. Box 320 Newport, PA 17074	UNT Juniata Little Creek	Perry County CD P. O. Box 36 (31 W. Main St.) New Bloomfield, PA 17068 (717) 582-8988

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>
Allegheny County City of Pittsburgh	PAR116107	Tippins International, Inc./Tippins Incorporated 1090 Freeport Road Pittsburgh, PA 15238	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Etna Borough	PAR116108	Tippins Incorporated 435 Butler Street Etna, PA 15223	Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
Westmoreland County Youngwood Borough	PAR116118	DME Company Hillis Street Extension P. O. Box F Youngwood, PA 15697	Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Ambridge Borough	PAR206108	WorldClass Processing, Inc. 21 Century Drive Ambridge, PA 15003-2549	Big Sewickley Creek (Outfall 001) Ohio River (Outfalls 002 & 003)	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County South Fayette Township	PAG046170	Michael and Dawna Raimondi 464 Coal Pit Run Road Bridgeville, PA 15017	Coal Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Salem Township	PAG046177	Milcho Silianoff R. R. 4, Route 22 Greensburg, PA 15601	Tributary to Whitehorn 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>
Martinsburg Borough Blair County	PAG-08-3511 PAG-08-3512	Altoona City Authority 3172 Route 764 Duncansville, PA 16635-7800	William Replagle Farm R. R. 1, Box 152 Martinsburg, PA 16692	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**LAND RECYCLING AND ENVIRONMENTAL
REMEDATION****Under Act 2, 1995****Preamble 2****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 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 non-residential exposure fac-

tors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

National Publishing Co. (Former), City of Philadelphia, **Philadelphia County.** Kristopher A. Saum, Entrix,

Inc., 246 Main Street, 2nd Floor, Walpole, MA 02081, has submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health standard.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

CKE Rectifier Division, White Township, **Indiana County**. CKE, Inc., 2866 Route 422 West, Indiana, PA 15701 and Alan D. Halperin, P. G., D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the site specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediations Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program

Provisions of 25 Pa. Code § 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 remediation standards of the Land Recycling and Environmental Remediations Standards Act (Act). Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remediation investigation report, risk assessment report, and cleanup plan. A remediation 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 of Environmental Protection has acted upon the following plans and reports:

Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Avondale Manufactured Gas Plant Site, Avondale Borough, **Chester County**. Michael F. Heisler, P. E., PECO Energy Company Environmental Affairs, P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted a Cleanup Plan concerning remediation of site soils and groundwater contaminated with heavy metals, BTEX and polycyclic aromatic hydrocarbons. The cleanup plan was approved by the Department on May 4, 1999.

Brandywine Realty, II, Inc., Property, UST Area, Concord Township, **Delaware County**. Carl J. Bones, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, has submitted a Final Report concerning remediation of site soils contaminated with polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 3, 1999.

Proietto Residence, Borough of Conshohocken, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals and solvents. The Final Report demonstrated attainment of the Statewide Health standard and was approved by the Department on May 5, 1999.

East Norriton Shopping Center, East Norriton Township, **Montgomery County**. Edward H. Prout, Jr., American Resource Consultants, Inc., P. O. Box 2227, Doylestown, PA 18901, has submitted a revised Final Report concerning remediation of site soils contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health and background standards and was approved by the Department on April 21, 1999.

Irma Stoltzfus, Estate of Irma Stoltzfus, CIF Partners Ltd. and Coatesville Area School District, Valley Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 1232 Forty Foot Road, Kulpville, PA 19443-1345, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals and pesticides. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 12, 1999.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Regional Office, Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.

101165. Barner Landfill, **Mifflin County Solid Waste Authority** (US Route 522 North, Box 1196, Lewistown, PA 17044). Application for modification to Barner 2 and 3

landfill areas site in Derry Township, **Mifflin County**. Permit issued in the Regional Office May 10, 1999.

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

Southcentral Regional Office, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No 603039. Ruben Nolt Farm, Fischer's Sanitary Service, 482 East Main Street, Kutztown, PA 19530. The permit has been revoked at the request of the permittee for a site in Maxatawny and Longswamp Townships, **Berks County**. Permit revoked in the Regional Office May 7, 1999.

**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.

GP3-06-3054. Martin Stone Quarries, Inc. (P. O. Box 310, Bechtelsville, PA 19505) issued for construction and operation of a portable nonmetallic mineral crushing plant at the Bechtelsville Quarry in Colebrookdale Township, **Berks County**.

GP3-22-03031. HQ, 99th RSC (Five Lobaugh Street, Oakdale, PA 15071-5001) issued for construction and/or operation of a portable limestone processing plant in East Hanover Township, **Dauphin County**.

GP3-22-03032. HQ, 99th RSC (Five Lobaugh Street, Oakdale, PA 15071-5001) issued for construction and/or operation of a portable limestone processing plant in East Hanover Township, **Dauphin County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

GP-25-268. STERIS Corp. (2424 West 23rd Street, Erie, PA 16506) issued May 14, 1999, for operation of a natural gas fired boiler in Erie, **Erie 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.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

05-302-013. Blue Triangle Hardwoods, Inc. (P. O. Box 249, Everett, PA 15537) issued May 11, 1999, for a wood fired, fluidized bed boiler controlled by a mechanical collector in West Providence Township, **Bedford County**.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

TVOP-18-00004. Armstrong World Industries, Inc. (P. O. Box 405, Beech Creek, PA 16822) issued May 10, 1999, for sources used in the production of printed vinyl

and polypropylene coated paper substrates in Beech Creek Township, **Clinton County**.

TVOP-47-00005. Geisinger Medical Center (100 North Academy Avenue, Danville, PA 17822) issued May 10, 1999, for operation of a hospital/medical/infectious waste incinerator (HMIWI), natural gas and two oil-fired boilers, emergency generators, and other miscellaneous combustion sources in Danville, **Montour County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

OP-62-142. Salem Tube, Inc. (951 Fourth Street, Greenville, PA 16125) for VOC sources in Greenville, **Mercer County**.

PA-10-220A. ESM II, Inc. (130 Myoma Road, Valencia, PA 16059) issued May 31, 1999, for dry materials transfer stations in Adams Township, **Butler County**.

PA-25-957A. Hanes Erie, Inc. (2733 West 11th Street, Erie, PA 16505) issued May 31, 1999, for a spray booth in Millcreek Township, **Erie County**.

PA-25-978A. National Fabricators & Machining, Inc. (9209 West Main Street, North East, PA 16428) issued May 30, 1999, for a heat stress oven in North East, **Erie County**.

City of Philadelphia, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.

S96-007. St. Christopher's Hospital for Children (Erie Avenue & Front Street, Philadelphia, PA 19134) issued May 14, 1999, for operation of three ≤500 HP boilers and three emergency generators in the City of Philadelphia.

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.

PA-15-0002C. Quebecor Printing Atglen, Inc. (4581 Lower Valley Road, Atglen, PA 19310) issued May 11, 1999, for operation of hard chrome electroplating baths in West Sadsbury Township, **Chester County**.

PA-46-0155. Sermatech International, Inc. (155 South Limerick Road, Limerick, PA 19468) issued May 11, 1999, for operation of three paint spray booths in Limerick Township, **Montgomery County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-1007S. Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) issued May 7, 1999, for construction of a strip finish mill fabric collector at the Reading Plant in Reading, **Berks County**. This source is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

20-318-009A. Andover Industries, BMPI Meadville Division (Route 2, Dunham Road, Meadville, PA 16335)

issued May 5, 1999, for modification of paint spray booth #1 in Vernon Township, **Crawford County**.

20-318-012A. Andover Industries, BMPI Meadville Division (Route 2, Dunham Road, Meadville, PA 16335) issued May 5, 1999, for modification of paint spray booths #4, #5, #6, and #7 in Vernon Township, **Crawford County**.

PA-10-047C. Mine Safety Appliances Co. (1420 Mars Evans City Road, Evans City, PA 16033) issued May 5, 1999, for construction of two rubber bonding rooms in Forward Township, **Butler County**.

PA-46-0025A. Lonza, Inc. (900 River Road, Conshohocken, PA 19428) issued May 17, 1999, for operation of four prescrubbers in Upper Merion Township, **Montgomery County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-042A. Keystone Aluminum, Inc. (126 Myoma Road, Mars, PA 16046) issued May 30, 1999, for a scrap shredder in Adams Township, **Butler County**.

PA-25-197A. Erie Bronze and Aluminum Co. (6300 West Ridge Road, Erie, PA 16505) issued April 30, 1999, for two induction furnaces in Fairview, **Erie County**.

PA-25-920B. Waste Management of PA, Inc.—Lake View Landfill (851 Robison Road East, Erie, PA 16509) issued May 31, 1999, for a landfill gas to electric generation facility in Summit Township, **Erie County**.

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4401—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

56940101. Permit Renewal, **Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 205.9 acres, receiving stream three unnamed tributaries to Buffalo Creek and Buffalo Creek, application received March 17, 1999, issued May 10, 1999.

32980105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous surface mine and auger strip mine in Center Township, **Indiana County**, affecting 81.5 acres, receiving stream UNT to Tearing Run, application received April 17, 1998, permit issued May 11, 1999.

56803089. Permit Renewal, **PBS Coals, Inc.** (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541), continued operation and restoration of bituminous strip-auger and coal refuse disposal mine in Shade Township, **Somerset County**, affecting 249.0 acres, receiving stream to Coal Run and to Little Dark Shade Creek, application received March 8, 1999, issued May 14, 1999.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Coal Permits Issued:

03930107R. B & B Coal Mining, Inc. (RR 6, Friendship Plaza, Kittanning, PA 16201), Renewal permit issued for continued reclamation of a bituminous surface auger mine located in Wayne and West Mahoning Townships, **Armstrong and Indiana Counties**, affecting 71.7 acres. Receiving streams: Mahoning Creek and unnamed tributaries to Mahoning Creek. Renewal application received February 11, 1999. Renewal permit issued May 12, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

03841302. Canterbury Coal Co. (R. D. 1, Box 119, Avonmore, PA 15618), to revise the permit for the DiAnne Mine in Kiskiminetas Township, **Armstrong County** to add underground acreage and extend subsidence control boundary, no additional discharges. Permit issued April 28, 1999.

30841316. Consol PA Coal Co. (P. O. Box 174, Graysville, PA 15377), to revise the permit for the Bailey Mine in Richhill Township, **Greene County**, train load out/fill/weight station, 3.2 additional surface acres, no additional discharges. Permit issued April 29, 1999.

30831303. Cyprus Cumberland Resources Corp. (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to renew the permit for the Cumberland Mine in Whiteley Township, **Greene County**, no additional discharges. Permit issued May 6, 1999.

30831303. Cyprus Cumberland Resources Corp. (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add surface and underground permit and subsidence control plan acres, unnamed tributary to Dyers Fork and unnamed tributary to Whiteley Creek. Permit issued May 6, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40763208T. Popple Brothers Coal Company (P. O. Box 126, Duryea, PA 18642), transfer of an existing coal refuse reprocessing operation in Duryea and Old Forge Boroughs and Ransom Township, **Luzerne and Lackawanna Counties** affecting 130.0 acres, receiving stream—none. Transfer issued May 14, 1999.

54940201R. White Pine Coal Company, Inc. (P. O. Box 59, Ashland, PA 17921-0059), renewal of an existing coal reprocessing operation in West Mahanoy Township, **Schuylkill County** 56.3 acres, receiving stream—none. Renewal issued May 14, 1999.

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 applica-

tions, 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 (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 the 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.)

Section Chief, Southcentral Regional Office, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E07-309. Encroachment. **Blair Township Water and Sewer Authority**, 577 Cedarcrest Drive, Duncansville, PA 16635. To place fill in the floodway of Halter Creek (WWF) and to place fill in the floodplain of Poplar Run (CWF) for the purpose of constructing two wastewater pump stations as part of the construction of a wastewater collection system which will serve approximately 600 homes in Blair Township (Roaring Springs, PA Quadrangle N: 22.7 inches; W: 6.8 inches) in Blair Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects" and in accordance with Chapter 106, Floodplain Management. This permit also includes 401 Water Quality Certification.

E28-266. Encroachment. **PA Turnpike Commission**, P.O. Box 67676, Harrisburg, PA 17106. To remove the existing deteriorated culverts, replace with longer length culverts, provide revetment at the ends of culverts and to maintain them along the channels of unnamed tributaries to West Branch Conococheague Creek in order to widen and improve the lanes of I-76 from Mile Post (MP) 194.4 (Doyleburg, PA Quadrangle N: 3.24 inches; W: 14.17 inches) to MP 188.97 (Fannettsburg, PA Quadrangle N: 18.21 inches; W: 8.49 inches) in Fannett and Metal Townships, **Franklin County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northeast Regional Office, Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E13-113. Encroachment. **Towamensing Township Supervisors**, 120 Stable Road, Lehighton, PA 18235. To place fill in a de minimis area of wetlands equal to 0.01

acre; to remove the existing structure and to construct and maintain a pre-stressed adjacent box beam bridge having a normal span of 16 feet with an underclearance of 5.4 feet across Pine Run. The project is located at the T-419 bridge over Pine Run (Pohopoco Mountains, PA Quadrangle N: 2.7 inches; W: 17.1 inches) in Towamensing Township, **Carbon County**.

E45-361. Encroachment. **Brier Crest Woods Property Owners Association**, P.O. Box 236, Blakeslee, PA 18610. To dredge approximately 50,000 C. Y. of material from the reservoir of Dam No. D45-245, known as Brier Crest Woods Dam, for the purpose of improving recreational opportunities by deepening the midlake area. The project is located in Brier Crest Woods residential community, approximately 0.75 mile south of the intersection of S. R. 0115 and S. R. 0903 (Blakeslee, PA Quadrangle N: 8.2 inches; W: 7.2 inches) in Tunkhannock Township, **Monroe County**.

E66-119. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P.O. Box 111, Scranton, PA 18501-0111. To remove the existing structure and to construct and maintain a two-span prestressed concrete spread box beam bridge having normal spans of 73.5 feet and an underclearance approximately 18.6 feet across Tunkhannock Creek. The project is located along S. R. 1017, Section 770, approximately 45 feet upstream from the existing bridge (Factoryville, PA Quadrangle N: 21.2 inches; W: 6.3 inches) in Nicholson Township, **Wyoming County**.

Southwest Regional Office, Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E02-1251. Encroachment. **Trammell Crow Company**, 707 Grant Street—Suite 3000, Pittsburgh, PA 15219. To place and maintain fill in and to eliminate a de minimis area of wetland associated with an unnamed tributary to Montour Run for the purpose of constructing the Scott Station Metro Office Park. The project is located on the north side of Montour Run Road (S. R. 3072), just north from the intersection of Montour Run Road (S. R. 3072) and Market Fair Boulevard (Oakdale, PA Quadrangle N: 15.2 inches; W: 7.0 inches) in Moon Township, **Allegheny County**.

SPECIAL NOTICES

Notice of Action on First Land Application of Nonexceptional Value Sewage Sludge Under General Permit PAG-8 or PAG-9

The Department of Environmental Protection (Department) has previously approved coverage under General Permit PA-8 or PA-9 for the generators of nonexceptional quality sewage sludge listed below. General Permit PA-8 authorizes the beneficial use of nonexceptional quality sewage sludge by land application. General Permit PA-9 authorizes the beneficial use of residential septage by land application to agricultural land, forest or a reclamation site. The purpose of this notice is to advise the public that the Department has reviewed the Notices for First Land Application of Sewage Sludge for the following sites and determined that the sites are suitable for land application of nonexceptional quality sewage sludge.

These actions of the Department may be appealed to the Environmental Hearing Board (Board) at 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457 by any aggrieved person 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 Administrative

Agency Law). Appeals must be filed within 30 days of 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 Board's rules of practices and procedure may be obtained from the Board.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Approval has been granted for the land application of nonexceptional value sewage sludge at the site listed.

<i>Applicable GP No.</i>	<i>Generator Name and Address</i>	<i>Land Application Site</i>
PAG09-4809	Mt. View Center, Inc. Kylertown, PA 16847	Brown Run Site Rolling Stone Road Cooper Township Clearfield County

102/NPDES/Stormwater

The Department of Environmental Protection (DEP) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit application:

Brandywine Realty Services Corporation, Berwyn Park Sites Nos. 4 and 5, PAS10-G365

The hearing is scheduled for June 30, 1999, at 1:30 p.m. at Chester County Conservation District Office, Conference Room 240, 610 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to Little Valley Creek. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, Telephone (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is: Brandywine Realty Services Corporation, 16 Campus Boulevard, Suite 150, Newtown Square, PA 19073.

Comments received will be considered by DEP in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of the project and a brief statement about your presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to DEP may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, please contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Availability of Brownfields Inventory Grants under the Hazardous Sites Cleanup Act (HSCA)

The Department of Environmental Protection (DEP) hereby announces the availability of Brownfields Inventory Grants under the Hazardous Sites Cleanup Act (HSCA). This is the first round of grants under the DEP

Brownfields Inventory Grant program. Grant applications for this round of grants must be received by the Department on or before June 30, 1999.

Under the DEP Brownfields Inventory Grant program the Department will provide grants to municipalities and economic development agencies to inventory the Brownfield properties in their areas. If these Brownfield properties are available for redevelopment, the Grantee will gather information about infrastructure, suspected or confirmed environmental contamination, and other related information. The Grantee will then list the site on the Pennsylvania Brownfields Directory.

Municipalities and economic development agencies may apply to the Department for these grants by submitting an application. A copy of the application package can be obtained by calling the DEP Land Recycling and Cleanup Program (717) 783-7816 or the application package can be downloaded from the DEP internet web site at: www.dep.state.pa.us.

If the grant is approved, the Grantee will be paid \$1,000 for each Brownfield site that is identified and entered into the DEP Brownfields Directory. Grants are limited to \$50,000.

The Brownfields Inventory Grants will be issued under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304). The Hazardous Sites Cleanup Act authorizes the Department to investigate and assess potential releases of hazardous substances. This includes collecting information concerning sites that are potentially contaminated with hazardous substances and that may need assessment or cleanup. Funds for the Brownfields Inventory Grants will be provided out of the Hazardous Sites Cleanup Fund.

The term "brownfields" shall mean properties that are underutilized and where redevelopment of the property is impeded by liabilities associated with known or suspected environmental contamination from hazardous substances.

The term "municipality" shall include any County, City, Borough or Township government in Pennsylvania.

The term "economic development agency" shall include:

(1) Any redevelopment authority created under the act of May 24, 1945 (P. L. 991, No. 385), known as the Urban Redevelopment Law.

(2) Any industrial development agency as that term is defined in the act of May 17, 1956 (P. L. 1609, No. 537), known as the Pennsylvania Industrial Development Authority Act.

(3) Any industrial and commercial development authority created under the act of August 23, 1967 (P. L. 251, No. 102), known as the Economic Development Financing Law.

(4) Any area loan organization as that term is defined in the act of July 2, 1984 (P. L. 545, No. 109), known as the Capital Loan Fund Act.

(5) Any other Commonwealth or municipal authority which acquires title or an interest in property.

(6) Municipalities or municipal industrial development or community development departments organized by ordinance under a home rule charter which buy and sell land for community development purposes.

(7) Tourist promotion agencies or their local community-based nonprofit sponsor which engage in the acquisition of former industrial sites as part of an "Industrial Heritage" or similar program.

(8) Conservancies engaged in the renewal or reclamation of an industrial site.

[Pa.B. Doc. No. 99-859. Filed for public inspection May 28, 1999, 9:00 a.m.]

Nitrogen Oxides (NO_x) Allowance Program

Award of Bonus NO_x Allowances in accordance with 25 Pa. Code § 123.119

The Department of Environmental Protection (Department) in accordance with 25 Pa. Code § 123.119 has awarded bonus NO_x allowances as indicated below. The purpose of the provisions is to promote early reductions below both the sources' baseline operating rates and the program's budgeted reductions. In order to qualify, source operators had to control emissions below existing emission limitations as well as below emission rates established by applying the Nitrogen Oxide Allowance Program control requirements to the emission rates contained in Appendix E to the regulation. The provisions required the operator to collect emission data demonstrating the reductions and to submit the data with a request for bonus allowances to the Department by November 1, 1998.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35

P. S. § 7514) and 2 Pa.C.S. §§ 501—504 and 701—708 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 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. 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.

Questions regarding this final action should be forwarded to Dean Van Orden, Chief, Stationary Source Section, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone: (717) 787-4310.

Two applications, Northeastern Power Company, and Westwood Energy Properties were received after the November 1, 1998 deadline for submission contained in § 123.119(a) and were disapproved.

The following applications are approved and allowances awarded as follows:

<i>Company</i>	<i>Plant</i>	<i>Unit</i>	<i>Allowance 1997</i>	<i>Allowance 1998</i>	<i>Contact</i>	<i>Phone #</i>
Allegheny Power	Armstrong	1	160	135	Donald R. Feenstra	412-838-6183
		2	232	193		
	Hatfield	Stack 1		183	Donald R. Feenstra	412-838-6183
		Stack 2		288		
Edison Mission Energy	Homer City	1	250	662	Alfred A. Slowik	724-479-6142
		2	668	785		
GPU Genco	Conemaugh	1		233	Ronald P. Lantzy	814-533-8217
		2		583		
	Portland	1		21	Ronald P. Lantzy	814-533-8217
		2		18		
	Keystone	1		509	Ronald P. Lantzy	814-533-8217
		1	21	28		
	Shawville	2	13	29	Ronald P. Lantzy	814-533-8217
		2	36	75		
PP&L, Inc.	Martins Creek	1, 2	36	75	Robert J. Shovlin	610-774-5466
		3	24			
	Brunner Island	3		729	Robert J. Shovlin	610-774-5466
		2	541	881		
	Montour	3	82	107	Robert J. Shovlin	610-774-5466
		4	78	80		
First Energy	New Castle	3	0	39	Daniel V. Steen	330-384-3704
		4	6	105		
	Mansfield	5	0	130	Daniel V. Steen	330-384-3704
		1	629	55		
		2	417	446	Daniel V. Steen	330-384-3704
		3	0	0		
US Generating Co	Scrubgrass	1	39	25	Martin Kreft	814-385-6661
		2	27	21		
Northampton Generating	Wheeler		27	27	Richard D. Grubb	610-261-3077
			21			
Wheeler Frackville Energy	Foster		9	8	John E. Thalhauser	717-773-0405
Gilberton Power Co	Wheeler			8	Joe Camerini	717-373-3999
				210		
					David F. Martin	717-874-4119

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-860. Filed for public inspection May 28, 1999, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board; Special Committee Meeting

The Capability Enhancement Committee will hold a special meeting on Tuesday, June 8, 1999, from 9:30 a.m. to 12 noon in the 11th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting will be to discuss two parts of the Department's proposed public water system capacity development strategy: (1) Capability Enhancement Priority Rating System and (2) Public Participation Strategy.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or e-mail at Green.Donna@dep.state.pa.us. This schedule, an agenda for the meeting, and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-861. Filed for public inspection May 28, 1999, 9:00 a.m.]

Source Water Assessment and Protection Program Citizens and Technical Advisory Committees Joint Meeting

The Source Water Assessment and Protection Program Citizens and Technical Advisory Committees will hold a special meeting on Monday, June 7, 1999, from 10 a.m. to 12 noon in the Delaware Room on the 16th Floor of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting will be for the Department to present final revisions to the Source Water Assessment and Protection Program.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or e-mail at

Green.Donna@dep.state.pa.us. This schedule, an agenda for the meeting, and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-862. Filed for public inspection May 28, 1999, 9:00 a.m.]

Water Resources Advisory Committee Meetings

Three special meetings of the Department's Water Resources Advisory Committee (WRAC) have been scheduled to discuss implementation issues for the water quality antidegradation (special protection) program.

The meetings will be held on June 23, August 20 and October 6, 1999. Meetings will begin at 9 a.m. and conclude by 3 p.m. All meetings will be held at the following location: Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17120.

Questions concerning the meetings can be directed to Carol Young at (717) 787-4686 or e-mail to Young.Carol@dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Sharon Myers at (717) 787-4686 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-863. Filed for public inspection May 28, 1999, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Program Bid Items

Under the provisions of section 510 of The Administrative Code of 1929 (P. S. 165, No. 67), the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
Conveyor Belt Loader	Ather, Mdl. 712	140-5369	PA Dot, Waterford, PA
Front End Wheel Loader	John Deere, 544C	072-2040	PA Dot, Bellefonte, PA
Rubber Tire Roller	Bros/Rayco	042-2440	PA Dot, Lewistown, PA
Front End All Wheel Loader	Case, Mdl. W20C	294-2056	PA Dot, Lewistown, PA
Backhoe Loader	John Deere, 610B	093-6040	PA Dot, Bloomsburg, PA
Backhoe	Case, 680	287-6056	PA Dot, Selinsgrove, PA
Rubber Tire Loader	John Deere, 544	107-1385	PA Dot, Lewisburg, PA
Hydraulic-Crawler Excavator	Gradall, G-660	056-3365	PA Dot, Doylestown, PA
3-6 Ton Vibratory Roller	Galion	929-1435	PA Dot, Bortondale, PA
Excavator	Gradall, G3WD	093-6365	PA Dot, Bortondale, PA
Rubber Tire Loader	Michigan	068-8059	PA Dot, Huntingdon, PA
Articulated Loader	Deere & Company	018-1385	PA Dot, Indiana, PA

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
Articulated Loader	Michigan	070-8059	PA Dot, Indiana, PA
Articulated Loader	Deere & Company	082-1385	PA Dot, Indiana, PA
Articulated Loader	John Deere	003-1385	PA Dot, Punxsutawney, PA
Gradall Excavator	Bantam	015-6366	PA Dot, Punxsutawney, PA
Hydraulic Excavator	Koehring	017-6368	PA Dot, Pittsburgh, PA

The above will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085. Requests for bid proposals need to be made prior to the bid opening on June 17, 1999 at 1 p.m.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-864. Filed for public inspection May 28, 1999, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Policy Board Meetings

The Health Policy Board is scheduled to hold a meeting on June 9, 1999, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

The schedule for the remainder of the meetings in calendar year 1999 is as follows: Wednesday, September 8, 1999; Wednesday, December 8, 1999.

For additional information or if 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 Robin Bowman at (717) 783-2500, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN,
Acting Secretary

[Pa.B. Doc. No. 99-865. Filed for public inspection May 28, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Proposed Federal Child Care and Development Fund Block Grant Plan; Public Hearing

The Department of Public Welfare, Office of Children, Youth and Families, Bureau of Child Day Care Services will be holding a public hearing on the proposed Federal Child Care and Development Fund Block Grant (CCDFBG) Plan for the period October 1, 1999 through September 30, 2001 (Federal Fiscal Years 2000-01). The hearing will be held on June 14, 1999, from 10 p.m. to 5 p.m. in the auditorium of the State Museum of Pennsylvania located at 3rd and North Streets, Harrisburg, PA. The purpose of the public hearing is to gather comments on the proposed CCDFBG plan from the general public. Based upon comments received, the Commonwealth will consider necessary revisions to the proposed plan and develop a final plan to send to the Federal government.

Individuals who would like to review and comment on the proposed plan or would like to register to testify at

the public hearing should contact: Bureau of Child Day Care Services, 1401 North 7th Street, Harrisburg, PA 17102 or call (717) 787-8691.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-866. Filed for public inspection May 28, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fat Cat Doubler '99 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- Name:* The name of the game is Pennsylvania Fat Cat Doubler '99.
- Price:* The price of a Pennsylvania Fat Cat Doubler '99 instant lottery game ticket is \$1.00.
- Play Symbols:* Each Pennsylvania Fat Cat Doubler '99 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$5,000 (FIV THO) and a Paw Symbol (PAW).
- Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$20, \$40 and \$5,000.
- Approximate Number of Tickets Printed For the Game:* Approximately 6,720,000 tickets will be printed for the Pennsylvania Fat Cat Doubler '99 instant lottery game.
- Determination of Prize Winners:*
 - Holder of tickets with three matching play symbols of \$5,000 (FIV THO) in the play area on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.

(c) Holders of tickets with two matching play symbols of \$20\$ (TWENTY), and a Paw play symbol (PAW) in the play area on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with two matching play symbols of \$10⁰⁰ (TEN DOL), and a Paw play symbol (PAW) in the play area on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIV DOL), and a Paw play symbol (PAW) in the play area on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE DOL), and a Paw play symbol (PAW) in the play area on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,720,000 Tickets</i>
3-\$1	\$1	1:8.11	828,800
2-\$1 + PAW	\$2	1:16.67	403,200
3-\$2	\$2	1:50	134,400
3-\$5	\$5	1:150	44,800
2-\$5 + PAW	\$10	1:100	67,200
3-\$10	\$10	1:150	44,800
2-\$10 + PAW	\$20	1:500	13,440
3-\$20	\$20	1:750	8,960
2-\$20 + PAW	\$40	1:1,333	5,040
3-\$40	\$40	1:4,000	1,680
3-\$5,000	\$5,000	1:480,000	14

PAW = Doubles the prize shown on ticket

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fat Cat Doubler '99 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fat Cat Doubler '99, prize money from winning Pennsylvania Fat Cat Doubler '99 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Fat Cat Doubler '99 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Fat Cat Doubler '99 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-867. Filed for public inspection May 28, 1999, 9:00 a.m.]

Pennsylvania \$10,000 High Roller Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$10,000 High Roller.

2. *Price:* The price of a Pennsylvania \$10,000 High Roller instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania \$10,000 High Roller instant lottery game ticket will contain four play areas designated as "Roll 1," "Roll 2," "Roll 3" and "Roll 4."

Each roll is played separately. The play symbols and their captions located in each of the four play areas are: a die containing a 1 (ONE), a die containing a 2 (TWO), a die containing a 3 (THR), a die containing a 4 (FOR), a die containing a 5 (FIV) and a die containing a 6 (SIX).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$10, \$20, \$40, \$100 and \$10,000. The player can win up to four times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$10,000 High Roller instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$10,000 (TEN THO) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$8⁰⁰ (EGT DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$8.

(g) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets where the sum of two die totals exactly 7 or 11 in the same "Roll," and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

If Any of Your Rolls Totals 7 or 11 Win Prize For That Roll With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$1	\$1	1:10	720,000
\$1 x 2	\$2	1:21.43	336,000
\$2	\$2	1:50	144,000
\$1 x 4	\$4	1:100	72,000
\$1 x 2 + \$2	\$4	1:187.50	38,400
\$2 x 2	\$4	1:375	19,200
\$4	\$4	1:500	14,400
\$4 + \$2 x 2	\$8	1:428.57	16,800
\$1 x 2 + \$2 + \$4	\$8	1:600	12,000
\$4 x 2	\$8	1:1,500	4,800
\$8	\$8	1:3,000	2,400
\$2 x 3 + \$4	\$10	1:750	9,600
\$2 + \$8	\$10	1:1,500	4,800
\$2 + \$4 x 2	\$10	1:1,500	4,800
\$10	\$10	1:1,500	4,800
\$4 x 3 + \$8	\$20	1:500	14,400
\$4 + \$8 x 2	\$20	1:750	9,600
\$2 + \$4 x 2 + \$10	\$20	1:500	14,400
\$2 + \$8 + \$10	\$20	1:750	9,600
\$20	\$20	1:500	14,400
\$10 x 4	\$40	1:9,600	750
\$10 x 2 + \$20	\$40	1:9,600	750
\$20 x 2	\$40	1:9,600	750
\$40	\$40	1:9,600	750
\$20 x 3 + \$40	\$100	1:30,000	240
\$20 + \$40 x 2	\$100	1:30,000	240

If Any of Your Rolls Totals 7 or 11 Win Prize For That Roll With Prize(s) Of:

\$10 x 2 + \$40 x 2
\$100
\$10,000

Win
\$100
\$100
\$10,000

Approximate Odds
1:30,000
1:30,000
1:720,000

Approximate No. of Winners Per 7,200,000 Tickets

240
240
10

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$10,000 High Roller instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$10,000 High Roller, prize money from winning Pennsylvania \$10,000 High Roller instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$10,000 High Roller instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$10,000 High Roller or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-868. Filed for public inspection May 28, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Allegheny County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the Boulevard of the Allies Bridge over Forbes Avenue in Allegheny County.

The project consists of replacement of the Boulevard of the Allies Bridge over Forbes Avenue and replacement of two ramps.

The project requires taking approximately 22 square meters (387 square feet) from the National Register eligible Faleder Monument Company. There is no feasible and prudent alternative to avoid the use of property of the Faleder Monument Company.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-869. Filed for public inspection May 28, 1999, 9:00 a.m.]

Finding

Jefferson County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Windfall Bridge (JC-6) carrying Township Road T-528 over Big Run Creek in Henderson Township, Jefferson County. The existing Windfall Bridge (JC-6) over Big Run Creek has been determined eligible for the National Register of Historic Places. The effect of this project on the Windfall Bridge (JC-6) over Big Run Creek mitigated by the following measures to minimize harm to the resource.

1. Prior to the removal of the Windfall Bridge (JC-6), the property shall be recorded to the Pennsylvania State Level standards.

2. The option of moving the bridge for the benefit of the Groundhog C. B. Club does not obligate Jefferson County to move the bridge although it is currently their intent to do so.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-870. Filed for public inspection May 28, 1999, 9:00 a.m.]

Retention of Engineering Firms

Northampton County

Project Reference No. 08430AG2357

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately fourteen (14) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0033, Section 002, Lower Saucon and Bethlehem Townships, Northampton

County, PA 33 Extension North. This project involves the construction of a new four (4) lane limited access divided highway and the construction of two (2) major interchanges.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the acceptable 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 acceptable letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, traffic signals, pavement markings and guide rail. The TCI-M has to be nuclear gauge certified; a TCI has to be PennDOT CDS certified.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (3)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum straight-time reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999 shall be as follows:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

The maximum straight-time reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

The maximum straight-time reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License
- 1 Vehicle for the Transportation of Nuclear Gauge
- 1 Base Radio Station
- 12 Two-Way Radios
- 1 Two-Way Radio Repeater Station
- 1 Camera (type 35mm, film, developing)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	5
TCI-M	2
TCI	8

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attention Mr. Brian H. Graver

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian H. Graver, District 5-0, at (610) 791-6022.

Northumberland County

Project Reference No. 08430AG2358

The Department will retain an engineering firm to perform preliminary engineering, final design and construction services for a roadway project, S.R. 0054, Section 037 in Rush Township, Northumberland County.

The project consists of constructing truck-climbing lanes at various locations on a 4.5 mile stretch of S.R. 0054. Also included is a box culvert extension. Estimated construction cost is \$6.7 million.

The selected engineering firm will be required to perform a variety of engineering services as indicated below, but not limited to:

1. Preliminary engineering including, but not limited to: field surveys; type, size and location; Step 9; soils and geological reconnaissance; maintenance and protection of traffic plans; right-of-way plans; roadway design; structure design; hydrologic and hydraulic studies; and coordination with utility companies.

2. Preparation of final roadway and structure plans, including but not limited to: final design; and preparation of plans, specifications and estimates.

3. Consultation during construction

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

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. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on roadway widening engineering projects. The specific experience of individuals who constitute the firm shall be considered.

- b. Specialized experience and technical competence of firm.

- c. Demonstrated familiarity with the project scope.

- d. Resumes of key personnel and listing of proposed sub-consultants.

- e. Relative size of firm to size of project to be completed under this contract.

- f. Demonstrated capacity for innovative engineering to resolve complex problems.

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Paul E. Heise, P.E., District Engineer
Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the sixth (6th) day following the date of this Notice.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for June 30, 1999, at 10 a.m. at the Engineering District 3-0 office at 715 Jordan Avenue, Montoursville, PA. All candidates that submitted a letter of interest will be notified if this date changes. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

Any technical questions concerning the requirements for this project should be directed to: Mr. Russell E. Campbell, District 3-0, at (570) 368-4380.

Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties

Project Reference No. 08430AG2359

The Department will retain an engineering firm for an Open-End Contract for various engineering services on various projects located in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the 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 acceptable letters of interest received in response to this solicitation. The ranking will be estab-

lished directly from the acceptable letters of interest. Technical proposals will not be requested prior to 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. Past record of performance (timeliness, responsiveness, quality, cost control, and ability to meet schedules).
- b. Diversity of experience and technical competence.
- c. Location of consultant with respect to the District.
- d. Relative size of the firm to potential assignments.
- e. Avoidance of potential conflict of interest in review tasks.

The majority of work performed under this Open-End Contract will be in the areas of:

- Review of large consultant designs including, but not limited to: traffic signal designs; work zone traffic control plans; signing and pavement marking plans; delineation; RRM, etc.
- Step 9 Safety reviews.
- Support for the District's new "Road Safety Audit" process and the District's ITS initiative.
- Design of municipal traffic signals.
- Highway Occupancy Permit reviews where the review cannot be performed by the consultant currently under contract to perform these reviews due to a conflict of interest.

Review tasks will be subject to the condition that the selected consultant (or any subconsultant retained to perform work under this Open-End Contract) will not be permitted to review any work performed for a developer for which they are also under contract or for a municipality in which they provide engineering services.

The services identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined with each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attention: Mr. David A. Earp, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David A. Earp, P.E., District 5-0, at (610) 791-6021.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

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 a Letter of Interest 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 Transportation Equity Act for the 21st century (TEA-21) 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 TEA-21 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 are 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.

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. 99-871. Filed for public inspection May 28, 1999, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

State Surplus Property Program; Deaccession Auction

The Historical and Museum Commission will be auctioning items from its permanent collection. These items are being auctioned because they are duplicates and/or do not pertain to Pennsylvania history. The public auction will be held on July 14, 1999 by Ziegler's Auction House, located in Hummelstown, PA. Items being auctioned include a diversity of objects such as hooked and rag rugs, mirrors, diamond rings, books, tall case clocks, pistols, Pennsylvania rifle, sword, various textiles, hand drawn fire fighting cart, oil industry tools and an assortment of 19th century furniture and household items.

BRENT P. GLASS,
Executive Director

[Pa.B. Doc. No. 99-872. Filed for public inspection May 28, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following 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.

Final-Form

Reg. No.	Agency/Title	Received
6-258	State Board of Education Certification of Professional Personnel	5/17/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-873. Filed for public inspection May 28, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Dissolution by Potter County Grange Mutual Fire Insurance Company

Potter County Grange Mutual Fire Insurance Company, a domestic mutual fire insurance company, has submitted an application for approval of the voluntary dissolution of its charter. The filing was made under requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et. seq.). Persons wishing to comment on the grounds of public or private interest concerning the dissolution, are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-874. Filed for public inspection May 28, 1999, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Re- fusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Flagship City Insurance Company (Erie Insurance Group); file no. 99-121-01805; Joanne Thompson; doc. no. P99-05-003; June 15, 1999, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, 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 may be 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 participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-875. Filed for public inspection May 28, 1999, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policy. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Group; file no. 99-303-70590; Jerome J. Sistik, Jr.; doc. no. PI 99-05-002; June 16, 1999, at 1 p.m.

Both 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 and other necessary

evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedure). Under 31 Pa. Code § 59.7(e)(5), 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 given.

After the hearing and receipt of the stenographic transcript, 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 participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-876. Filed for public inspection May 28, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Clinton County, Wine & Spirits Shoppe #1801, 137 E. Main Street, Lock Haven, PA 17745-1322.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 to 4,500 net useable square feet of new or existing retail commercial space in the City of Lock Haven, the Borough of Flemington or the Township of Bald Eagle.

Proposals due: June 18, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-877. Filed for public inspection May 28, 1999, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Hearing Notice

The Pennsylvania Commission for Women (Commission) will hold a child care hearing in Nanticoke on Friday, June 4, 1999, at 9:30 a.m. to 12:30 p.m. at the Luzerne County Community College, 1333 South Prospect Street, Nanticoke, PA. The general public is invited.

The Commission will be working with the Pennsylvania Bar Association's Commission on Women in the Profession, and hope to foster an informed public discussion on child care issues that will contribute to the formulation of creative solutions to many child care problems.

The Commission is soliciting the views of parents, child care providers, legislators, policy makers, business owners, law enforcement officials and any other individuals interested in enhancing child care services throughout the State. Persons who need accommodations due to a disability and want to arrange to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harrisburg, PA 17120, (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,
Executive Director

[Pa.B. Doc. No. 99-878. Filed for public inspection May 28, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Merger

A-310400F0002; A-310550F0002; A-311750F0002; A-312600; A-311250F0002; A-310670F0002; A-310703F0002; A-310112F0005; A-310020F0002; A-310153F0002; A-310170F0004; and A-312875F0002.
Frontier Communications of Breezewood, Inc. et al. Joint Application of Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc., Frontier Communications of Pennsylvania, Inc., Frontier Local Services, Inc., Allnet Communications Services, Inc., d/b/a Frontier Communications Services, Inc., Budget Call Long Distance, Inc., Frontier Communications of the West, Inc., and Frontier Communications International, Inc., for approvals required under the Public Utility Act to complete the merger with and transfer of all of the stock of their Corporate parent, Frontier Corporation, to Global Crossing, Ltd.

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 June 14, 1999, under 52 Pa. Code (relating to public utilities).

Applicants: Frontier Corporation, Global Crossing, Inc.

Through and By Counsel:

Martin T. McCue, Michael J. Shortley, 180 South Clinton Avenue, Rochester, NY 14646;

Jean L. Kiddoo, Esquire, Edward S. Quill, Jr., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007;

Norman J. Kennard, William T. Hawke, Malatesta Hawke and McKeon, Harrisburg Energy Center, 100 North 10th Street, Harrisburg PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-879. Filed for public inspection May 28, 1999, 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 June 21, 1999, 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-00115842 (Corrected). Red Rose Limousine Service, Inc. (3633 North Hermitage Road, Transfer, Mercer County, PA 16154), a corporation of the Commonwealth of Pennsylvania—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for approval of the *additional right* and *privilege* of operating motor vehicles as *common carriers* for transportation of *persons* as described under each application.

A-00106294. F. 4. Blair Cab, Inc., t/d/b/a Pelton Limousine (P. O. Box 162, Altoona, Blair County, PA 16603-0162), a corporation of the Commonwealth of Pennsylvania—Additional Right—persons, in limousine service, between points in the counties of Blair, Cambria, Centre and Huntingdon, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Complaint

January 26, 1999

West Hazleton Sunshine Cab Company
9 W. Madison Ave.
West Hazleton, PA 18201

In re: Pennsylvania Public Utility Commission
v.

West Hazleton Sunshine Cab Company
A-00111643C9802

Dear Respondent:

On May 7, 1998, the Bureau of Transportation and Safety instituted a complaint against West Hazleton Sunshine Cab Company, respondent, alleging that on August 5, 1997, it failed to have the steering assembly and steering mechanism in a safe operative condition when its vehicle was in operation; failed to have the parking brake system and components operative on its vehicle while its vehicle was in operation; and failed to have the meter regulated in accordance with the current tariff rates on file with this Commission.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the penalty would be imposed.

The complaint and notice were served on respondent on July 2, 1998, by hand delivery; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

Respondent, within twenty (20) days from the date of service of this letter, shall pay a fine of seven hundred dollars (\$700.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violation of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

Very truly yours,

James J. McNulty,
Secretary

Public Meeting held
February 11, 1999

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

Pennsylvania Public Utility Commission v. West Hazleton Sunshine Cab Company, 9 West Madison Avenue, West Hazleton, PA 18201; A-00111643C9803

Order

By the Commission:

On May 29, 1998, the Bureau of Transportation and Safety instituted a complaint against West Hazleton Sunshine Cab Company, respondent, alleging that on September 3, 1997, it failed to have all tires and wheels in safe operating condition while its vehicle was in operation, failed to have the parking brake system and

components operative while its vehicle was in operation; and on November 7, 1997, failed to have the meters regulated in accordance with the current tariff rates on file with this Commission and failed to post rates of fare in a conspicuous place in the vehicles.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request the Commission to enter an order imposing a penalty.

The complaint and notice were served on respondent on July 2, 1998, by hand delivery; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, It Is Ordered That:

1. The allegations in the complaint are admitted.
2. The complaint is sustained.

3. Respondent, within twenty (20) days from the date of service of this order, pay a fine of one thousand one hundred dollars (\$1,100.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315.

4. Respondent cease and desist from further violation of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-880. Filed for public inspection May 28, 1999, 9:00 a.m.]

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**Railroad
With Hearing**

C-00981956. William T. Seybert v. Consolidated Rail Corporation. Complainant states at S. R. 0068 and S. R. 2023, a railroad tunnel has deteriorated to hazardous conditions and for the public interest, safety and well-being, the tunnel should be sealed at both ends to prevent people from walking or driving vehicles through this hazardous situation in Madison Township, Clarion County.

An initial hearing on this matter will be held Thursday, August 19, 1999, at 10 a.m. in Clarion Court House, Court Room 1, 2nd floor, 420 Main Street, Clarion, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-881. Filed for public inspection May 28, 1999, 9:00 a.m.]

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Telecommunications

A-310820. Bell Atlantic-Pennsylvania, Inc. and SNIp Link, LLC. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and SNIp Link, LLC for Approval of

an interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and SNIIP Link, LLC, by its counsel, filed on April 27, 1999, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and SNIIP Link, LLC Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-882. Filed for public inspection May 28, 1999, 9:00 a.m.]

Water Service Without Hearing

A-210011F0002. Elverson Water Company, Inc. Application of Elverson Water Company, Inc. for approval to begin water service to the public in portions of West Nantmeal, East Nantmeal and Warwick Townships, Chester County, PA.

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 June 14, 1999.

Applicant: Elverson Water Company, Inc.

Through and By Counsel: Merle W. Stoltzfus, President, Elverson Water Company, Inc., 26 E. Main St., Elverson, PA 19520.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-883. Filed for public inspection May 28, 1999, 9:00 a.m.]

Water Service Without Hearing

A-212370F0051. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company for approval of the right to offer, render, furnish and supply water service to the public in an additional portion of Perkiomen Township, Montgomery County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 14, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Philadelphia Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-884. Filed for public inspection May 28, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firms

Full Depth Roadway Reconstruction Cumberland County

Reference No. 3-113

The Turnpike Commission (Commission) will retain an engineering firm for the design of the Full Depth Roadway Reconstruction Project between approximate Mileposts 216.00 and 226.00 in Cumberland County. The selected firm will be responsible for the pre-final and final design of this project.

The engineering services required would include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, structural foundation reports, preparation of Type, Size and Location and final bridge plans, preparation of preliminary and final right-of-way plans, geotechnical investigations, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway generally between Milepost 216.00 and 226.00. The intent is to rebuild the roadway and widen the existing 10-foot median to a width that will be based on preliminary evaluations. It is anticipated that all of the mainline structures will require widening and that all overhead structures within the project area will be evaluated for rehabilitation, replacement or elimination. We will consider either rubbilizing the existing concrete roadway and overlay with bituminous material, or removing the existing pavement and replace with full-depth bituminous. An entirely new drainage system will be installed.

In addition, low-level photography will be available in this area to an accuracy of + .05 feet. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCADD DWG format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information. The design for this project will be performed in Metric Units. All plans (drawings), including cross-sections, profiles, and the like will be prepared utilizing AutoCADD DWG format. Translation of the plans into AutoCADD DWG format is not acceptable.

Direct inquiries to Michael D. Shaak, P.E., at 939-9551, extension 5380; or by e-mail at mshaak@paturnpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified)

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department and Commission projects.

5. Annual Qualification Package submitted to the Department for the current year, containing the following for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one (1) 8 1/2 x 11 page, one (1) side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State

for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10%. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 p.m. (noon), Friday, June 18, 1999. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-885. Filed for public inspection May 28, 1999, 9:00 a.m.]

Retention of an Engineering Firm

Replacement of Bridge Nos. EB-731 at Milepost 319.19 and EB-732 at Milepost 319.33 Montgomery County

Reference No. 4-051

The Turnpike Commission (Commission) will retain an engineering firm for the replacement design of Bridge Nos. EB-731 and EB-732 at Mileposts 319.19 and 319.33, respectively, in Montgomery County. Bridge No. EB-731 carries the Turnpike over SR 1003 and a Conrail Railroad Line, and Bridge No. EB-732 carries the Turnpike over SR 29 (Charlestown Road). Also included with this project is the elimination of a mainline culvert EB-732A at Milepost 319.34 that carries the Turnpike over a pedestrian underpass. The selected firm will be responsible for the pre-final and final design of this project.

The engineering services required include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans, preliminary and final traffic control plans, preparation of Type, Size and Location plans and final bridge plans, geotechnical investigations and structural foundation reports, preparation of preliminary and final right-of-way plans, preparation of preliminary and final construction plans and specifications, in order for the Commission to let one construction contract. The intent is to widen the bridges to provide a minimum of two 12-foot travel lanes and a 12-foot shoulder in each direction and a 10-foot median.

Direct inquiries to Gary L. Graham, P.E., at 939-9551, extension 5990; or by e-mail at ggraham@paturnpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project

from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified)

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department and Commission projects.

5. Annual Qualification Package submitted to the Department for the current year, containing the following for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 p.m. (noon), Friday, June 18, 1999. Any

letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-886. Filed for public inspection May 28, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- 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

1034159 Communication equipment—1 each BTS Venus 32 x 32 VAA switching system prewired for 64 x 64 part No. F7-023710-011.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1682118 Construction and building materials—1 each resurfacing of kitchen floor—must be tough, durable, abrasion and chemical resistant.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8157330 Construction and building materials—1 each twin cell precast reinforced box culvert.

Department: Transportation
Location: Mercer, Mercer County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8171600 Construction and building materials—1 each precast reinforced concrete box culvert.

Department: Transportation
Location: Meadville, Crawford County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

7314190 Household and commercial furnishings and appliances—Various quantities carpet tile, size 18" x 18" or 36" x 36" interface commercial carpet or approved equal.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1030159 Medical, dental and veterinarian equipment and supplies—23 each Bailey treatment tables, Model 432 w/plain shelf 30" x 78" x 30" w/2" top, natural finish, fabric color black; 2 each Bailey double adjustable rest table Model 484 natural finish fabric color black; 9 each all purpose stool Model 747 Bailey adjusts from 19" to 26", 2" seat x 14" diameter, 3" ball bearing casters fabric black; 1 each Bailey adjustable incline board Model 7520 14" x 18" foot board w/non-slip tread; 5, 10, 15, 20 and 25 degree adjustments natural finish; 2 each Rich-Mar Theratouch 7.7 ultrasound/muscles stimulation combination unit; 1 each Rich-Mar V Ultrasound 5 cm transducer; 1 each Ferno Ille tank top seat model 34—25 25" wide whirlpool; 1 each mobile whirlpool adjustable high chair 7700; 6 each Z-Carts Modile cabinets for modality equipment 16" x 20" shelf w/drawer; 1 each Chattanooga Saunders cervical traction No. CHA 7040; 6 each Biomedical 2000 tens units; 1 each Jobst Cryotemp II mini portable pressure therapy No. 2610 w/foot/ankle and hand/ankle acc; 1 each Bailey No. 9621 professional adjustable Hi-Low mat table 5' x 7' upholstered top, black; 1 each Physioball mobile storage rack TBR20CL; 1 each Theraband exercise balls 18" yellow ball (45CM); 1 each 22" red ball (55 cm); 1 each 26" green ball (65 cm); 1 each 30" blue ball (75 cm); 1 each 34" silver ball (85 cm); 1 each 38" red ball (95 cm); 1 each Bailey 784 weight cart w/28 Elgin weight cuffs, 1 each 1—10 lbs. and 2 each 1.5, 2.5, 7.5, 15 lbs; 2 each Ultrasound warmer 8 oz. bottle 6" x 5" x 5" 6W108.

Department: State System of Higher Education
Location: California University, California, Bucks County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1617138 Motor vehicles, trailers and cycles—1 each latest model cutaway cab and chassis with omnibus body.

Department: Military Affairs
Location: Spring City, Chester County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1763158 Motor vehicles, trailers and cycles—1 each latest model cab and chassis, single axle, dual fuel with refuse packer body.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1709138 Prefab structures and scaffolding—9 each Flam, storage building, 15 drum capacity; 1 each Flam, storage building, 21 drum capacity.

Department: Military Affairs
Location: Annville, Lebanon County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1725228 Prefabricated structures and scaffolding—Various quantities for Loadbreak elbow connector, 200 Amp, 15 KV Class, standard elbow kit less connector for conductor insulation of 0.78" diameter cable range of 0.700—0.910" Cooper power system No. LE215-B-00-T or approved equal; various other equipment.

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1710118 Steam plant and drying equipment—1 project furnish and install a Kewanee Model H3S-300-G or approved equal boiler system.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

ADV No. 21 Household and commercial furnishings and appliances—Indiana University of Pennsylvania (IUP) is seeking bids for the purchase and installation of approximately 372 square yards of Lee Faculty IV carpet tile. Requests for bid package should be made in writing, referencing advertisement No. 21, directed to Dee Baker-Simon, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705. Fax (724) 357-2670, phone (724) 357-2507 or e-mail address dbsimon@grove.iup.edu. Requests for bid package will be accepted until June 7, 1999 only. The University encourages responses from small and disadvantaged, minority and women owned firms.

Department: State System of Higher Education
Location: Indiana University, Indiana, Indiana County, PA
Duration: FY 98—99
Contact: Indiana University, Dee Baker-Simon, (724) 357-3077

ADV No. 22 Office supplies, machines and equipment—Indiana University of Pennsylvania (IUP) is seeking bids for a Minolta EP6001 copier and accessories. Requests for bid package should be made in writing, referencing advertisement No. 22, directed to Dee Baker-Simon, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705. Fax (724) 357-2670, phone (724) 357-2507 or e-mail address dbsimon@grove.iup.edu. Requests for bid package will be accepted until June 7, 1999 only. The University encourages responses from small and disadvantaged, minority and women owned firms.

Department: State System of Higher Education
Location: Indiana University, Indiana, Indiana County, PA
Duration: FY 98—99
Contact: Indiana University, Dee Baker-Simon, (724) 357-3077

N-1499 Electric wire and power and distribution equipment—Material only: YDC New Castle needs to purchase 4 each, 5KW emergency generators. Call the YDC New Castle purchasing department for specification, (724) 656-7310

Department: Public Welfare
Location: YDC New Castle, New Castle, Lawrence County, PA
Duration: FY 98—99
Contact: YDC New Castle, T. E. Mateja, (724) 656-7310

98-CI017 Service and trade equipment—Contractor shall remove and reinstall laundry machinery from State Correctional Institution Somerset laundry to CI laundry at State Correctional Institution Somerset. Equipment includes dryers, tumblers, steam pressure, etc.

Department: Corrections
Location: Somerset, Somerset County, PA
Duration: FY 98—99
Contact: State Correctional Institution Somerset, MaryAnn Ulrich, (717) 731-7134, fax (717) 731-7008

73100-98-244 Textiles—1,800 yards upholstery fabric; F. R. Collection No. 2441 transition rust, weight 23 oz. per linear yard. 54 wide.

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: State Correctional Institution Dallas, Joseph Kanjorski, (570) 773-2158, ext. 560

PDA 426 Medical, dental and veterinarian equipment and supplies—Purchase tips for the PA Veterinary Laboratory as estimated, Super Pak 96, NS, 300 micro liters, 10 x 96 tips.

Department: Agriculture
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Department of Agriculture, (717) 787-5674

HA-001 Communication Equipment—California University of Pennsylvania of the State System of Higher Education is interested in obtaining bids for television, VCRs and TV wall mounts with VCR bracket. Interested bidders can obtain the request for bid HA-001 from Joy Folmar at (724) 938-4430. The University encourages responses from small firms, minority firms, women owned firms and firms which have not previously performed work for the University.

Department: State System of Higher Education
Location: California University, California, Bucks County, PA
Duration: FY 98—99
Contact: California University, Carl J. Maurer, (724) 938-4430

HA-002 Communication equipment—California University of Pennsylvania of the State System of Higher Education is interested in obtaining bids for multimedia projectors, media carts and digital cameras. Interested bidders can obtain the request for bid HA-002 from Joy Folmar at (724) 938-4430. The University encourages responses from small firms, minority firms, women owned firms and firms which have not previously performed work for the University.

Department: State System of Higher Education
Location: California University, California, Bucks County, PA
Duration: FY 98—99
Contact: California University, Carl J. Maurer, (724) 938-4430

PSU 5505-G Communication equipment—1 each single phase 8KW UPS.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Penn State University, Steve Blazer, (814) 865-1402, fax (814) 865-3028

SERVICES

Audio/Video—04

9999 4800 000 A complete radio maintenance program for portable and mobile Motorola radios.

Department: Corrections
Location: Security, Camp Hill, PA
Duration: 3 years
Contact: Beth Procopio, (717) 975-4960

KURFP-0003 Kutztown University of Pennsylvania is seeking qualified firms able to provide cellular equipment (phones and phone/pager combination) and services, monthly access and airtime packages for a predetermined number of users. The contract shall also include a commitment for the provision of additional sets/accounts to be acquired during the life of the contract at the same rate, terms and coverage. Request for RFP packages must be made in writing and directed to: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, phone (610) 683-4132, fax: (610) 683-4674, e-mail: reitz@kutztown.edu. RFP packages are available on June 1, 1999. Questions requiring clarification prior to proposal submission are due June 11, 1999. Proposals are due June 22, 1999.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 1 year with 4 optional 1 year renewals
Contact: Barbara Reitz, (610) 683-4132

Construction and Construction Maintenance—09

DGS 141-5 Revised Rebid Project title: Rehabilitation of Historic Aqueduct Over Tohickon Creek, Using Timber. Brief description: Construct access roads, demolish and dispose of existing aqueduct, recondition existing foundations, construct new aqueduct, install geosynthetic clay liner, final grading, seeding and mulching. Estimated range: Over \$500,000. General construction. Plans deposit: \$65 per set. Payable to: Department of Conservation and Natural Resources. 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 a separate check or provide your express mail account number to the office listed. Department of Conservation and Natural Resources, Contract Management Section, P. O. Box 8451, 8th Floor, RCSOB, Harrisburg, PA 17101, (717) 787-5055. Bid date: Wednesday, June 16, 1999 at 1 p.m. A prebid conference has been scheduled for Friday, May 28, 1999 at 10 a.m. at the Washington Crossing Historical Park, Bucks County, PA. Contact: Jim Eppley, (717) 787-4892. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Delaware Canal State Park, Tohickon Creek (Near Point Pleasant), Bucks County, PA
Duration: 420 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 417-26 Phase I Project title: Campus Wide Communications. Brief description: Install telecommunications structured cabling system in five dormitory buildings and extend the facility local area network to six additional campus buildings. Estimated range: \$100,000 to \$500,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 a separate check for \$5 or provide your express mail account number to the office listed. Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 23, 1999 at 2 p.m. A prebid conference has been scheduled for Tuesday, June 8, 1999 at 9 a.m. at Thaddeus Stevens College of Technology, Lancaster, PA. Contact: Betty Tompos, (717) 299-7749. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 515-64 Project title: Air Emissions Upgrade From Ash Removal System. Brief description: Furnish and install a new air washer system for flyash removal within the existing ash handling system, including new underground concrete settling tanks. The new system is to comply with emission discharge requirements of the Department of Environmental Protection. Estimated range: Under \$100,000. Mechanical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999 at 1 p.m.

Department: General Services
Location: Wernersville State Hospital, Wernersville, Berks County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 552-74 Project title: Spot Point and Repair Brick—Building No. 1. Brief description: Repair and repoint exterior brick veneer, clean and reseal joints in stone, reset window and door lintels and steel beams (on porches) as required. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999 at 11 a.m.

Department: General Services
Location: Polk Center, Polk, Venango County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 552-75 Project title: Replace Condensate Return Lines. Brief description: Replace the condensate return and replace an electric powered condensate pump unit with a steam powered condensate pump unit between the administration building and the crossing or replace the condensate return line between Murdock Hall and the main group North Octagon. Estimated range: Under \$100,000. Heating construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999 at 11 a.m.

Department: General Services
Location: Polk Center, Polk, Venango County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 953-53 Project title: Replace Building Roofs. Brief description: Remove built up roofing, insulations and flashings, replace with new insulation and E.P.D.M. membrane roofing and flashings. Also, rake out coping and flashing joints and install new sealants. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999 at 2 p.m.

Department: General Services
Location: Northwest Office Building, Harrisburg, Dauphin County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 992-14 Project title: Fire and Security Renovations. Brief description: Renovations to existing sites fire and security systems in various buildings. Estimated range: Under \$100,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999 at 1 p.m.

Department: General Services
Location: Eckley Miners' Village, Weatherly, Luzerne County, PA
Duration: 210 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 992-14 Phase 1 Project title: Hazardous Materials Abatement, Phase 1 Restoration and Preservation of Select Miner's Houses—Phase 2. Brief description: Work consists of general cleaning of interior, removing items, structurally stabilizing and performing some minor asbestos abatement in 17 dilapidated, asbestos and lead paint contaminated residential buildings, including 28 units. Estimated range: \$100,000 to \$500,000. Hazardous materials construction. Plans deposit: \$65 per set. Payable to: Thomas Horlacher, ALA. 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 a separate check or provide your express mail account number. Checks payable to: Thomas Horlacher, ALA. Mail requests to: Steamtown Blue Print and Copy Center, 305 Linden Street, Lower Level, Scranton, PA 18503, (570) 961-1315. Bid date: Wednesday, June 16, 1999 at 1 p.m. A prebid conference has been scheduled for Thursday, May 27, 1999 at 10 a.m. at the Visitors Center at the Main Entrance of Eckley Miner's Village, Weatherly, Luzerne County, PA. Contact: Tom Horlacher, (570) 346-7914. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Eckley Miner's Village, Weatherly, Luzerne County, PA
Duration: 70 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Engineering Services—14

08430AG2357 To provide supplementary construction inspection staff of approximately 14 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0033, Section 002 (PA Extension North), the construction of a new four-lane limited access divided highway and the construction of two major interchanges in Lower Saucon and Bethlehem Townships, Northampton County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Thirty-six (36) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2358 Retain an engineering firm to perform preliminary engineering, final design and services during construction for S. R. 0054, Section 037 in Rush Township, Northumberland County.

Department: Transportation
Location: Engineering District 3-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2359 Open-end contract to perform various engineering services on various projects located in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties.

Department: Transportation
Location: Engineering District 5-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

BOGM 98-13 Clean out and plug 11 abandoned oil and gas wells estimated to be 2,600 to 2,800 feet deep.

Department: Environmental Protection
Location: South Fayette Township, Allegheny County, PA
Duration: 140 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

OSM 54(3101) 103.1 Backfilling strip pits. Delano involves approximately 40,770 c. y. of grading, 7.2 acres of seeding, and clearing and grubbing. One hundred percent of this project is financed by the Federal Government; Federal funds available for this program total 20.4 million dollars for Pennsylvania 1997 AML Grant.

Department: Environmental Protection
Location: Delano Township, Schuylkill County, PA
Duration: 100 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Financial and Insurance Consulting—17

1999-03 The Insurance Department is preparing a list of pre-qualified contractors to perform actuarial services relating to the examination functions of the Insurance Department. Examples of work to be performed include, but are not limited to: actuarial valuation of gross and net property and casualty reserves; actuarial valuation of gross and net accident and health reserves; actuarial valuation of gross and net life reserves; actuarial valuation of reserves established for Health Maintenance Organizations, Preferred Provider Organizations and Hospital, Medical and Dental Service or Indemnity Corporations; analysis of reinsurance arrangements for transfer of risk; testify regarding specific findings resulting from work conducted for the Department. A copy of the Request for Qualification (RFQ) may be obtained by calling Dixie Steigleman at (717) 787-4298. Responses are due by 5 p.m. on June 18, 1999.

Department: Insurance
Location: 13th Floor, Strawberry Square, Harrisburg, PA 17120
Duration: July 1, 1999 to June 30, 2004
Contact: Tracey Pontius, (717) 787-6469

Food—19

A-1-99 Frozen fish. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-2-99 Frozen fruits and vegetables. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-3-99 Fresh fruits and vegetables. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-4-99 Meat and meat products. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-5-99 Miscellaneous frozen food. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-6-99 Poultry and poultry products. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-7-99 Cheese. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-8-99 Prepared juice. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-9-99 Fresh pies, pastries and cakes. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-10-99 Fresh bread and rolls. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-11-99 Dairy products and drinks. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

A-12-99 Milkshakes. Call purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: July, August, September
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

M-2500-99 Milk, 2% pasteurized and homogenized and milk, skim, plain in 5 gallon plastic bag; 1/2 pints in paper container—2% pasteurized and homogenized and skim, plain. Estimated annual usage: 2%—80,040 gallons and 145,596 1/2 pints; skim—3,600 gallons and 51,996 1/2 pints. Award will be for 1 year (July, 1999—June 2000). Successful vendor to agree with monthly prices and discounts controlled by Pennsylvania Milk Marketing Board.

Department: Corrections
Location: State Correctional Institution, Follies Road, Dallas, Luzerne County, PA 18612
Duration: July 1999 through June 2000
Contact: Robert G. Berkey, Purchasing Agent, (570) 675-1101, ext. 325

OAGP1090 Provide catering services at various office locations within the Greater Harrisburg area. Services include but are not limited to breakfast, a.m. and p.m. breaks and luncheons per bid specifications.

Department: Office of Attorney General
Location: Various office locations within the Greater Harrisburg area
Duration: July 1, 1999—June 30, 2000
Contact: Jean M. Kreiser, (717) 783-2369

6640-1000-000 Purchase eggs for media testing at the PA Veterinary Laboratory; standard pre-incubated eggs (1—12 days old) 10,400 each and standard pre-incubated eggs 0 day 1,680 each.

Department: Agriculture
Location: PA Veterinary Laboratory, 2305 North Cameron Street, Harrisburg, PA 17110
Duration: Indeterminate 1998—99
Contact: Bill Lagoda, (717) 787-8808

Hazardous Material Services—21

0200-29 Contractor shall furnish all necessary equipment, material, supervision and labor to provide material analysis, removal, transport, treatment and disposal of hazardous/residual waste at various locations within Engineering District 2-0. Upon approval of contract, service shall be provided every 90 days at specified locations as needed. Contract shall be awarded by competitive bid. Requests for bid packages can be faxed to Janis Miele at (814) 765-0424 or phone (814) 765-0404.

Department: Transportation
Location: Engineering District 2-0: Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties
Duration: One year with option of four one-year renewals
Contact: Janis Miele, (814) 765-0404, fax 0424

SP3590005421 Provide pickup, packaging, transportation and disposal of hazardous waste for the Department of Environmental Protection Laboratory located in Harrisburg.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: July 1, 1999 through June 30, 2001
Contact: Ally Hubler, (717) 787-2471

HVAC—22

Project No. 661 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: 201st CE, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 662 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: 201st CE, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 663 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: 201st CE, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 664 Provide emergency and routine repair work for air conditioning system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: 201st CE, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

090-000234 Contractor to furnish all equipment, qualified labor, and materials necessary to complete "as needed" repairs, maintenance, and servicing to plumbing at I-70 (Fulton County) rest areas located in Bethel and Brush Creek Townships (3 year contract).

Department: Transportation
Location: Engineering District 9-0, Along I-70 in Fulton County, Sites B and 3; Welcome Center; Bethel and Brush Creek Townships
Duration: October 31, 1999 to October 30, 2002 (3 years) with possible renewals
Contact: Sean C. Alexander, 9-0 Roadside Specialist, (814) 696-7116

Medical Services—29

ACAD-127 500 each, Hepatitis B vaccine.

Department: State Police
Location: Academy, Hershey, PA
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 783-5485

ADV No. 20 Indiana University of Pennsylvania (IUP) is seeking bids to furnish and install a Powder X-Ray Diffraction System in the Physics Department, Weyandt Hall on the main campus, Indiana, PA 15705. Requests for a bid package should be made in writing, referencing Advertisement No. ADV 20 and directed to Patty Bash, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670, phone (724) 357-3077, or e-mail PABash@grove.iup.edu. Requests for a bid package will be accepted until June 11, 1999. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Indeterminate 1998—99
Contact: Patty Bash, Purchasing Agent, (724) 357-3077

OAGP1268 Provide medical examinations and tests outlined in bid specifications for new applicants and/or employees.

Department: Office of Attorney General
Location: Philadelphia (must be within 15 miles), PA
Duration: 3 years: July 1, 1999—June 30, 2002
Contact: Jean M. Kreiser, (717) 783-2369

OAGP1267 Provide medical examinations and tests outlined in bid specifications for new applicants and/or employees.

Department: Office of Attorney General
Location: Pittsburgh (must be within 15 miles, North), PA
Duration: 3 years: July 1, 1999—June 30, 2002
Contact: Jean M. Kreiser, (717) 783-2369

OAGP1269 Provide medical examinations and tests outlined in bid specifications for new applicants and/or employees.

Department: Office of Attorney General
Location: Harrisburg (must be within 25 miles of downtown Harrisburg), PA
Duration: 3 years: July 1, 1999—June 30, 2002
Contact: Jean M. Kreiser, (717) 783-2369

Property Maintenance and Renovation—33

0800 This contract is for the inspection and repair of salt storage buildings in Engineering District 8-0 (Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry Counties). Repair work will include carpentry repairs, painting, downspout and gutter repairs and roofing repairs.

Department: Transportation
Location: Engineering District 8-0, District 8-0 County Stockpile Locations
Duration: 1 year
Contact: Rich Jefferies, (717) 787-4783

Bid No. 7926 Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Philadelphia Liquor Control Enforcement facility, Philadelphia, PA. Three grass cuttings per month. Weeding to be included each time grass is mowed. Fertilization twice a year. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Philadelphia Liquor Control Enforcement, 6901 Woodland Avenue, Building No. 4, 2nd and 3rd Floors, Philadelphia, PA
Duration: August 1, 1999 to July 31, 2002
Contact: Donna Enders, (717) 783-5484

Bid No. 7933 Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Somerset Station, Somerset, PA. Grass is to be mowed once a week. Trimming, as needed. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Somerset Station, 5603 Glades Pike, Somerset, PA 15501-8356
Duration: August 1, 1999 to July 31, 2002
Contact: Donna L. Enders, (717) 783-5484

030-0315 Tree removal and trimming in Lycoming County, six miles on S. R. 0220. Contractor to provide all equipment, labor, material, and traffic control necessary to complete contract according to bid specification. Job is to be bid on per mile basis. Payment will be made lump sum. All requests for bid packages must be received by fax at (570) 368-4343 (Attention: Lyndon Mink).

Department: Transportation
Location: PennDOT, Lycoming County, PA
Duration: 6 months
Contact: Lyndon B. Mink, (570) 368-4224

Real Estate Services—35

112 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 3,297 useable square feet of new or existing office space with parking for 23 vehicles, in Northampton County, PA within the following boundaries: within a 2 mile radius of the intersection Route 22 and Route 512. The Department of Health will occupy the space. Proposals due: July 26, 1999. Solicitation No.: 92845.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998—99
Contact: John A. Hocker, (717) 787-4394

Sanitation—36

80972039 Sewer maintenance on an as needed basis. Vendor to furnish all necessary equipment to perform sewer cleaning and televising as necessary.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: January 01, 2000 through December 31, 2004
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

Vehicle, Heavy Equipment—38

469004 Van modifications—Retrofit 24 full-size vans used by the motor carrier enforcement personnel. Modifications include installation of communication tower, forward bulkhead, first aid kit/fire extinguisher, wheel well, spring door stop, rear bulkhead, scale box, rear AC and heat duct, countertop, load center, power inverter, literature/book rack, file cabinet, storage box, overhead light, grab handle and headliner. Bids can be obtained by faxing request to (717) 787-7004 or calling (717) 772-0881.

Department: Transportation
Location: Maintenance and Operations/Motor Carrier Division, Harrisburg, PA
Duration: Approximately 3—6 months or until work is completed
Contact: Shannon M. Opperman, (717) 772-0881

SP-260029 Provide all labor, material, supervision, tools and equipment necessary to perform maintenance, repairs, inspections and emergency service when requested by the PLCB on 21 Rite-Hite Mechanical Dock Levelers.

Department: Liquor Control Board
Location: 8201 Enterprise Avenue, Philadelphia, PA
Duration: Five (5) years
Contact: Gerald J. Grecek, (717) 787-9855

Miscellaneous—39

80972038 Subscription Journals. Various medical and professional subscriptions to be supplied as resource materials for the professional library at Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: January 01, 2000—December 31, 2002
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

No. ADV-23 Indiana University of Pennsylvania (IUP) is seeking bids for a portable emissions/combustion gas analyzer to meet EPA and PA Department of Environmental Protection regulatory requirements and terms and conditions of IUP's air quality operating permit for S. W. Jack Cogeneration Plant. Requests for copies of bid package should be made in writing, referencing advertisement No. 23 and directed to Roxie M. Johnson, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705. Fax (724) 357-2670, e-mail address rmjohnsn@grove.iup.edu. Requests for bid package will be accepted until June 4, 1999. The University encourages responses from small and disadvantaged, minority and women owned firms.

Department: State System of Higher Education
Location: Indiana University, Indiana, Indiana County, PA
Duration: Indeterminate 1998—99
Contact: Roxie M. Johnson, Purchasing Agent, (724) 357-3077

RFP No. 99-R-003 The PA Department of State, Bureau of Professional and Occupational Affairs, is seeking interested contractors to provide electronic information management services to expand consumer access to public information for our professional licensure programs. The Bureau requires the services of an informational technology organizations to develop, install and maintain computer software programs which will provide the Bureau with a state of the art professional licensing software system. Requests for this RFP will be closed as of June 25, 1999. No copies will be handed out after this date.

Department: State
Location: Bureau of Professional and Occupational Affairs, Harrisburg, PA
Duration: One year contract w/four year renewable option
Contact: Toniann D. Noss, Contracting Officer, (717) 787-3945

RFQC-1999-PSP1 The Pennsylvania State Police will be issuing and RFQC (Request for Qualified Contractor) for a Systems Integrator. The Systems Integrator will be responsible for implementing all phases of the Department's Incident Information Management Systems Project. Discovery Days for Prime Systems Integrators will be conducted from June 1—11, inclusive. Scheduling is on first come, first served basis. Two vendor presentations will be scheduled per day. Morning presentations will begin at 8:30 a.m.; afternoon presentations will begin at 1 p.m. Scheduled vendors will be allotted 2 hours in which to complete their presentation and an additional 30 minutes for questions and answers. To schedule a presentation, vendors may contact Ginger L. Furlow, at (717) 657-4130. No more than four company representatives may participate in any vendor presentation. Additional information may be obtained through the following web site: WWW.PSP.STATE.PA.US (following ITMS links).

Department: State Police
Location: Statewide
Duration: To be determined
Contact: Captain Darrell G. Ober, (717) 657-4231

RFQC-1999-PSP2 The Pennsylvania State Police (PSP) will be hosting Discovery Days for providers of Mobile Office/Mobile Applications products, systems, and services. Discovery Days will be conducted from June 14, 1999 to June 18, 1999, inclusive. Scheduling will be accomplished on a first come, first served basis. Two 2 1/2 hour presentations will be scheduled per day, with morning presentations beginning at 8 a.m. and afternoon presentations beginning at 1 p.m. To reserve a time slot for presentation, vendors may contact Ginger L. Furlow at (717) 657-4130. Limit your group to four company representatives. PSP considers the Mobile Office/Applications to be the tools a trooper needs to be better informed, more efficient and effective, and safer in performing his or her duties. PSP has decided to combine formerly separate Mobile Office and Mobile Applications acquisitions and begin an evaluation process immediately. Mobile Office/Mobile Applications Discovery Days are intended to afford the Pennsylvania State Police the opportunity to better understand the technologies, systems, and services, the market has to offer to law enforcement prior to releasing a Request for Qualified Contractor (RFQC) or similar document.

Department: State Police
Location: Statewide
Duration: To be determined
Contact: Ronald C. Wilt, (717) 657-4140

SBC 95101004 Recycling at various Philadelphia County Offices. Complete details and specifications may be obtained by contacting the Procurement Office. Note: If you wish to receive a bid package, fax your name, address and (Bid No.) to the contact person.

Department: Public Welfare
Location: Philadelphia CAO, Various Offices, 1400 Spring Garden Street, 701-97-01, Philadelphia, PA 19130
Duration: July 1, 1999 to June 30, 2002 with two 1 year renewals
Contact: Doylene Shull, (717) 787-7585; fax (717) 787-3560

SBC 95101005 Repairs of modular furniture in various Philadelphia County offices. Complete details and specifications may be obtained by contacting the Procurement Office. Note: If you wish to receive a bid package, fax your name, address and (Bid No.) to the contact person.

Department: Public Welfare
Location: Philadelphia CAO, Various Offices, 1400 Spring Garden Street, Office Supports—701, Philadelphia, PA 19130
Duration: July 1, 1999 to June 30, 2002 with two 1 year renewals
Contact: Doylene Shull, (717) 787-7585; fax (717) 787-3560

SP-260028 Provide onsite custom tailored seminars entitled "Customer Service Training" for PLCB participants.

Department: Liquor Control Board
Location: Harrisburg, Philadelphia and Pittsburgh Area (exact location yet to be determined)
Duration: September and October, 1999
Contact: Betty J. Goodling, (717) 787-6360

[Pa.B. Doc. No. 99-887. Filed for public inspection May 28, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
0071-12	05/13/99	Multi Graphic Business Systems, Inc.	35,505.00
3610-07 Rip No. 1/Sup No. 1	05/20/99	Engle Business Equipment, Inc.	20,000.00
3610-07 Rip No. 1/Sup No. 1	05/20/99	Pitney Bowes	50,000.00
3610-07 Rip No. 1/Sup No. 1	05/20/99	Minolta Corporation	50,000.00
3610-07 Rip No. 1/Sup No. 1	05/20/99	Memberfax Program d/b/a The Fax Pros	20,000.00
5820-02 Rip No. 1/Sup No. 1	05/18/99	Dictaphone Corporation	10,000.00
5820-02 Rip No. 1/Sup No. 1	05/18/99	Eyretel, Inc.	10,000.00
5820-02 Rip No. 1/Sup No. 1	05/18/99	Sonic Communications, Inc.	10,000.00
5820-02 Rip No. 1/Sup No. 1	05/18/99	Graffen Business Systems	10,000.00
9135-05	05/18/99	Harrisburg Jet Center	130,421.50
9905-13	05/15/99	Correctional Industries	3,034.00
9905-13	05/15/99	Rocall, Inc.	15,083.50

Requisition or Contract #	Awarded On	To	In the Amount Of
9905-13	05/15/99	Keystone Sign Supply, Inc.	230,564.00
1340118-01	05/17/99	Aerco International	16,712.00
1439118-01	05/17/99	Wacor Electronic Systems	18,261.89
1500118-01	05/17/99	Quanta Secursystems, Inc.	54,480.00
1538218-01	05/17/99	Rohrer Bus Sales	35,700.00
1560118-01	05/17/99	Sunflower Restaurant Supply, Inc.	33,819.00
1576118-01	05/17/99	Allegheny Fence Cont. Co., Inc.	58,820.00
1595358-01	05/17/99	D. H. Instrument, Inc.	36,736.00
1598218-01	05/17/99	HVAC Distributors, Inc.	38,400.00
1602208-01	05/17/99	Crown Emblems, Inc.	24,000.00
1611118-01	05/17/99	Berkshire Systems Group, Inc.	84,978.00
1662128-01	05/17/99	NCR Corp.	23,807.92
8217550-01	05/17/99	Shapco Co.	62,971.00
8217590-01	05/17/99	Leco Corp.	36,936.00

GARY E. CROWELL,
Secretary

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