

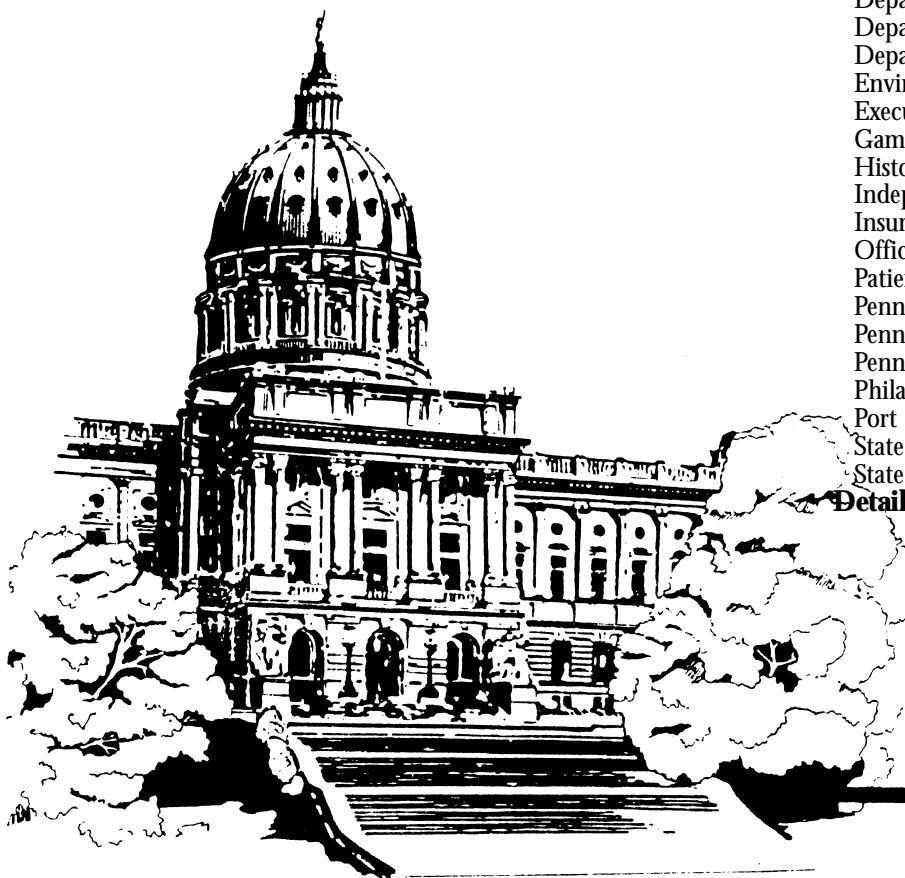
PENNSYLVANIA BULLETIN

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The Courts
Delaware River Basin Commission
Department of Agriculture
Department of Banking
Department of Community and Economic
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Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
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Pennsylvania Intergovernmental Cooperation Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Port of Pittsburgh Commission
State Athletic Commission
State Board of Cosmetology

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No. 385, December 2006

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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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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 2006.

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PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85, 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 66

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Orders dated March 21, 2006, March 28, 2006, and June 28, 2006, the Supreme Court of Pennsylvania amended Pa.R.D.E. 203(b), 204(a), 208(g) and 214(g). By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.7. Grounds for discipline.

* * * * *

(b) Enforcement Rule 203(b) provides that the following shall also be grounds for discipline:

* * * * *

(6) Making a material misrepresentation of fact or deliberately failing to disclose a material fact in connection with an application submitted under the Pennsylvania Bar Admission Rules.

* * * * *

§ 85.8. Types of discipline.

(a) *General rule.* Enforcement Rule 204(a) provides that misconduct shall be grounds for any of the following:

* * * * *

(7) Revocation of an attorney's admission or license to practice law in the circumstances provided in § 85.7(b)(6) (relating to grounds for discipline).

* * * * *

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter B. ATTORNEYS CONVICTED OF CRIMES

§ 91.36. Proceedings upon conviction of other crimes.

(a) Enforcement Rule 214(g) provides that upon receipt of a certificate of a conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted [, including reference to the Board for the institution of a formal proceeding in the appropriate disciplinary district]; and that the Court may in its discretion [make no reference] take no action with respect to convictions for minor offenses.

(b) The Official Note to Enforcement Rule 214(g) provides that the actions the Court may take under subsection (a) include reference of the matter to the Office of Disciplinary Counsel for investigation and possible commencement of either a formal or informal proceeding, or reference of the matter to the Board with direction that it institute a formal proceeding.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS

TAXATION OF COSTS

§ 93.111. Determination of reimbursable expenses.

* * * * *

(c) *Administrative fee.* Enforcement Rule 208(g)(3) provides that the expenses taxable under § 89.205(b) (relating to informal admonition or private reprimand following formal hearing) or § 89.209 (relating to expenses of formal proceedings) may include an administrative fee except that

an administrative fee shall not be included where the discipline imposed is an informal admonition; and that the administrative fee shall be \$250.

[Pa.B. Doc. No. 06-2327. Filed for public inspection December 1, 2006, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF
PENNSYLVANIA COURTS
[204 PA. CODE CH. 213]

**Electronic Case Records Public Access Policy of
the Unified Judicial System of Pennsylvania**

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following policy has been approved by the Supreme Court and shall be effective January 1, 2007. The policy's explanatory report and other related information can be found on the public access webpage located at www.courts.state.pa.us.

Filed in the Administrative Office of Pennsylvania Courts on November 20, 2006.

ZYGOMONT A. PINES,
Court Administrator of Pennsylvania

Annex A

**TITLE 204. JUDICIAL SYSTEM GENERAL
PROVISIONS**

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

**CHAPTER 213. ACCESS TO [DISTRICT JUSTICE]
RECORDS POLICY**

**Subchapter C. ELECTRONIC CASE RECORD
PUBLIC ACCESS POLICY OF THE UNIFIED
JUDICIAL SYSTEM OF PENNSYLVANIA**

Sec.	
213.71.	Definitions.
213.72.	Statement of General Policy.
213.73.	Electronic Case Record Information Excluded from Public Access.
213.74.	Requests for Bulk Distribution of Electronic Case Records.
213.75.	Requests for Electronic Case Record Information from Another Court or Office.
213.76.	Responding to a Request for Access to Electronic Case Records.
213.77.	Fees.
213.78.	Correcting Data Errors.
213.79.	Continuous Availability of Policy.

§ 213.71. Definitions.

(a) "CPCMS" means the Common Pleas Criminal Court Case Management System.

(b) "Custodian" is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

(c) "Electronic Case Record" means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format.

(d) "MDJS" means the Magisterial District Judge Automated System.

(e) "Office" is any entity that is using one of the following automated systems: Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS).

(f) "PACMS" means the Pennsylvania Appellate Court Case Management System.

(g) "Party" means one by or against whom a civil or criminal action is brought.

(h) "Public" includes any person, business, non-profit entity, organization or association.

(1) "Public" does not include:

(i) Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;

(ii) people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

(iii) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

(i) "Public Access" means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

(j) "Request for Bulk Distribution of Electronic Case Records" means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

(k) "UJS" means the Unified Judicial System of Pennsylvania.

(l) "Web Docket Sheets" are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

§ 213.72. Statement of General Policy.

(a) This policy covers all electronic case records.

(b) The public may inspect and obtain electronic case records except as provided by law or as set forth in this policy.

(c) A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

§ 213.73. Electronic Case Record Information Excluded from Public Access.

The following information in an electronic case record is not accessible by the public:

(1) social security numbers;

(2) operator license numbers;

(3) victim information including name, address and other contact information;

(4) informant information including name, address and other contact information;

(5) juror information including name, address and other contact information;

(6) a party's street address, except the city, state, and ZIP code may be released;

(7) witness information including name, address and other contact information;

(8) SID (state identification) numbers;

(9) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;

(10) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;

(11) information sealed or protected pursuant to court order;

(12) information to which access is otherwise restricted by federal law, state law, or state court rule; and

(13) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.

§ 213.74. Requests for Bulk Distribution of Electronic Case Records.

(a) A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.

(b) A request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

(i) the purpose/reason for the request;

(ii) identification of the information sought;

(iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; and

(iv) certification that the information will not be used except for the stated purposes.

§ 213.75. Requests for Electronic Case Record Information from Another Court or Office.

Any request for electronic case record information from another court should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

§ 213.76. Responding to a Request for Access to Electronic Case Records.

(a) Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:

(1) fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify requestor that the information is available upon payment of the same;

(2) notify the requestor in writing that the requestor has not complied with the provisions of this policy;

(3) notify the requestor in writing that the information cannot be provided; or

(4) notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.

(b) If the court or office cannot respond to the request as set forth in subsection (a), the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

§ 213.77. Fees.

(a) Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.

(b) A fee schedule shall be in writing and publicly posted.

(c) A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:

(1) a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and

(2) the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

§ 213.78. Correcting Data Errors.

(a) A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.

(b) A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

(c) A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court or a Magisterial District Court shall be submitted and processed as set forth below.

(1) The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

(2) The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(3) The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(4) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error.

(5) Within 10 business days of receipt of a request, the clerk of courts or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and Administrative Office of Pennsylvania Courts, in one of the following manners:

(i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

(ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

(iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

(iv) it has been determined that an error does not exist in the electronic case record.

(v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(6) A requestor has the right to seek review of a final decision under paragraph (5)(i)—(iv) rendered by a clerk of courts or a Magisterial District Court within 10 business days of notification of that decision.

(i) The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

(ii) If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.

(iii) If the request for review concerns a clerk of courts' decision, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

§ 213.79. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public access in every court or office that is using the PACMS, CPCMS, and/or MDJS.

[Pa.B. Doc. No. 06-2328. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 85

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 19, 2007 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.25-3. Civil Contempt. Conference Summary. Order. Hearing De Novo.

* * * * *

(b) The court, without hearing the parties, may enter an appropriate order after consideration of the conference summary. **[The order shall state] Each party shall be provided with a copy of the order and written notice that any party may, within [ten] twenty days after the date of receipt or the date of the mailing**

[of a copy] of the order, **whichever occurs first**, file a written demand with the domestic relations section for a hearing before the court.

* * * * *

Rule 1910.25-4. Civil Contempt. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

* * * * *

(c) Within [**ten**] **twenty** days after the conclusion of the hearing, any party may file exceptions to the report or any part thereof, to rulings on objections, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the order, leave is granted to file exceptions raising those matters.

(d) If no exceptions are filed within the [**ten**] **twenty**-day period, the court shall review the report and, if approved, enter an order.

* * * * *

Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

* * * * *

(b) An order committing a respondent to jail for **civil** contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

(c) The court may order the respondent to obtain employment with income that can be verified and is subject to income attachment. If the respondent willfully fails to comply with an order to obtain such employment, the court may commit the respondent to jail upon adjudication for indirect criminal contempt, provided the respondent is afforded all of the procedural safeguards available to criminal defendants.

Official Note: The time periods set forth in Rules 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

Explanatory Comment—2007

Parental support of children is a fundamental requirement of law and public policy. Absent an inability to maintain employment or acquire other income or assets, sanction in the form of incarceration may be imposed by the court to compel compliance and provide an incentive to obey the law. The contempt process, which should be used as a last resort, is necessary to impose coercive sanctions upon those obligors whose circumstances provide no recourse to the court to compel payment or a good faith effort to comply. Appellate opinions have made it clear that an obligor who is in civil contempt cannot be incarcerated without the present ability to fulfill the conditions the court imposes for release. See, *Godfrey v. Godfrey*, 894 A.2d 776 (Pa. Super. 2006); *Hyle v. Hyle*, 868 A.2d 601 (Pa. Super. 2005). However, the courts also have noted that

recalcitrant obligors may be imprisoned for indirect criminal contempt if afforded the proper procedural safeguards.

[Pa.B. Doc. No. 06-2329. Filed for public inspection December 1, 2006, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1930]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 87

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 19, 2007 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.5. Discovery in Domestic Relations Matters.

* * * * *

(b) Discovery shall be available without leave of court in accordance with Pa.R.C.P. 4001 et seq. in alimony, equitable distribution, counsel fee and expense and complex support **and complex custody** proceedings.

Explanatory Comment—1997

Whether a support case is complex is to be determined by motion before the court for a separate listing pursuant to Rules 1910.11(j)(1) and 1910.12(c)(1). It is not necessary, however, to have a case listed separately on grounds of complexity of factual or legal issues in order to engage in discovery. If discovery is needed in a support case

which does not require a separate listing, the court should grant leave to engage in it.

[Explanatory Comment—2000

Subdivision (b) has been amended to clarify that the adjective “complex” applies only to a support proceeding.]

Explanatory Comment—2007

Subdivision (b) has been amended to permit discovery in complex custody cases. Examples of complex custody cases include, but are not limited to, those involving initial determinations of primary custody, a change in primary custody, relocation or matters in which there are allegations of abuse or neglect.

[Pa.B. Doc. No. 06-2330. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Amended Order

The second paragraph of our Order of November 6, 2006, is amended to read as follows.

All Local Rules inconsistent with the foregoing Amended Rules are suspended on the effective date of electronic filing for the various category of cases set forth in LR 205.4 (2) (b) as amended.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rules LR 205.4, LR 206A, LR 206B and LR 206C are amended as follows. New provisions are in bold and deleted provisions are bracketed and bold.

All Local Rules inconsistent with the foregoing amended rules are suspended upon the effective date of the foregoing amended rules.

The Court Administrator shall transmit copies of this Order as follows:

1. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;

2. Two (2) certified copies and a computer diskette containing the text of this Order and the amended Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. One certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania by attachment to an e-mail addressed to civil.rules@pacourts.us for publication on the Pennsylvania Judiciary's Web Application Portal;

4. One copy with the Prothonotary of Beaver County to be kept continuously available for public inspection and copying;

5. One copy to the Law Library of Beaver County; and,
6. One copy with the *Legal Journal of Beaver County* for publication therein.

By the Court

ROBERT E. KUNSELMAN,
President Judge

MOTIONS, RULES AND PETITIONS

LR 206A Motion Court

Uncontested Motions and Petitions will be routed by the electronic filing system to the appropriate judge for consideration and the entry of an appropriate order.

Contested Motions and Petitions will be considered by the Court at the times and in accordance with the practice which is published with the annual court calendar.

Note: Former Rule 206A is superseded by this New Rule.

LR 206B Notice To Opposing Party Or Counsel

Unless consented to by all affected parties or otherwise authorized by law or rule of court, no motion or petition will be considered by the Court until the opposing party or his counsel has received at least six (6) business days notice of the Presentation thereof. Notice should be given through the Court's electronic file and serve system but, if given in another manner, must be given in writing. Proof of such other service shall be filed.

Note: Former Rule 206B is superseded by this New Rule.

LR 206C Presentation of Motion or Petition

Except for all Family Law matters, uncontested motions or petitions need not be presented to the Court in hard copy or in person. If any party intends to oppose a motion or petition, that party shall file a Notice of Objection. An Answer to the motion or petition may also be filed.

In all contested civil matters and in all Family Law matters, whether or not an answer is filed, counsel or an unrepresented party shall arrange a time to appear before the Court to present their arguments pursuant to LR 206A.

Note: Former Rule 206C is superseded by this New Rule.

Note: The Court's Order can thereafter be filed electronically by either scanning the same at the Office of the filing party and then filing it electronically or by transmitting the Order to the Prothonotary for scanning and filing electronically. The Prothonotary shall not charge a scanning fee for scanning an Order of Court which is to be filed electronically without a legal paper attached thereto.

Note: A responding party need not file Notice of Objection where the filing party is seeking the issuance of a rule to show cause unless the responding party intends to object to the issuance of the rule to show cause.

LR 206.4(c) Procedures for Issuance of a Rule to Show Cause

(b) A Petition seeking the issuance of a rule to show cause shall be filed electronically pursuant to

LR 205.4. Notice of the filing and the service of the Petition shall be effected in accordance with LR 206A, 206B and the presentation thereof in accordance with LR 206C.

(c) The Petition must be accompanied by a proposed order in the form set forth in Pa.R.C.P. No. 206.5 (d).

Note: Subdivisions (a) and (e) of the former rule remains in effect. Subdivisions (b) (c) and (d) are superseded by new Subdivisions (b) and (c).

Note: LR 205.4, 206A, 206B and 206C are available on the Beaver County Website; www.co.beaver.pa.us, Links are available to the Court and then to the Law Library.

LR 208.3 (b) Procedure Governing Motions

(a) All motions shall be filed electronically pursuant to LR 205.4. Notice of the filing and the service of the motion shall be effected in accordance with LR 206A, 206B and the presentation thereof in accordance with LR 206C.

Note: LR 205.4, 206B and 206C are available on the Beaver County Website, www.co.beaver.pa.us. Links are available to the Court and then to the Law Library.

Note: Subdivision (b) of the former Rule remains in effect. Subdivisions (a) and (c) of the former Rule are superseded by New Subdivision (a).

LR 205.4 Electronic Filing and Service of Legal Papers

1. The Prothonotary of Beaver County is hereby authorized to accept filings of legal papers by electronic transmission in accordance with Pa. R.C.P. No. 205.4 and this rule at the following website: [http:// www.lexisnexis.com/fileandserve](http://www.lexisnexis.com/fileandserve)

To obtain access to the **electronic** filing system, all filing parties shall apply for a Username and Password at this website. **[or use computer terminals provided at the Office of the Prothonotary of Beaver County.]**

Upon the acceptance of a filing by electronic transmission, the Prothonotary, or the Prothonotary's agent shall provide the filing party with a filing status message which sets forth the date and time of acceptance of the filing.

(a) A legal paper includes a writ of summons or a complaint that is original process naming an original defendant or an additional defendant but does not include a notice of appeal from a Board of Arbitration **[or]**, a notice of appeal from a Magisterial District Judge, **or papers relating to Protection From Abuse.**

(b) All legal papers filed by electronic transmission shall be filed in Microsoft Word for Windows, Word Perfect for Windows or Adobe PDF format. To the extent practical, legal papers shall comply with the requirements of LR Nos. 205.2(a) and 205.2(b). In addition, each page shall be numbered at the bottom center of the page and the case number shall appear, in at least twelve point font, in the upper right-hand corner of each page. **All papers filed electronically shall include the electronic mail address of the filing person.**

Lexis-Nexis File and Serve will convert any Word or Word Perfect file to PDF Format but the original format shall also be made available to the court. The official record of the court is the PDF version.

(c) Signatures on Electronically Filed Legal Papers

Every legal paper filed and/or served electronically shall be deemed to have been signed if it bears a typographical signature of the filing person, e.g., /s/ John Doe, Esq., along with the typed name, address, telephone number and Supreme Court identification number of the filing attorney. Such typographical signatures shall be treated as personal signatures for all purposes under the Pennsylvania Rules of Civil Procedure. Judges may, in the alternative, use graphic signatures.

2. All legal papers must be filed electronically as set forth in **[in accordance with]** the schedule hereinafter set forth. **For all cases pending on the effective date for electronic filing for that category of cases, the filing party shall also provide the Prothonotary with a hard copy of each legal paper filed electronically.** Filing parties must register with Lexis-Nexis File and Serve **at the website set forth in subpart 1, unless the filer is not represented by an attorney.** Should any party or attorney deliver a legal paper to the Prothonotary in hard copy for filing, the Prothonotary shall electronically upload the legal paper to Lexis-Nexis File and Serve and may assess a filing fee and service fee for the same. All filing parties shall also file a written request for notice of the entry of an order or judgment by electronic means.

(a) In addition to all other applicable fees, the Prothonotary is authorized to collect an automation fee of \$5.00 for each initial filing and the sum of \$1.00 per page for each page of a legal paper which is not presented in electronic format. The Prothonotary shall not accept a legal paper for filing prior to payment of or the satisfactory arrangements for payment of the required fees. The Prothonotary may delegate the collection and disbursement of fees to Lexis-Nexis File and Serve.

(b) The schedule for legal papers to be filed electronically and the effective date for electronic filing for each category of cases is as follows:

<i>Type of Case</i>	<i>Effective Date</i>
1. Mortgage Foreclosure	Cases initiated on or after September 18, 2006
2. Judgments by Confession and Municipal Claims	Cases initiated on or after November 13, 2006
3. All Other Civil Matters Except Divorce and Child Custody	Cases pending or initiated on or after February 12, 2007
4. Divorce and Child Custody	Cases pending or initiated on or after April 2, 2007

3. The Prothonotary need not maintain a hard copy of any legal paper filed electronically except as required to comply with Pa.R.C.P. No. 205.4(b) (2) (ii), cases called for trial, cases appealed to an appellate court, cases transferred to another court, and those portions of cases at issue in an argument scheduled before this Court. On request by the Prothonotary, the filing party shall submit a hard copy of each paper filed electronically to enable the Prothonotary to comply with this part of this Rule.

Further, for all cases pending on the effective date for electronic filing, the filing party shall provide the Prothonotary with a hard copy of each paper filed electronically.

4. The Prothonotary shall provide a computer terminal or terminals for public access to electronically filed legal papers.

5. A legal paper **submitted [accepted]** for filing shall be deemed to have been filed as of the date and time it was received by the electronic filing system **and, if filed electronically by 11:59 p.m. E.T., shall be considered filed once the transmission is successfully completed as recorded on the Lexis-Nexis File and Serve System.** If a legal paper is rejected by the Prothonotary, it shall be forthwith returned to the filing party and a reason for its rejection shall be specified. Subject to the provisions of section 7 [6], a rejected legal paper shall be deemed as not having been filed.

6. An electronically filed document is deemed served only upon selection of parties to be served and submission according to the File and Serve procedure. The associated transaction receipt will list the parties selected for service and give proof of date, time and method of service.

7. Any filing party for whom the failure of the website or the erroneous rejection of the legal paper resulted in an untimely filing may petition the Court to request that the legal paper be deemed filed as of the submission dates, such petition shall state the date and time of the failure or rejection, the reason why the legal paper could not be submitted in person, the reason the rejection was erroneous and the reason the legal paper could not be timely resubmitted.

8. Parties not represented by counsel must file electronically with the assistance of the Prothonotary or remotely through a File and Serve Account available solely to pro se litigants and known as a basic account. If a pro se party files remotely, service must be made electronically through File and Serve to the extent feasible. Otherwise, pro se parties must serve legal papers conventionally in accordance with the Pennsylvania Rules of Civil Procedure and the Beaver County Local Rules of Civil Procedure.

[Pa.B. Doc. No. 06-2331. Filed for public inspection December 1, 2006, 9:00 a.m.]

DAUPHIN COUNTY

Appointment of Arbitrators for Dauphin County for 2007; No. 2006 CV 1216 AO

Amended Administrative Order

And Now, this 15th day of November, 2006, pursuant to Dauph. R.C.P. 1302, the following attorneys are hereby appointed as Arbitrators to serve for a term of one year beginning January 1, 2007 and thereafter until their successors have been duly appointed and qualified by the Court:

William Adler
Brigid Alford
Jeffrey R. Boswell
Robert F. Claraval
Honorable John C. Dowling
James W. Evans
Lacy Hayes
David E. Lehman
Richard F. Maffett, Jr.

Douglas Marsico
Terrance McGowan
Honorable G. Thomas Miller
Lawrence J. Neary
Richard Placey
Craig Staudenmaier
Lee C. Swartz
Richard H. Wix
Brett Woodburn

The annual compensation is fixed at \$2,500.00 for members and at \$3,200.00 for chairs, to be paid in semi-annual installments.

Hearings shall be conducted in Hearing Room "A" on the dates set on the Court Calendar.

Assignment is indicated on Attachment A.

By the Court

RICHARD A. LEWIS,
President Judge

ATTACHMENT "A"

2007 COMPOSITION OF BOARDS OF ARBITRATORS

<i>Board #1</i>	<i>Week of</i>
William Adler, Chair Douglas Marsico Lawrence Neary	January 16, 2007 July 16, 2007
<i>BOARD #2</i>	
Brigid Alford, Chair Richard Wix Brett Woodburn	February 26, 2007 August 13, 2007
<i>BOARD #3</i>	
Hon. John C. Dowling, Chair Terrance McGowan Lacy Hayes	March 19, 2007 September 17, 2007
<i>BOARD #4</i>	
David E. Lehman, Chair Jeffrey R. Boswell Lee C. Swartz	April 23, 2007 October 15, 2007
<i>BOARD #5</i>	
Hon. G. Thomas Miller, Chair Robert F. Claraval Crag Staudenmaier	May 14, 2007 November 13, 2007
<i>BOARD #6</i>	
Richard Placey, Chair James W. Evans Richard F. Maffett, Jr.	June 11, 2007 December 17, 2007

[Pa.B. Doc. No. 06-2332. Filed for public inspection December 1, 2006, 9:00 a.m.]

MIFFLIN COUNTY

Rule of Criminal Procedure; Local Rule 117

Order

And Now, this 8th day of November, 2006, it is *Hereby Ordered* that the following Local Rule 117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail be promulgated.

This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. A copy of this rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary and the Office of the Clerk of Courts. The Prothonotary or Clerk shall furnish to any person a copy of any local rule upon request and payment of reasonable costs of reproduction and mailing.

Local Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:00 a.m. to 4:30 p.m., prevailing time.

(2) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection from Abuse Act, and for those services set forth in Pa.R.Crim.P. 117 (A)(2)(a), (b), (c) and (d) (e.g., for the holding of preliminary arraignments and summary trials, and for the setting and accepting of bail and collateral) shall be in accordance with the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

(3) Magisterial District Judges, the Clerk of Courts and the Warden, or in his absence his designee in charge of the Mifflin County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

By the Court

TIMOTHY S. SEARER,
President Judge

[Pa.B. Doc. No. 06-2333. Filed for public inspection December 1, 2006, 9:00 a.m.]

**NORTHAMPTON COUNTY
Central Booking Procedure; AD-377-2006**

ADMINISTRATIVE ORDER 2006-13

And Now, this 9th day of November, 2006, it is hereby ordered that the following procedure is adopted effective January 1, 2007:

DESIGNATION OF CENTRAL BOOKING CENTERS

1. The Court of Common Pleas of Northampton County hereby adopts a countywide Central Booking Center plan as set forth herein.

2. Central Booking Centers (hereinafter CBC) shall be located at the Northampton County Criminal Administration Building, 105 South Union Street, Easton, PA 18042, and at the City of Bethlehem Police Department, 10 East Church Street, Bethlehem, PA 18018.

CENTRAL BOOKING PROCEDURES

3. CBC shall be utilized to process and identify individuals arrested, charged or accused of a crime. Among the procedures to be conducted at CBC are photography, fingerprinting and determination of the prior record of involvement with the court system for the person who is processed.

4. All persons arrested, with or without a warrant, for a felony or misdemeanor, except those processed at Northampton County D.U.I. Centers, shall be taken to a CBC for processing prior to the preliminary arraignment. This requirement shall not apply to persons arrested and released pursuant to PA.R.CRIM.P. 519(B) who shall be processed in accord with paragraph

5. When an issuing authority issues a summons rather than an arrest warrant, the issuing authority shall send the following notice with the summons:

“Notice—Central Booking Required”

“You must report to the Central Booking Center at the Northampton County Criminal Administration Building, 105 South Union Street, Easton, PA 18042, for processing at least five (5) days before your preliminary hearing. Bring a copy of the summons with you to the Central Booking Center.

Failure to report to the Central Booking Center will cause your arrest and detention.”

6. CBC staff shall provide copies of photographs, fingerprints and prior record to the police prosecutor, the magisterial district judge who conducts the preliminary arraignment and who conducts the preliminary hearing, and to the District Attorney of Northampton County. Said material may be transmitted by use of advanced communication technology as that term is defined in PA.C. CRIM. P. 103.

VIDEO ARRAIGNMENT

7. Preliminary arraignments, during other than normal business hours of the magisterial district court, employing two-way simultaneous audio-visual communication pursuant to PA.R.CRIM.P. 540(A), shall be conducted at a CBC.

MISCELLANEOUS

8. (A) The Sheriff of Northampton County shall administer the countywide central booking plan and the CBC.

(B) All applicable federal and state technology standards for the collection and transmission of offender identification information shall be complied with.

9. Fingerprinting authorized by law, including 18 PA.C.S.A. § 3929(G) and 18 PA.C.S.A. § 9112, may be taken at a CBC.

10. Fingerprinting and photographing of a juvenile, as authorized by the Juvenile Act, 42 PA.C.S.A. § 6308 and § 6309, shall be done at a CBC.

11. Costs in the amount of Two Hundred Dollars (\$200.00) for central booking procedures performed pursuant to this administrative order shall be assessed upon conviction of a felony or misdemeanor or acceptance into the Accelerated Rehabilitation Disposition Program. Said sum shall be paid to the Clerk of Court of the Criminal

Division who shall retain said funds in a special Central Booking Account until appropriated by the County as authorized by law.

By the Court

ROBERT A. FREEDBERG,
President Judge

Comment: Processing and identifying defendants charged with Driving Under the Influence, 75 PA.C.S.A. § 3802, shall continue at Northampton County D.U.I. Centers. Therefore, the costs imposed under Paragraph 11 do not apply to those defendants.

[Pa.B. Doc. No. 06-2334. Filed for public inspection December 1, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that William A. Hansen having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated May 17, 2006, the Supreme Court of Pennsylvania issued an Order on November 14, 2006, disbaring William A. Hansen from the Bar of this Commonwealth, effective December 14, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly

admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-2335. Filed for public inspection December 1, 2006, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that James J. Gallo having been suspended from the practice of law in the State of New Jersey for a period of six months by Order of the Supreme Court of New Jersey dated March 21, 2006, the Supreme Court of Pennsylvania issued an Order dated November 14, 2006 suspending James J. Gallo from the practice of law in this Commonwealth for a period of six months, effective December 14, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-2336. Filed for public inspection December 1, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CHS. 51, 53 AND 55]

Distribution of Federally-Donated Foods to Needy Households

The Department of General Services (Department), acting under sections 506 and 2402.2 of The Administrative Code of 1929 (71 P. S. §§ 186 and 631.1) and section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), rescinds Chapters 51, 53 and 55 to read as set forth in Annex A.

Omission of Proposed Rulemaking

Public notice of intention to rescind the regulations under the procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

Purpose

Chapters 51, 53 and 55 addressed the procedures and guidelines for the distribution of Federally-donated foods to needy households. The chapters are being rescinded because they are obsolete. The regulations were promulgated in 1964 under the authority of sections 301 and 401 of the County Institution District Law (62 P. S. §§ 2251 and 2301). The responsibility for this program was transferred to the Department of Agriculture under 71 P. S. § 751-28 (Reorganization Plan No. 1 of 1981).

Background

After the transfer of responsibility under the Reorganization Plan, the Department of Agriculture continued the program of distribution of Federally-donated foods to needy households. The Department used grant agreements with individual county governments (or with designated lead agencies) to prescribe how grant funds were to be used and to define the responsibilities of the parties.

In 1992, the General Assembly formalized the program by enacting the State Food Purchase Program Act (act) (62 P. S. §§ 4041—4049). The act directed the Department of Agriculture to develop rules and regulations. The Department of Agriculture published a proposed rulemaking at 24 Pa.B. 358 (January 15, 1994) and a final-form rulemaking at 24 Pa.B. 5412 (October 29, 1994). See 7 Pa. Code Chapter 160 (relating to State food purchase program).

The 1992 legislation and the 1994 regulations now govern the program transferred to the Department of Agriculture in 1981. Accordingly, the Department rescinds its regulations on the subject.

Fiscal Impact

There will be no fiscal impact.

Paperwork Requirements

The final-omitted rulemaking will impose no new or different paperwork requirements.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on October 5, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Committees on State Government. On the same date, the final-form rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 15, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. On October 11, 2006, the Attorney General approved the final-omitted rulemaking. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 16, 2006, and approved the final-omitted rulemaking.

Additional Information

Individuals interested in further information should contact Mary Benefield Seiverling, Assistant Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, (717) 772-2749.

Findings

The Department finds that:

(1) Public notice of intention to rescind the regulations adopted by this order under the procedure in sections 201 and 202 of the CDL was omitted for good cause under the authority in section 204(3) of the CDL because notice, under the circumstances, is unnecessary. The continuing presence of these obsolete regulations served no purpose and may, in fact, have confused the public.

(2) The rescission of the regulations in the manner provided in this order is necessary and appropriate.

Order

The Department, acting under its statutory authority, orders that:

(a) The regulations of the Department, 4 Pa. Code Chapters 51, 53 and 55, are amended by deleting §§ 51.1—51.7, 53.1, 53.11—53.16, 53.21—53.25, 55.1, 55.2, 55.11—55.15, 55.21, 55.22, 55.31—55.33, 55.41—55.49, 55.51, 55.52, 55.61, 55.62, 55.71—55.73 and 55.81—55.85 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of the Attorney General and the Office of the General Counsel for approval as to the legality and form as required by law.

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

(d) This order shall take effect upon final publication in the *Pennsylvania Bulletin*.

JAMES P. CREEDON,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7353 (December 2, 2006).)

Fiscal Note: 8-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart B. (Reserved)

CHAPTER 51. (Reserved)

§§ 51.1—51.7. (Reserved).

CHAPTER 53. (Reserved)

§ 53.1. (Reserved).

§§ 53.11—53.16. (Reserved).

§§ 53.21—53.25. (Reserved).

CHAPTER 55. (Reserved)

§ 55.1. (Reserved).

§ 55.2. (Reserved).

§§ 55.11—55.15. (Reserved).

§ 55.21. (Reserved).

§ 55.22. (Reserved).

§§ 55.31—55.33. (Reserved).

§§ 55.41—55.49. (Reserved).

§ 55.51. (Reserved).

§ 55.52. (Reserved).

§ 55.61. (Reserved).

§ 55.62. (Reserved).

§§ 55.71—55.73. (Reserved).

§§ 55.81—55.85. (Reserved).

[Pa.B. Doc. No. 06-2337. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 84d]

Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities

The Insurance Department (Department) amends Chapter 84d (relating to recognition of the 2001 CSO mortality table for use in determining minimum reserve liabilities and nonforfeiture benefits and the 2001 CSO preferred class structure mortality table for use in determining minimum reserve liabilities) to read as set forth in Annex A. This final-omitted rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), section 301(c)(1) of The Insurance Department Act of 1921 (40 P. S. § 71(c)(1)) and § 84c.5(a) and (b) (relating to general requirements for basic reserves and premium deficiency reserves).

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Under section 204(3) of the CDL, notice of proposed rulemaking may be omitted

when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

Purpose

Section 301(c)(1) of The Insurance Department Act of 1921 and § 84c.5(a) and (b) authorize the Commissioner to promulgate regulations specifying new mortality tables adopted after 1980 by the National Association of Insurance Commissioners (NAIC) for use in determining minimum valuation standards. The purpose of this final-omitted rulemaking is to amend Chapter 84d to specify the 2001 CSO Preferred Class Structure Mortality Table as a mortality table that may be used, at the option of the insurer, instead of the 2001 CSO Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007.

The 2001 CSO Preferred Class Structure Mortality Table is a split of the 2001 CSO Mortality Table to separate preferred and standard tables. The table was adopted by the NAIC in September, 2006.

Explanation of Regulatory Requirements

The following is a description of the amendments in this final-omitted rulemaking.

The heading of Chapter 84d is amended to read "Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities."

Section 84d.2 (relating to definitions) is amended to add definitions of "2001 CSO Preferred Class Structure Mortality Table" and "statistical agent." Various editorial changes were also made to clearly identify the applicable mortality tables.

Section 84d.3 (relating to 2001 CSO mortality table) is amended to clearly identify the applicable mortality table.

Section 84d.3a (relating to 2001 CSO preferred class structure mortality table) is added to allow for the optional use of the 2001 CSO Preferred Class Structure Mortality Table as a minimum valuation standard. Conditions for the use of the table are established. In addition, a requirement for filing statistical reports is added.

Affected Parties

This final-omitted rulemaking applies to insurers issuing life insurance coverage in this Commonwealth.

Fiscal Impact

State government. There will be no increase in cost to the Department due to the use of the new mortality table since the extent of the analysis performed by the Department is not affected by the mortality table used in the calculation of reserves.

General public. It is possible that the cost of insurance will be reduced for consumers who purchase life insurance coverage due to improved mortality recognized by the 2001 CSO Preferred Class Structure Mortality Table.

Political subdivisions. There will be no fiscal impact on political subdivisions as insurers will continue to maintain adequate reserves. Adequate reserves have the potential to minimize insurer insolvencies that could result in less erosion of the tax base since insurers pay premium taxes on premium income and pay salaries that are taxed.

Private sector. The use of the 2001 CSO Preferred Class Structure Mortality Table generally will reduce the reserve liabilities of an insurance company. In addition, the use of the table is optional.

Paperwork

The final-omitted rulemaking will not impose additional paperwork on the Department. An insurance company that elects to use the 2001 CSO Preferred Class Structure Mortality Table as the minimum valuation standard will be required to submit an election and annually thereafter a certification to the Commissioner that the conditions for use of the table are satisfied.

Effectiveness/Sunset Date

The final-omitted rulemaking will become effective January 1, 2007. No sunset date has been assigned.

Contact Person

Questions or comments regarding the final-omitted rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, psalvatore@state.pa.us.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on October 13, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 15, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. The Attorney General approved the final-omitted rulemaking on October 27, 2006. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 16, 2006, and approved the final-omitted rulemaking.

Findings

The Insurance Commissioner finds that:

(1) There is good cause to amend Chapter 84d effective upon publication of this final-omitted rulemaking. Deferral of the effective date of these amendments would be impractical and not serve the public interest. Under section 204(3) of the CDL, there is no purpose to be served by deferring the effective date.

(2) There is good cause to forego public notice of the intention to amend Chapter 84d because notice of the amendments under the circumstances is unnecessary and impractical under section 204(3) of the CDL for the following reasons:

(i) Section 301(c)(1) of The Insurance Department Act of 1921 allows an ordinary mortality table adopted after 1980 by the NAIC, which is approved by regulation promulgated by the Insurance Commissioner, to be used when determining the minimum standard of valuation for policies.

(ii) Public comment is unnecessary because the purpose of this final-omitted rulemaking is to merely recognize a division within an existing and previously promulgated mortality table by preferred and standard categories. Because these tables have already been promulgated, because the life insurance industry is supportive of this division and because the division will benefit both insurance companies (by requiring lower reserve levels) and insurance consumers (by possibly lowering insurance

premiums), public notice of the intention to amend Chapter 84d is unnecessary and impractical.

(iii) In the interest of uniformity with the NAIC's adoption of the divided 2001 CSO Mortality Tables and the NAIC's intent to have these tables be available for the valuation of life insurance policies issued on or after January 1, 2007, there is an immediacy for the need to promulgate this regulation prior to that date.

Order

The Insurance Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 31 Pa Code, Chapter 84d, are amended by amending §§ 84d.2 and 84d.3 and by adding § 84d.3a to read as set forth in Annex A.

(2) The Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to form and legality as required by law.

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

(4) This order shall take effect upon its publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7353 (December 2, 2006).)

Fiscal Note: 11-236. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VI. LIFE INSURANCE

CHAPTER 84d. RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS AND THE 2001 CSO PREFERRED CLASS STRUCTURE MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

§ 84d.2. Definitions.

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

Act—The Insurance Department Act of 1921 (40 P. S. §§ 1—324).

Actuarial Standards Board—The board established by the American Academy of Actuaries, or a successor thereto, to develop and promulgate standards of actuarial practice.

Commissioner—The Insurance Commissioner of the Commonwealth.

2001 CSO Composite Mortality Tables—The 2001 CSO Mortality Tables with rates of mortality that do not distinguish between smokers and nonsmokers.

Law—The Insurance Company Law of 1921 (40 P. S. §§ 341—991)

NAIC—The National Association of Insurance Commissioners.

2001 CSO Smoker and Nonsmoker Mortality Tables—The 2001 CSO Mortality Tables with separate rates of mortality for smokers and nonsmokers.

2001 CSO Mortality Table—The mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)*. Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

2001 CSO Mortality Table (F)—The mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2001 CSO Mortality Table (M)—The mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

2001 CSO Preferred Class Structure Mortality Table—The mortality tables with separate rates of mortality for Super Preferred Nonsmoker, Preferred Nonsmoker, Residual Standard Nonsmoker, Preferred Smoker and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker Mortality Tables as adopted by the NAIC at the September 2006 meeting and published in the NAIC minutes for that meeting. Unless the context indicates otherwise, the 2001 CSO Preferred Class Structure Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table. The table includes both the male and female mortality tables and also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

Statistical agent—An entity with proven systems for protecting the confidentiality of individual insured and company information, demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurance companies, which are its members or subscribers, and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

§ 84d.3. 2001 CSO Mortality Table.

(a) At the election of the company for any one or more specified plans of insurance and subject to the conditions stated in this chapter, the 2001 CSO Mortality Table may be used as the minimum nonforfeiture standard and the minimum valuation standard for policies issued on or after January 1, 2004, and before the date specified in subsection (b). If the company elects to use the 2001 CSO Mortality Table, it shall do so for both nonforfeiture and valuation purposes.

(b) Subject to the conditions stated in this chapter, the 2001 CSO Mortality Table shall be used as the minimum nonforfeiture standard and the minimum valuation standard for policies issued on and after January 1, 2009.

(c) For each policy form with separate rates for smokers and nonsmokers a company may use the 2001 CSO Mortality Tables in one of the following ways:

(1) The 2001 CSO Composite Mortality Tables as the minimum nonforfeiture standard and the minimum valuation standard.

(2) The 2001 CSO Composite Mortality Tables as the minimum nonforfeiture standard and to determine the minimum reserves required by section 301 of the act (40 P. S. § 71) and the 2001 CSO Smoker and Nonsmoker Mortality Tables as the minimum valuation standard to determine the additional minimum reserves, if any, required by section 303 of the act (40 P. S. § 73).

(3) The 2001 CSO Smoker and Nonsmoker Mortality Tables as the minimum nonforfeiture standard and the minimum valuation standard.

(d) For each policy form without separate rates for smokers and nonsmokers the 2001 CSO Composite Mortality Tables shall be used as the minimum nonforfeiture standard and the minimum valuation standard.

(e) Subject to the restrictions of § 84d.4 (relating to applicability of the 2001 CSO Mortality Table to Chapter 84c (relating to valuation of life insurance policies)) and Chapter 84c (relating to valuation of life insurance policies), the 2001 CSO Mortality Table may, at the option of the company for each policy form, be used in its ultimate or select and ultimate form as the minimum nonforfeiture standard and the minimum valuation standard.

(f) When the 2001 CSO Mortality Table is the minimum reserve standard for any policy form for a company, the actuarial opinion in the annual statement filed with the Commissioner shall be based on an asset adequacy analysis as specified in Chapter 84b (relating to actuarial opinion and memorandum). The Commissioner may exempt a company from this requirement if it only does business in this Commonwealth.

§ 84d.3a. 2001 CSO Preferred Class Structure Mortality Table.

(a) At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this chapter, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. Prior to that election, the company shall demonstrate to the satisfaction of the Commissioner that at least 20% of the business to be valued on this table is in one or more of the preferred classes.

(b) For each policy form with separate rates for preferred and standard nonsmokers, a company may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker Tables to substitute for the 2001 CSO Nonsmoker Mortality Tables as the minimum valuation standard. At the time of election and annually thereafter, except for business valued using the Residual Standard Nonsmoker Table, the company shall provide the Commissioner a certification from the appointed actuary of the following:

(1) For each class, the present value of death benefits over the next 10 years after the valuation date using anticipated mortality experience without recognition of mortality improvement beyond the valuation date is less than the present value of death benefits using the valuation basic table corresponding to the valuation table used for that class.

(2) For each class, the present value of death benefits over the future life of the contracts using anticipated mortality experience without recognition of mortality improvement beyond the valuation date is less than the present value of death benefits using the valuation basic table corresponding to the valuation table used for that class.

(c) For each policy form with separate rates for preferred and standard smokers, a company may use the Preferred Smoker and Residual Standard Smoker Tables to substitute for the 2001 CSO Smoker Mortality Tables as the minimum valuation standard. At the time of election and annually thereafter for business valued using the Preferred Smoker Table, the company shall provide the Commissioner a certification from the appointed actuary of the following:

(1) The present value of death benefits over the next 10 years after the valuation date using anticipated mortality experience without recognition of mortality improvement beyond the valuation date is less than the present value of death benefits using the valuation basic table corresponding to the Preferred Smoker Table.

(2) The present value of death benefits over the future life of the contracts using anticipated mortality experience without recognition of mortality improvement beyond the valuation date is less than the present value of death benefits using the valuation basic table corresponding to the Preferred Smoker Table.

(d) When the 2001 CSO Preferred Class Structure Mortality Table is the minimum reserve standard for any policy form for a company, the actuarial opinion in the annual statement filed with the Commissioner shall be based on an asset adequacy analysis as specified in Chapter 84b (relating to actuarial opinion and memorandum). The Commissioner may exempt a company from this requirement if it only does business in this Commonwealth.

(e) Unless exempted by the Commissioner, every authorized company using the 2001 CSO Preferred Class Structure Mortality Table shall annually file with the Commissioner, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the Commissioner, statistical reports showing mortality and such other information as the Commissioner may deem necessary or expedient for the administration of the provisions of this chapter. The form of the reports shall be established by the Commissioner or the Commissioner may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the Commissioner.

[Pa.B. Doc. No. 06-2338. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]

Removal of Term “Manager”

The State Board of Cosmetology (Board) amends Chapter 7. This final-form rulemaking removes the term “manager” and all references to a cosmetology shop manager license from the Board’s regulations to conform them to the changes made to the act of May 3, 1933 (P. L. 242, No. 86) (Act 86) by the act of June 29, 2002 (P. L. 645, No. 98) (Act 98).

A. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

Section 11 of Act 86 (63 P.S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations affected by Act 86.

C. *Background and Need for Final-Form Rulemaking*

The Board’s existing regulations were promulgated under prior language of section 4.4 of Act 86 (63 P.S. § 510.4), dating back to 1976, that required either an owner or a licensed manager employed by the owner to manage a shop. Accordingly, the existing regulations include a manager license classification as well as related provisions addressing licensure and management issues. These regulations consistently refer to the manager and to the prior language of section 4.4 of Act 86 regarding management of shops.

Section 4.4 of Act 86 was amended by the act of October 18, 2000 (P. L. 607, No. 81) to, among other things, limit the need for a licensed shop manager in some circumstances, but that amendment did not eliminate the manager license classification. Subsequently, Act 98 amended section 4.4 of Act 86 again, entirely removing the requirement that a cosmetology shop be managed by the shop’s owner, a licensed manager or a licensed cosmetology teacher. In its place, Act 98 established the requirements that every shop owner designate a person in charge of the shop in the owner’s absence, that the name of the owner or designated person in charge be posted in a conspicuous place in the shop and that the owner or designated person in charge be readily available to Bureau of Professional and Occupational Affairs inspectors during business hours.

Upon implementation of Act 98, the Board eliminated the license category of manager and no longer enforced the provisions of its regulations referring to the manager or the manager license classification. This final-form rulemaking deletes the now obsolete references and addresses the new requirements regarding oversight of a shop by the owner or the designated person in charge.

D. *Description of Amendments*

The amendments to §§ 7.1, 7.11(2), 7.12, 7.31(a), 7.32g(c) and 7.128(b) delete the term “manager” or “manager’s.” Similarly, §§ 7.13 and 7.32c and § 7.129(d) (relating to curriculum requirements) are rescinded, as is the second sentence of § 7.45 (related to reexamination if the license is not current for 5 or more years), because these provisions are now obsolete.

In §§ 7.51(a)(2), 7.64(a) and (b) and 7.111(a)(2)(ii)(B) (relating to application for a shop license; responsibilities of shop owner or designated person in charge; and application for a school license), the phrase “the designated person in charge of the shop in the owner’s absence” is substituted for either the term “manager” or for a reference to the individual “managing the shop.” Additionally, in § 7.62 (related to management of cosmetology shop), the final-form rulemaking adds language to subsection (a) establishing the need for the designated person in charge of the shop in the owner’s absence to be a licensee; deletes an obsolete portion of subsection (b); and adds subsections (c) and (d) that vest certain responsibilities in both the owner and the designated person in charge of the shop in the owner’s absence.

E. Summary of Comments and Responses to Proposed Rulemaking

Proposed rulemaking was published at 36 Pa.B. 1231 (March 18, 2006) followed by a 30-day public comment period. The Board did not receive comments from the general public or from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), the House Professional Licensure Committee (HPLC) or the Independent Regulatory Review Commission (IRRC).

F. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivisions or the private sector.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 1231, to IRRC and to the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 3, 2006, the final-form rulemaking was approved by the HPLC. On October 18, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective October 18, 2006.

I. Contact Person

Further information may be obtained by contacting Hilarene Staller, Board Administrator, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7130.

J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were received.

(3) The final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 36 Pa.B. 1231.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

K. Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 7, are amended by amending §§ 7.1, 7.2, 7.11, 7.12, 7.31, 7.32g, 7.45, 7.51, 7.62, 7.64, 7.111, 7.128 and 7.129 and by deleting §§ 7.13, 7.32c and 7.63 to read as set forth at 36 Pa.B. 1231.

(b) The Board shall submit this order and 36 Pa.B. 1231 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 36 Pa.B. 1231 and deposit them with the Legislative Reference Bureau as required by law.

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

SUSAN E. RINEER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 6742 (November 4, 2006).)

Fiscal Note: Fiscal Note 16A-4513 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-2339. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 3, 2006, meeting, adopted an amendment to § 135.107 (relating to Middle Creek Wildlife Management Area).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 3275 (July 1, 2006).

1. Purpose and Authority

Since September goose hunting was initiated, the resident Canada goose population on and in the vicinity of the Middle Creek Wildlife Management Area has declined dramatically. As added evidence of the population decline, hunter success rates in the controlled area at Middle Creek have dropped from 57% in 1996 to 16% in 2005. The Commission believes that it is absolutely necessary to reduce the harvest of resident geese at the Middle Creek Wildlife Management Area to sustain and recover Canada goose populations in the area and preserve the quality of the waterfowl hunting experience in the controlled management area.

An interdisciplinary group met and recommended several administrative and regulatory changes to reduce goose harvests and improve hunting on the controlled area at Middle Creek. Enhanced hunter education and

changes in the management of hunting blinds on the area will be part of the changes implemented for the 2006 season. Also recommended was a reduction from 4 to 3 days in the number of waterfowl shooting days at Middle Creek, eliminating Mondays. Therefore, the Commission has amended § 135.107 to redress evidence of dramatic Canada goose population declines on and in the vicinity of the Middle Creek Wildlife Management Area by reducing the number of waterfowl shooting days at Middle Creek from 4 to 3 days by eliminating Monday hunts.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations...for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 135.107 was adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 135.107 to redress evidence of dramatic Canada goose population declines on and in the vicinity of the Middle Creek Wildlife Management Area by reducing the number of waterfowl shooting days at Middle Creek from 4 to 3 days by eliminating Monday hunts.

3. *Persons Affected*

Persons wishing to hunt waterfowl at the Middle Creek Wildlife Management Area on Mondays will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.107 to read as set forth at 36 Pa.B. 3275.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 3275 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-233 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-2340. Filed for public inspection December 1, 2006, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Protective Material Required

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 3, 2006, meeting, adopted an amendment to § 141.20 (relating to protective material required).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 5783 (September 16, 2006).

1. *Purpose and Authority*

On April 18, 2006, the Commission adopted the seasons and bag limits for the 2006-2007 hunting license year, which includes the much anticipated archery bear season scheduled to take place during the week prior to the traditional Statewide bear season. Despite the successful creation of the archery bear season, the Commission recognizes the need to amend § 141.20 to specifically except the bear archery season from certain fluorescent orange requirements. The Commission intends to treat the archery bear season in a manner similar to the archery deer season. Fluorescent orange is generally not required during the archery deer season. Without this amendment, archery bear hunters will be required to comply with default fluorescent orange requirements, which call for a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc at all times while hunting. Therefore, the Commission amended § 141.20 to create and accommodate fluorescent orange requirements for the newly created archery bear season. The Commission also took the opportunity to reorganize and reword a few of the subparagraphs in § 141.20 to improve clarity in the regulation.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.20 was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 141.20 to create and accommodate fluorescent orange requirements for the newly created archery bear season.

3. Persons Affected

Persons wishing to hunt bear in this Commonwealth during the newly created archery bear season will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.20 to read as set forth at 36 Pa.B. 5783.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 5783 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-234 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-2341. Filed for public inspection December 1, 2006, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Special Regulations Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 3, 2006, meeting, adopted an amendment to § 141.1 (relating to special regulations areas).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 5784 (September 16, 2006).

1. Purpose and Authority

The Commission is directed by law to use hunting in managing white-tailed deer. The Commission has encouraged and supported hunting as the primary means of managing deer populations by annually making hunting opportunities available, increasing hunter opportunities and providing deer hunters with tools to increase their success. With the recent creation of the "Plan to Reduce Human-Deer Conflicts in Developed Areas," also known as the Urban Deer Management Strategy, this same approach will be used when safe and appropriate in developed areas.

Strategy 1.1.3 of the Urban Deer Management Strategy calls for the use of regulated baiting to increase hunter harvest in developed wildlife management units. In 2004, the Legislature authorized the Commission to regulate the use of bait for deer removal in special regulations areas in southeastern Pennsylvania. While traditional hunting, that is, hunting without bait, is the most economical way to manage deer populations, by allowing the use of bait while hunting there is a potential to increase harvest, hunter success and hunter opportunity in developed areas. Providing this tool in the most developed areas will be beneficial to hunters, urban residents and the Commission's deer management program. Therefore, the Commission amended § 141.1 to permit hunters to use or take advantage of bait while hunting deer within the southeast special regulations area of this Commonwealth.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and

means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 141.1 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.1 to permit hunters to use or take advantage of bait while hunting deer within the southeast special regulations area of this Commonwealth.

3. *Persons Affected*

Persons wishing to hunt deer within the southeast special regulations area of this Commonwealth may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

Out of a total of 18 comments received concerning this topic, 9 support the lawful use of bait in the southeast special regulations area, 8 oppose the lawful use of bait in the southeast special regulations area and 1 supports limiting the lawful use of bait for the hunting of antlerless deer only.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will become effective December 26, 2006, and expire on March 31, 2010.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.1 to read as set forth in Annex A.

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

(c) This order shall become effective December 26, 2006, and expire March 31, 2010.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-235 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the Southeast area only.

(3) Take small game, furbearing animals, crows or wildlife with a manually operated rimfire rifle or handgun .22 caliber or less.

(4) Kill an animal legally caught in a trap with a manually operated rimfire rifle or handgun .22 caliber or less while trapping.

(5) Hunt or take deer on private lands only in the southeast area through the use of or by taking advantage of bait.

(i) Bait may be placed or distributed 2 weeks prior to the opening of the first deer season through the close of the last deer season in each wildlife management unit.

Bait accumulation in any one location may not exceed 5 gallons total volume at a given time.

(ii) This paragraph became effective December 26, 2006, and expires March 31, 2010, unless the Commission authorizes its continued legal effectiveness prior to March 31, 2010.

[Pa.B. Doc. No. 06-2342. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 11]

Organ and Bone Marrow Donor Tax Credit

The Secretary of Revenue (Secretary), under section 506 of The Administrative Code of 1929 (71 P. S. § 186) and sections 3 and 4 of the Organ and Bone Marrow Donor Act (act) (35 P. S. §§ 6120.3 and 6120.4), adds Chapter 11 (relating to organ and bone marrow donor tax credit) to read as set forth in Annex A. The Department of Revenue (Department) is adopting this final-omitted rulemaking to facilitate its responsibilities under sections 3(b)(1) and 4 of the act.

Because of time constraints associated with this statutory change for Pennsylvania taxpayers in the current fiscal year, the Department, under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and the regulation thereunder, 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the final-omitted rulemaking process is that it is in the public interest to implement by January 1, 2007, the regulation for the organ and bone marrow donor tax credit. The timely adoption of this regulation will provide multistate taxpayers a method to apportion the credit available to be applied against their 2006 tax liabilities.

Purpose of Final-Omitted Rulemaking

This final-omitted rulemaking implements a regulation to reflect a statutory change made by the Legislature that created the organ and bone marrow donor tax credit.

Explanation of Regulatory Requirements

The Department is adding Chapter 11 to implement the organ and bone marrow donor tax credit under section 4 of the act.

Fiscal Impact

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth.

Paperwork

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The regulation is scheduled for review within 5 years of publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the final-omitted rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on October 18, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 15, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 16, 2006, and approved the final-omitted rulemaking.

Findings

The Department finds that the regulation is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because it is in the public interest to expedite this regulation that reduces the burden to the taxpayer.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding § 11.1 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

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

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

GREGORY C. FAJT,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7358 (December 2, 2006).)

Fiscal Note: 15-440. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart A. GENERAL PROVISIONS

**CHAPTER 11. ORGAN AND BONE MARROW
DONOR TAX CREDIT**

Sec.
11.1. Organ and bone marrow donor tax credit.

§ 11.1. Organ and bone marrow donor tax credit.

(a) *Applicable taxes.* The Organ and Bone Marrow Donor Act (35 P. S. §§ 6120.1—6120.6) provides for an organ or bone marrow donor tax credit to be claimed by a business firm against the taxes imposed under Article III, IV, VI, VII, VIII or XV of the Tax Reform Code of 1971.

(b) *Apportionment of credit of multistate business firms.* The organ or bone marrow donor tax credit that may be claimed against the taxes in subsection (a) by a business firm subject to tax in more than one state shall be apportioned to Pennsylvania by multiplying the credit by a fraction, the numerator of which is the total amount paid in this Commonwealth during the tax period by the business firm for compensation and the denominator of which is the total compensation paid everywhere during the tax period.

[Pa.B. Doc. No. 06-2343. Filed for public inspection December 1, 2006, 9:00 a.m.]

**DEPARTMENT OF REVENUE
[61 PA. CODE CHS. 141—148]**

School District Personal Income Tax

The Department of Revenue (Department), under section 5004.1 of the Taxpayer Relief Act (act) (53 P. S. § 6296.5004.1), adds Article V-A (relating to school district personal income tax) to read as set forth in Annex A. The act went into effect June 27, 2006, and requires that the regulations be adopted before a board of school directors can submit a referendum question regarding the implementation of a personal income tax for voter approval at the primary election of 2007. See section 331.2 of the act (53 P. S. § 6926.331.2).

Purpose of Final-Omitted Rulemaking

The act requires the Department to adopt a final-omitted rulemaking necessary for the implementation of a school district personal income tax by school districts in this Commonwealth.

Explanation of Regulatory Requirements

Article V-A establishes uniform rules for the levy, implementation, administration, assessment and collection of the school district personal income tax.

Fiscal Impact

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth.

Paperwork

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The final-omitted rulemaking is scheduled for review within 5 years of publication. No sunset date has been assigned.

Contact Person

The contact person for an of the final-omitted rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on October 11, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 15, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 16, 2006, and approved the final-omitted rulemaking.

Findings

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because it is in the public interest to expedite this final-omitted rulemaking that reduces the burden to the taxpayer.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 141.1, 141.2, 142.1, 142.2, 143.1—143.7, 144.1—144.3, 145.1—145.6, 146.1—146.3, 147.1—147.3 and 148.1 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

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

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

GREGORY C. FAJT,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7353 (December 2, 2006).)

Fiscal Note: 15-439. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V-A. SCHOOL DISTRICT PERSONAL INCOME TAX

Chap.	
141.	GENERAL PROVISIONS
142.	TAX, IMPOSITION AND RATE
143.	TAX PAYMENTS
144.	TAX CREDITS
145.	TAX RETURNS
146.	ADMINISTRATION AND COLLECTION
147.	INTEREST, PENALTIES AND COSTS OF COLLECTION
148.	TAX APPEALS

CHAPTER 141. GENERAL PROVISIONS

Sec.	
141.1.	Scope.
141.2.	Definitions.

§ 141.1. Scope.

The Department promulgates this article for the purpose of providing uniform rules for the levy, implementation, administration, assessment and collection of the school district personal income tax authorized by the act. This article applies to any school district imposing a school district personal income tax and other persons subject to the act.

§ 141.2. Definitions.

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

Act—The Taxpayer Relief Act (53 P. S. §§ 6926.101—6926.5006).

Adjusted Pennsylvania taxable personal income—The sum of a taxpayer's Pennsylvania personal income, taking into account allowable statutory reductions, required to be reported to the Department on the taxpayer's Pennsylvania Personal Income Tax return for a taxable year.

Allowable statutory reduction—Any item of loss used to compute a net class of Pennsylvania personal income or a deduction authorized under section 303 of the TRC (72 P. S. § 7303) or other law that reduces Pennsylvania personal income.

Board—A "board of school directors" as defined in section 302 of the act (53 P. S. § 6926.302).

Compensation—Compensation as defined in section 303 of the TRC and this title.

Department regulations or regulations—Regulations promulgated by the Department and published under this title.

Individual—

- (i) A natural person.
- (ii) The term does not include a trust or decedent's estate.

Local Tax Enabling Act—53 P. S. §§ 6901—6923.

Payroll period—A period of service for which a payment of compensation is ordinarily made. The period may be daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannually or annually.

Pennsylvania Personal Income Tax—The tax imposed under Article III of the TRC (72 P. S. §§ 7301—7359).

Pennsylvania Personal Income Tax return—The return that is required to be made and filed with the Department under section 330 of the TRC (72 P. S. § 7330).

Pennsylvania personal income—The classes of income enumerated in section 303 of the TRC and defined in Article III of the TRC and applicable Department regulations from whatever source derived, including any income of members or shareholders of partnerships, associations or Pennsylvania S corporations as provided under sections 306 and 307.8 of the TRC (72 P. S. §§ 7306 and 7307.8) and applicable Department regulations, but not including income taxable to a trust or estate as provided for under Chapter 105 (relating to estates and trusts).

Resident individual—

(i) An individual domiciled in a school district during the individual's taxable year.

(ii) The term excludes a statutory resident and includes a statutory nonresident.

School district—A "school district" as defined in section 302 of the act.

School district personal income tax—A tax that a board of a school district levies under section 321(c) of the act (53 P. S. § 6926.321), regarding general tax authorization.

Statutory resident—An individual who is not domiciled in this Commonwealth but is considered a resident of this Commonwealth for Pennsylvania Personal Income Tax purposes because the individual maintains a permanent place of abode in this Commonwealth and spends in the aggregate more than 183 days of the taxable year in this Commonwealth.

Statutory nonresident—An individual who is domiciled in this Commonwealth but for Pennsylvania Personal Income Tax purposes is considered a nonresident of this Commonwealth because the individual maintains no permanent place of abode in this Commonwealth but maintains a permanent place of abode elsewhere and spends in the aggregate not more than 30 days of the taxable year in this Commonwealth.

Tax collector—A person that the board of a school district designates as the collector of any school district personal income tax imposed by the school district.

Taxable year—A taxable year as defined in the TRC.

Taxpayer—A person that is subject to a school district personal income tax.

CHAPTER 142. TAX, IMPOSITION AND RATE

Sec.	
142.1.	Tax and imposition.
142.2.	Tax rate.

§ 142.1. Tax and imposition.

(a) The school district personal income tax is a tax at the rate prescribed in § 142.2 (relating to tax rate) levied on the income as described in subsection (b) that a resident individual receives during the resident individual's taxable year. A taxpayer who is a resident individual of more than one school district that imposes a school district personal income tax during the taxpayer's taxable year is subject to the school district personal income tax of each school district.

(b) A taxpayer's income subject to tax under subsection (a) is the taxpayer's adjusted Pennsylvania taxable personal income, subject to the provisions of subsection (c).

(c) The income subject to tax of a taxpayer who is a resident individual of a school district for only a portion of the taxpayer's taxable year shall be an amount equal to the taxpayer's adjusted Pennsylvania taxable personal income multiplied by a fraction the numerator of which is the number of calendar months during the taxable year that the individual is a resident individual of the school district and the denominator of which shall be 12. A taxpayer shall include in the numerator any calendar month during which the taxpayer is a resident individual for more than half the calendar month. A day that a taxpayer's domicile changes shall be included as a day the individual is in the new domicile and not the old domicile. If the number of days that a taxpayer is a resident of the new domicile and a resident of the old domicile in a calendar month are equal, the calendar month shall be included in calculating the number of months in the new domicile.

Example 1. A calendar year taxpayer changes domicile from one Commonwealth school district to another on September 20th. September is a month during the calendar year containing 30 days. Because the taxpayer changed domicile on the 20th day of the calendar month, the day is included as a day in the new domicile instead of the old domicile. Therefore, taxpayer was domiciled in the old domicile for 19 days and the new domicile for 11 days. Because the taxpayer was in the old domicile for more than half the month of September, the taxpayer is considered a resident individual of the old domicile during September. For purposes of calculating the fraction numerator, taxpayer is a resident individual of the old domicile from January to September (9 months) and the new domicile from October to December (3 months).

Example 2. The facts in this example are the same as Example 1, except the taxpayer changes his domicile on September 16. Because September 16 is included as a day in the new domicile, the taxpayer was a resident individual for 15 days in both the old and new domicile during September. Therefore, September is included as a calendar month in the new domicile. For purposes of calculating the fraction numerator, taxpayer is a resident individual of the old domicile from January to August (8 months) and the new domicile from September to December (4 months).

§ 142.2. Tax rate.

(a) The board shall establish for its fiscal year the school district personal income tax rate under the provisions of and subject to the limitations contained in the act.

(b) If the tax rate changes during a taxpayer's taxable year, the taxpayer's income subject to tax as determined under § 142.1 (relating to tax and imposition) shall be apportioned by multiplying the income by a fraction, the numerator of which must be the number of months in taxpayer's taxable year prior to the effective date of the tax rate change and the denominator of which must be the number of month's in the taxpayer's taxable year. The product must be the taxpayer's income subject to the tax rate before the rate change. The difference between the product and the taxpayer's income subject to tax as determined under § 142.1 must be the income subject to the tax rate after the rate change.

CHAPTER 143. TAX PAYMENTS

Sec.	
143.1.	Liability for payment.
143.2.	Payment.
143.3.	Receipt of payments.
143.4.	Tax due date.
143.5.	Employer withholding.
143.6.	Estimated tax declarations and installment payments.
143.7.	Overpayment carryover.

§ 143.1. Liability for payment.

Each taxpayer subject to a school district personal income tax is liable for and responsible to pay the tax.

§ 143.2. Payment.

(a) *Location.* The payment of any school district personal income tax shall be made to the tax collector for the school district imposing the tax.

(b) *Types of payments.* The board of a school district may prescribe the means by which a school district personal income tax payment may be made, including cash, check, draft, money order, certified or cashier's check, credit or debit card or electronic funds transfer.

(c) *Conditional payments.* Acceptance of a check, draft, money order, certified check or cashier's check is a conditional payment until honored by the drawee.

(d) *Returned or rejected payments.* If a taxpayer or other person makes what purports to be a payment of school district personal income tax with a check, money order, cashier's check (or other guaranteed draft), credit card or debit card or by other means and the amount of the liability is not paid, or is paid and subsequently charged back to the payee, the taxpayer shall remain liable for the obligation due the school district to the same extent as if the payment had not been tendered.

§ 143.3. Receipt of payments.

For purposes of determining when a school district personal income tax payment is made and credited to a taxpayer's account, a tax payment is deemed to be made on the date the tax collector responsible for collecting the tax receives the payment or the due date for the payment, whichever is later.

§ 143.4. Tax due date.

The school district personal income tax of each taxpayer for the taxable year shall be due on the date that taxpayer is required to file the return for the personal income subject to tax, without regard to any extensions.

§ 143.5. Employer withholding.

(a) An employer who maintains an office or transacts business within a school district shall deduct and withhold school district personal income tax from the compensation of each employee of the employer under the following conditions:

- (1) The employee is a resident individual of the school district.
- (2) The employee provides services to the employer within the school district.
- (3) The employer is required under section 316 of the TRC (72 P. S. § 7316) to deduct and withhold Pennsylvania Personal Income Tax from the compensation of the employee.

(b) The school district personal income tax required to be deducted and withheld under subsection (a) shall be deducted and withheld for each payroll period in an amount equal to the product of the following:

(1) The school district personal income tax rate for the school district where the employer maintains an office or transacts business that is in effect during the payroll period, which rate can be found on the Department of Community and Economic Development's Local Tax Withholding Register as established under section 351(c)—(e) of the TRC (72 P. S. § 7351(c)—(e)), regarding tax registers and local tax withholding registers.

(2) The compensation paid for the payroll period.

(c) Every employer required to deduct and withhold from compensation under subsection (a) who has not previously registered, shall within 15 days after becoming an employer, register with the tax collector for the school district where the employer maintains an office or transacts business, the name and address and other information the tax collector may require.

(d) Every employer required to deduct and withhold from the compensation of a person under subsection (a) shall on or before April 30, July 31, October 31 and January 31, file a return for and remit to the tax collector for the school district where the employer maintains an office or transacts business the amount of school district personal income tax deducted and withheld during the preceding 3-month periods ending March 31, June 30, September 30, and December 31, respectively. The information to be provided on the return must include:

(1) The name and Social Security number of each person from whose compensation withholding was made.

(2) The compensation subject to withholding during the preceding 3-month period.

(3) The amount of withholding.

(4) The school districts imposing the school district personal income tax on the compensation.

(5) The total compensation of all persons from whom the employer is required to withhold during the preceding 3-month period.

(6) The total school district personal income tax withheld and remitted with the return.

(e) The tax collector may require any employer who for two of the preceding four quarterly periods has failed to deduct and withhold the proper school district personal income tax, or any part thereof, or has failed to remit the proper amount of the school district personal income tax, to file a return and remit the withheld school district personal income tax monthly. In that case, the school district personal income tax to be withheld shall be made to the tax collector on or before the last day of the month succeeding the month for which the tax was withheld.

(f) On or before February 28, of the succeeding year, every employer required to withhold school district personal income tax under subsection (a) shall file the following with the tax collector:

(1) An annual return showing:

(i) The total amount of compensation paid and subject to withholding.

(ii) The total amount of school district personal income tax deducted and withheld from the compensation.

(iii) The total amount of school district personal income tax remitted to the tax collector for the period beginning January 1, of the current year, and ending December 31, of the current year.

(2) A return withholding statement for each person whose compensation was subject to withholding during all or any part of the period beginning January 1, of the current year, and ending December 31, of the current year, setting forth the name, address and Social Security number, the amount of compensation paid to the person during the period, the amount of school district personal income tax deducted and withheld, the political subdivisions imposing the tax upon the person and the amount of tax remitted to the tax collector. Every employer shall furnish two copies of the individual return to the person for whom it is filed.

(g) Every employer who discontinues business prior to December 31, of the current year, shall within 30 days after the discontinuance of business, file the returns and withholding statements required under this section and remit the tax due.

(h) An employer who willfully or negligently fails to deduct, withhold and remit the school district personal income tax as required under this section shall be liable for payment of the school district personal income tax that the employer was required to withhold to the extent that the taxes have not been recovered from the person from whom the withholding was to be made.

(i) Notwithstanding the provisions of this section, an employer may deduct and withhold school district personal income tax at the most recently available school district personal income tax rate on the Department of Community and Economic Development's Tax Register as established under section 351(b) of the act (53 P. S. § 6926.351(b)). Further, an employer is not required to deduct and withhold school district personal income tax from the compensation of a resident individual or make reports of compensation deducted and withheld in connection with a school district personal income tax that is not officially released on the Department of Community and Economic Development's Local Withholding Tax Register as prescribed in section 351 of the act.

(j) The failure or omission of an employer to deduct, withhold and remit the school district personal income tax required under this section does not relieve any person from the payment of the school district personal income tax or from complying with the filing requirements of this article.

(k) Nothing in this section shall be construed to prohibit an employer from voluntarily deducting and withholding school district personal income tax from the compensation of a person who is subject to school district personal income tax but is not a resident individual of the school district in which the employer maintains an office or transacts business and to which the person reports to work. If an employer voluntarily deducts and withholds school district personal income tax from a person, the employer shall remit the tax and file the returns and reports required under subsections (d) and (f) with the tax collector for the school district where the person is a resident individual.

§ 143.6. Estimated tax declarations and installment payments.

(a) Every taxpayer shall make a declaration and installment payments of estimated school district personal income tax if the taxpayer's estimated school district personal income tax exceeds the dollar limitation contained in section 325 of the TRC (72 P. S. § 7325) for making a declaration of Pennsylvania Personal Income Tax.

(b) Estimated school district personal income tax means a taxpayer's school district personal income tax liability as prescribed under Chapter 142 (relating to tax, imposition and rate), less any credit to which the taxpayer may be entitled under § 144.3 (relating to employer withholding credit), that the taxpayer reasonably estimates to be due for the taxable year.

(c) The declaration and installment payments of estimated school district personal income tax shall be made to the tax collector for the school district at the time prescribed for the declaration and payment of earned income tax not subject to withholding under section 13-III of The Local Tax Enabling Act (53 P. S. § 6913-III).

(d) The board of a school district that imposes a school district personal income tax shall prescribe the information to be reported on the declaration required under this section and the means by which installment payments are to be made, provided that if an amended declaration is filed, any remaining unpaid installments shall be ratably increased or decreased to reflect the increase or decrease on the amended declaration. The board or its designee shall determine the format for the declaration and make necessary arrangements for the production of the declaration and dissemination to taxpayers.

(e) Notwithstanding the provisions of subsection (c), estimated school district personal income tax installment payments are payments of school district personal income tax to which § 143.3 (relating to receipt of payments) applies.

§ 143.7. Overpayment carryover.

(a) A taxpayer who has overpaid the school district personal income tax for a taxable year may have the overpayment carried forward and credited against the school district personal income tax liability for the following taxable year.

(b) The overpayment that is credited under this section is considered a payment of tax under this chapter as opposed to a tax credit and may be refunded as provided under § 146.3 (relating to refunds).

(c) An overpayment that is credited under this section may be used to satisfy a taxpayer's estimated school district personal income tax liability under § 143.6 (relating to estimated tax declarations and installment payments).

CHAPTER 144. TAX CREDITS

Sec.	
144.1.	Payment of tax to other political subdivisions or states.
144.2.	Poverty credit.
144.3.	Employer withholding credit.

§ 144.1. Payment of tax to other political subdivisions or states.

(a) A taxpayer is entitled to a credit against the school district personal income tax as prescribed under section 14 of The Local Tax Enabling Act (53 P. S. § 6914), regarding payment of tax to other political subdivisions or states as credit or deduction and withholding tax.

(b) Notwithstanding subsection (a), a taxpayer will not be allowed a credit against the school district personal income tax for any tax imposed by any state or political subdivision located outside this Commonwealth.

§ 144.2. Poverty credit.

A taxpayer may claim the same percentage of tax forgiveness that a taxpayer is entitled to claim as a credit against the Pennsylvania Personal Income Tax liability as provided for under section 304 of the TRC (72 P. S. § 7304) against the school district personal income tax.

Example. If a taxpayer is eligible to claim 90% tax forgiveness of his Pennsylvania Personal Income Tax, the taxpayer is eligible to claim 90% tax forgiveness against his school district personal income tax.

§ 144.3. Employer withholding credit.

Any amount actually withheld under § 143.5 (relating to employer withholding) shall be allowed to the recipient of the compensation subject to withholding as a credit against the school district personal income tax liability for the taxable year in which the withholding is made.

CHAPTER 145. TAX RETURNS

Sec.	
145.1.	Date and place of filing.
145.2.	Extensions.
145.3.	Form.
145.4.	Joint returns.
145.5.	Returns by persons other than taxpayer.
145.6.	Amended returns.

§ 145.1. Date and place of filing.

(a) A taxpayer who during any part of a taxable year is a resident individual of a school district imposing a school district personal income tax shall file a school district personal income tax return with the tax collector for the school district on or before the date when the taxpayer is required to file the taxpayer's Pennsylvania Personal Income Tax return.

(b) A taxpayer who during the taxpayer's taxable year is a resident individual of more than one school district that imposes a school district personal income tax shall comply with subsection (a) for each school district.

§ 145.2. Extensions.

(a) A taxpayer who has an extension for filing the Pennsylvania Personal Income Tax return shall have a commensurate extension for filing a school district personal income tax return. To be entitled to the extension under this section, a taxpayer is required to provide proof of the Pennsylvania extension to the tax collector. Adequate proof includes a copy of the completed Pennsylvania application for extension of time to file, or in the event a taxpayer has an extension to file a Pennsylvania Personal Income Tax return based upon an approved extension for filing a Federal Income Tax return, a copy of the completed Federal extension request form.

(b) If a taxpayer has been denied or does not have an extension to file the taxpayer's Pennsylvania Personal Income Tax return, a tax collector may grant an extension for the filing of a school district personal income tax return upon written request from the taxpayer. The tax collector shall establish the form, if any, required for the submission of a request for an extension. The tax collector shall give a taxpayer written notice of the approval or denial of the extension request. An extension may not be longer than 6 months.

§ 145.3. Form.

(a) The board or a designee shall determine the format for the return and make necessary arrangements for the production of the return and dissemination to taxpayers.

(b) The board of the school district imposing a school district personal income tax shall prescribe the information to be included on the school district personal income tax return and the manner and place for filing. At a minimum, the return must contain the following information:

- (1) The taxpayer's personal information including:
 - (i) Name.
 - (ii) Address.
 - (iii) Social Security number.
 - (2) The taxpayer's income as described in § 142.1(b) (relating to tax and imposition).
 - (3) A calculation of the school district personal income tax.
 - (4) The tax credits as provided in Chapter 144 (relating to tax credits).
 - (5) The tax payments made before or with the filing of the return, including estimated installment payments as described in § 143.6 (relating to estimated tax declarations and installment payments).
 - (6) A calculation of the balance of tax due after credits and payments, including a tax underpayment or overpayment.
 - (7) An overpayment to be refunded or credited.
 - (8) The signature of the taxpayer filing the return, or the person filing a return in the case of returns filed by persons other than the taxpayer under § 145.5 (relating to returns by persons other than taxpayer).
 - (9) The name, address and telephone number of any person preparing the return on behalf of the taxpayer.
- (c) A return must allow for the filing of a joint return so that each taxpayer filing the joint return can return the information required in subsection (a) separately. See § 145.4 (relating to joint returns) for joint return requirements.
- (d) A return must allow a taxpayer to apportion personal income during different parts of the taxable year so that the different tax rates may be applied as provided in § 142.2(b) (relating to tax rate).

§ 145.4. Joint returns.

The board of the school district imposing a school district personal income tax may authorize spouses to file joint returns under rules the board prescribes, subject to the following requirements:

- (1) If spouses file a joint return, their tax liability shall be joint and several.
- (2) Spouses filing a joint return may not offset one spouse's losses in a taxable class of income with the gain of the other spouse from any taxable class of income.
- (3) Spouses with different taxable years or who reside in different school districts may not file a joint return.

§ 145.5. Returns by persons other than taxpayer.

Department regulations relating to Pennsylvania Personal Income Tax returns filed on behalf of deceased individuals, minors and taxpayers with disabilities and returns made by agents apply for purposes of the return for school district personal income tax. See §§ 117.3, 117.4 and 117.6 (relating to deceased individuals; minor or other disability; and returns made by agents).

§ 145.6. Amended returns.

(a) Subject to the provisions of subsection (b), a taxpayer may file an amended school district personal income tax return to correct errors contained in an original return or amended return. A board shall prescribe rules relating to filing amended returns.

(b) A taxpayer's adjusted Pennsylvania taxable personal income as reported to, determined, adjusted or assessed by the Department is within the jurisdiction of the Department and cannot be affected by the filing of an amended school district personal income tax return. Amendments to adjusted Pennsylvania taxable personal income shall be made to the Department on an amended Pennsylvania Personal Income Tax return as prescribed for the returns by Department regulation.

CHAPTER 146. ADMINISTRATION AND COLLECTION

Sec.	
146.1.	Tax collector powers and duties.
146.2.	Access to Department returns and records.
146.3.	Refunds.

§ 146.1. Tax collector powers and duties.

(a) The tax collector is responsible to administer, receive, assess and collect the school district personal income tax levied by a board under the act.

(b) Subject to subsection (c), a tax collector shall have all the same powers, rights, responsibilities and duties for the collection of the school district personal income tax that are available for the collection of municipal taxes that may be imposed by law, including taxes imposed under the following:

- (1) The Local Tax Enabling Act.
- (2) Title 53 of *Pennsylvania Consolidated Statutes* §§ 8421—8438 (relating to the Local Taxpayer Bill of Rights Act).
- (3) As otherwise provided by law.

(c) A tax collector is required to accept a taxpayer's adjusted Pennsylvania taxable personal income subject to timely Department determination and adjustment or assessment for which all appeals have been exhausted.

(d) A tax collector may disclose to or allow the Department to examine school district personal income tax returns, records, documents or information of a taxpayer within the tax collector's possession, whether obtained through audit or otherwise, for purposes of carrying out the tax collector's powers and duties under this section. Any disclosures under this subsection qualify as a disclosure for official purposes under 53 Pa.C.S. § 8347 (relating to confidentiality of tax information).

§ 146.2. Access to Department returns and records.

(a) The Department will use the Department of Community and Economic Development's Local Withholding Tax Register as prescribed under section 351 of the act (53 P. S. § 6926.351), regarding tax register and local tax withholding register, to determine the official tax collectors for a school district.

(b) Upon request, the Department may provide a tax collector by electronic transmittal an abstract of a current or former resident individual taxpayer's Pennsylvania Personal Income Tax return for purposes of the tax collector administering and collecting the school district's school district personal income tax. The Department may provide or make available for inspection and duplication, in a format determined by the Department, other tax-

payer returns, records and information that the Department deems necessary for a tax collector to administer a school district personal income tax.

(c) A tax collector shall execute a confidentiality agreement as prescribed by the Department before the Department will disclose tax information under subsection (b).

(d) A tax collector shall reimburse the Department for the costs associated with the disclosure of tax information under subsection (b). The Department will prescribe a fee schedule outlining the costs. The Department will deny any request without payment of the fee.

(e) Federal Income Tax returns, records or information in the Department's possession are strictly confidential and will not be disclosed to a tax collector. Federal tax returns, records and information within the possession of the Internal Revenue Service shall be obtained directly from the Internal Revenue Service, subject to Federal law applicable to disclosure of Federal tax returns, records and information.

§ 146.3. Refunds.

Title 53 of the *Pennsylvania Consolidated Statutes* § 8425 (relating to refunds of overpayments) applies to refunds for overpayments of any personal income tax.

CHAPTER 147. INTEREST, PENALTIES AND COSTS OF COLLECTION

Sec.	
147.1.	Interest.
147.2.	Penalties.
147.3.	Costs of collection.

§ 147.1. Interest.

A board may determine the rate for and the tax collector may assess and collect interest on a delinquent school district personal income tax liability in the manner provided for the determination and collection of interest on tax claims under the act of May 16, 1923 (P. L. 207, No. 153) known as the Municipal Claim and Tax Lien Law. See 53 P. S. § 7143.

§ 147.2. Penalties.

Under the authority of section 22 of The Local Tax Enabling Act (53 P. S. § 6922), the board may prescribe reasonable penalties for a taxpayer's nonpayment of school district personal income tax when due and for a person's failure to comply with this article.

§ 147.3. Costs of collection.

Under the authority of section 22.1 of The Local Tax Enabling Act (53 P. S. § 6922.1), the board may prescribe the reasonable costs of collection incurred to provide notices of delinquency or to implement similar procedures utilized to collect delinquent taxes from a taxpayer. The costs may be retained by the tax collector with the approval of the board of the school district.

CHAPTER 148. TAX APPEALS

Sec.	
148.1.	Appeal process.

§ 148.1. Appeal process.

(a) Subject to subsection (b), each board levying a school district personal income tax shall establish an administrative process for taxpayers to appeal assessments, determinations, adjustments or refunds of the school district personal income tax as prescribed for eligible taxes under 53 Pa.C.S. §§ 8421—8438 (relating to the Local Taxpayer Bill of Rights Act). The provisions related to tax appeals under the Local Taxpayer Bill of Rights Act apply to appeals related to the school district personal income tax.

(b) Issues related to a taxpayer's Pennsylvania personal income, adjusted Pennsylvania taxable personal income or the Pennsylvania Personal Income Tax that affects the calculation of a taxpayer's school district personal income tax shall be raised as part of an appeal of his Pennsylvania Personal Income Tax and may not be raised as part of an appeal under this section.

[Pa.B. Doc. No. 06-2344. Filed for public inspection December 1, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 109 AND 110]

Water Resources Planning

The Environmental Quality Board (Board) proposes to amend Chapter 109 (relating to safe drinking water) and add Chapter 110 (relating to water resources planning) to read as set forth in Annex A. Chapter 110 establishes the requirements for registration of water users and recordkeeping and reporting of water withdrawal and use information, as required by 27 Pa.C.S. Chapter 31 (relating to water resources planning). The proposed rulemaking specifies who is required to register, keep records and report information regarding withdrawals of water in this Commonwealth and details the information that is to be recorded and reported to the Department of Environmental Protection (Department). The information collected under this proposed rulemaking is essential to development of the State Water Plan, which is mandated by 27 Pa.C.S. Chapter 31.

This proposed rulemaking was adopted by the Board at its meeting of September 19, 2006.

A. *Effective Date*

The proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Susan K. Weaver, Acting Chief, Division of Water Use Planning, P. O. Box 8555, Rachel Carson State Office Building, Harrisburg, PA 17105-8555, (717) 783-8055; or Pamela G. Bishop, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department's website: www.depweb.state.pa.us.

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4); 27 Pa.C.S. § 3118 (relating to water use registration and reporting), which directs the Board to adopt regulations pertaining to reporting by public water suppliers and establishing requirements for the registration, periodic reporting and recordkeeping of water withdrawals and uses; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. *Background and Purpose*

The Department is required under 27 Pa.C.S. Chapter 31 to complete a State Water Plan and establish a water withdrawal registration program to collect data necessary

to support the planning process. The Commonwealth does not currently know how much water is used, needed or available. The proposed rulemaking will provide the data necessary to help answer those questions. The State Water Plan will provide a framework for managing this Commonwealth's water resources to most effectively provide for public health and safety, while protecting aquatic resources. Citizens of this Commonwealth will benefit from the development of a State Water Plan, which will provide decision makers a valuable tool to guide investment, development and land use management in a manner that is sustainable and will avoid water shortages and concomitant dislocation. The data collected under this proposed rulemaking will help create economic opportunity by assisting State and local decision makers to identify water resources available to support sustainable development and will help to avoid unwise investments.

The proposed rulemaking will require public water supply agencies and hydropower facilities, irrespective of the amount of withdrawal, and persons whose total withdrawal or withdrawal use from one or more points of withdrawal within a watershed operated as a system either concurrently or sequentially exceeds an average rate of 10,000 gallons of water a day in a 30-day period to register, periodically report and keep records of water use. To avoid duplication of reporting requirements, the proposed rulemaking recommends amending one section of Chapter 109 to indicate that compliance by public water supply agencies with Chapter 110 will fulfill compliance with the Chapter 109 annual water supply reporting requirements.

A Statewide Water Resources Committee (Statewide Committee) is established by 27 Pa.C.S. Chapter 31 to assist the Department in developing the State Water Plan. The Statewide Committee is also charged with reviewing and commenting on regulations proposed by the Department under 27 Pa.C.S. Chapter 31. Chapter 31 of 27 Pa.C.S. also establishes six Regional Committees in each of the following major river basins: Delaware River, Upper/Middle Susquehanna River, Lower Susquehanna River, Ohio River, Potomac River and Great Lakes. The Department presented the proposed rulemaking to both the Statewide Committee and the six Regional Committees for comment. The Statewide Committee and Regional Committees considered the proposed rulemaking at their public meetings held throughout this Commonwealth at which the public could also comment. Comments from the public included extensive comments from the Pennsylvania Chamber of Business and Industry. The Department revised the draft regulations in accordance with those comments.

The Statewide Committee expressed concern about the possibility that fees may be associated with the registration or reporting. No fees are included in this proposed rulemaking. Other significant concerns related to metering and the level of detail required in the registration and reporting forms. Those concerns have already been addressed by comprehensive revisions to the original draft regulations. The Statewide Committee has recommended moving this proposed rulemaking to the Board for consideration and has indicated in writing its support of the regulatory package.

In accordance with 27 Pa.C.S. Chapter 7 (relating to Agricultural Advisory Board), the Department presented the draft regulations to the Agricultural Advisory Board at their meeting on June 15, 2005. One item of interest to that Agriculture Advisory Board was the measurement of water usage for large water users. It was explained that the regulations do not propose metering for agricultural operations involving less than 50,000 gallons per day (gpd) and that flow calculations will be acceptable.

A general statement on the establishment of the Water Resources Technical Assistance Center (Center) has been included in § 110.604 (relating to Water Resources Technical Assistance Center). The Center is an important aspect of 27 Pa.C.S. Chapter 31 and the Department is soliciting comments from individuals or organizations on how best to develop the Center.

E. *Summary of Regulatory Requirements*

No companion Federal regulations exist.

Section 109.701 (relating to reporting and recordkeeping) explains the reporting and recordkeeping requirements for public water systems.

Section 110.1 (relating to definitions) explains the intended meaning for terms used in this proposed rulemaking.

Section 110.2 (relating to purpose) explains that Chapter 110 establishes registration, monitoring, recordkeeping and reporting requirements that apply to persons who own public water supply agencies or hydropower facilities and persons whose total withdrawal or withdrawal use exceeds an average rate of 10,000 gpd in a 30-day period.

Section 110.3 (relating to general requirements) establishes requirements to register, monitor, maintain records and submit reports regarding withdrawals or uses of water and provides that information submitted to the Department will be subject to the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-to-Know Act, unless claimed confidential by the submitter, with adequate justification.

Section 110.4 (relating to inspection authorization) authorizes the Department to make inspections and conduct tests or sampling, or examine books, papers and records, including electronic records, to determine compliance with this chapter.

Section 110.5 (relating to coordination with reports under other statutes) requires persons subject to § 110.3(a) to cooperate with the Department in its coordination of the submission of reports under this chapter with reports required under other statutes and regulations administered by the Department, compact basin commissions or by other Federal and State agencies.

Section 110.6 (relating to effect of registration) explains that registration of a withdrawal or use under this chapter will not be construed as either a determination of a person's water rights or approval of a withdrawal or use by the Department, another agency of the Commonwealth or a compact basin commission.

Section 110.201 (relating to registration requirement) establishes the requirement for persons subject to the regulation to register with the Department the source, location and amount of their withdrawals and withdrawal

uses. It exempts from registration persons who use more than 10,000 gpd if all water is supplied by a public water supply agency and the average consumptive use does not exceed 100,000 gpd over a 30-day period.

Section 110.202 (relating to submission of registrations) establishes the deadlines for submittal of registrations to the Department as not later than March 16, 2004, or 90 days following initiation of a water withdrawal or withdrawal use, whichever is later.

Section 110.203 (relating to content of registration) establishes the required content of a registration, including registrant identification and description information; identification, description, including location, and amount, as appropriate, of the following: source, withdrawal or withdrawal use, or both, consumptive and nonconsumptive uses, water returned and discharged and water transferred between public water supply agencies by means of interconnection; and identification and justification of confidential information.

Section 110.204 (relating to voluntary registration). This section provides for voluntary registration by persons not subject to the regulation.

Section 110.205 (relating to transfer of registration) provides for transfers of registrations and establishes the prerequisites for transfers.

Section 110.206 (relating to termination of registration) provides for termination of registrations and establishes the prerequisites for termination.

Section 110.301 (relating to reporting requirement) establishes the requirement for reporting.

Section 110.302 (relating to submission of reports) establishes the dates for required submission of reports to the Department.

Section 110.303 (relating to reporting period) establishes the reporting period for reports required to be submitted to the Department.

Section 110.304 (relating to general contents of report) prescribes the general contents of reports.

Section 110.305 (relating to user-specific contents of report) prescribes user-specific contents of reports.

Section 110.401 (relating to recordkeeping requirement) establishes the requirements for recordkeeping.

Section 110.402 (relating to retention of records) establishes the requirement for retention of records and supporting data to be at least 5 years.

Section 110.501 (relating to metering and measuring requirement) establishes the requirements for metering and measuring. Public water supply agencies shall meter to within 5% accuracy. Hydropower facilities and large users (greater than 50,000 gpd) shall measure to within 5% accuracy. Other users subject to the regulation shall measure or calculate their withdrawals or withdrawal uses by a means acceptable to the Department.

Section 110.502 (relating to recording frequency) establishes the recording frequency of withdrawals and withdrawal uses subject to the regulation.

Section 110.503 (relating to measuring requirement in critical water planning areas) provides the Department authority to require more accurate measurement of withdrawals or withdrawal uses in critical water planning areas and establishes the criteria for imposing these requirements.

Section 110.601 (relating to registration) provides that a person who has implemented a water conservation project or practice may register the project or practice with the Department.

Section 110.602 (relating to registration information) establishes the required information for registration of water conservation projects or practices

Section 110.603 (relating to reporting) requires persons who registered water conservation projects or practices to submit annual reports to the Department documenting the continuing effectiveness of the projects or practices.

Section 110.604 requires the Department establish the Center to promote voluntary water conservation and to provide technical assistance on water resources use issues.

F. *Benefits, Costs and Compliance*

Benefits

Citizens of this Commonwealth will benefit from the development of a State Water Plan, which will provide decision makers with a valuable tool to guide investment, development and land use management in a manner that is sustainable and will avoid water shortages and concomitant dislocation. The data collected under this proposed rulemaking is necessary to development of the State Water Plan.

This proposed rulemaking will help create economic opportunity by assisting decision makers in identifying water resources available to support sustainable development and will help to avoid unwise investment in unsustainable resources. The Commonwealth does not currently know how much water is used, needed or available. The proposed rulemaking will provide the data necessary to help answer those questions.

Compliance costs

Persons who withdraw or use 10,000 gallons of water or more per day and public water suppliers and hydropower facilities will be required to register and report under the regulations. One time metering costs, for meter equipment, for a limited number of public water suppliers who don't currently meter their sources, may range from \$50 to \$2,000 per registered source. Annual costs for recordkeeping and reporting may range from 1 to 12 work days per year per registrant. Many users, including most that are currently regulated by either the Department or the Susquehanna River Basin Commission or Delaware River Basin Commission, already have the necessary recordkeeping and reporting processes in place and should incur no additional costs. Consolidation of reporting requirements may result in reduced costs for some of these users.

Compliance assistance plan

Registration workshops were held across this Commonwealth in 2004 to assist in the initial registration required by 27 Pa.C.S. Chapter 31. No additional workshops are planned.

Paperwork Requirements

Persons subject to the proposed rulemaking will be required to submit an initial registration form for each source of water withdrawal, describing the location and quantity of withdrawal and type of use. Annually, thereafter, they will be required to submit a report of their monthly total withdrawals from each source and their total monthly water use. Under the proposed rulemaking, the registration and reporting requirements of the Department, including the Annual Water Supply Report under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), and the Susquehanna River Basin Commission and the Delaware River Basin Commission will be consolidated in single registration and reporting forms to be submitted solely to the Department.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking incorporates the following pollution prevention incentives:

Water conservation practices encouraged and fostered by this proposed rulemaking will result in decreased withdrawals of water and discharges of wastewater. Reduced energy consumption and chemical use will also be realized. Less diminution of stream flows, particularly during periods of low flows, is pollution prevention as recognized by the courts. In addition, reductions in wastewater discharges will reduce pollution of our water resources.

H. *Sunset Review*

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 17, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior

to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 2, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by January 2, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by January 2, 2007. A subject heading of the proposal and a return name and address must be included in each transmission.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-403. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

* * * * *

(b) Reporting requirements for community water systems. In addition to the reporting requirements for a public water system, a community water supplier shall comply with the following requirements:

* * * * *

(2) The water supplier shall [submit by March 31 an annual water supply report for the prior calendar year on forms provided by the Department or in a form acceptable to the Department. This report shall include information relating to water use, connections, distribution system and storage] comply with the applicable requirements of registration, reporting, recordkeeping and monitoring in Chapter 110, Subchapters B-E, regarding registration, reporting, recordkeeping and monitoring.

CHAPTER 110. WATER RESOURCES PLANNING

Subchap.

- A. GENERAL PROVISIONS
B. REGISTRATION
C. REPORTING
D. RECORDKEEPING
E. MONITORING
F. WATER CONSERVATION

Subchapter A. GENERAL PROVISIONS

Sec.

- 110.1. Definitions.
110.2. Purpose.
110.3. General requirements.
110.4. Inspection authorization.
110.5. Coordination with reports under other statutes.
110.6. Effect of registration.

§ 110.1. Definitions.

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

Act—27 Pa.C.S. Chapter 31 (relating to water resources planning).

Basin—As defined in section 3102 of the act.

Calculate or calculation—Mathematical computations, or the act of computing, for the purposes of water use registration or reporting, or both, usually based on pump intake rate and duration of pumping or similar factors.

Confidential information—As defined in section 3102 of the act.

Compact basin commission—An interstate commission having jurisdiction with respect to the planning, development or regulation of water resources within a basin in this Commonwealth, created by interstate compact or Federal-interstate compact.

Consumptive use—As defined in section 3102 of the act.

Critical water planning area—As defined in section 3102 of the act.

Deep well injection—Injection of waste or wastewater substantially below aquifers containing fresh water.

Department—The Department of Environmental Protection of the Commonwealth.

Groundwater—As defined in section 3102 of the act.

Hydropower facility—A facility that produces electricity by the action of water, not including steam, passing through a turbine.

Municipality—As defined in section 3102 of the act.

Nonconsumptive use—As defined in section 3102 of the act.

Person—As defined in section 3102 of the act.

Public water supply agency—As defined in section 3102 of the act.

Source—The point of withdrawal of water within a watershed. If the withdrawal use includes the transfer of water through interconnections, the source is the point of the interconnection.

Statewide Committee—The Statewide Water Resources Committee.

Surface water—As defined in section 3102 of the act.

System—Two or more facilities that are adjacent or geographically proximate to each other, operated concurrently or sequentially for use in a common operation and owned, managed or operated by the same person.

Water conservation project or practice—A project or practice which is technically feasible and economically practicable and which is designed to accomplish any of the following:

- (i) Reduce the demand for water.
- (ii) Improve efficiency in water use and reduce leakage, losses and waste of water.
- (iii) Improve reuse and recycling of water.
- (iiii) Improve land management practices to conserve water or to preserve or increase groundwater recharge.

Watercourse—As defined in section 3102 of the act.

Water resource—As defined in section 3102 of the act.

Watershed—As defined in section 3102 of the act.

Withdrawal—As defined in section 3102 of the act.

Withdrawal use or use—As defined in section 3102 of the act.

§ 110.2. Purpose.

This chapter establishes the registration, monitoring, recordkeeping and reporting requirements that apply, for purposes of developing data for the State Water Plan, to each person who owns a public water supply agency or hydropower facility and each person whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons per day in any 30-day period.

§ 110.3. General requirements.

(a) *Registration requirements.* Each person who owns a public water supply agency or hydropower facility and each person whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons per day in any 30-day period shall register, monitor, maintain records and submit reports to the Department regarding withdrawals or uses of water in accordance with this chapter.

(b) *Confidential information.*

(1) Except as provided in paragraph (2), information required to be submitted to the Department under this chapter shall be subject to the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-to-Know Act.

(2) Each person who submits information under this chapter that the person claims is confidential information shall identify the confidential information and provide a justification for its confidential nature.

§ 110.4. Inspection authorization.

The Department, its employees and authorized agents are authorized, during reasonable hours and upon reasonable notice, to make inspections and conduct tests or sampling, or examine books, papers and records, including electronic records, pertinent to a matter under investigation, to determine compliance with this chapter, as it deems necessary. The persons subject to § 110.3(a) (relating to general requirements) shall grant access to, and make available upon request of, the Department, its employees and authorized agents, all facilities and records necessary for conducting the inspections, tests, sampling or examinations.

§ 110.5. Coordination with reports under other statutes.

(a) The persons subject to § 110.3(a) (relating to general requirements) shall cooperate with the Department in its coordination of the submission of reports under this chapter with reports required under other statutes and regulations administered by the Department, compact basin commissions, or by other Federal and state agencies.

(b) The persons subject to § 110.3(a) shall submit information in accordance with joint reporting forms developed by the Department to facilitate the submission of information required under other statutes and regulations administered by the Department, compact basin commissions, and other Federal and state agencies, to reduce duplicate and repetitious reporting requirements. The joint forms shall be used in lieu of individual forms for the required reports.

§ 110.6. Effect of registration.

(a) Registration of a withdrawal or use under this chapter will provide knowledge of existing uses, essential in the State water planning process to the development of accurate watershed water budgets, which are the foundation of comprehensive regional water plans and critical area resource plans. Registration will provide the Department and compact river basin commissions information regarding locations and quantities of existing uses, that can be used to help protect those uses when new projects are under consideration for approval.

(b) Registration of a withdrawal or use under this chapter will not be construed as either a determination of a person's water rights or approval of a withdrawal or use by the Department, another agency of the Commonwealth or a compact basin commission.

Subchapter B. REGISTRATION

Sec.	
110.201.	Registration requirement.
110.202.	Submission of registrations.
110.203.	Content of registration.
110.204.	Voluntary registration.
110.205.	Transfer of registration.
110.206.	Termination of registration.

§ 110.201. Registration requirement.

The following persons shall register the information specified in § 110.203 (relating to content of registration) with the Department:

- (1) Each owner of a public water supply agency.
- (2) Each owner of a hydropower facility.

(3) Each person whose total withdrawal or withdrawal from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons per day in any 30-day period, except if all water is supplied by a public water supply agency and the average consumptive use is less than 100,000 gallons per day over any 30-day period.

§ 110.202. Submission of registrations.

Registrations shall be submitted to the Department by March 16, 2004, or 90 days following initiation of a water withdrawal or withdrawal use, whichever is later.

§ 110.203. Content of registration.

A registrant shall provide information, on forms prescribed by the Department and developed in consultation with the Statewide Committee, including:

- (1) Registrant identification and description information.
- (2) Identification, description, including location, and amount, as appropriate, of the following: source, withdrawal or withdrawal use, or both, consumptive and nonconsumptive uses, water returned and discharged and water transferred between public water supply agencies via interconnection.
- (3) Identification and justification of confidential information.

§ 110.204. Voluntary registration.

A person, not subject to the registration requirements of § 110.201 (relating to registration requirement), who withdraws or uses water, may voluntarily register with the Department the water withdrawal or use, in accordance with the registration provisions of this subchapter. Notwithstanding §§ 110.301 and 110.401 (relating to reporting requirement; and monitoring and recordkeeping requirement), voluntary registrants shall monitor, maintain records and report to the Department in accordance with the other provisions of Subchapters C—E.

§ 110.205. Transfer of registration.

The Department will transfer a registration, if the following conditions are met:

- (1) The registrant and transferee are in compliance with this chapter.
- (2) No later than 30 days subsequent to the transfer, the transferee submits the following to the Department:
 - (i) A request for transfer of the registration, on a form prescribed by the Department.
 - (ii) A written statement signed by the registrant and the transferee, containing the date of the transfer of registration and acknowledging the transferee's recordkeeping and reporting responsibilities.

§ 110.206. Termination of registration.

(a) Except for a public water supply agency or hydropower facility, when a registered withdrawal or use over a 12-month period continues to be an amount less than the 30-day average threshold amount requiring registration as specified in § 110.201(3) (relating to registration requirement), the person responsible for the withdrawal or use may file with the Department, on forms provided by the Department, a written request for termination of registration.

(b) When a registered withdrawal or use over a 12-month period is zero, or if a withdrawal or use has been abandoned, the person responsible for the withdrawal or use may file with the Department, on forms provided by the Department, a written request for termination of registration.

(c) Upon receipt of proper written request for termination, the Department will terminate the registration and notify the registrant.

(d) When a registered withdrawal or use over seven consecutive 12-month periods is zero, based upon reports submitted in accordance with Subchapter C (relating to reporting), the Department will terminate the registration and notify the registrant.

Subchapter C. REPORTING

- Sec.
- 110.301. Reporting requirement.
- 110.302. Submission of reports.
- 110.303. Reporting period.
- 110.304. General contents of report.
- 110.305. User-specific contents of report.

§ 110.301. Reporting requirement.

Each person subject to § 110.201 (relating to registration requirement) shall submit reports to the Department in accordance with this subchapter, regarding the withdrawal and use, except for registrations that have been terminated in accordance with § 110.206 (relating to termination of registration).

§ 110.302. Submission of reports.

Reports shall be submitted to the Department, on forms prescribed by the Department and developed in consultation with the Statewide Committee, annually or less frequently as may be prescribed by the Department, no later than:

- (1) March 31—Public water supply agency.
- (2) June 30—Any user except a public water supply agency, including:
 - (i) Power generation facility.
 - (ii) Manufacturing industry user.
 - (iii) Mineral industry user.
 - (iv) Bulk, vended, retail and bottled water systems.
 - (v) Agricultural user.
 - (vi) Golf course user.
 - (vii) Ski resort.
 - (viii) Other user.

§ 110.303. Reporting period.

Reports must provide information for the calendar year preceding the date of submission.

§ 110.304. General contents of report.

A report must include the items under § 110.203 (relating to content of registration).

§ 110.305. User-specific contents of report.

In addition to the contents specified in § 110.203 (relating to content of registration), registrants shall submit user-specific information, including:

- (1) *Public water supply agency.*
 - (i) Connections and water transfers.
 - (ii) Service area map.
 - (iii) Metering.
 - (iv) Storage information.
- (2) *Power generation facility including hydropower and thermo-electric.*
 - (i) Energy source type.
 - (ii) Generating capacities.
 - (iii) Generating units.
 - (iv) Storage information.
- (3) *Manufacturing industry.*
 - (i) Employment.
 - (ii) Storage information.
- (4) *Mineral industry.*
 - (i) Types of operations.
 - (ii) Water quality.
 - (iii) Employment.
 - (iv) Storage information.
- (5) *Bulk, vended, retail and bottled water.*
 - (i) Employment.
 - (ii) Storage information.
- (6) *Agriculture.*
 - (i) Irrigation water use.
 - (ii) Animal water use.
 - (iii) Storage information.
- (7) *Golf course.*
 - (i) Irrigated areas and water use by tees, greens, fairways and other land coverages.
 - (ii) Irrigation system information.
 - (iii) Employment.
 - (iv) Storage information.
- (8) *Ski resort.*
 - (i) Number and acreage of slopes and trails.
 - (ii) Areas covered by snowmaking.
 - (iii) Snowmaking capacities, and water use.
 - (iv) Employment.
 - (v) Storage information.

Subchapter D. RECORDKEEPING

Sec.

110.401. Recordkeeping requirement.

110.402. Retention of records.

§ 110.401. Recordkeeping requirement.

A person subject to § 110.201 (relating to registration requirement) shall make and maintain a record of the items required under Subchapters B and C (relating to registration; and reporting), including supporting data, except for registrations that have been terminated in accordance with § 110.206 (relating to termination of registration).

§ 110.402. Retention of records.

Records created under § 110.401 (relating to recordkeeping requirement), including supporting data, shall be kept for at least 5 years.

Subchapter E. MONITORING

Sec.

110.501. Metering and measuring requirement.

110.502. Recording frequency.

110.503. Measuring requirement in critical water planning areas.

§ 110.501. Metering and measuring requirement.

(a) Each public water supply agency shall measure its withdrawals or uses by means of a continuous-recording device or flow meter, accurate to within 5% of actual flow.

(b) Each hydropower facility shall measure its withdrawal or use by means of a continuous-recording device or flow meter or shall calculate its withdrawal or use based upon electrical generation or turbine flow rates or other method, accurate to within 5% of actual flow.

(c) The following persons shall measure or calculate their withdrawals or uses by means of a continuous-recording device or flow meter or other method, accurate to within 5% of actual flow: each person whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed equals or exceeds an average rate of 50,000 gallons per day in any 30-day period, except if all water is supplied by a public water supply agency and the average consumptive use is less than 100,000 gallons per day over any 30-day period.

(d) The Department may grant exceptions to the 5% performance standard, if maintenance of the 5% performance standard is not technically feasible or economically practicable.

(e) A person who is subject to compact basin commission requirements more stringent than those provided in this section shall measure the withdrawal or use in accordance with the more stringent requirements.

(f) The following persons shall measure or calculate their withdrawals or uses by a means acceptable to the Department:

(1) A person, who is not subject to subsections (a)—(e), whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons, but is less than 50,000 gallons, per day in any 30-day period.

(2) A person who has voluntarily registered.

§ 110.502. Recording frequency.

Withdrawals and uses subject to § 110.501(a) and (b) (relating to metering and measuring requirement) shall be recorded on a daily basis. Withdrawals and uses subject to § 110.501(c) shall be recorded on a weekly basis. Withdrawals and uses subject to § 110.501(e) and (f) shall be recorded monthly.

§ 110.503. Measuring requirement in critical water planning areas.

(a) The Department may require persons within a critical water planning area, whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons per day in any 30-day period, to measure or calculate their withdrawals by means of a more accurate measuring method (but not more accurate than 5%) and record the measurements on a more frequent basis (not to exceed daily) than required in accordance with §§ 110.501 and 110.502 (relating to metering and measuring requirement; and recording frequency), if the Department determines that more accurate data is required for the development of a critical area resource plan in a watershed within a critical water planning area. Upon receipt of written notice from the Department, those persons shall begin the measurements or calculations within 180 days.

(b) In making the determination, the Department will consider the necessity of requiring more accurate data and having it recorded more frequently than required by §§ 110.501 and 110.502, from various categories of water users, for effective critical area resource planning in the specific watershed and the costs to registrants of providing the accuracy and frequency.

Subchapter F. WATER CONSERVATION

- Sec.
- 110.601. Registration.
- 110.602. Registration information.
- 110.603. Reporting.
- 110.604. Water Resources Technical Assistance Center.

§ 110.601. Registration.

A person who has implemented a water conservation project or practice may register the project or practice with the Department.

§ 110.602. Registration information.

Registration of water conservation projects or practices shall be on forms, prescribed by the Department, containing information including the following:

- (1) The registrant name and address.
- (2) A 7.5-minute U.S.G.S. Quadrangle map, or acceptable substitute, showing the location of the project or practice.
- (3) A description of the project or practice, including information detailing a description of:
 - (i) Project or practice prior and subsequent to implementation of water conservation program.
 - (ii) Quantity of water use prior and subsequent to implementation of water conservation program.
 - (iii) Quantity of consumptive use prior and subsequent to implementation of water conservation program.
 - (iv) Reuse or recycling of water.
 - (v) Increase of supply or storage of water.

- (vi) Increase of groundwater recharge.
- (vii) Conservation-based rate structure.
- (viii) Water use efficiency, including plumbing retrofit programs.
- (ix) Reduction of water loss.
- (x) Water provided to offset water use during drought periods.

§ 110.603. Reporting.

Each person who has registered a water conservation project or practice in accordance with this subchapter shall submit to the Department, on forms prescribed by the Department and developed in consultation with the Statewide Committee, a report documenting the continuing effectiveness of the project or practice annually or less frequently as may be prescribed by the Department.

§ 110.604. Water Resources Technical Assistance Center.

The Department will establish a Water Resources Technical Assistance Center to promote voluntary water conservation and to provide technical assistance on water resources uses issues, including programs identified in 27 Pa.C.S. § 3120(a) (relating to water conservation).

[Pa.B. Doc. No. 06-2345. Filed for public inspection December 1, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 465—467]

Accounting and Internal Controls; Slot Computer Systems; Commencement of Slot Operations

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207, 1322 and 1520 (relating to regulatory authority of board; slot machine accounting controls and audits; and automated teller machines), proposes to add Chapters 465—467 (relating to accounting and internal controls; slot computer systems; and commencement of slot operations) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 465 at 36 Pa.B. 910 (February 18, 2006), in Chapter 466 at 36 Pa.B. 3416 (July 1, 2006) and in Chapter 467 at Pa.B. 3954 (July 22, 2006). Under 4 Pa.C.S. Part II (relating to gaming), the temporary regulations expire on July 5, 2007.

The Board is proposing to replace the temporary regulations with the permanent regulations in this proposed rulemaking.

Explanation of Chapter 465

This chapter contains accounting and internal control provisions that apply to applicants for and holders of slot machine licenses. These regulations encompass specific procedural, personnel, accounting, auditing and reporting requirements for the operation of a licensed facility in this Commonwealth.

Amendments to the temporary regulations include a large number of editorial changes that improve the clarity of the language in the temporary regulations. Temporary § 465.1, which originally contained definitions, has been removed. The defined terms in temporary § 465.1 and other defined terms in various sections in Chapter 465 will be moved to § 461.1 (relating to definitions), as the defined terms are used throughout Subpart E (relating to slot machines and associated equipment). The other sections of this chapter have been renumbered accordingly. Section 465.9(j) (relating to surveillance system; surveillance department control, surveillance department restrictions) has been amended to allow slot machine licensees to retain video surveillance for the collection of slot cash storage boxes for a 7-day period. In § 465.21 (relating to wire transfers), additional conditions have been added for wire transfer reversals. Sections 465.31 and 465.32 (relating to gaming day; and signature) have been added to the regulations. These provisions do not impose new requirements. The substantive language of these provisions was originally in definitions and has been moved from the definitions to create new regulatory sections.

Explanation of Chapter 466

This chapter addresses the requirements for slot computer systems used by slot machine licensees. The changes proposed in this chapter are editorial and are intended to improve the clarity of the language contained in the existing temporary regulations.

Explanation of Chapter 467

This chapter addresses the requirements slot machine licensees shall meet prior to the beginning of slot operations. Included in this chapter are regulations that address the gaming floor requirements, surveillance capabilities, internal controls and audit protocols and other preopening requirements that must be satisfied prior to a slot machine licensee's beginning of operations. The changes proposed in this chapter are editorial and are intended to improve the clarity of the language contained in the existing temporary regulations.

Affected Parties

This proposed rulemaking imposes requirements on applicants for, or holders of, slot machine licenses.

Fiscal Impact

Commonwealth. This proposed rulemaking will impose costs on the Board to monitor the compliance of slot machine licensees with the requirements in the regulations.

Political subdivisions. This proposed rulemaking will have no significant fiscal impact on political subdivisions of the Commonwealth.

Private sector. Applicants for and holders of slot machine licenses will experience some costs to comply with the accounting, auditing, personnel and reporting requirements.

General public. This proposed rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking does not impose new reporting or paperwork requirements on the affected parties under the Board's jurisdiction. This proposed rulemaking clarifies the type of information that should be contained in the reports that are currently required to be submitted to the Board.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-49.

Contact Person

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111, and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 25, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-49. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$1,439,000; (3) 1st Succeeding Year 2007-08 is \$1,511,000; 2nd Succeeding Year 2008-09 is \$1,587,000; 3rd Succeeding Year 2009-10 is \$1,666,000; 4th Succeeding Year 2010-11 is \$1,749,000; 5th Succeeding Year 2011-12 is \$1,837,000; (4) 2005-06 Program—\$23,000,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465. ACCOUNTING AND INTERNAL CONTROLS

Sec.	
465.1.	Accounting records.
465.2.	Internal control systems and audit protocols.
465.3.	Forms, records and documents.
465.4.	Standard financial and statistical reports.
465.5.	Annual audit; other reports; suspicious activity and currency transaction reporting.
465.6.	Retention, storage and destruction of books, records and documents.
465.7.	Complimentary services or items.
465.8.	Licensed facility.
465.9.	Surveillance system; surveillance department control; surveillance department restrictions.
465.10.	Surveillance system recording formats.
465.11.	Slot machine licensee's organization.
465.12.	Access badges and temporary access credentials.
465.13.	Firearms; possession within a licensed facility.
465.14.	Security department minimum staffing.
465.15.	Cashiers' cage.
465.16.	Accounting controls for the cashiers' cage.
465.17.	Bill validators and slot cash storage boxes.
465.18.	Transportation of slot cash storage boxes to and from bill validators; storage.
465.19.	Acceptance of tips or gratuities from patrons.
465.20.	Personal check cashing.
465.21.	Wire transfers.
465.22.	Cash equivalents.
465.23.	Customer deposits.
465.24.	Count room characteristics.
465.25.	Counting and recording of slot cash storage boxes.
465.26.	Jackpot payouts.
465.27.	Annuity jackpots.
465.28.	Merchandise jackpots.
465.29.	Automated teller machines.
465.30.	Waiver of requirements.
465.31.	Gaming day.
465.32.	Signature.

§ 465.1. Accounting records.

(a) A slot machine licensee shall maintain complete, accurate and legible records of all transactions pertaining to the revenues and expenses of each licensed facility.

(b) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles in the United States. Detailed, supporting and subsidiary records sufficient to meet the requirements of subsection (c) shall also be maintained in accordance with this chapter.

(c) The detailed, supporting and subsidiary records include:

- (1) Records pertaining to revenue that is taxable or subject to taxation under the act.
- (2) Records pertaining to the financial statements and the transactions impacting the financial statements of the slot machine licensee including contracts or agreements with licensed manufacturers, suppliers, junket enterprises, certified and registered vendors, contractors, consultants, management companies, attorneys and law firms, accountants and accounting firms, insurance companies, and financial institutions, including statements and reconciliations related thereto.
- (3) Records which identify the handle, payout, actual win amounts and percentages, theoretical win amounts and percentages, and differences between theoretical and

actual win amounts and percentages, for each slot machine on a week-to-date, month-to-date and year-to-date basis.

(4) Records documenting the costs of complimentary services and items as defined in § 439.1 (relating to definitions).

(5) Records of loans and other amounts payable by the slot machine licensee.

(6) Records of investments, advances, loan and receivable balances due to the slot machine licensee.

(7) Records created in connection with the system of internal controls submitted to the Board under § 465.2 (relating to internal control systems and audit protocols).

(8) Records of all returned checks.

§ 465.2. Internal control systems and audit protocols.

(a) An applicant for, or holder of, a slot machine license shall submit to the Board and the Department, in the manner the Board requires, a narrative description of its initial system of administrative and accounting procedures, including its internal control systems and audit protocols (collectively referred to as its "internal controls") at least 90 days before gaming operations are to commence, unless otherwise directed by the Board. A written system of internal controls must include:

- (1) Records of direct and indirect ownership in the proposed slot machine license, its affiliates, intermediaries, subsidiaries or holding companies.
- (2) Organization charts depicting appropriate segregation of functions and responsibilities.
- (3) A description of the duties and responsibilities of each licensed or permitted position shown on the organization charts and the respective lines of authority.
- (4) A detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of this subpart.
- (5) A record retention policy in accordance with § 465.6 (relating to retention, storage and destructions of books, records and documents).
- (6) Procedures to ensure that assets are safeguarded, and counted in conformance with effective count procedures.
- (7) Other items the Board may request in writing.

(b) A submission must be accompanied by the following:

- (1) An attestation by the chief executive officer or other competent person with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the act and this subpart.
- (2) An attestation by the chief financial officer or other competent person with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including the act and this subpart.

(c) The initial submission must also be accompanied by a report from an independent certified public accountant or, when appropriate, independent registered public accounting firm, licensed to practice in this Commonwealth. The report should express an opinion as to the effectiveness of the design of the submitted system of internal controls over financial reporting and should further express an opinion as to whether the submitted system of internal controls materially deviates from the requirements of applicable laws and regulations, including the act and this subpart.

(d) A submission by a slot machine licensee or applicant must include, at a minimum, the following:

(1) Administrative controls which include the procedures and records that relate to the decision making processes leading to management's authorization of transactions.

(2) Accounting controls which have as their primary objectives the safeguarding of assets and revenues and the reliability of financial records. The accounting controls must be designed to provide reasonable assurance that:

(i) Transactions or financial events which occur in the operation of a slot machine are executed in accordance with management's general and specific authorization, as approved by the Board.

(ii) Transactions or financial events which occur in the operation of a slot machine are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, the act and this subpart.

(iii) Transactions or financial events which occur in the operation of a slot machine are recorded in a manner which provides reliable records, accounts and reports, including the recording of cash and evidences of indebtedness, for use in the preparation of reports to the Board related to slot machines.

(iv) Transactions or financial events which occur in the operation of a slot machine are recorded adequately to permit proper and timely reporting and calculation of gross terminal revenue, fees and taxes and to maintain accountability for assets.

(v) Access to assets is permitted only in accordance with management's general and specific authorization, as approved by the Board.

(vi) The recorded accountability for assets is compared with existing physical assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(3) Procedures and controls for ensuring, in accordance with section 1323 of the act (relating to the central control computer system), that each slot machine directly provides and communicates the required activities and financial details to the central control computer system as set by the Board.

(4) Procedures and controls for ensuring that all functions, duties and responsibilities are appropriately segregated and performed in accordance with sound financial practices by competent, qualified personnel.

(5) Procedures and controls for ensuring, through the use of surveillance and security departments, that the licensed facility is secure during normal operations and during any emergencies due to malfunctioning equipment, loss of power, natural disaster or other cause.

(e) The Board, in consultation with the Department, will review each initial submission made under subsection (a) and determine whether it conforms to the act and this subpart and provides adequate and effective controls for the operation of slot machines at a licensed facility. A slot machine licensee is prohibited from commencing gaming operations until its system of internal controls is approved by the Board.

(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit to the Board and the Department in the manner prescribed, a narrative description of a change or amendment in its system of internal controls and the two original signed certifications described in subsection (b). The slot machine licensee may implement the change on the 30th calendar day following the filing of a complete submission.

(g) If during the 30-day review period in subsection (f), the Bureau of Corporate Compliance and Internal Control (BCCIC) preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, that Bureau, by written notice to the slot machine licensee, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (f) be tolled and that any internal controls at issue not be implemented until approved by the Board.

(h) Examples of submissions that may be determined to contain a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue may include the following:

(1) Submissions that fail to provide an audit trail sufficient to permit the review of gaming operations or the reconstruction of gross terminal revenue transactions.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of the employees duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required by the act or this part that are essential elements of the internal controls.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board, unless the submissions are required as part of an authorized test of the equipment or related device or software.

(i) Notwithstanding anything contained in this part to the contrary, and subject to the exception in subsection (j), any change or amendment to submissions with regard to organization charts required under subsection (a)(2) and the descriptions of the duties and responsibilities of each position shown on the organization charts pursuant to subsection (a)(3) (collectively referred to as the "jobs compendium") may be implemented by the slot machine licensee without the prior approval of the Board provided

that the change or amendment shall be submitted to the Board within 5 business days of the date of implementation, which filing includes:

(1) A detailed cover letter listing by department each position title to which modification has been made.

(2) A brief summary of each change.

(3) Instructions regarding any changes in page numbers and the date of implementation.

(j) Notwithstanding any provision to the contrary, the submission of changes or amendments to a jobs compendium involving changes or amendments to license categories, job codes, job functions, reporting lines (including new and deleted positions) or job titles in the information technology, internal audit, security, slot accounting, slot operations or surveillance departments must be accompanied by the attestations required in subsection (b) and be submitted to the Board by the end of the business day of implementation.

(k) If in the course of its review of a change or amendment to a jobs compendium the Bureau of Licensing determines that the change or amendment contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, that Bureau, by written notice to the slot machine licensee, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Advise the slot machine licensee as to whether the implementation of the change or amendment must be suspended pending further evaluation by the Board.

(l) A current version of the internal controls of a slot machine licensee shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the slot machine licensee and the Board's onsite facilities required under § 465.8 (relating to licensed facility). The slot machine licensee shall also maintain a copy, either in paper or electronic form, of any superseded internal control procedures, along with the two certifications required to be submitted with respect thereto, for a minimum of 5 years. Each page of the internal controls must indicate the date on which it was approved by the Board.

§ 465.3. Forms, records and documents.

(a) Information required by this part to be placed on any form, record or document and in stored data shall be recorded on the form, record or document and in stored data in ink or other permanent form.

(b) Whenever duplicate or triplicate copies are required of a form, record or document, the original, duplicate and triplicate copies must have the name of the recipient receiving the copy preprinted on the bottom of that copy so as to differentiate between the copies.

(c) Whenever under this part, forms or serial numbers are required to be accounted for and an exception is noted, the exceptions shall be reported in writing to the slot machine licensee's internal audit department and Bureau within 2 days of identification of the exception or upon its confirmation, whichever occurs earlier.

(d) Unless otherwise specified in this part, all forms, records, documents and stored data required to be prepared, maintained and controlled by this chapter must:

(1) Be in a form prescribed or authorized by the Board.

(2) Have the name of the licensed facility and the title of the form, record, document and, for stored data, the date imprinted or preprinted thereon.

(e) Nothing in this chapter shall be construed as prohibiting a slot machine licensee from preparing more copies of any form, record or document than those prescribed by this chapter.

§ 465.4. Standard financial and statistical reports.

(a) A slot machine licensee shall, upon the request of the Board, file monthly, quarterly and annual reports of financial and statistical data.

(b) The Board may prescribe standard reporting forms and corresponding filing instructions to be used by a slot machine licensee in filing the monthly, quarterly and annual reports referenced in subsection (a).

(c) In the event of a license termination, change in business entity or material change in ownership, the Board may require the filing of financial and statistical reports as it deems necessary, as of the date of occurrence of the event. The slot machine licensee will be notified in writing by the Board.

(d) Adjustments resulting from the annual audit required in § 465.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting) shall be recorded in the accounting records of the year to which the adjustment relates. If the adjustments were not reflected in any annual report required hereunder and the Board concludes that the adjustments are significant, the Board may require the slot machine licensee to file a revised annual report. The revised filing shall be due within 30 calendar days after written notification to the slot machine licensee, unless the slot machine licensee submits a written request for an extension prior to the required filing date and the extension is granted by the Board.

§ 465.5. Annual audit; other reports; suspicious activity and currency transaction reporting.

(a) A slot machine licensee shall, at its own expense, cause its annual financial statements to be audited in accordance with generally accepted auditing standards (when applicable, the Standards of the Public Company Accounting Oversight Board (United States)) by an independent certified public accountant or, when appropriate, an independent registered public accounting firm, licensed to practice in this Commonwealth.

(b) The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present financial position and results of operations in conformity with generally accepted accounting principles in the United States.

(c) The financial statements required by this section must include a footnote reconciling and explaining any differences between the financial statements included in any annual report filed in conformity with § 465.4 (relating to standard financial and statistical reports) and the audited financial statements. The footnote must, at a minimum, disclose the effect of adjustments on:

(1) Revenue from the operation of slot machines.

(2) Slot machine revenue net of expenses for complementary services or items.

(3) Total costs and expenses.

(4) Income before extraordinary items.

(5) Net income.

(d) Two copies of the audited financial statements, together with any management letter or report prepared thereon by the slot machine licensee's independent certified public accountant or, when appropriate, independent registered public accounting firm, shall be filed with the Board not later than 60 days after the end of the licensee's fiscal year.

(e) The slot machine licensee shall require the independent certified public accountant or, when appropriate, independent registered public accounting firm auditing its financial statements to render the following additional reports:

(1) A report on material weaknesses or significant deficiencies in the system of internal controls noted in the course of the examination of the financial statements.

(2) A report expressing the opinion of the independent certified public accountant or independent registered public accounting firm as to the adequacy of the slot machine licensee's system of internal controls over financial reporting based upon the description of the system of internal controls approved for the slot machine licensee under § 465.2 (relating to internal control systems and audit protocols). When appropriate, the report should make specific recommendations regarding improvements in the system of internal controls.

(f) The slot machine licensee shall prepare a written response to the independent certified public accountant's or independent registered public accounting firm's reports required by subsection (e)(1) and (2). The response must indicate, in detail, any corrective actions taken. The slot machine licensee shall submit a copy of the response to the Bureau of Corporate Compliance and Internal Control (BCCIC) within 90 days of receipt of the reports.

(g) The slot machine licensee shall file with the BCCIC two copies of the reports required by subsection (e), and two copies of any other reports on internal controls, administrative controls, or other matters relative to the slot machine licensee's accounting or operating procedures rendered by the licensee's independent certified public accountant or independent registered public accounting firm within 120 days following the end of the licensee's fiscal year or upon receipt, whichever is earlier.

(h) If the slot machine licensee is publicly held, the slot machine licensee shall submit to the BCCIC three copies of any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and all registration statements, required to be filed by the slot machine licensee with the United States Securities and Exchange Commission or other domestic or foreign securities regulatory agency. The filing with the Board shall be made within 10 days of the time of filing with the applicable Commission or regulatory agency or the due date prescribed by the applicable Commission or regulatory agency, which ever occurs first.

(i) If an independent certified public accountant or independent registered public accounting firm who was previously engaged as the principal accountant to audit the slot machine licensee's financial statements resigns or is dismissed as the slot machine licensee's principal accountant, or another independent certified public accountant or independent registered public accounting firm is engaged as principal accountant, the slot machine licensee shall file a report with the BCCIC within 10 days following the end of the month in which the event occurs, setting forth the following:

(1) The date of the resignation, dismissal or engagement, as appropriate.

(2) Whether in connection with the audits of the 2 most recent years preceding a resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, including a description of each disagreement. The disagreements to be reported include those resolved and those not resolved.

(3) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of the adverse opinion, disclaimer of opinion or qualification shall be described.

(j) The slot machine licensee shall request the former accountant to furnish to the slot machine licensee a letter addressed to the Board stating whether he agrees with the statements made by the slot machine licensee in response to subsection (i)(2). The letter shall be filed with the Board as an exhibit to the report required by subsection (i)(2).

(k) The slot machine licensee shall file with the Board a copy of any Suspicious Activity Report-Casino (SARC) it is required to file under 31 CFR 103.21 (relating to reports by casinos of suspicious transactions). Each SARC shall be filed with the Board concurrently with the Federal filing in a manner to be prescribed by the Board.

(l) The slot machine licensee shall file with the Board a copy of any Currency Transaction Report by Casino (CTRC) it is required to file under 31 CFR 103.22 (relating to reports of transactions in currency). Each CTRC shall be filed with the Board concurrently with the federal filing in a manner to be prescribed by the Board.

(m) Prior to commencing gaming operations, a slot machine licensee shall file with the Board, in a manner to be prescribed by the Board, a copy of its compliance program required under 31 CFR 103.64 (relating to special rules for casinos). Thereafter, a slot machine licensee shall file with the Board any amendment or supplement to its compliance program on or before the effective date of the amendment or supplement.

(n) A slot machine licensee, director, officer, employee or agent who reports a suspicious activity under subsection (k) may not notify any person involved in the suspicious activity that the suspicious activity has been reported.

§ 465.6. Retention, storage and destruction of books, records and documents.

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of the licensed facility including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained by this part. This definition applies without regard to the medium through which the record is generated or maintained, for example, paper, magnetic media or encoded disk.

(b) Original books, records and documents pertaining to the operation of a licensed facility must be:

(1) Prepared and maintained in a complete, accurate and legible form. Electronic data should be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(2) Retained on the site of the licensed facility or at another secure location approved under subsection (d).

(3) Kept immediately available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of a slot machine licensee and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by a slot machine licensee for a minimum of 5 years with the following exceptions:

(1) Documentation with regard to gaming vouchers reported to the Board as possibly counterfeit, altered or tampered with should be retained for a minimum of 2 years.

(2) Coupons entitling patrons to cash or slot machine credits, whether unused, voided or redeemed shall be retained for a minimum of 6 months.

(3) Voided gaming vouchers and gaming vouchers redeemed at a location other than a slot machine shall be retained for a minimum of 6 months.

(4) Gaming vouchers redeemed at a slot machine shall be retained for a minimum of 7 days.

(d) A slot machine licensee may request, in writing, that the Board approve a location outside the licensed facility to store original books, records and documents. The request must include the following:

(1) A detailed description of the proposed offsite facility, including security and fire safety systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the offsite facility.

(e) A slot machine licensee may request, in writing, that the Board approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding:

(1) The processing, preservation and maintenance methods which will be employed to insure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to insure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader/printer for use by the Board, the Department and the Pennsylvania State Police at the licensed facility or other location approved by the Board and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of the micro-filmed, microfiched or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving a slot machine licensee from meeting any obligation to prepare or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

§ 465.7. Complimentary services or items.

(a) A slot machine licensee shall develop, maintain and apply adequate internal controls over the authorization and issuance of complimentary services or items as defined in § 439.1 (relating to definitions). The slot machine licensee shall maintain a written record of the internal controls under this section and the specific employees to whom they apply. Slot machine licensees are not required to obtain Board approval of the internal controls under this section.

(b) The internal controls must include the following:

(1) The procedures by which the slot machine licensee delegates to its employees the authority to approve the issuance of complimentary services or items.

(2) The procedures by which the slot machine licensee establishes or modifies any conditions or limits, to delegated authority, including limits based on relationships between the authorizer and recipient.

(3) The provisions employed to insure the effective auditing of complimentary services or items.

(c) Complimentary services or items shall be recorded as follows:

(1) A complimentary service or item provided directly to a patron in the normal course of a slot machine licensee's business shall be recorded at an amount based upon the full retail price normally charged for the service or item by the licensee.

(2) A complimentary service or item not offered for sale to a patron in the normal course of a slot machine licensee's business but provided directly by the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of providing the service or item.

(3) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party not affiliated with the slot machine licensee shall be recorded at an amount based upon the actual cost to the licensee of having the third party provide the service or item.

(4) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party who is affiliated with the licensee shall be recorded by the licensee in accordance with this section as if the affiliated third party were the licensee.

(d) If a slot machine licensee provides complimentary cash and noncash gifts recorded at a value of \$10,000 or more to a person or the person's guests within any 5-day period, the slot machine licensee shall record the reason why the gifts were provided and maintain the records available for inspection by the Board and the Pennsylvania State Police. When the reason complimentary cash and noncash gifts were provided involves the person's player rating, that rating shall be based upon an evaluation of the amount and frequency of play by the person as recorded in the slot machine licensee's player rating

system. For the purposes of this section, "guest" means any person who receives complimentary services or items as a result of his relationship with the person receiving the primary complimentary services or items.

(e) A slot machine licensee shall submit to the Board a report listing each person who, under subsection (d), received \$10,000 or more in complimentary cash and noncash gifts within any 5-day period ending during the preceding month. The report shall be filed by the last day of the month following the month in which the complimentary cash and noncash gifts were issued and include the total amount of complimentary cash or noncash gifts provided to each person broken down into categories for food and beverage, hotel accommodations, travel and other services.

§ 465.8. Licensed facility.

(a) A licensed facility must be equipped with a surveillance system configured and approved in accordance with §§ 465.9 and 465.10 (relating to the surveillance system; surveillance department control; surveillance department restrictions; and surveillance system recording formats). Except as otherwise provided in subsection (d)(1), the surveillance system shall be under the exclusive control of the surveillance department.

(b) Restricted areas within the licensed facility shall be designated and approved by the Board for the repair and storage of slot machines. Any area approved and utilized within the licensed facility for slot machine repair shall be covered by the approved surveillance system.

(c) Emergency exits from the gaming floor must be equipped with an audible alarm system, approved by the Board that produces a loud, distinguishable warning sound, discernable in the vicinity of the exit, whenever the emergency door is opened. The alarm system shall be designed to require deactivation and reset by means of a key. The key is to be maintained by the security department.

(d) Slot machine licensees shall, in accordance with section 1207(13) of the act (relating to regulatory authority of Board), provide for and maintain onsite facilities for use by the Board, the Department and the Pennsylvania State Police for the purpose of carrying out their respective responsibilities (collectively referred to as the "onsite facilities"). The onsite facilities must be located in the same building as, and be located reasonably proximate to, the gaming floor and include suitable office space, equipment, partitions and supplies to meet the continuing needs of the Board, the Department and the Pennsylvania State Police at the facility including the following:

(1) A surveillance system monitoring room, located within the onsite facilities, with full camera control capability for the reception of transmissions generated by each camera approved for use as part of the slot machine licensee's surveillance system. Full camera control capability includes the ability to override the camera control capability of the slot machine licensee's surveillance system.

(2) An area for the detention of individuals detained or taken into custody by the Pennsylvania State Police. The detention area must be located within the onsite facilities and consist of a bench or other apparatus which is permanently affixed to the wall to which the person in custody can be handcuffed with as little discomfort to that person as is reasonably possible under the circumstances.

(3) A fingerprinting and photographing facility for use by the Pennsylvania State Police located in conformance with and outfitted in compliance with specifications established by the Pennsylvania State Police.

(4) Adequate computer, telephone and copying capability to meet the Board's, the Department's and the Pennsylvania State Police's continuing data processing and related needs.

(5) Direct telephone connections between the onsite facilities and the slot machine licensee's surveillance monitoring room and its security department.

(6) Computer terminals facilitating read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operations.

(e) Keys or alternative locking mechanisms securing access to the onsite facilities shall be under the exclusive custody and control of the Board, the Department or the Pennsylvania State Police respectively.

(f) Slot machine licensees shall provide additional accommodations within the licensed facility as shall be requested by the Board, the Department or the Pennsylvania State Police to accommodate periodic audit, compliance or investigative reviews at the licensed facility.

(g) Slot machine licensees shall provide adequate parking spaces reasonably proximate to the onsite facilities, clearly marked for the Board, the Department or Pennsylvania State Police use only.

(h) Slot machine licensees shall equip licensed facilities with communication systems necessary to insure an effective level of communication between the licensed facility and the Board, the Department, the Pennsylvania State Police, any applicable local law enforcement agency emergency first responders.

§ 465.9. Surveillance system; surveillance department control; surveillance department restrictions.

(a) The Bureau will review surveillance system specifications, inclusive of the camera configuration and changes or modifications to the system specifications, to determine whether the system provides the adequate and effective surveillance of activities inside and outside the licensed facility mandated by section 1207(11) of the act (relating to regulatory authority of Board). A slot machine licensee may not commence gaming operations until its surveillance system is approved by the Board.

(b) A slot machine licensee shall at all times provide the Board and the Pennsylvania State Police, upon request, with timely access to its surveillance system and its transmissions. Each member of its surveillance department shall comply with any request made by the Board or the Pennsylvania State Police to:

(1) Use, as necessary, any surveillance monitoring room in the licensed facility.

(2) Display on the monitors in the monitoring room any event capable of being monitored by the surveillance system.

(3) Make a video and, if applicable, audio recording of, and take a still photograph of, any event capable of being monitored by the surveillance system.

(i) The slot machine licensee shall preserve and store each recording or photograph in accordance with the directions of the Board or the Pennsylvania State Police.

(ii) The Board and the Pennsylvania State Police shall have unfettered access to each recording or photograph and, at the request of the Board or Pennsylvania State Police, access to a recording or photograph may be denied to a particular employee or department of the slot machine licensee.

(c) The surveillance system required in this section must include the following:

(1) Light sensitive cameras with lenses of sufficient magnification to allow the operator to read information on a slot machine reel strip and credit meter and equipped with 360° pan, tilt and zoom capabilities, without camera stops, to effectively and clandestinely monitor in detail and from various vantage points, the following:

(i) The gaming conducted at the slot machines in the licensed facility.

(ii) The operations conducted at and in the cashiers' cage and any satellite cage.

(iii) The operations conducted at automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines.

(iv) The count processes conducted in the count room.

(v) The movement of cash and slot cash storage boxes within the licensed facility.

(vi) The entrances and exits to the licensed facility, the gaming floor and the count room.

(vii) Other areas designated by the Board.

(2) Video recording equipment which, at a minimum, must:

(i) Permit the preservation and viewing of a clear copy of the transmission produced by any camera connected to the surveillance system.

(ii) Be capable of superimposing the time and date of the transmission on each recording made by the video recording equipment.

(iii) Enable the operator to identify and locate, through the use of a meter, counter or other device or method, a particular event which was recorded.

(3) Recording media which shall be replaced immediately upon the manifestation of any significant degradation in the quality of the images or sound, if applicable, recorded thereon. If videotape is utilized, it shall be used for no more than 1 year.

(4) Audio capability in the count room installed in a manner that conforms to 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act).

(5) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraph (1) and elsewhere in the licensed facility as required by the Board. Each monitoring room must be equipped with or serviced by:

(i) A communication system capable of monitoring all of the licensed facility's security department activities.

(ii) Computer terminals which facilitate read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operation.

(iii) Connections to all casino alarm systems. The systems must provide a visible, audible or combination signal. A robbery, fire or emergency alarm must be perceptually distinguishable from nonemergency alarms in a manner approved by the Board.

(iv) An updated photo library, consisting of photographs that are no more than 4 years old, of the current employees of the slot machine licensee. The photo library shall be available to the Board and the State Police.

(v) Contain and have readily available current copies of the following:

(A) An operational blueprint of the gaming floor and the areas of the licensed facility subject to camera coverage.

(B) Operating procedures addressing the evacuation of the licensed facility in the event of fire or other emergency.

(C) A contingency plan addressing a planned shutdown of the surveillance system and the contingency plan required by subsection (g) addressing any equipment failure that affects the slot machine licensee's monitoring room together with an emergency contact listing with telephone numbers for persons required to be notified of those events.

(6) An emergency power system, tested at intervals not to exceed 6 months, which can be used to operate the surveillance system in the event of a power failure.

(7) A preventive maintenance program, implemented by technicians assigned to the surveillance department, which insures that the entire surveillance system is maintained in proper working order and that the covers over the cameras are cleaned in accordance with a routine maintenance schedule.

(d) Areas subject to camera coverage under this section must contain continuous lighting that is of sufficient quality to produce clear video recordings and still picture reproductions.

(e) A slot machine licensee's surveillance system must be required to continuously record, during the appropriate times and in the manner indicated in this subsection, transmissions from cameras used to observe the following locations, persons, activities or transactions:

(1) Each transaction conducted at a cashiering location, whether or not that cashiering location services patrons. Coverage of the transaction must include, but not be limited to, recording transmissions from cameras used to observe the face of each person transacting business at each cashiering location from the direction of the cashier.

(2) The main bank, vault, satellite cages and other areas as required by the Board.

(3) The collection of slot cash storage boxes.

(4) The count procedures conducted in the count room.

(5) Any armored car collection or delivery.

(6) Automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines whenever the machines are opened for replenishment or other servicing.

(7) The entrances and exits to the licensed facility, the gaming floor, the cashiers' cage and the count room.

(f) Slot machine licensees shall maintain a surveillance log of all surveillance activities in the monitoring room. The log shall be maintained by monitoring room personnel in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic

format the Board approves. The log shall be stored and retained in accordance with § 465.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a surveillance log:

- (1) The date and time each surveillance event commenced.
- (2) The name and Board issued credential number of each person who initiates, performs or supervises the surveillance.
- (3) When suspicious activity, suspected or alleged regulatory violations or suspected or alleged criminal activity is involved, the reason for the surveillance, including the name, if known, alias or description of each individual being monitored, and a brief description of the activity in which the person being monitored is engaged. This entry should also include a notation of the reading on the meter, counter or device specified in subsection (c)(2)(iii) that identifies the point on the video recording at which the event was recorded.
- (4) The time at which each video recording is commenced and terminated, if different than when surveillance commenced or terminated.
- (5) The time each surveillance event terminated.
- (6) A summary of the results of the surveillance.
- (7) A complete description of the time, date and, if known, the cause of any equipment or camera malfunctions, and the time at which the security department was apprised of the malfunction in accordance with the casino licensee's internal controls submitted under § 465.2(d)(5) (relating to internal control systems and audit protocols).
- (g) In accordance with § 465.2(d)(5), each slot machine licensee shall have a contingency plan, to be utilized whenever there is an equipment failure that affects the slot machine licensee's monitoring room or any other aspect of its surveillance system or operations.
- (h) The Bureau shall be notified immediately, in a manner the Board, of any incident of equipment failure as noted in subsection (f) including the time and cause of the malfunction, if known, the time the slot machine licensee's security department was notified of the malfunction and the nature of any communications with the security department relating to the malfunction.
- (i) The Bureau shall be notified, in a manner approved by the Board, in advance of the following:
 - (1) Relocation of an approved camera.
 - (2) Change in an approved camera's specifications.
 - (3) Change in lighting for areas required to be subject to camera coverage.
 - (4) Addition or change to the surveillance system.
- (j) Except for subsection (e)(3), the surveillance recordings required under subsection (e) shall be retained for a minimum of 30 days. Other surveillance recordings shall be retained for 7 days. The surveillance recordings shall be made available for review upon request by the Board or the Pennsylvania State Police.
- (k) A recording determined by the Board or the Pennsylvania State Police as being of potential evidentiary value shall be stored in accordance with Board or Pennsylvania State Police directives or turned over to the Board or the Pennsylvania State Police upon request. At the request and expense of the slot machine licensee, a

copy of any recording turned over to the Board or the Pennsylvania State Police may be made available to the slot machine licensee.

(l) A surveillance employee assigned to the monitoring room shall work from the employee's own monitoring station.

(m) In accordance with § 465.2(a)(5), each slot machine licensee shall be required to submit, for Board approval, a minimum staffing submission with regard to its surveillance monitor rooms. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of slot machines and must at all times provide for adequate and effective surveillance of activities inside and outside the licensed facility. A slot machine licensee may not implement a change or amendment in its surveillance monitor room minimum staffing submission without prior Board approval of the change or amendment.

(n) A slot machine licensee's surveillance department employees shall be independent of all other departments.

(o) A present or former surveillance department employee may not accept employment as a key employee or gaming employee with the same slot machine licensee for whom he was previously employed as a surveillance department employee unless 1 year has passed since the former surveillance department employee worked in the surveillance department. The present or former surveillance department employee may file a written petition requesting the Board to waive this restriction and permit the employment of a present or former surveillance department employee in a particular position. The Board may grant or deny the waiver upon consideration of the following factors:

(1) Whether the former surveillance department employee will be employed in a department or area of operation that the surveillance department monitors.

(2) Whether the surveillance and security systems of the slot machine licensee will be jeopardized or compromised by the employment of the former surveillance department employee in the particular position.

(3) Whether the former surveillance department employee's knowledge of the procedures of the surveillance department would facilitate the commission by any person of irregularities or illegal acts or the concealment of any actions or errors.

(p) Entrances to the surveillance monitoring rooms may not be visible from the gaming floor. A person entering the surveillance monitoring room who is not an employee of the surveillance department assigned to the monitoring room on the particular shift corresponding to the time of entry must sign a monitoring room entry log upon entering the monitoring room. The monitoring room entry log shall be:

(1) Maintained in the monitoring room by monitoring room personnel and retained in accordance with § 465.6 (relating to retention, storage and destruction of books, records and documents).

(2) Maintained in a book with bound numbered pages that cannot be readily removed or maintained in an electronic format as the Board approves.

(3) Signed by each person entering the monitoring room, with each entry containing the following:

(i) The date and time of entering the monitoring room.

(ii) The entering person's name and his department or affiliation.

- (iii) The reason for entering the monitoring room.
 - (iv) The name of the person authorizing the person's entry into the monitoring room.
 - (v) The date and time of exiting the monitoring room.
- (4) Made available for inspection by the Board and Pennsylvania State Police.

§ 465.10. Surveillance system recording formats.

(a) A slot machine licensee may utilize either an analog or digital video recording format provided the format selected incorporates current technology with regard to secure system access, video cameras, monitors, recorders, video printers, switches, selectors and other ancillary equipment and provides for adequate and effective surveillance of activities inside and outside the licensed facility.

(b) Digital video recording systems utilized by a slot machine licensee must be in compliance with the technical standards on digital video recording systems adopted by the Board.

§ 465.11. Slot machine licensee's organization.

(a) Slot machine licensees' systems of internal controls must, in accordance with section 1322 of the act (relating to slot machine accounting controls and audits) and § 465.2 (relating to internal control systems and audit protocols), include organization charts depicting appropriate segregation of functions and responsibilities and descriptions of the duties and responsibilities for each position shown on each organization chart. Slot machine licensees shall be permitted, except as otherwise provided in this section, to tailor organizational structures to meet the needs or policies of a particular management philosophy. The proposed organizational structure of each slot machine licensee shall be approved by the Board in the absence of a conflict between the organizational structure and the following criteria. A slot machine licensee's organization charts must provide for:

- (1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility.
- (2) The segregation of incompatible functions, duties and responsibilities so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.
- (3) The performance of all functions, duties and responsibilities in accordance with sound financial practices by competent, qualified personnel.
- (4) The areas of responsibility which are not so extensive as to be impractical for one person to monitor.
- (5) A chief executive officer. For the purposes of this section, a "chief executive officer" means the person located at the licensed facility who is ultimately responsible for the daily conduct of the slot machine licensee's gaming business, including the direct or indirect supervisor of the departments required by subsection (b), regardless of the form of business association of the slot machine licensee or applicant or the particular title which that person or any other person holds. The slot machine licensee's organization charts must designate which positions, in the absence of the chief executive officer, shall be designated as having responsibility for the daily conduct of the slot machine licensee's gaming business.

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and must cooperate with, yet perform independently of, all other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor of a slot machine licensee that is not required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

(1) A surveillance department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

(i) The clandestine surveillance of the operation of, and gaming conducted at, slot machines.

(ii) The clandestine surveillance of the operation of automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines.

(iii) The clandestine surveillance of the operation of the cashiers' cage and any satellite cage.

(iv) The audio and video recording of activities in the count room in conformance with 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act) and the video recording of movements of cash and slot cash storage boxes.

(v) The detection of cheating, theft, embezzlement and other illegal activities within the licensed facility.

(vi) The detection of the presence of any person who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act (relating to regulation requiring exclusion of certain persons; repeat offenders excludable from the gaming floor and licensed gaming facilities) and Chapters 511 and 513 (relating to persons required to be excluded; underage gaming), or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act (relating to list of persons self excluded from gaming activities) and Chapter 503 (relating to self exclusion).

(vii) The video recording of those locations, persons, activities or transactions required under § 465.9(e) (relating to surveillance system; surveillance department control; surveillance department restrictions) and of any illegal and unusual activities monitored by the surveillance department.

(viii) The provision of immediate notice to appropriate supervisors, the Bureau and the Pennsylvania State Police upon detecting, and also upon commencing video recording of, a person who is engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including a person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and Chapter 511 or 513 or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503.

(ix) The clandestine surveillance of any slot computer system or equipment designated for coverage by the Board in conjunction with the approval of a slot machine system, including a slot monitoring system, casino management system, wide area progressive system, gaming voucher system and any communication equipment with the central control computer.

(2) An internal audit department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of internal audit. The director of internal audit shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee.

(3) An information technology department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the information technology director. The information technology director shall be licensed as a key employee and be responsible for the quality, reliability and accuracy of all slot computer systems used by the slot machine licensee regardless of whether data, software or systems are located within or outside the licensed facility. The information technology director shall further be responsible for the security and physical integrity of, and the accountability and maintenance of, the following:

(i) Access codes and other security controls used to insure appropriately limited access to computer software and the system wide reliability of data.

(ii) Computer tapes, disks or other electronic storage media containing data relevant to the slot machine licensee's operations.

(iii) Computer hardware, communications equipment and software used in the conduct of the slot machine licensee's operations.

(iv) The computerized slot monitoring system utilized by the slot machine licensee. In specific, the information technology director shall ensure that:

(A) Slot machines located on the gaming floor are connected electronically to the slot machine licensee's computerized slot monitoring system and to the Commonwealth's central control computer in accordance with section 1323 (relating to central control computer system).

(B) The security features of the computerized slot monitoring system prohibit, at a minimum, the deletion, creation or modification of any data unless a permanent record is created that sets forth:

(I) The original information.

(II) Modifications to the original information.

(III) The identity of the employee making the modification.

(VI) The identity of each employee authorizing the modification, if applicable.

(C) Computerized jackpot payout systems utilized by the slot machine licensee are configured to require that any modification of \$100 or more to the original amount recorded on a computerized jackpot payout or system override is authorized by two slot accounting department employees, one of whom is in a position of greater authority than the individual preparing the jackpot payout.

(D) Procedures and controls are in place that define and limit interaction between both the slot operations department and slot accounting department and the computerized slot monitoring system including access to

system menus, the establishment of slot machine profile parameters and the ability of each department to access, delete, create or modify information contained in the slot monitoring system.

(4) A slot operations department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of slot operations. The director of slot operations shall be licensed as a key employee and be responsible for the operation of, and conduct of gaming at, slot machines within the licensed.

(5) A security department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of security. The security department must be licensed as a key employee and be responsible for the overall security of the licensed facility including the following:

(i) The physical safety of natural persons.

(ii) The physical safeguarding of assets.

(iii) The protection of the property of both the patron and the slot machine licensee from illegal activity.

(iv) In collaboration with the human resources department or its functional equivalent, the design, implementation and enforcement of a system for the issuance of access badges.

(v) The design, implementation and enforcement of a system for the issuance of temporary access credentials.

(vi) The recording of unusual incidents within the licensed facility in which the security department is involved. Each incident shall be recorded by security department personnel in a book with bound numbered pages that cannot be readily removed or be maintained in an electronic format the Board approves. The log shall be stored and retained in accordance with § 465.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded:

(1) The assignment number of the incident.

(2) The date and time.

(3) The nature of the incident.

(4) The persons involved in the incident.

(5) The security department employees assigned to cover the incident.

(vii) The identification and removal of any person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may be excluded or ejected from the licensed facility under section 1515 of the act or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act.

(viii) The performance of the duties and responsibilities required under the system of internal controls submitted and approved under § 465.2.

(ix) Providing immediate notice to the Pennsylvania State Police upon detecting the presence in the licensed facility of a person possessing a firearm or handgun in violation of § 465.13 (relating to firearms; possession within a licensed facility).

(x) Providing immediate notice to appropriate supervisors, the Bureau and the Pennsylvania State Police upon detecting a person who is engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including any person who is required to be excluded or ejected from the licensed facility who may

or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and Chapters 511 or 513 or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503.

(6) A slot accounting department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of slot accounting. The director of slot accounting shall be licensed as a key employee and shall be responsible for all slot accounting functions including the preparation and control of records and data, the control of stored data, the control of unused forms, the accounting for and comparison of operational data and forms, and the control and supervision of the cashiers' cage, satellite cages and the count room. In addition to the requirement that the director of slot accounting be licensed as a key employee, the supervisor of the cashiers' cage shall, on all shifts, be licensed as a key employee.

(c) The supervisors of the surveillance and internal audit departments required by subsection (b) shall comply with the following reporting requirements:

(1) Each supervisor shall report directly to the chief executive officer of the slot machine licensee regarding administrative matters and daily operations. However, a slot machine licensee may allow each of these supervisors to report directly to a management executive of the licensee other than the chief executive officer if that executive reports directly to the chief executive officer.

(2) Each supervisor shall report directly to one of the following persons or entities regarding matters of policy, purpose, responsibility and authority, which persons or entities shall also control the hiring, termination and salary of each supervisor:

(i) The independent audit committee of the slot machine licensee's board of directors.

(ii) The independent audit committee of the board of directors of any holding or intermediary company of the slot machine licensee which has authority to direct the operations of the slot machine licensee.

(iii) The senior surveillance or internal audit executives of any holding or intermediate company included in subparagraph (ii) if the most senior executive in the reporting line reports directly to the independent audit committee of the board of directors of the holding or intermediary company.

(iv) For slot machine licensees or holding companies which are not corporate entities, the noncorporate equivalent of any of the persons or entities listed in subparagraphs (i)—(iii).

(d) The slot machine licensee's personnel shall be trained in all policies, procedures and internal controls relevant to each employee's individual function. Special instructional programs shall be developed by the slot machine licensee in addition to any on-the-job instruction sufficient to enable all members of the departments required by this section to be thoroughly conversant in, and knowledgeable of, the required manner of performance of all transactions relating to their functions.

(e) Notwithstanding other provisions to the contrary, a slot machine licensee may, with the prior approval of the Board, designate and assign more than one person to serve jointly as the supervisor of a department required by this section. Each person approved to serve as a joint supervisor of a mandatory department shall be located at

the licensed facility and shall be individually and jointly accountable and responsible for the operations of that department.

(f) In the event of a vacancy in the chief executive officer position or any mandatory department supervisory position required by subsection (b), the following apply:

(1) The slot machine licensee shall notify the Board within 5 days from the date of vacancy. The notice must be in writing and indicate the following information:

(i) The vacant position.

(ii) The date on which the position became vacant.

(iii) The date on which it is anticipated that the vacancy will be filled on a permanent basis.

(2) The slot machine licensee shall designate a person to assume the duties and responsibilities of the vacant position within 30 days after the date of vacancy. The person may assume the duties and responsibilities of the vacant position on a temporary basis, provided that:

(i) The person does not also function as the department supervisor for any other mandatory department required by this section.

(ii) The person's areas of responsibility will not be so extensive as to be impractical for one person to monitor.

(iii) The position shall be filled on a permanent basis within 120 days of the original date of vacancy.

(3) Within 5 days of filling a vacancy under paragraph (2), the slot machine licensee shall notify the Board thereof. The notice must be in writing and indicate the following:

(i) The position.

(ii) The name of the person designated.

(iii) The date that the vacancy was filled.

(iv) An indication of whether the position has been filled on a temporary or permanent basis.

(g) The notices required in subsection (f) shall be directed to the Bureau of Licensing.

§ 465.12. Access badges and temporary access credentials.

(a) For the purposes of this section, an access badge is a form of identification issued by a slot machine licensee and worn by a slot machine licensee employee, for purposes of identifying the areas of the licensed facility where the employee may obtain access in the course of the performance of his normal duties.

(b) Slot machine licensees shall establish procedures, in writing, for readily identifying each person permitted, during the normal course of performing his duties, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that persons wear, in a visible location, an access badge.

(2) The procedures must also include a methodology for updating the access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing access by employees of licensed manufacturers, licensed suppliers and registered and certified vendors.

(c) Slot machine licensees shall also establish procedures, in writing, for readily identifying each person permitted, under temporary or emergency circumstances, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that those persons wear, in a visible location, a temporary access badge.

(2) The procedures must also include a methodology for updating the temporary access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing temporary or emergency access by licensed manufacturers, licensed suppliers and registered and certified vendors.

(d) The procedures required in subsection (b) are to be designed, implemented and enforced by the security department in collaboration with the human resources department or its functional equivalent. The procedures in subsection (c) are to be designed, implemented and enforced by the security department. Procedures addressing both access badges and temporary access badges shall be retained in the security department and be made immediately available to the Board and the Pennsylvania State Police upon request. The slot machine licensee shall cooperate with the Board in making amendments to its procedures to improve the effectiveness of its access badge and temporary access badge systems.

§ 465.13. Firearms; possession within a licensed facility.

(a) Individuals, including security department personnel, are prohibited from possessing any firearm or handgun within a licensed facility without the express written approval of the Board, in accordance with authorization procedures as the Board determines. Notwithstanding the general prohibition:

(1) Pennsylvania State Police assigned to its Gaming Enforcement Office may possess a firearm or handgun within the licensed facility.

(2) An on duty officer or agent of any local, State or Federal law enforcement agency having primary jurisdiction over the licensed facility may possess a firearm or handgun in all areas of the licensed facility except the gaming floor or restricted areas servicing the slot operations where that officer or agent is acting in his official capacity. Officers or agents possessing firearms or handguns within a licensed facility under this section shall notify the Board and the Pennsylvania State Police Gaming Enforcement Office of their presence in the licensed facility. Notification shall be made immediately upon entry into the licensed facility or prior to arrival at the licensed facility, if feasible. Notification is not required if exigent circumstances exist.

(b) A slot machine licensee may not employ off duty law enforcement officers to provide security related services on the gaming floor, in restricted areas within the licensed facility or in any manner in connection with the conduct of slot machine operations.

(c) To obtain approval for the possession of a firearm or handgun within a licensed facility, an individual shall be required to demonstrate to the Board that the individual:

(1) Has received an adequate course of training in the possession and use of the firearm or handgun.

(2) Is the holder of a valid license for the possession of the firearm or handgun.

(3) Has a compelling need for the possession of the firearm or handgun within the licensed facility.

(d) A slot machine licensee shall post in a conspicuous location at each entrance to the licensed facility signs that may be easily read stating: The possession of a firearm or handgun by any person within this licensed facility without the express written permission of the Pennsylvania Gaming Control Board is prohibited.

§ 465.14. Security department minimum staffing.

In accordance with § 465.2(d)(5) (relating to internal control systems and audit protocols), slot machine licensees shall be required to submit, for Board approval, a minimum staffing submission with regard to its security department. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number and configuration of slot machines on the gaming floor and must at all times provide for adequate and effective security of the gaming floor and any restricted areas servicing the gaming operation. A slot machine licensee may not implement a change or amendment in its security department minimum staffing submission without Board approval of the change or amendment.

§ 465.15. Cashiers' cage.

(a) A licensed facility shall have on, immediately adjacent or reasonably proximate to the gaming floor, a physical structure known as a cashiers' cage to house the cashiers and to serve as the central location in the licensed facility for:

(1) The custody of the cage inventory comprised of cash (currency or coin) and the forms, documents and records normally associated with the operation of a slot cage.

(2) The initial financial consolidation of transactions relating to slot machine activity.

(3) Other functions normally associated with the operation of a cashiers' cage.

(b) The supervisor of the cashiers' cage shall, regardless of shift, be licensed as a key employee.

(c) The cashiers' cage must be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein. Its design and construction must include:

(1) Manually triggered silent alarm systems located at the cashiers' window, vault and in any ancillary office space adjacent or proximate thereto. The systems must be connected directly to the monitoring room of the surveillance department and to the security department.

(2) A double door entry and exit system that will not permit a person to pass through the second door until the first door is securely locked. In addition, the following apply:

(i) The first door leading from the gaming floor of the double door entry and exit system must be controlled by the security department, the surveillance department or, in the alternative, a Board-approved computerized access system designed and administered to provide a functionally equivalent level of security.

(ii) The second door of the double door entry and exit system must be controlled by the cashiers' cage.

(iii) The double door entry and exit system must have surveillance coverage which shall be monitored by the surveillance department.

(iv) An entrance to the cashiers' cage that is not a double door entry and exit system shall be an alarmed emergency exit door only.

(3) Separate manual locks on each door of the double door entry and exit system, the keys to which shall be different from each other.

(d) A licensed facility may also have one or more satellite cages separate and apart from the cashiers' cage, established to maximize security, efficient operations or patron convenience. A satellite cage may perform any or all of the functions of the cashiers' cage and must be equipped with an alarm system in compliance with subsection (c)(1). The functions which are conducted in a satellite cage shall be subject to the accounting controls applicable to a cashiers' cage set forth in this subpart.

(e) A slot machine licensee shall maintain, immediately available to the Board and the Pennsylvania State Police, a current list, with credential numbers, of all persons:

(1) Possessing the combination or keys to the locks securing the double door entry and exit system restricting access to the cashiers' cage and any satellite cage and the vault.

(2) Possessing the ability to activate or deactivate alarm systems for the cashiers' cage, any satellite cage and vault.

§ 465.16. Accounting controls for the cashiers' cage.

(a) The assets for which slot cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, slot cashiers assigned to the outgoing shift shall record on a cashiers' count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory. Each cashiers' count sheet shall be signed by the preparing cashier attesting to the accuracy of the information thereon.

(b) At the opening of every shift, in addition to the imprest funds normally maintained by slot cashiers, each slot machine licensee shall have in the cashiers' cage, a reserve cash bankroll adequately funded to pay winning patrons.

(c) The cashiers' cage and any satellite cage shall be physically segregated by personnel and function as follows:

(1) Slot cashiers shall operate with individual imprest inventories of cash and their functions shall include the following:

(i) The receipt of cash and cash equivalents from patrons in exchange for cash under § 465.22 (relating to cash equivalents).

(ii) The receipt of personal checks for gaming and nongaming purposes from patrons in exchange for cash, subject to any limitations on amount required by the Board under § 465.20 (relating to personal check cashing).

(iii) The receipt of cash, cash equivalents, checks issued by the slot machine licensee, annuity jackpot checks, wire transfers and cashless funds transfers from patrons to establish a customer deposit under § 465.23 (relating to customer deposits).

(iv) The receipt of customer deposit forms from patrons in exchange for cash under § 465.23.

(v) The preparation of jackpot payout slips in accordance with this subpart and technical standards adopted by the Board under § 465.26 (relating to jackpot payouts).

(vi) The receipt of gaming vouchers from patrons, or from authorized employees who received gaming vouchers as gratuities, in exchange for cash.

(vii) Issuance, receipt and reconciliation of imprest funds used by slot attendants, including an imprest change/pouch payout fund.

(viii) The issuance of cash to automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines in exchange for proper documentation.

(2) Main bank cashier functions shall include the following:

(i) The receipt of cash, cash equivalents, gaming vouchers, jackpot payout slips and personal checks received for gaming and nongaming purposes from slot cashiers in exchange for cash.

(ii) The receipt of cash from the count rooms.

(iii) The receipt of personal checks accepted for gaming and nongaming purposes from slot cashiers for deposit.

(iv) The preparation of the overall cage reconciliation and accounting records.

(v) The preparation of the daily bank deposit for cash, cash equivalents and personal checks.

(vi) The issuance, receipt and reconciliation of imprest funds used by slot attendants.

(vii) The receipt from slot cashiers of documentation with signatures thereon, required to be prepared for the effective segregation of functions in the cashiers' cage.

(viii) The responsibility for the reserve cash bankroll.

(ix) The receipt of unsecured currency and unsecured gaming vouchers and preparation of reports thereon.

(d) At the end of the gaming day a copy of the cashiers' count sheets and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories, agreement of amounts thereon to other forms, records, and documents required by this subpart and recording of transactions.

§ 465.17. Bill validators and slot cash storage boxes.

(a) Slot machines must be equipped with a bill validator configured to accept any combination of currency, gaming vouchers, coupons and other instruments as are authorized by the Board for incrementing credits on a slot machine.

(b) Access to the bill validator must be controlled by at least one lock, the key to which shall be controlled by the slot operations department.

(c) The bill validator in a slot machine must contain a secure tamper resistant container known as a slot cash storage box. All currency, gaming vouchers, coupons and Board-approved instruments inserted into the bill validator shall be deposited into the slot cash storage box.

(d) The slot cash storage box must be secured to the bill validator by two separate locks, the keys to which are different from each other, one of which may be the lock to the belly door or main door of the slot machine and a second of which is the lock on the release mechanism on the slot cash storage box. The keys shall be maintained and controlled as follows:

(1) The key to the belly door or main door of the slot machine shall be maintained and controlled by the slot operations department.

(2) The key to the lock securing the release mechanism on the slot cash storage box shall be maintained and controlled by the security department. The security department shall establish a sign-out and sign-in procedure with regard to this key which includes documentation of this transfer.

(e) A slot cash storage box must:

(1) Have at least one lock securing the contents of the slot cash storage box, the key to which shall be maintained and controlled by the slot accounting department.

(2) Have a slot opening through which currency, gaming vouchers and coupons can be inserted into the slot cash storage box.

(3) Have a mechanical arrangement or device that prohibits removal of currency, gaming vouchers and coupons from the slot opening whenever the slot cash storage box is removed from the bill validator.

(4) Be fully enclosed, except for openings that may be required for the operation of the bill validator or the slot cash storage box. However, the location and size of the openings may not affect the security of the slot cash storage box, its contents or the bill validator, and shall be approved by the Board.

(5) Have an asset number that is permanently imprinted, affixed or impressed on the outside of the slot cash storage box which corresponds to the asset number of the slot machine to which the bill validator has been attached. In lieu of the asset number, a slot machine licensee may develop and maintain, with prior Board approval, a system for assigning a unique identification number to its slot cash storage boxes. The system must ensure that each slot cash storage box can readily be identified, either manually or by computer, when in use with, attached to, and removed from a particular bill validator. Each unique identification number must be permanently imprinted, affixed or impressed on the outside of each slot cash storage box that does not otherwise bear an asset number. The asset number or unique identification number must be conspicuous and clearly visible to persons involved in removing or replacing the slot cash storage box in the bill validator and through the slot machine licensee's surveillance system. Notwithstanding the foregoing, emergency slot cash storage boxes may be maintained without an asset number or a unique identification number, provided the word "emergency" is permanently imprinted, affixed or impressed thereon, and when put into use, are temporarily marked with the asset number of the slot machine to which the bill validator is attached.

(6) Be designed and installed in a manner that renders the slot machine inoperable in the event of the removal or absence of the slot cash storage box.

§ 465.18. Transportation of slot cash storage boxes to and from bill validators; storage.

(a) Slot machine licensees shall place on file with the Board, in the manner prescribed by the Board, a schedule setting forth the specific times at which slot cash storage boxes will be brought to or removed from the bill validators along with specifications as to what areas of the gaming floor will be dropped on each pick-up day and the specific transportation route to be utilized from the gaming floor to the count room.

(b) Slot machine licensees shall maintain immediately available to the Board and the Pennsylvania State Police, a current list, with credential numbers, of all employees participating in the transportation of slot cash storage boxes. Any deviation from the schedule setting forth the specific times at which slot cash storage boxes will be brought to or removed from the bill validators, change in the areas to be dropped or the transportation route to the count room shall be noticed to the Board in advance in a manner prescribed by the Board.

(c) Slot cash storage boxes removed from bill validators shall be transported directly to, and secured in, the count room or a trolley storage area located immediately adjacent thereto, configured and secured in a manner approved by the Board, by a minimum of three employees, at least one of which is a member of the security department and at least one of which is a member of the slot accounting department.

(1) Upon its removal from a bill validator, a slot cash storage box shall be placed immediately in an enclosed trolley which is secured by two separately keyed locks. The keys shall be maintained and controlled as follows:

(i) The key to one lock shall be maintained and controlled by the slot accounting department.

(ii) The key to the second lock shall be maintained and controlled by the security department. Access to the security department's key shall be controlled, at a minimum, by a sign-out and sign-in procedure. The security department key shall be returned to its secure location immediately upon the completion of the collection and transportation of the slot cash storage boxes.

(2) Prior to the movement of any trolley containing slot cash storage boxes from the gaming floor into the count room, the drop team supervisor shall verify that the number of slot cash storage boxes being transported from the gaming floor equals the number of slot cash storage boxes scheduled to be collected that day.

(3) A slot cash storage box being replaced by an emergency slot cash storage box shall be transported to, and secured in, the count room by a minimum of three employees, at least one of which is a member of the slot accounting department and at least one of which is a member of the security department.

(d) Slot cash storage boxes not contained in a bill validator, including emergency slot cash storage boxes that are not actively in use, shall be stored in the count room or other secure area outside the count room approved by the Board, in an enclosed storage cabinet or trolley and secured in the cabinet or trolley by a separately keyed, double locking system. The keys shall be maintained and controlled as follows:

(1) The key to one lock shall be maintained and controlled by the slot accounting department.

(2) The key to the second lock shall be maintained and controlled by a security department. Access to the security department's key shall be limited to a supervisor of that department.

(e) Notwithstanding subsection (c), the security department may, immediately prior to the commencement of the count process, issue its key to the storage cabinet or trolley to a count room supervisor for the purpose of allowing count room personnel to gain access to the slot cash storage boxes to be counted. A key transferred from the custody of the security department to the count room supervisor shall be returned immediately following the conclusion of the count of the slot cash storage boxes and

the return of the empty emergency drop boxes and slot cash storage boxes to their respective storage cabinet or trolley by the count room supervisor. The security department shall establish a sign-out and sign-in procedure which includes documentation of this transfer.

§ 465.19. Acceptance of tips or gratuities from patrons.

Notwithstanding the requirements of § 461.8(n) (relating to gaming vouchers), a key employee or gaming employee who serves in a supervisory position is prohibited from soliciting or accepting, and no other gaming employee may solicit, any tip or gratuity from any patron of the slot machine licensee where he is employed. The slot machine licensee may not permit any practices prohibited by this section.

§ 465.20. Personal check cashing.

(a) Personal checks accepted by a slot machine licensee under § 501.8 (relating to prohibition on check cashing) to enable a patron to take part in gaming must be:

(1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee.

(4) Currently dated, but not postdated.

(b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a slot cashier who shall:

(1) Restrictively endorse the check "for deposit only" to the bank account designated by the slot machine licensee.

(2) Initial the check.

(3) Date and time stamp the check.

(4) Verify that the signature of the patron on the personal check and the patron's physical appearance agree with information recorded in a patron signature file created and maintained by the slot machine licensee in accordance with subsection (c) or with the signature and photograph or physical description contained on a government-issued identification presented by the patron. The slot machine licensee shall retain adequate documentation evidencing the signature verification performed in connection with the acceptance of each personal check.

(5) For personal checks equaling or exceeding \$500, verify the validity of the check directly with the commercial bank, savings bank, saving and loan association or credit union upon which it is drawn or with a check verification service registered or certified as a vendor with the Board. The slot machine licensee shall retain adequate documentation evidencing the check verification performed in connection with the acceptance of each personal check.

(6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn, not to exceed \$2,500 per patron per gaming day.

(c) To record a patron's signature in a patron signature file, a slot cashier shall require the person for whom the file is to be created to present for examination the following:

(1) If the identity of the patron is to be confirmed in accordance with subsection (d)(1), one identification.

(2) If the identity of the patron is to be confirmed in accordance with subsection (d)(2), two forms of identification, at least one of which must contain a photograph or general physical description of the patron.

(d) Before a slot machine licensee may use a signature recorded in a patron signature file to verify the identity of a patron or the validity of a signature on a document, the slot machine licensee shall confirm the identity of the patron by either:

(1) Comparing the signature on the identification presented by the patron under subsection (c)(1) with the signature obtained from the patron and verifying the address of the patron's residence with a credit bureau, commercial bank or, if neither of these sources has the person's address on file or will not provide the information, with an alternative source, which does not include any documentation presented by the patron at the cashiers' cage.

(2) Comparing the signature on each of forms of the identification presented by the patron under subsection (c)(2) with the signature obtained from the patron and comparing the photograph or general physical description contained on at least one of the forms of identification with the patron's actual physical appearance.

(e) A patron signature file established and maintained by a slot machine licensee under subsection (c) must include, in addition to the patron's signature, the following:

(1) The patron's name.

(2) The address of the patron's residence.

(3) The types of identification examined under subsection (d) and an indication whether the identification contained a photograph or physical description of the patron.

(4) For the purposes of this section, a physical description of the patron which includes:

(i) Date of birth.

(ii) Approximate height.

(iii) Approximate weight.

(iv) Hair color.

(v) Eye color.

(5) The date and time that the patron signature file was established.

(6) The procedure by which the identity of the patron was confirmed under subsection (d), including:

(i) The source of confirmation, date and time if confirmed under subsection (d)(1).

(ii) The date and time of confirmation if confirmed under subsection (d)(2).

(7) The signature of the slot cashier or cashiers' cage supervisor who examined the identification of the patron and established the patron signature file, which signature evidences that:

(i) The signature of the patron recorded in the patron signature file is consistent with the signature on each form of identification that was examined.

(ii) The physical description recorded in the patron signature file is consistent with both the actual appearance of the patron and any photograph or physical description that may be contained on an identification that was examined.

(f) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with this section including the dollar limitation per gaming day contained in subsection (b)(6).

§ 465.21. Wire transfers.

(a) A wire transfer accepted by a slot machine licensee on behalf of a patron under § 501.8 (relating to prohibition on check cashing) to enable a patron to take part in gaming shall be recorded in the slot machine licensee's cashiers' cage accountability no later than the next gaming day.

(b) Prior to commencing acceptance of wire transfers for gaming purposes, a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance, verification, accounting for and sending of wire transfers. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A cashiers' cage log to record the following information with regard to wire transfers accepted:

(i) A sequential number assigned by the slot machine licensee to the wire transfer transaction.

(ii) The date and time of notification.

(iii) The name of the financial institution and account number to which the funds were transferred.

(iv) The amount of funds transferred.

(v) The name of the patron for whose benefit the funds were transferred.

(vi) The name and address of the financial institution from which the funds were transferred and the account number from which the funds were debited.

(vii) The method by which the slot machine licensee was notified of the receipt of the wire transfer and, if noticed by telephone, the name and title of the person providing notice.

(viii) The signature of the cashiers' cage employee receiving and recording the information required by this subsection.

(ix) When applicable, a notation that the wire transfer has been reversed under subsection (d).

(2) A requirement that a cashiers' cage supervisor other than the cashiers' cage employee who initially documented receipt of the wire transfer verify receipt of the wire transfer.

(3) A requirement that the cashiers' cage supervisor verifying receipt of the wire transfer document the verification process performed in the log required under paragraph(1) including:

(i) The method by which the receipt of the wire transfer was verified and, if verified by telephone, the name and title of the person providing the verification.

(ii) The date and time of verification.

(iii) The signature of the cashiers' cage supervisor verifying receipt of the wire transfer.

(4) The procedures used to:

(i) Establish, verify and document the identity of the patron.

(ii) Make the wire transfer proceeds available to the patron at the cashiers' cage.

(iii) Adjust the cashiers' cage accountability.

(5) A cashiers' cage log to record the following information with regard to wire transfers sent on behalf of a patron:

(i) The name of the patron.

(ii) The date of the transaction.

(iii) The amount of funds transferred.

(iv) The source of funds transferred (cash, cash equivalent, jackpot payout).

(v) The name and address of the financial institution to which the funds will be transferred and the account number to which the funds will be credited.

(vi) The signature of the patron if the request to send a wire transfer is made in person at the cashiers' cage.

(vii) Documentation supporting the receipt of a request by the slot machine licensee to send a wire transfer on behalf of a patron if the request was not made in person at the cashiers' cage.

(viii) The signature of the cashiers' cage employee receiving and recording the information required by this subsection.

(ix) The signature of the cashiers' cage supervisor or accounting department supervisor authorizing the wire transfer.

(6) When sending a wire transfer on behalf of a patron, the procedures used to:

(i) Verify and document the identity of the patron.

(ii) Adjust the cashiers' cage accountability.

(d) A slot machine licensee, on the next gaming day, shall take all steps necessary to return to a patron by wire transfer an amount initially accepted by wire transfer if, at the expiration of 14 gaming days following the deposit into its operating account of a wire transfer which has no documented business purpose other than having been accepted to enable a patron to take part in gaming both of the following circumstances exist:

(1) The wired funds remain in a slot machine licensee's operating account or cashiers' cage accountability.

(2) The patron has engaged in minimal or no slot play.

(e) The wire transfer returned under subsection (d) shall be sent to the financial institution from which the funds were debited. This reversal of the wire transfer shall be recorded in the wire transfer log maintained under subsection (c)(1).

§ 465.22. Cash equivalents.

(a) Prior to accepting cash equivalents for gaming purposes as permitted under § 501.8 (relating to prohibition on check cashing), a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and

approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A requirement that cashiers' cage employees perform the specific verification procedures required by the issuer of each cash equivalent accepted. The slot machine licensee shall retain adequate documentation evidencing the verification of each cash equivalent.

(2) A requirement that cashiers' cage employees examine each cash equivalent for counterfeiting, forgery or alteration.

(3) When a slot machine licensee elects to incorporate into its verification procedures a level of reliance on previously accepted cash equivalents, the procedures must articulate the general parameters governing the reliance.

(4) Criteria for cashiers' cage supervisor involvement in the verification process.

(5) Procedures for verifying any patron signature on the cash equivalent. Signature verification must be accomplished in accordance with the signature verification procedures in § 465.20 (relating to personal checks). The slot machine licensee shall retain adequate documentation evidencing each signature verification.

§ 465.23. Customer deposits.

(a) At the request of a patron, a slot machine licensee may hold cash, funds accepted by means of wire transfer in accordance with § 465.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465.22 (relating to cash equivalents) for a patron's subsequent use for gaming purposes. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cashiers' cage.

(b) Prior to agreeing to hold a patron's cash, funds accepted by means of wire transfer in accordance with § 465.21 or cash equivalents accepted in accordance with § 465.22 for a patron's subsequent use for gaming purposes, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A requirement that customer deposits be accepted at the cashiers' cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cashiers' cage or upon receipt by the slot machine licensee of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cashiers' cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification must be accomplished in accordance with the signature verifica-

tion procedures under § 465.20 (relating to personal checks). The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and signature verification.

§ 465.24. Count room characteristics.

(a) A slot machine licensee shall have adjacent or reasonably proximate to the cashiers' cage a room, to be known as a count room, specifically designated, designed and used for counting the contents of slot cash storage boxes.

(b) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein. Each slot machine licensee shall design and construct a count room with the following security measures:

(1) A metal door installed on each entrance and exit equipped with an alarm device which audibly signals the surveillance department monitoring room and the security department whenever a door to the count room is opened at times other than those times for which the slot machine licensee has provided prior notice under § 465.25 (relating to counting and recording of slot cash storage boxes).

(2) Each entrance and exit door must be equipped with two separate locks, the keys to which must be different from each other and different from the lock securing the contents of each slot cash storage box. The keys shall be maintained and controlled as follows:

(i) The key to one of the locks shall be maintained and controlled by the security department.

(ii) The key to the other lock shall be maintained and controlled by slot accounting.

(iii) Sign-out and sign-in procedures shall be established for both keys.

(c) The following must be located within the count room:

(1) A table constructed of clear glass or similar material for the emptying, counting and recording of the contents of slot cash storage boxes.

(2) Surveillance cameras capable of effective video monitoring of:

(i) The entire count process.

(ii) The interior of the count room, including any storage cabinets or trolleys used to store slot cash storage boxes and any Board-approved trolley storage area located adjacent to the count room.

§ 465.25. Counting and recording of slot cash storage boxes.

(a) A slot machine licensee shall file with the Board, in the manner prescribed by the Board, a schedule setting forth the specific times during which the contents of slot cash storage boxes are to be counted and recorded. Any deviation from the schedule shall be noticed to the Board in advance in a manner prescribed by the Board.

(b) Computerized equipment utilized to count and strap currency, gaming vouchers and coupons must:

(1) Automatically provide two separate counts of the funds at different stages of the count process and, if the separate counts are not in agreement, document the discrepancy.

(2) Be capable of determining the value of a gaming voucher or coupon by independently examining informa-

tion printed on the gaming voucher or coupon. The information is used by the counting equipment to either calculate the value internally or obtain the value directly from the gaming voucher system or coupon system in a secure manner as approved by the Board. If the gaming voucher system is utilized to obtain the value of a gaming voucher or coupon, the gaming voucher system must perform a calculation or integrity check to ensure that the value has not been altered in the system in any manner since the time of issuance.

(c) Persons accessing the count room when uncounted funds are present shall wear clothing without any pockets or other compartments with the exception of representatives of the Board, the Department, the Pennsylvania State Police, the security department and the internal audit department.

(d) Persons present in the count room may not:

(1) Carry a handbag or other container unless it is transparent.

(2) Remove their hands from or return them to a position on or above the count table or counting equipment unless the backs and palms of the hands are first held straight out and exposed to the view of other members of the count team and a surveillance camera.

(e) Immediately prior to the commencement of the count, a count room employee shall notify the surveillance department that the count is about to begin to facilitate the recording, under § 465.9(e) (relating to surveillance system; surveillance department control; surveillance department restrictions), of the entire count process.

(f) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing the opening, counting and recording of the contents of slot cash storage boxes. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

(g) The internal controls developed and implemented by the slot machine licensee under subsection (f) must include a description of all computer equipment used in the counting and recording process and other systems, if any, that communicate with that computer equipment for purposes related to the counting of gross terminal revenue.

(h) A gaming voucher or coupon deposited in a slot cash storage box shall be counted and included in the calculation of gross terminal revenue without regard to the validity of the gaming voucher or coupon.

(i) A coupon which has not already been canceled upon acceptance or during the count shall be canceled prior to the conclusion of the count, in a manner approved by the Board.

(j) Any variance between the value of cash gaming vouchers and coupons in a slot cash storage box as determined in the count room and the value for that particular slot cash storage box recorded on corresponding reports generated by the gaming voucher system or coupon system shall be disclosed to the Board in a detailed written report citing each variance, the reason for the variance and the corrective action taken. This variance report shall be filed by the slot machine licensee with the Board within 72 hours of the count that is the subject of the comparison and shall be filed in the manner prescribed by the Board.

§ 465.26. Jackpot payouts.

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot payouts that are not paid directly from a slot machine. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A request for jackpot payout document or, in the alternative, an electronic entry into a slot computer system generating jackpot payouts, by a slot attendant or slot supervisor, evidencing the observation by the slot attendant or slot supervisor of the winning combination of characters on the slot machine and a determination as to the appropriate amount of the jackpot payout based on the observed winning combinations.

(2) A requirement that the preparer of the request for jackpot payout document or, in the alternative, the employee performing the electronic entry into the slot computer system, be a slot supervisor if the hand paid jackpot is \$10,000 or more.

(3) A requirement that the following information be on the request for jackpot payout document or electronically entered into the slot computer system and maintained in stored data:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The method of payment requested by the patron.

(vi) The signature or identification code of the preparer.

(vii) The following additional signatures or identification codes shall be required if the slot machine or the progressive meter is reset prior to the patron being paid or if payment is made directly to the patron by a slot cashier:

(A) The signature or identification code of a security department member or slot attendant other than the preparer attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout.

(B) The signature or identification code of the slot shift manager attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$25,000 or more.

(4) A requirement that following preparation the request for jackpot payout document be immediately transported by the preparer, or the information made available by the slot computer system, to the cashiers' cage where it will serve to authorize the preparation of a jackpot payout document.

(5) A requirement that if the winning patron will not be paid before the slot machine or progressive meter is reset, the preparer of the request for jackpot payout document or the employee performing the electronic entry required by paragraph (1) shall also prepare a two part receipt document containing the following information:

- (i) The date and time of the jackpot.
- (ii) The asset number of the slot machine on which the jackpot was registered.
- (iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.
- (iv) The amount of the jackpot payout.
- (v) The signature of the winning patron on the original form only.
- (vi) The signature of the preparer attesting that the information on the receipt document is correct and agrees with the information on the request for jackpot payout document or in stored data.

(6) A requirement that the receipt document be distributed as follows:

- (i) The original shall be immediately delivered to the slot cashier by the preparer, security department member or verifying slot attendant along with the request for jackpot payout document if manually generated in accordance with paragraph (1).
- (ii) The duplicate shall be immediately presented to the winning patron who shall be required to present the duplicate receipt document before being paid the jackpot in accordance with the procedures in this section.

(7) A requirement that the following information be on any jackpot payout document generated by the slot computer system:

- (i) The asset number of the slot machine on which the jackpot was registered.
- (ii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.
- (iii) The date on which the jackpot occurred.
- (iv) The amount that is to be paid from cashiers' cage funds. However, this amount may, in the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

- (v) The date, time and method of payment.
 - (vi) The signature or identification code of the preparer.
- (8) A requirement that the data in paragraph (7)(i)—(vi) not be susceptible to change or removal by any personnel after preparation of a jackpot payout document.

(9) A requirement that whenever the winning patron is paid directly by the slot cashier, the following procedures shall be followed:

- (i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).
- (ii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot cashier shall summon a security department member or slot attendant other than the preparer of the request for jackpot payout document and provide that employee with the request for jackpot payout document. The security department member or verifying slot attendant shall

proceed to the slot machine identified on the request for jackpot payout document and sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. If the jackpot amount is \$25,000 or more, a slot shift manager shall also sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. The request for jackpot payout document shall then be immediately returned to the slot cashier.

(iii) After the slot cashier determines that the required signatures verifying the winning combination of characters on the slot machine and the amount to be paid have been placed on the one-part request for jackpot payout document, if the amount being paid is less than \$10,000, the slot cashier shall pay the winning patron in the presence of the preparer of the request for jackpot payout document. If the amount being paid is \$10,000 or more but less than \$25,000, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor who prepared the request for jackpot payout document. If the amount being paid by the cashier is \$25,000 or more, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor and slot shift manager who prepared the request for jackpot payout document in accordance with this subsection. Personnel required by this subsection to witness the payment shall sign the duplicate jackpot payout document attesting to the accuracy of the information on the duplicate jackpot payout document and the disbursement of the payment to the patron.

(iv) If a receipt document under paragraph (5) was issued, the duplicate receipt document shall be signed by the patron in the presence of the slot cashier. The slot cashier shall compare the signature on the duplicate receipt document to that on the original receipt document and make the payment only if the signatures are in agreement.

(v) When the required signatures are obtained and payment has been made, the slot cashier shall give the duplicate jackpot payout document to a security department member or slot attendant who shall expeditiously deposit it into a locked accounting box.

(vi) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. The documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(10) A requirement that whenever a winning patron is paid by a slot attendant or slot attendant supervisor, the following procedures shall be followed:

- (i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).
- (ii) The slot cashier shall disburse the cash or slot licensee check to a slot attendant or slot attendant supervisor if the amount of the jackpot is less than \$10,000 and to a slot attendant supervisor if the amount of the jackpot is \$10,000 or more. The employee receiving the payment shall verify the amount received and sign the original and duplicate of the jackpot payout document attesting to the accuracy of the information on the jackpot payout document and the receipt of the payment from the

slot cashier. The slot cashier shall retain the original jackpot payout document and the duplicate jackpot payout document shall be transported with the payment to the slot machine.

(iii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot attendant or slot attendant supervisor shall provide the duplicate jackpot payout document to the security department member or verifying slot attendant other than the preparer at the slot machine who shall verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document. If the jackpot amount is \$25,000 or more, and the slot shift manager has not signed the request document, the slot shift manager shall similarly verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document.

(iv) When the verifications required by subparagraph (iii) have been completed, if the payment is less than \$10,000, the slot attendant or slot attendant supervisor shall pay the winning patron in the presence of the security department member or second slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$10,000 or more, but less than \$25,000, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$25,000 or more, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant and the slot shift manager who verified the winning combination of characters on the slot machine and the amount to be paid. Once the patron has been paid, the personnel required by subparagraph (iii) to witness the payment shall sign the duplicate jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document and the disbursement of the payment to the winning patron.

(v) If a receipt document under paragraph (5) was issued, the slot cashier must give the slot attendant or slot attendant supervisor the original receipt document along with the duplicate jackpot payout document to be transported with the payment. The patron shall be required to sign the duplicate receipt document in the presence of the slot attendant or slot attendant supervisor. The slot attendant or supervisor shall compare the signature on the duplicate receipt document to that on the original receipt document and make the payment only if the signatures are in agreement.

(vi) When payment has been made and the required signatures obtained, the security department member or slot attendant shall expeditiously deposit the duplicate jackpot payout document into a locked accounting box.

(vii) The slot attendant or slot attendant supervisor shall immediately return the original and duplicate receipt document, if applicable, to the cashiers' cage.

(viii) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original

copy of the jackpot payout document. The documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(11) A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, effective income control audit procedures over the issuance of jackpot payouts including adequate comparisons to gaming voucher system data.

(12) Details with regard to processing of system overrides or adjustments.

(c) Nothing in this section precludes the use of a slot computer system, approved by the Board, that electronically records the information required on a request for jackpot payout document or facilitates through the slot computer system the verifications and comparisons as to winning combination of characters on the slot machine or amount to be paid required under this section.

(d) Nothing in this section precludes a slot machine licensee from implementing procedures by which a slot attendant, in the presence of a member of the security department, utilizes an imprest inventory of funds secured in a pouch or wallet to pay a jackpot of less than \$1,200 that is not totally and automatically paid directly from a slot machine.

(e) Prior to the payment of a jackpot payout under subsection (d), each slot machine licensee shall establish a comprehensive system of internal controls addressing this method of jackpot payout, the replenishment of the imprest pouch and the attendant reconciliation process. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

§ 465.27. Annuity jackpots.

(a) A slot machine licensee offering an annuity jackpot payable over 10 years or more may offer a winning patron the option to be paid in a single cash payout, in lieu of the annuity jackpot, in an amount that is equal to the present value of the face amount of the jackpot payout as calculated in subsection (b).

(b) A slot machine licensee may offer a cash payment option. The present value of the cash payout option on an annuity shall be determined by applying a discount rate to each of the future annuity jackpot payments, taking into consideration the number of years until each jackpot payment would otherwise have been received and adding to that amount the amount of the first cash payment that would otherwise have been received. For the purposes of this subsection, the discount rate must equal the United States Treasury constant maturity rate for 20 year United States government securities for the week ending prior to the date of the jackpot, as identified in the applicable H.15 Statistical Release issued by the Federal Reserve Board plus 0.5%.

(c) A slot machine licensee may not offer an annuity jackpot payout unless:

(1) The terms and conditions of the annuity jackpot, including the effect on the calculation of the theoretical payout percentage, comply with the act, this subpart and technical standards on jackpot payouts approved by the Board.

(2) The Board has approved the specific offer of the annuity jackpot.

(d) A cash payout made in connection with an annuity jackpot shall be made in accordance with § 465.26 (relating to jackpot payouts).

(e) Prior to the payment of an annuity jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of an annuity jackpot. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

(1) The internal control procedures developed and implemented by the slot machine licensee must include:

(i) Procedures to be followed by a winning patron to exercise a cash payout option.

(ii) Procedures with regard to the administration of the trust agreement established to insure the future cash payments due under the annuity jackpot award.

(iii) A requirement that the trustee for the trust fund established by the trust agreement be a slot machine licensee or, for a wide area progressive system offering an annuity jackpot, the slot system operator for that wide area progressive system.

(2) A slot machine licensee may not offer an annuity jackpot until its supporting trust agreement and the internal controls required under this section have been approved in writing by the Board.

§ 465.28. Merchandise jackpots.

(a) A slot machine licensee may not offer a merchandise jackpot payout unless:

(1) The terms and conditions of the merchandise jackpot, including the effect on the calculation of the theoretical payout percentage, comply with the act, this subpart and technical standards on jackpot payouts approved by the Board.

(2) The Board has approved the specific offer of the merchandise jackpot.

(b) A cash payout made in connection with a merchandise jackpot shall be made in accordance with § 465.26 (relating to jackpot payouts).

(c) Prior to the payment of a merchandise jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of a merchandise jackpot. The internal controls shall be submitted to and approved by the Board under § 465.2 (relating to internal control systems and audit protocols).

§ 465.29. Automated teller machines.

Automated teller machines may be placed at any location within the licensed facility.

§ 465.30. Waiver of requirements.

The Board may waive one or more of the requirements of this chapter or technical standards applicable to accounting and internal controls adopted by the Board upon a determination that the nonconforming control or procedure nonetheless meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board.

§ 465.31. Gaming day.

(a) The beginning and ending times of the gaming day will be determined by the Board and will be uniform for all slot machine licensees for the purposes of determining gross terminal revenue.

(b) Prior to commencing gaming operations, each slot machine licensee shall submit to the Board, in writing, its hours of operation, which times correspond to the portion of its gaming day it will be open to the public for the purpose of gaming activities. A slot machine licensee may

not commence gaming operations until its hours of operation are approved by the Board.

(c) Any change in a slot machine licensee's hours of operation shall be noticed to the Board in advance of the change in writing or in an electronic format as approved by the Board.

§ 465.32. Signature.

An employee signature may be in either of the following formats:

(1) The employee's first initial, last name and Board license number, written by the employee, immediately adjacent to or above the clearly printed or preprinted title of the employee.

(2) The employee's unique identification number or other computer identification code issued to the employee by the slot machine licensee, if the document to be signed is authorized by the Board to be generated by a slot computer system and the method of signature is approved or required by the Board.

CHAPTER 466. SLOT COMPUTER SYSTEMS

Sec.
466.1. Slot computer systems generally.

§ 466.1. Slot computer systems generally.

(a) All aspects of a slot machine licensee's slot computer system shall be located within the licensed facility in accordance with technical standards adopted by the Board.

(b) For the purposes of this section, a slot computer system includes all aspects of a computer system which the act, this subpart or technical standards adopted by the Board either require or permit to be utilized by a slot machine licensee in the conduct of, or monitoring of, slot machine operations including hardware, software and network interfaces used in connection with the operation of a slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system and gaming voucher system. A slot computer system will not be construed to include the following:

- (1) A slot machine or bill validator.
- (2) A wide area progressive slot system.
- (3) Other computer systems or applications that the Board determines are not slot computer systems.

(c) The Board may waive one or more of the requirements of this section or technical standards applicable to slot computer systems adopted by the Board upon a determination that the nonconforming system protocols nonetheless meet the integrity requirements of the act, this subpart and technical standards adopted by the Board.

CHAPTER 467. COMMENCEMENT OF SLOT OPERATIONS

Sec.
467.1. Gaming floor plan.
467.2. Commencement of slot operations generally.

§ 467.1. Gaming floor plan.

(a) An applicant for, or holder of a slot machine license, shall submit to the Board, in a manner the Board requires, a floor plan of its gaming floor and the restricted areas servicing the slot operation. A floor plan must be:

- (1) Drawn to 1/8 inch scale, unless another scale is approved by the Board.

(2) Certified by an architect licensed to practice in this Commonwealth and depict the following:

- (i) The gaming floor with notations as to:
 - (A) Proposed total square footage.
 - (B) The perimeter of the gaming floor.
 - (C) A clearly delineated route for underage persons to transverse the gaming floor.
- (ii) Each slot machine area on the gaming floor and each slot machine location within each slot machine area. Slot machine locations shall be identified by number in accordance with § 463.3 (relating to slot machine location).
- (iii) The number of slot machines on the gaming floor in compliance with section 1210 of the act (relating to number of slot machines), in total and by slot area.
- (iv) Each slot seat on the gaming floor in compliance with § 461.7(t) (relating to slot machine minimum design standards).
- (v) Each surveillance camera installed in compliance with § 465.10(a) (relating to surveillance system; surveillance department control, surveillance department restrictions), noting its type and camera number.
- (vi) The cashiers' cage and any satellite cashiers' cage, inclusive of each cashiers' cage window and window number, ancillary offices and areas.
- (vii) Each count room and any trolley storage area.
- (viii) Each automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machine.
- (ix) Each automated teller machine.
- (x) Each area designated for the storage or repair of slot machines.
- (xi) Vault and armored car bay locations.
- (xii) Additional documentation requested by the Board.
- (b) A slot machine licensee may not commence slot operations until the floor plan depicting its gaming floor and all restricted areas servicing the slot operation has been approved in writing by the Board. The approval by the Board will expressly authorize the maximum square footage of gaming floor and maximum number of slot machines which may be operated by the slot machine licensee.
- (c) A slot machine licensee may not change or revise the square footage of its gaming floor or the number of slot machines on the floor plan approved under subsection (b) without prior written approval of the Board.

§ 467.2. Commencement of slot operations generally.

(a) Prior to the commencement of slot operations at a licensed facility, a slot machine licensee shall demonstrate that:

(1) The licensed facility, including the gaming floor and restricted areas servicing the slot operation, complies in all respects with the act, this subpart and technical standards adopted by the Board.

(2) Slot machines and associated equipment installed in the licensed facility and utilized in the conduct of slot machine operations have been tested and approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board.

(3) The gaming floor plan required under § 467.1(a) (relating to gaming floor plan) has been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board.

(4) The slot machine licensee's proposed site plan and internal control systems and audit protocols have been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board.

(5) The slot machine licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of slot operations.

(6) The slot machine licensee's employees are licensed or permitted by the Board and trained in the performance of their responsibilities.

(7) The slot machine licensee has complied with conditions prerequisite to commencement of slot operations contained in the Statement of Conditions executed under § 423.3 (relating to license issuance and statement of conditions).

(8) The licensed facility is prepared in all respects to receive the public.

(9) The slot machine licensee has successfully completed a test period in accordance with the terms and conditions required by the Board.

(b) Upon a slot machine licensee's successful demonstration of the criteria in subsection (a), the Board may authorize the date and time at which the slot machine licensee may commence slot operations at the licensed facility and will fix the maximum square footage of gaming floor and maximum number of slot machines which may be operated by the slot machine licensee pursuant to that authorization.

[Pa.B. Doc. No. 06-2346. Filed for public inspection December 1, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Board of Probation and Parole

The Executive Board approved a reorganization of the Board of Probation and Parole effective November 13, 2006.

The organization chart at 36 Pa.B. 7292 (December 2, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2347. Filed for public inspection December 1, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Fish and Boat Commission

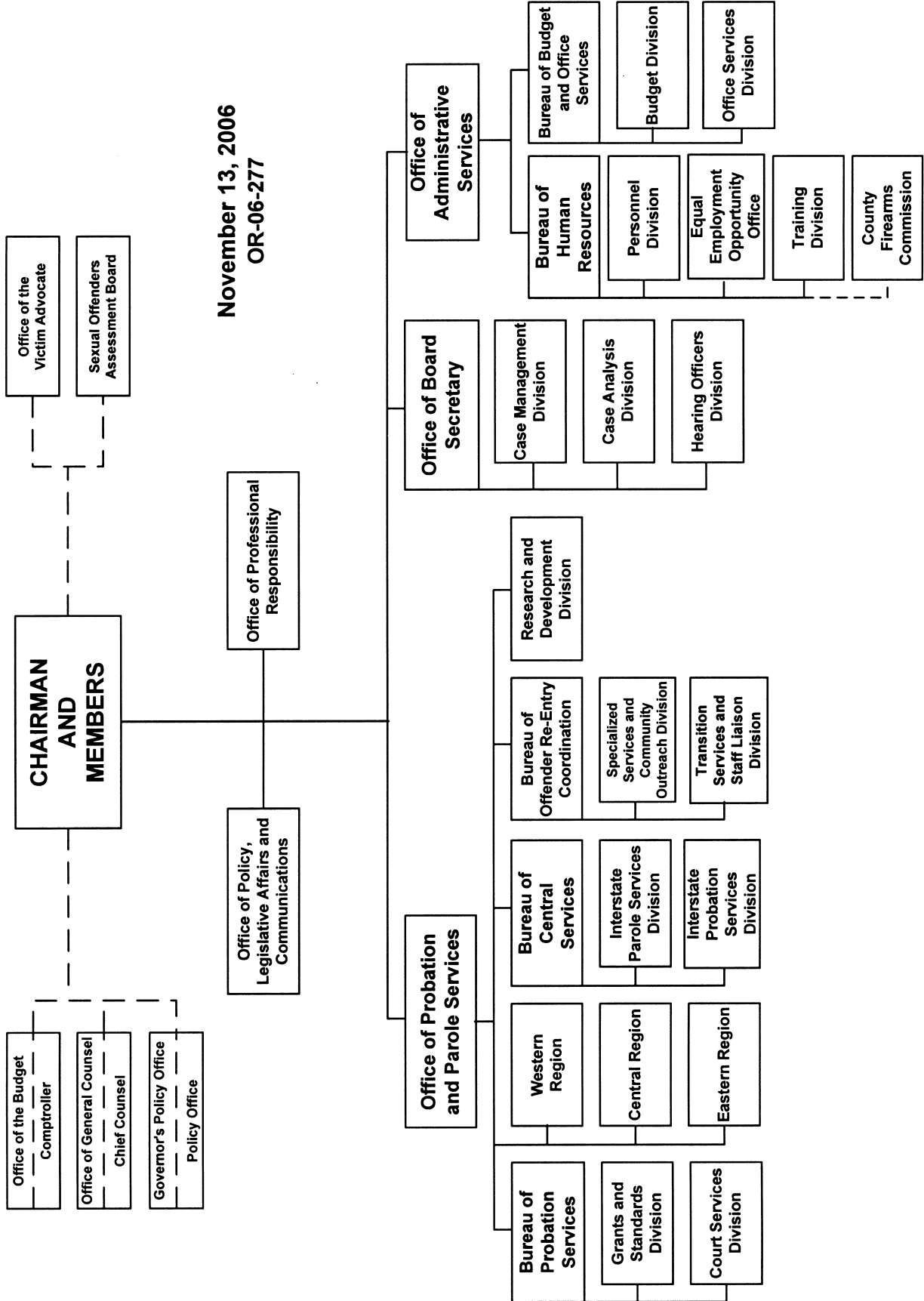
The Executive Board approved a reorganization of the Fish and Boat Commission effective November 13, 2006.

The organization chart at 36 Pa.B. 7293 (December 2, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

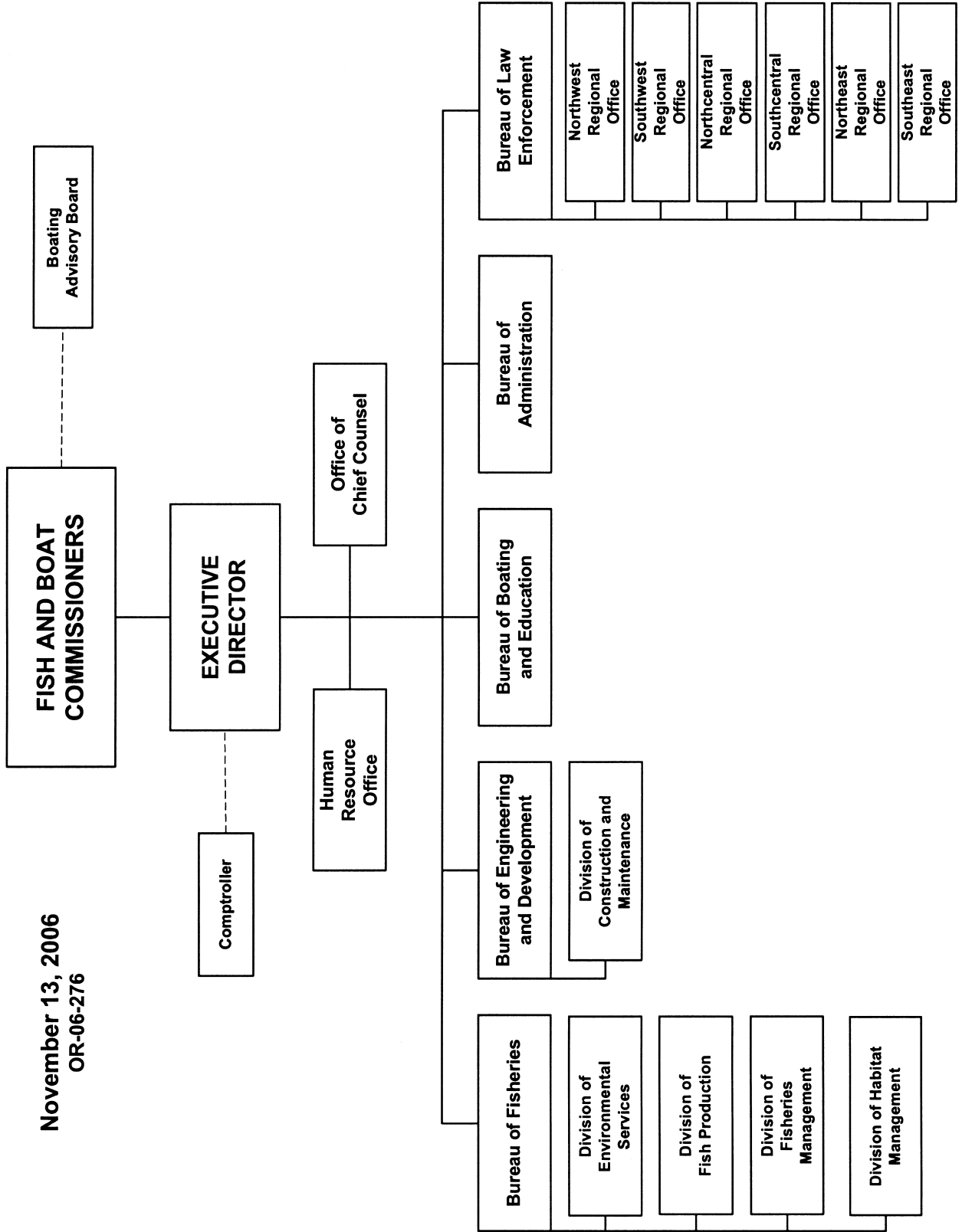
[Pa.B. Doc. No. 06-2348. Filed for public inspection December 1, 2006, 9:00 a.m.]

BOARD OF PROBATION AND PAROLE



November 13, 2006
OR-06-277

FISH AND BOAT COMMISSION



November 13, 2006
OR-06-276

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 436a]

Use of Funds Allocated to Horsemen's Organizations

The Pennsylvania Gaming Control Board (Board), at its October 25, 2006, public meeting, as required by 4 Pa.C.S. § 1406(b) (relating to distributions from Pennsylvania Race Horse Development Fund), adopted a statement of policy for the use of funds allocated to horsemen's organizations. These funds are to be used to finance programs to benefit horsemen of this Commonwealth.

Fiscal Impact

This statement of policy provides guidance to horsemen's organizations for compliance with 58 Pa. Code Chapter 436 (relating to horsemen's organizations). Since this statement of policy does not impose additional responsibilities, it does not impose costs on horsemen's organizations or the Board.

Contact Person

The contact persons for questions about this statement of policy are Richard Sandusky, Director of Regulatory Review, (717) 214-8111; and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

Effective Date

This statement of policy will take effect upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* Title 58 of the Pa. Code is amended by adding a statement of policy in §§ 436a.1—436a.6 to read as set forth in Annex A.)

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-50. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 436A. USE OF FUNDS ALLOCATED TO HORSEMEN'S ORGANIZATIONS

Sec.

- 436a.1. Scope.
- 436a.2. Definitions.
- 436a.3. Responsibilities of horsemen's organizations.
- 436a.4. Audits of horsemen's organizations.
- 436a.5. Reports.
- 436a.6. Responsibilities of Category 1 licensees.

§ 436a.1. Scope.

The act requires the Board to:

(1) Establish guidelines that ensure that funds distributed from the Fund and which are allocated to horsemen's organizations, as defined by the act, are used to finance programs that benefit the horsemen of this Commonwealth. (See 4 Pa.C.S. § 1406(b) (relating to distributions from Pennsylvania Race Horse Development Fund).)

(2) Ensure that funds allocated to the horsemen's organizations are used to finance programs which benefit the horsemen of this Commonwealth. (See 4 Pa.C.S. § 1406(c).)

(3) Ensure that no more than 15% of funds available annually for benevolent programs, including pension, health and insurance plans, are used to administer the programs.

(4) Ensure that the horsemen's organizations that receive funds from the Fund file an annual audit prepared by a certified public accountant. (See 4 Pa.C.S. § 1406(e).)

(5) Approve the health and pension benefit contracts entered into by the horsemen's organizations. (See 4 Pa.C.S. § 1406(f).)

§ 436a.2. Definitions.

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

Fund—The Pennsylvania Race Horse Development Fund.

Registered horsemen's organization—A horsemen's organization that receives funds from the Fund and which shall register with the Board under § 436.2 (relating to horsemen's organization registration).

§ 436a.3. Responsibilities of horsemen's organizations.

(a) A horsemen's organization shall register with the Board under § 436.2 (relating to horsemen's organization registration).

(b) Registered horsemen's organizations shall ensure that funds received from the Fund are used to benefit all horsemen and are kept apart from funds acquired from other sources. Funds that are allocated to horsemen's organizations for benevolent programs are not to be used for the personal benefit of any officer, director, representative or fiduciary of the horsemen's organization.

(c) Registered horsemen's organizations shall ensure that administrative costs are reasonable as required by 4 Pa.C.S. § 1406(d) (relating to distributions from Pennsylvania Race Horse Development Fund). Costs that do not exceed 15% of the annual total statutory allocation are deemed reasonable.

(d) Registered horsemen's organizations shall ensure that health and pension benefits contracts entered into by the horsemen's organizations are approved by the Board.

(e) The officers, directors, fiduciaries and representatives of a registered horsemen's organization shall file an application for a permit with the Board under § 436.3 (relating to permitting of officers, directors, representatives and fiduciaries).

(f) The officers, directors, fiduciaries and representatives of a registered horsemen's organization shall comply with §§ 436.4 and 436.5 (relating to responsibilities of horsemen's organizations, officers, directors, representatives and fiduciaries; and fiduciaries) relative to the responsibilities of the horsemen's organizations and their officers, directors, representatives and fiduciaries.

§ 436a.4. Audits of horsemen's organizations.

(a) Registered horsemen's organizations that receive funds from the Fund shall file annually, with the appropriate racing commission and the Board, an audit prepared by a certified public accountant of the funds received under 4 Pa.C.S. § 1406(e) (relating to distribu-

tions from Pennsylvania Race Horse Development Fund). Audits shall be available for public review.

(b) Audits submitted to the Board must reflect all funds received from the Fund which are used or intended to be used for purse supplements under 4 Pa.C.S. § 1406(a)(1)(i) and health and pension benefits under 4 Pa.C.S. § 1406(a)(1)(iii).

(c) Audits shall be mailed to the Pennsylvania Gaming Control Board, Attn: Director, Racetrack Gaming, P. O. Box 69060, Harrisburg, Pennsylvania 17106-9060 in sufficient time to be received no later than March 30th of each calendar year.

§ 436a.5. Reports.

(a) Registered horsemen's organizations shall file with the Board no later than the 20th day of the month following the end of each calendar quarter the following reports:

(1) Quarterly report of funds received from the Fund through the Category 1 licensee conducting live racing into the account established by and for the benefit of the horsemen under 4 Pa.C.S. § 1406(1)(a)(i) (relating to distributions from Pennsylvania Race Horse Development Fund).

(2) Quarterly report of funds distributed for purse supplements from the account established by and for the benefit of the horsemen under 4 Pa.C.S. § 1406(1)(a)(i).

(3) Quarterly report of funds received for health and pension benefits health and pension benefits under 4 Pa.C.S. § 1406(1)(a)(iii).

(b) Horsemen's organizations shall ensure that funds allocated for thoroughbred jockeys and standardbred drivers are paid as required by 4 Pa.C.S. § 1406(a)(1)(iii) and that the distribution of these proceeds is reflected in the annual audit required by 4 Pa.C.S. § 1406(e).

§ 436a.6. Responsibilities of Category 1 licensees.

(a) Category 1 licensees conducting live racing and who receive distributions from the Fund for distribution to purses shall file with the Board no later than the 20th day of the month following the end of each calendar quarter the following reports:

(1) Quarterly report of funds received from the Fund.

(2) Quarterly report of funds deposited into a separate, interest-bearing purse account established by and for the benefit of the horsemen under 4 Pa.C.S. § 1406(a)(1)(i) (relating to distributions from Pennsylvania Race Horse Development Fund) and § 441.9(b)(3)(i) (relating to responsibilities of licensed organizations).

(3) Quarterly report of funds distributed to the horsemen's organization representing the owners and trainers at the racetrack at which the licensed racing entity operates for health and pension benefits under 4 Pa.C.S. § 1406(a)(1)(iii) and § 441.9(b)(3)(ii).

(4) Quarterly report of expenditures for backside improvements in conformity with 4 Pa.C.S. § 1404 (relating to distributions from licensee's revenue receipts).

[Pa.B. Doc. No. 06-2349. Filed for public inspection December 1, 2006, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Tuesday, December 12, 2006. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:15 a.m. Topics of discussion include a report on progress to date of the Flood Mitigation Task Force, the planned release of task force recommendations, and the process by which public comment will be solicited on these recommendations; a report on the status of development of a long-term multi-objective management plan for the New York City Delaware Basin reservoirs; a presentation on the draft State of the Basin Report; a status report on the process for establishing a Total Maximum Daily Load (TMDL) for PCBs for the Delaware Bay; and a discussion of the Federal Coordination Summit held in July 2006 and subsequent interagency coordination efforts.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *Matamoras Municipal Authority D-81-76 CP-6.* An application to expand the existing service area to include property within Westfall Township north and south of Mountain Avenue. The applicant requests to retain the existing allocation of 11.7 million gallons per 30 days (mg/30 days) from existing Wells Nos. 3, 5 and 7—8A. The project is located in Matamoras Borough and Westfall Township, Pike County, PA within the drainage area to a section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

2. *Joseph Jackewicz, Sr. D-91-53-2.* An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 219.8 mg/30 days to supply the applicant's agricultural irrigation system from replacement Well No. Townsend 3, eight existing wells and one existing surface water intake. The project is located in the Tidbury Creek, Cypress Branch and Double Run watersheds in the Town of Magnolia, Kent County, DE.

3. *Magnesium Elektron, Inc. D-94-73-2.* An application for approval of a groundwater withdrawal project to supply up to 9.8 mg/30 days of water to the applicant's industrial facility and groundwater remediation project from new Well No. 9 and to retain the existing withdrawal from all wells of 9.8 mg/30 days. The project is located in the Lockatong Formation in the Wickechoeke Creek Watershed in Kingwood Township, Hunterdon County, NJ and within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

4. *Horsehead Corporation D-67-196-2.* An application for a change of ownership and a docket modification for the discharge of noncontact cooling water, boiler blow-down, and effluent from metal recovery zones (MRZs) for the Palmerton East Plant. The discharges consists of approximately 0.15 million gallons per day (mgd) of noncontact cooling water from Outfall 004, 0.31 mgd of noncontact cooling water and boiler blow-down from Outfall 005, a 0.128 mgd MRZ discharge from Outfall 015, a 0.036 mgd MRZ discharge from Outfall 019 and a 0.040 mgd MRZ related discharge from Outfall 022. The discharges from Outfall Nos. 004, 005, 015, 019 and 022 are to the Aquashicola Creek, which is a tributary to the Lehigh River. The discharges are located in the drainage area of the Lower Delaware Special Protection Water Area. The facility is located in Palmerton Borough, Carbon County, PA.

5. *Cabot Corporation D-70-72-3.* An application for approval to modify planned improvements to the applicant's industrial wastewater treatment plant (IWTP) upgrade project, approved by the Commission on October 24, 2004, and to implement manufacturing operation improvements necessary to meet water quality objectives in Swamp Creek. The applicant produces inorganic chemicals and primary nonferrous metals and alloys at its Boyertown Facility, which is located off Swamp Creek Road and straddles the borders of Douglass Township, Montgomery County and Colebrookdale Township, Berks County, both in PA. Based upon revised production rate projections, the applicant has determined that modification of the existing IWTP would be more cost effective than constructing new facilities. In addition, the average design flow is proposed to be reduced to 0.15 mgd from the previously approved 0.222 mgd. The plant effluent, along with stormwater, cooling water and water supply treatment wastewater, will continue to be discharged by means of the existing outfall to Swamp Creek in the Schuylkill River Watershed. The project is located within the Southeastern Pennsylvania Ground Water Protected Area, within the drainage area of a portion of the Schuylkill River that is conditionally designated as "Modified Recreational" in Commission's Comprehensive Plan.

6. *Village of Deposit D-74-57 CP-2.* An application for approval of a wastewater treatment plant (WWTP) expansion project to provide secondary treatment to up to 0.7 mgd, a proposed increase of 0.1 mgd from the existing capacity. The WWTP discharges effluent to the West Branch Delaware River in DRBC Water Quality Zone W1. The project is located in the Upper Delaware Special Protection Waters drainage area in the Village of Deposit, Broome and Delaware Counties, NY. The WWTP will continue to serve the Village of Deposit and may serve the Town of Deposit, Delaware County, NY in the future.

7. *Glenn Springs Holdings, Inc. D-76-17-2.* An application to discharge treated storm and groundwater into the Schuylkill River in an area that is conditionally designated as "Modified Recreational" in the Comprehensive Plan. The project is located south of State Route 422 at the former Occidental Chemical Corporation facility in Lower Pottsgrove Township, Montgomery County, PA. Occidental Chemical Corporation remains the owner of the property, but its affiliate, Glenn Springs Holdings, Inc. is the operator of the ground and stormwater treatment facility. Currently, up to 0.5 mgd of flow containing volatile organic chemicals is treated by carbon absorption and air stripping before it is discharged to the Pottstown

City Sewage Treatment Plant. Approval is requested to discharge the treated effluent directly to the Schuylkill River through stormwater Outfall 005, as a cost-savings measure. No increase in capacity is proposed, nor are any new production or recovery wells necessary. The industrial waste treatment plant and surface water supply intake described in DRBC Docket No. D-76-17 will remain inactive. The production (water supply) wells that were referenced in that docket will remain in use as recovery wells. The combined allocation for Recovery Wells Nos. 1, 1R, 4, 5, 6, 8, 8A, 9, 9A, 10A, A, B and C will be a total of 15 mg/30 days. The wells are located in the Brunswick Formation within the Southeastern Pennsylvania Ground Water Protected Area.

8. *Borough of Alburdis D-91-42 CP-3.* An application to replace the withdrawal of water from Well No. 3 in the applicant's water supply system with a withdrawal from Well No. 3A, because Well No. 3 has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No. 3A be limited to 7.5 mg/30 days of water, and that the total withdrawal from all wells be increased to 11.487 mg/30 days from the previous allocation of 6.5 mg/30 days to meet projected increases in service area demand. The project is located in the Leithsville and Hornblende Gneiss formations in the Swabia Creek Watershed in Alburdis Borough, Lehigh County, PA.

9. *New Hanover Township Authority D-99-40 CP-2.* An application for approval of the expansion of the New Hanover Township Authority's WWTP from 0.825 mgd to 1.925 mgd. The WWTP will continue to discharge to Swamp Creek, a tributary of the Perkiomen Creek, which is tributary to the Schuylkill River. The facility is located in New Hanover Township, Montgomery County, PA.

10. *The Upper Hanover Authority D-2002-10 CP-2.* An application for the renewal of a groundwater withdrawal project to increase the total system withdrawal from 32.12 mg/30 days to 43.113 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. RH-1, RH-2, RH-3, TUHA-1, TUHA-2, TUHA-3, TUHA-4 and Kemmerer Spring in the Brunswick and Leithsville Formations. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Perkiomen and Macoby Creek Watersheds in Upper Hanover Township, Montgomery County, PA and within the Southeastern Pennsylvania Ground Water Protected Area.

11. *Middle Smithfield Township Municipal Authority D-73-209 CP-1.* An application for the expansion and reconstruction of the existing Winona Lakes WWTP from 0.022 mgd to 0.050 mgd. The project includes the construction of a new 50,000 gallons per day (gpd) phased isolation ditch wastewater treatment facility to replace the existing 22,000 gpd extended aeration wastewater treatment facility. The expansion of the plant is to accommodate expected wastewater flows from Sections 12—14 of the Winona Lakes community. The WWTP will discharge to the Bushkill Creek, a tributary to the Middle Delaware River Special Protection Waters. The facility is located in Middle Smithfield Township, Monroe County, PA.

12. *Artesian Water Company D-2003-22 CP-3.* An application for approval of a groundwater withdrawal project to supply up to 8.7 mg/30 days of water to the applicant's public water supply distribution system from new Well Thomas Cove 2 and to retain the existing withdrawal from all wells in 9 wellfields in the applicant's Southern Distribution System of 150 mg/30 days. The project is

located in the Mt. Laurel Formation in the Apopquinimink River Watershed in New Castle County, DE.

13. *Bear Creek Management Company, LLC D-2005-16-1.* An application for approval to construct a new WWTP to serve the applicant's Bear Creek Ski Area and to operate an onsite iron abatement system. The 0.045 mgd treatment plant will discharge to 16 holding tanks used for post treatment equalization prior to being pumped to a drip field at a maximum daily rate not to exceed 0.035 mgd. The facility is located in the Swabia Creek Watershed, a tributary to the Little Lehigh River in Long Swamp Township, Berks County, PA. The onsite iron abatement system will include water quality monitoring, sediment sampling, removal of iron from the water column and removal of iron precipitate from the wetland substrate. The project is located in the drainage area to a section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

14. *Delaware River Joint Toll Bridge Commission D-2006-7 CP-1.* An application for approval of a bridge modification project, located in a recreational area which is included in the DRBC Comprehensive Plan. The U. S. Route 1 Toll Bridge connects the Borough of Morrisville, Bucks County, PA with the City of Trenton, Mercer County, NJ and is located at the base of DRBC Water Quality Zone 1E. The bridge will be widened at a point where it passes over the Delaware Canal, formerly known as Roosevelt State Park.

15. *Ingersoll-Rand Company D-2006-14-1.* An application for the approval of an existing groundwater remediation discharge project located at the Ingersoll-Rand facility in Phillipsburg, NJ. The existing remediation system discharges approximately 0.090 mgd by means of Outfall 002 to Lopatcong Creek, which converges with the Delaware River at River Mile 182, within a reach classified as "Significant Resource Waters." The facility is located in the Town of Phillipsburg and Lopatcong Township, Warren County, NJ.

16. *Spring Ford Country Club D-2006-16-1.* An application for approval of a ground and surface water withdrawal project to supply up to 11.2 mg/30 days of water to the applicant's golf course irrigation system from existing Well No. 1 and up to 21.6 mg/30 days from a pond on an unnamed tributary to Mingo Creek and to limit the existing withdrawal from all sources to 21.6 mg/30 days. The project is located in the Brunswick Formation in the Mingo Creek Watershed in Limerick Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

17. *Pocono Township D-2006-17 CP-1.* An application for the construction of a new 2.0 mgd WWTP to accommodate flows from existing WWTPs and anticipated regional growth. The project includes the construction of a collection system for the Route 611 Corridor. The WWTP will discharge by means of an approximately 6-mile forcemain to the Brodhead Creek, a tributary to the Middle Delaware River Special Protection Waters. The facility will be located in Pocono Township, Monroe County, PA.

In addition to the public hearing on the dockets listed previously, the Commission's 1:30 p.m. business meeting will include: a public hearing and consideration of a resolution to reauthorize the Commission's Monitoring Advisory Committee and a resolution to adopt the 2007-2012 Water Resources Program.

The meeting will also include: adoption of the Minutes of the Commission's September 27, 2006, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel; and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on December 12, 2006, will be posted on the Commission's website, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M.BUSH,
Secretary

[Pa.B. Doc. No. 06-2350. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Order of Quarantine: Partial Revocation of Plum Pox Virus Quarantine

Recitals

A. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

C. Plum Pox Virus (PPV)—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable.

D. As a result of the presence of PPV in several townships and boroughs, the Department has issued a series of quarantine orders establishing and adjusting a quarantine area.

E. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth.

F. PPV is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock.

G. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas.

H. There is no known control for PPV other than destruction of infected trees.

I. The Department conducts extensive testing of stone fruit trees in all of the quarantined areas to search for the presence of PPV. Where this testing has gone on for at least 3 years in a particular quarantined area without detecting the presence of PPV among stone fruit trees in that area, the Department is satisfied it is appropriate to rescind the PPV-related quarantine of that area.

J. The Department is also satisfied that it is appropriate to reduce the size of some of the areas that are currently subject to PPV-related quarantines.

Order

Under authority of section 21 of the act the Department hereby orders the following:

1. The following Orders of Quarantine are hereby rescinded:

<i>Date of Order</i>	<i>Publication</i>	<i>Quarantined Area</i>
October 21, 1999	29 Pa.B. 5735	Huntington Township (Adams County) Latimore Township (Adams County)
July 27, 2000	30 Pa.B. 4357	Dickinson Township (Cumberland County) Part of Tyrone Township (Adams County)
October 31, 2000	30 Pa.B. 5852	Borough of York Springs (Adams County) Borough of Mount Holly Springs (Cumberland County)
October 31, 2000	30 Pa.B. 5852	Borough of York Springs (Adams County) only. (The portion of this Quarantine Order establishing a quarantine within the Borough of Mount Holly Springs, in Cumberland County, remains in effect).
June 22, 2001	31 Pa.B. 3560	Franklin Township (York County)

2. A quarantine is hereby established with respect to that portion of Tyrone Township, Adams County, located to the north of Cranberry Road.

3. The movement of stone fruit trees and stone fruit budwood within the quarantined area is prohibited.

4. The movement of stone fruit trees and stone fruit budwood out of the quarantined area is prohibited.

5. The planting of stone fruit trees (apricot, nectarine, peach and plum) in the quarantined area is prohibited. This prohibition applies to both fruit-bearing and ornamental varieties of stone fruit trees. Examples of common varieties of ornamental stone fruit trees include purpleleaf plum, flowering almond, flowering peach, purpleleaf sandcherry, flowering cherry, and weeping cherry.

6. The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under section 21(a) of the act. These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum

Pox Virus in this Commonwealth.

7. This Order applies to commercial orchards, commercial nurseries, homeowners and all persons within the quarantine area.

8. This quarantine is effective as of November 14, 2006.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-2351. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 14, 2006.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-24-06	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	2400 Schoenersville Road Bethlehem Northampton County	Opened
11-6-06	S & T Bank Indiana Indiana County	6300 Forbes Avenue Pittsburgh Allegheny County	Filed
11-7-06	CommunityBanks Millersburg Dauphin County	915 West Postal Road Douglassville Amity Township Berks County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-06	Lafayette Ambassador Bank Easton Northampton County	<i>To:</i> One East Broad Street Bethlehem Northampton County <i>From:</i> 60 West Broad Street Bethlehem Northampton County	Effective
11-6-06	Northwest Savings Bank Warren Warren County	<i>To:</i> 535 Smithfield Street Pittsburgh Allegheny County <i>From:</i> 300 Sixth Avenue Pittsburgh Allegheny County	Effective
11-7-06	First Commonwealth Bank Indiana Indiana County	<i>To:</i> Corner of Wagner Road and Center Commons Boulevard Monaca Center Township Beaver County <i>From:</i> 693 Beaver Valley Mall Monaca Center Township Beaver County	Approved

NOTICES

SAVINGS INSTITUTIONS

None.

CREDIT UNIONS

None.

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-2352. Filed for public inspection December 1, 2006, 9:00 a.m.]

Action on Applications

The Department of Banking (Department), 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 21, 2006.

BANKING INSTITUTIONS

Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-13-06	Greater Delaware Valley Savings Bank Broomall Delaware County	Broomall	Approved

Greater Delaware Valley Savings Bank (Bank), which is currently organized in mutual holding company structure under Greater Delaware Valley Holdings, a Mutual Holding Company (MHC), is proposing to reorganize by inserting an interim Federal thrift holding company into its structure and converting the MHC to a Federal thrift holding company through a multi-step transaction involving the establishment of an interim bank (Alliance Interim Savings Bank), subsequent merger of the interim into the Bank, and the acquisition of the bank by the newly established Federal thrift holding company.

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-14-06	Luzerne National Bank Luzerne Luzerne County <i>To:</i> Luzerne Bank Luzerne Luzerne County	Luzerne	Approved

Represents conversion from a National banking association to a State-chartered commercial bank.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-06	Northwest Savings Bank Warren Warren County	950 South Pine Island Road Suite 180 Plantation Broward County, FL	Opened
11-16-06	First Priority Bank Malvern Chester County	1200 Broadcasting Road Wyomissing Berks County	Approved
11-16-06	S & T Bank Indiana Indiana County	6300 Forbes Avenue Pittsburgh Allegheny County	Approved
11-16-06	CommunityBanks Millersburg Dauphin County	915 West Postal Road Douglassville Amity Township Berks County	Authorization Surrendered

NOTICES

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-20-06	Harleysville Savings Bank Harleysville Montgomery County	Arbour Square 695 Main Street Harleysville Montgomery County (Limited Service Facility)	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-06	Atlantic Central Bankers Bank Camp Hill Cumberland County	<i>To:</i> 550 Broad Street Newark Essex County, NJ <i>From:</i> One Gateway Center Newark Essex County, NJ	Filed
11-16-06	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> 5700 Hamilton Boulevard Wescosville Lower Macungie Township Lehigh County <i>From:</i> 6900 Hamilton Boulevard Trexlerstown Lower Macungie Township Lehigh County	Approved
11-16-06	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> Route 209 Brodheads ville Chestnuthill Township Monroe County <i>From:</i> Route 209 and Weir Lake Road Brodheads ville Chestnuthill Township Monroe County	Approved
11-16-06	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> 1241 Blakeslee Boulevard Lehigh ton Mahoning Township Carbon County <i>From:</i> 111 N. Front Street Lehigh ton Mahoning Township Carbon County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-06	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	4th and Sunbury Streets Minersville Schuylkill County	Effective
11-15-06	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	339 Main Street Lavelle Schuylkill County	Effective
11-15-06	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	100 West Main Street Girardville Schuylkill County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-13-06	Corry Jamestown Credit Union Corry Erie County	517 Main Street Spartansburg Crawford County	Opened

Branch Relocations

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-15-06	White Rose Credit Union York York County	<i>To:</i> 1 Dairyland Square Red Lion York Township York County <i>From:</i> 200 East High Street Red Lion York Township York County	Filed

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-2353. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Shelter Grant Program

The Department of Community and Economic Development (Department), Center for Community Development is anticipating applying for funding through the United States Department of Housing and Urban Development.

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

One copy of the application may be submitted by local governments to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 in accordance with the Department's single application requirements. A copy of the application must also be sent to the appropriate regional office. The application window will open on December 4, 2006, and close at 5 p.m. on January 26, 2007. Applications received prior to or after these dates may not be considered for funding.

Application forms and instructions may be obtained by contacting the Department's Center for Community Development in Harrisburg at (717) 787-5327 or the Department's Regional Offices. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Ed Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327 to discuss how the Department may best accommodate their needs. The following is the listing of the Department's regional offices and the counties they serve:

REGIONAL OFFICES

Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development
Philadelphia State Office Building
1400 Spring Garden Street, Room 1800
Philadelphia, PA 19130
(215) 560-2256

Northeast

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

Department of Community and Economic Development
409 Lackawanna Avenue
3rd Floor, Oppenheim Building
Scranton, PA 18503
(570) 963-4571

Central

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

Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 787-7347

Southwest

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

Department of Community and Economic Development
1405 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest

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

Department of Community and Economic Development
100 State Street, Suite 205
Erie, PA 16507
(814) 871-4241

Main Office

Center for Community Development
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 06-2354. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Gwynedd-Mercy College for Approval of Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of the Sisters of Mercy of Merion, PA for a Certificate of Authority approving the amendment and restatement of the Articles of Incorporation for Gwynedd-Mercy College.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.
Secretary

[Pa.B. Doc. No. 06-2355. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments 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.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061069 (Minor Industrial Waste)	Schott North America, Inc. 400 York Avenue Duryea, PA 18642-2036	Duryea Borough Luzerne County	Lackawanna River 5A	Y
PA0043362 (Minor Sewage)	Union Lake Hotel t/a Camp Equinunk/Blue Ridge P. O. Box 808 East Hampton, NY 11937	Wayne County Manchester Township	UNT of Little Equinunk Creek 1-A	Y

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0228419 CAFO	Beaverton Finishing Farm SR 522 North Beavertown, PA 17813	Snyder County Beaver Township	Wetzel Run 06A	N
PA0228494 CAFO	Beaverton Sow Farm 167 Hetrick Road Beavertown, PA 17813	Snyder County Beaver Township	Kern Run 06A	N
PA0218839 (Sewage)	Indiana County Municipal Services Authority Cherry Tree STP 827 Water Street Indiana, PA 15701	Burnside Township Clearfield County	West Branch Susquehanna River 8B	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0103659	Calumet Lubricants Co., LP Reno Packaging Plant 1884 Allegheny Boulevard Reno, PA 16343	Sugarcreek Borough Venango County	Allegheny River 16-G	Y
PA0101079	Oak Tree Land Co., Inc. 60 Clubhouse Drive West Middlesex, PA 16159	Shenango Township Mercer County	UNT to Shenango River 20-A	Y
PA0100943	Strattanville Borough Municipal Authority P. O. Box 193 361 Virgin Allely Strattanville, PA16258	Clarion Township Clarion County	UNT to Brush Run 17-B	Y
PA0221945	Eagle Crest Manor MHP 7064 Perry Highway Meadville, PA 16335	Union Township, Crawford County	UNT to Conneaut Outlet in Watershed 16-D	Y
PA0034924	Paint-Elk Joint Sewage Authority STP U. S. Route 322 Shippenville, PA 16254	Elk Township, Clarion County	Paint Creek in Watershed 17-B	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

PA0091391, Industrial Waste, SIC, 3087, **Spartech Polycom**, 470 Johnson Road, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated process water, stormwater and untreated cooling water from Plant No. 1 in Donora Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA American Water Company-Aldrich Station, located at 410 Crooked Lane, Pittsburgh, PA 15234, 12.6 miles below the discharge point.

Outfall 001: existing discharge, design flow of .0293 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature	110				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Solids disposal, stormwater conditions, floating solids, noncontact cooling water conditions, chemical additives and sampling frequencies.

Outfall 101: existing discharge, design flow of 0.0192 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
BOD ₅	4.2		Report	26	
Oil and Grease	4.6		Report	29	
Suspended Solids	3.0		Report	19	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.0096 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>
Flow (mgd)	Monitor and Report				
BOD ₅		2.1	Report	26	
Oil and Grease		2.3	Report	29	
Suspended Solids		1.5	Report	19	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge of stormwater.

<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>
This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations on this outfall.					

The EPA waiver is in effect.

PA0204293, Industrial Waste, SIC, 3087, **Spartech Polycom**, 470 Johnson Road, Washington PA 15301. This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from Plant No. 2 in Donora Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA-American Water Company-Aldrich Station, located at 410 Crooked Lane, Pittsburgh PA 15234, 11.3 miles below the discharge point.

Outfall 001: existing discharge, design flow of .0009 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>
Flow (mgd)	Monitor and Report				
Temperature (°F)					110
BOD ₅		0.20	Report	26	
Oil and Grease		0.22	Report	29	
Suspended Solids		0.14	Report	19	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Solids disposal, stormwater conditions, floating solids, chemical additives and sampling frequencies.

The EPA waiver is in effect.

Outfall 002: existing discharge of stormwater.

<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>
This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations on this outfall.					

Outfall 003: existing discharge of stormwater.

<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 Instantaneous Daily</i>	<i>Maximum</i>
This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations on this outfall.					

PA0205656, Industrial Waste, SIC, 5171, **Kinder Morgan Liquids Terminals, LLC**, 702 Washington Avenue, P. O. Box 253, Dravosburg, PA 15034-0253. This application is for renewal of an NPDES permit to discharge treated storm water from a petroleum marketing terminal in Dravosburg Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA American Water Company—Pittsburgh, located approximately 11.5 miles downstream on the Monongahela River.

Outfall 001: existing discharge

<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>
Flow		60			
Oil and Grease			15		30

Other Conditions: Special Conditions included for stormwater runoff, solids disposal, floating solids and tank hydrotest conditions.

The EPA waiver is in effect.

PA0217026, Industrial Waste, SIC 3443, **Cemline Corporation**, P. O. Box 55, Cheswick, PA 15024. This application is for renewal of an NPDES permit to discharge untreated cooling water, drinking fountain water, tank test water and stormwater runoff from the Cemline Freeport Road facility in Harmar Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Oakmont Borough Municipal Authority, located at Oakmont, about 1 mile below the discharge point.

Outfalls 001: existing discharge, average flow of 0.007 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>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Temperature (°F) (for 001 only)					110
Total Iron			Monitor and Report		
Dissolved Iron					7.0
pH	not less than 6.0 nor greater than 9.0				

Outfalls 002 and 003: existing discharge, average flow of 0.0004 mgd (002) and 0.00004 mgd (003)

<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>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Phenols			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfalls 005—007: existing discharge of varied flows

<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>
Total Suspended Solids	Monitor and Report				

Outfalls 004 and 008 shall consist solely of uncontaminated stormwater.

The EPA waiver is in effect.

PA0217298, Industrial Waste, SIC 4449, **Mon River Towing, Inc.**, 200 Speers Street, Belle Vernon, PA 15012. This application is for renewal of an NPDES permit to discharge treated process water from a bilge water treatment plant in Speers Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Charleroi Borough Water Plant, located at Charleroi, 5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0024 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>
Flow	Monitor and Report				
TSS			30		60
Oil and Grease			15		30
Dissolved Iron					7
Benzene			0.001		0.0025
BTEX			0.1		0.25
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0219045, Sewerage, **Apollo Ridge School District**, P. O. Box 219, Spring Church, PA 15686. This application is for renewal of an NPDES permit to discharge treated sewage from Apollo Ridge School District Sewage Treatment Plant in Kiskiminetas Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Roaring Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority located on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0267 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.5			11.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 0706404, Sewerage, **Bellwood Borough Authority**, P. O. Box 96, 516 Main Street, Bellwood, PA 16617. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Seeking approval for 18" Sanitary Sewer Relocation.

WQM Permit No. 0606407, Sewerage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of an extended aeration wastewater treatment plant to serve the Village of Bethel with stream discharge to the Little Swatara Creek.

WQM Permit No. 3806407, Sewerage, **Frederick Soliday**, 429 Camp Strause Road, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single family residence located at 900 Swopes Valley Road, Pine Grove.

WQM Permit No. 2106408, Sewerage, **Steven Nye**, 32 Harmon Road, Newburg, PA 17240. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single family residence.

WQM Permit No. 2200401, Sewerage, **Graham T. Snyder**, 1144 Piketown Road, Harrisburg, PA 17112. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. 6705415, Amendment 06-1, Sewerage, Penn Township, 20 Wayne Avenue, Hanover, PA 17331. This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the Penn Township Sewer Extension.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2006402, Sewerage, North and South Shenango Joint Municipal Authority, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in North and South Shenango Townships, **Crawford County**.

Description of Proposed Action/Activity: This project is for collection sewers and a pump station to serve the Greentree/Colonial Estates in North and South Shenango Townships.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906036	Dwayne Gross 40 McCann Drive Ottsville, PA 18942	Bucks	Nockamixon Township	Rapp Creek EV
PAI010906038	Benjamin F. Miller 41 North 3rd Street Philadelphia, PA 19106	Bucks	Solebury Township	Aquetong Creek HQ-CWF
PAS10-G444-R	West Vincent Associates 707 Eagleview Boulevard Exton, PA 19341	Chester	West Vincent Township	Birch Run Creek EV
PAI011506085	Summit Hill Development, LLC 319 East Conestoga Road Wayne, PA 19087	Chester	East Whiteland Township	Little Valley Creek EV
PAI011506087	Luther Beam 159 Line Road West Chester, PA 19380	Chester	Willistown Township	Ridley Creek HQ-TSF
PAI011506088	BK Campbell, Inc. 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	Upper Oxford Township	Big Elk Creek HQ-TSF-MF
PAI011506089	MEC Property Investments, Inc. 75 Senn Drive Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF
PAI011506090	Megill Homes, LLC 276A Dilworthtown Road West Chester, PA 19382	Chester	Upper Oxford Township	Big Elk Creek HQ-TSF-MF
PAI011506091	Chadds Ford Builders, Inc. 276A Dilworthtown Road West Chester, PA 19382	Chester	Upper Oxford Township	Big Elk Creek HQ-TSF-MF
PAI011506092	Conard Pyle Company 372 Rosehill Road West Grove, PA 19390	Chester	Penn Township	UNT East Branch Big Elk Creek HQ-TSF-MF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Luzerne County Conservation District: Smith Pond Rd., Lehman, PA 18627-0250, (570) 674-7991.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006006	Michael J. McDevitt MJB of Bayshore HC 1, Box 22 White Haven, PA 18611	Luzerne	White Haven Borough	Linesville Creek HQ-CWF

Northampton County Conservation District: Greystone Bldg., Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024806033	PNC Bank Two PNC Plaza 620 Liberty Ave., 19th Floor Pittsburgh, PA 15222	Northampton	Hanover Township	Monocacy Creek HQ-CWF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI052606006	Allen Tedrow Trout Unlimited Chestnut Ridge Chapter P. O. Box 483 Uniontown, PA 15401	Fayette	Stewart Township	Jonathan Run EV

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

CAFO Notices of Intent Received

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PAG128301, CAFO, **Sperry Farms, Inc.**, 11420 Sperry Road, Atlantic, PA 16111. This existing facility is located in East Fallowfield Township, **Crawford County**.

Description of Size and Scope of Existing Operation/Activity: Poultry operation raising layer and pullet chickens.

Manure is accumulated under barn and stored onsite. All manure is exported to other operations. Total reported Animal Equivalent Units is 2,597. The receiving stream, Conneaut Outlet, is in watershed French Creek and classified for WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

Sperry's currently holds a valid individual CAFO NPDES Permit and wishes to obtain coverage under the current General NPDES Permit. The Notice of Intent Package will be treated as an early "renewal" application.

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed per-

mit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 0906514, Public Water Supply
 Applicant **Pennridge School District**
 Township Bedminster
 County **Bucks**
 Responsible Official James L. Krynski
 Type of Facility PWS
 Consulting Engineer George Ruby
 Ruby Engineering
 3605 Island Club Dr. No. 9
 North Port, FL 34288-8672

Application Received Date November 15, 2006

Description of Action Installation of an arsenic filtration with adsorptive media at the Bedminster Elementary School.

Northeast Region: Water Supply Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. 3906506, Public Water Supply.
 Applicant **Nestle Waters North America, Inc.**
 Upper Macungie Township
Lehigh County
 Responsible Official David Thorpe, Plant Manager
 Nestle Waters North America, Inc.
 405 Nestle Way
 Breinigsville, PA

Type of Facility Bottled Water Facility
 Consulting Engineer Edward Davis, P. E.
 Forino Company LP

Application Received Date 11/3/06

Description of Action The construction of a 760,000 sq. ft. Bottling Plant.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 5306501—Construction Public Water Supply.
 Applicant **Roulette Township Municipal Water Company**
 Township or Borough Roulette Townships
 County **Potter**
 Responsible Official William Grandin, Chairperson
 Roulette Township Municipal Water Company
 4 Railroad Avenue
 P. O. Box 253
 Roulette, PA 16746

Type of Facility Public Water Supply—Construction
 Consulting Engineer James P. Hunter, P. E.
 Northwest Engineering, Inc.
 P. O. Box Q
 Tidioute, PA 16351

Application Received Date November 17, 2006

Description of Action Installation of a water storage tank, new production well and approximately 1,500 LF of distribution pipeline.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 3206502, Public Water Supply.
 Applicant **Lower Indiana County Municipal Authority**
 92 Main Street
 Black Lick, PA 15716

Township or Borough Burrell Township
 Responsible Official Joel Galloway, Manager
 Lower Indiana County Municipal Authority
 92 Main Street
 Black Lick, PA 15716

Type of Facility Water treatment system
 Consulting Engineer Paul C. Rizzo Associates, Inc.
 647 Main Street, Suite 200
 Johnstown, PA 15901

Application Received Date November 9, 2006

Description of Action Installation of a new 12-inch water supply main along Snyder Lane and a new water booster station to consist of an above grade building, hydro-pneumatic tanks, pumps and system controls.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Application No. 2006502, Public Water Supply
 Applicant **Cambridge Springs Borough**
 Township or Borough Cambridge Springs Borough
Crawford County
 Responsible Official Peggy Lewis, Borough Manager
 Consulting Engineer Clayton J. Fails, P. E.
 Hill Engineering, Inc.
 8 Gibson Street
 Northeast, PA 16428

Application Received Date 11/14/2006

Description of Action Corrosion Inhibitor System

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. Minor Amendment.
 Applicant **Pennsylvania American Water Co. (PAWC)**
 Hamilton Township
Monroe County

Responsible Official	Paul A. Zielinski PAWC 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas, P. E. PAWC 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	10/24/06
Description of Action	PAWC proposes the repainting/rehabilitation of Stony Garden Treatment Unit No. 3. This project involves the blasting and painting of the interior and top-coating the exterior as well as media replacement of Stony Garden Treatment Unit No. 3.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Application No.	1099501-MA1 , Minor Amendment
Applicant	Mars Borough
Township or Borough	Adams Township Butler County
Responsible Official	Michael Flemming Council President
Type of Facility	Public Water Supply
Application Received Date	11/16/2006
Description of Action	Construction of emergency interconnect between the Borough of Mars and the Municipal Authority of Adams Township.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

The Fresh Shop, Ridley Township, **Delaware County**. Mark J. Irani, P. G., Land Recycling Solutions, LLC, 3101 Mt. Carmel Ave., Suite 3 Glenside, PA 19038 on behalf of Bob Nash and Tom Goughlan, The Fresh Shop, 101 Macdade Blvd., Folsom, PA 19033 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of unleaded gasoline and No. 2 fuel oil. The future use of the site is for retail commercial purposes.

Dave's Transmission & Auto Repair, Lower Providence Township, **Montgomery County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 E. First Ave., Collegeville, PA 19426 on behalf of David Rice, Dave's Transmissions & Auto Repair, 3831 Ridge Pike, Collegeville, PA 19426 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the property is for retail commercial purposes.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Trexler Plaza, Inc., Upper Macungie Township, **Lehigh County**. Michael Raffoni, GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543 has submitted a Notice of Intent to Remediate (on behalf of his client, Bud Thind, Trexler Plaza, Inc., P. O. Box 307, Fogelsville, PA 18051) concerning the remediation of soils found or

suspected to have been impacted by No. 2 fuel oil as a result of historic fuel oil dispensing operations at this former tractor-trailer refueling facility. The applicant suggests the site will be remediated to meet the Statewide Health Standard. The proposed future use of the site will be for the purpose of developing a retail property. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Sindall Trucking Services, Inc., New Holland Borough, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Sindall Trucking Services, Inc., 461 Diller Avenue, P. O. Box 165, New Holland, PA 17557, submitted a Notice of Intent to Remediate groundwater contaminated with waste oil leaked during removal of an UST. The applicant seeks to remediate the site to the Statewide Health Standard. The property is a trucking company and will remain so in the future.

Huntingdon Former MGP Site, Huntingdon Borough, **Huntingdon County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017, on behalf of PPL Gas Utilities Corporation, 2 North Ninth Street (GENTW17), Allentown, PA 18101-1179, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with coal tar, PAHs and VOCs. The applicant seeks to remediate the site to the Site-Specific Standard. The property is a natural gas regulator station and will remain so in the future.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Art Keller, Pine Creek Township, **Jefferson County**. Action Environmental, P. O. Box 8488, Albany NY, 12208 on behalf of Art Keller and Ted Lyons of DuBois, has submitted a Notice of Intent to Remediate, a heating oil spill at Art Keller's residence that migrated through the floor drains and discharged into the undeveloped wetlands south of the home owned by Ted Lyons. The spill released VOCs and SVOCs such as BTEX, Fluorene, and Phenanthrene. No development of the property is planned.

Caparo Steel AOC-1 Oil Reclaim, Farrell, **Mercer County** Environmental Management Associates, LLC, 10925 Perry Highway, Suite 23 Wexford, PA 15090 on behalf of Caparo Steel Company (Duferco Farrell Corp) 15 Roemer Blvd. Farrell, PA 16121 has submitted a Notice of Intent to Remediate. The site is adjacent to a multiple use process and storage facility that was once operated by Sharon Steel Corp and during that time may have become impacted by inorganics/metals, PCBs, VOCs and SVOCs and other petroleum products/oils. Future use of the site is intended to be industrial/nonresidential.

Long Hallow Creek (P-47), Liberty Township, **McKean County**. PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Notice of Intent to Remediate a site used as a natural gas meter regulator station that contained a small amount of mercury, which was released to the ground surface. The future use of the property is to remain as a gas meter regulator station.

Scherer Farm Check (P-48) Port Allegany Borough, **McKean County**. PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Notice of Intent to Remediate a site used as a natural gas meter regulator station that contained a

small amount of mercury, which was released to the ground surface. The future use of the property is to remain as a gas meter regulator station.

Wright Check (P-149), Liberty Township, **McKean County**. PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Notice of Intent to Remediate a site used as a natural gas meter regulator station that contained a small amount of mercury, which was released to the ground surface. The future use of the property is to remain as a gas meter regulator station.

P. C. Meter & Regulator (P-43), Port Allegany Borough, **McKean County**. PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Notice of Intent to Remediate a site used as a natural gas meter regulator station that contained a small amount of mercury, which was released to the ground surface. The future use of the property is to remain as a gas meter regulator station.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM002D003. Imperial Landfill Gas Company, LLC, 7913 Westpark Dr., Suite 101, McLean, VA 22102-4201.

General Permit No. WMGM002D003 is for the processing and beneficial use of landfill gas to produce medium to high Btu landfill gas, generated by the landfill disposal of municipal and residual waste, for use as a substitute for natural gas or other fuel. The Department of Environmental Protection determined the DOA application to be administratively complete on November 16, 2006.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW 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.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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 (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05007D: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for construction of various steel manufacturing furnaces and various control systems in the City of Reading, **Berks County**. The sources are subject to new source review for non-attainment areas.

67-03138A: Duke Energy Field Services, LP (370 17th Street, Suite 2500, Denver, CO 80202) for construction of a new propane terminal in West Manchester Township, **York County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

16-148A: RV Burns Crematorium, Inc. (24 Merle Street, Clarion, PA 16214) for installation of a human remains crematory at their Clarion facility, in the Township of Clarion, **Clarion County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.

09-0189A: Eureka Stone Quarry, Inc. (Route 611, Warrington, PA 18914) for installation of a nonmetallic mineral processing plant controlled by a water spray suppression system at their facility in Warrington Township, **Bucks County**. This facility is a non-Title V facility. The Plan Approval will also contain monitoring, recordkeeping, and work practice standard conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-303-028: Reading Materials (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) for modification of a batch asphalt plant at their Eckley Asphalt facility in Foster Township, **Luzerne County** that will replace an existing fabric collector and utilize recycled asphalt pavement (RAP). This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 25.0% RAP into the 300 ton per hour facility. The company has elected to maintain a voluntary production restriction of 400,000 tons of asphalt per year. Total annual emissions from the plant will not exceed 24.0 tpy of NO_x, 90.2 tpy of CO, 80.0 tpy of SO_x, 1.6 tpy of VOC, and 8.4 tpy of PM. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

48-313-100: Ecopax, LLC—United Plastics Group (30 Commerce Drive, Somerset, NJ 08873) for construction and operation of two styrofoam production lines and associated air cleaning devices in Forks Township, **Northampton County**. The operation of both production lines will result in a facility-wide total VOC emission rate not to exceed 49.9 tons per year. The plan approval will contain operating restrictions, testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

45-310-036: Tarheel Quarry (2000 Highway 35, Morgan, NJ 08879) for modification of a stone crushing plant and associated air cleaning device on Caughbaugh Road, Tobyhanna Township, **Monroe County**. This plant is a non-Title V facility. It is anticipated that particulate emissions will be less than 7.5 tons annually. The stone crushing plant in this operation is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The company will operate the facility and maintain the systems in

accordance with the good engineering practices to assure proper operation of the equipment. The Plan Approval and resulting operating permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-03031B: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for stand-by use of the existing old rotary dryer and associated conveyors, that were taken out of daily use when a new replacement rotary dryer system was installed. These sources will be controlled by the use of an existing fabric filter baghouse. The facility is located in Hamiltonban Township, **Adams County**. This will result in a net decrease in actual emissions of 0.30 tpy of PM, 0.60 tpy of NOx and 0.10 tpy of CO, when the stand-by system is in use. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

28-05004B: Grove US, LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) for installation of two paint spray booths and a drying oven to replace an existing booth at the crane manufacturing facility in Antrim Township, **Franklin County**. VOC emissions from the two new booths will be restricted to less than 20 tons per year. The proposed action is not expected to appreciably impact actual VOC emissions from the facility. The emission limits and other requirements in the facility's Title V operating permit will remain in effect. The plan approval and subsequent Title V operating permit amendment will include emission limits, monitoring, record keeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

67-05007C: Adhesive Research, Inc. (P. O. Box 100, Glen Rock, PA 17327-0100) for installation of Adhesive Coater and Regenerative Thermal Oxidizer at Springfield Township, **York County**. This source will have an estimated 2.14 tons per year of VOC emissions. This source will not increase the facility's Federally enforceable emission cap of 62.6 tons of VOC based on any 12-month rolling total. This Plan Approval will be incorporated into the facility's Title V operating permit number 67-05007 in accordance with 25 Pa. Code § 127.450 (Administrative Amendment). The Title V operating permit number 67-05007 will contain the emissions, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within the applicable air quality requirements.

67-05030D: C-P Converters, Inc. (15 Grumbacher Road, York, PA 17402) for installation of a Flexographic Press in existing permanent total enclosure Room 2 and Thermal Oxidizer at Manchester Township, **York County**. This source will replace an existing press. This source will not increase the facility emission cap of 129 tons of VOC. This Plan Approval will be incorporated into the facility's Title V operating permit number 67-05030 in accordance with 25 Pa. Code § 127.450 (Administrative Amendment). The Title V operating permit number 67-05030 will contain the emissions, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within the applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

19-00026D: Haddon Craftsmen, Inc. (4411 Old Berwick Road, Bloomsburg, PA 17815) for construction of a book binding line (Source ID P107), a heatset web offset lithographic printing press (Source ID P119) and installation of an air cleaning device (regenerative thermal oxidizer) (ID C02) to control VOCs from five printing presses in South Centre Township, **Columbia County**. The air contaminant emissions from five printing presses will also be controlled by another existing regenerative thermal oxidizer, permitted under Plan Approval 19-00026A. The book binding line will utilize adhesives and the printing presses will utilize inks, fountain solutions and cleaning solvents that contain VOCs and HAPs. The VOC and HAPs emissions from the proposed press will be 3.43 tons and 0.20 ton in any 12-consecutive month period respectively. The facility will remain as a synthetic minor facility.

The Department of Environmental Protection's (Department) review of the information provided by Haddon Craftsmen, Inc. indicates that the new source will comply with all air quality requirements, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction and installation. Additionally, if the Department determines that the proposed source and the air cleaning device are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. Conditions contained in Plan Approval 19-00026C, Plan Approval 19-00026A and Operating Permit 19-320-001E remain in effect unless superseded or amended by conditions contained in this plan approval (19-00026D). If there is a conflict between a condition contained in this plan approval and a condition contained in Plan Approval 19-00026C, Plan Approval 19-00026A, or Operating Permit 19-320-001E, the permittee shall comply with the condition contained in this plan approval.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined emissions of VOCs from printing presses HCM-015 through HCM-019 shall not exceed 18.55 tons in any 12-consecutive month period. This condition supersedes Section D, Source ID P116, Condition No. 005 of Plan Approval 19-00026A; Section C, Condition No. 006 of Plan Approval 19-00026C; and Section D, Source ID P118, Condition No. 005 of Plan Approval 19-00026C.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of VOCs from printing presses HCM-015 through HCM-019 that are captured and destroyed in the Applied Web Systems regenerative thermal oxidizer (RTO) shall not exceed 2.29 tons, after control, in any 12-consecutive month period. This condition supersedes Section C, Condition No. 007 of Plan Approval 19-00026C.

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of VOCs from printing presses HCM-015 through HCM-019 that are captured and destroyed in the Tann RTO shall not exceed 2.50 tons, after control, in any 12-consecutive month period.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas or propane as fuel for the burner of the Tann RTO.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Applied Web Systems RTO shall destroy the VOC/HAP emissions ducted to it from printing presses HCM-015 through HCM-019 at a destruction efficiency of no less than 97% (by weight) OR The VOC/HAP concentration in the exhaust of the Applied Web Systems RTO shall be no greater than 20 parts per million, by volume, dry basis (ppmvd), expressed as methane. This condition supersedes Section C, Condition No. 009 of Plan Approval 19-00026C.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Tann RTO shall destroy the VOC/HAP emissions ducted to it from printing presses HCM-015 through HCM-019 at a destruction efficiency of no less than 98% (by weight).

8. Within 120 days of the initial startup of printing press HCM-019, the permittee shall perform stack testing upon the inlet and outlet of the Applied Web Systems RTO while the Applied Web Systems RTO is being used to control emissions from printing presses HCM-015 through HCM-019 to determine the amount of VOCs and HAPs present and the VOC/HAP destruction efficiency of the Applied Web Systems RTO. If the stack testing demonstrates compliance with the destruction efficiency and VOC emissions limitation for the Applied Web Systems RTO, then the permittee shall perform additional stack testing within 5 years. The stack testing shall be conducted while printing presses HCM-015 through HCM-019 are simultaneously operating at representative operating conditions. Additionally, the test shall verify compliance with a VOC/HAP destruction efficiency of 97% for the Applied Web Systems RTO and a VOC/HAP concentration of no greater than 20 ppmvd from the outlet of the Applied Web Systems RTO. During the stack testing, the temperature of the combustion chamber of the Applied Web Systems RTO shall not go below 1,450° F or above 1,550° F. Additionally, the temperature of the combustion chamber and pressure drop of the bed media of the Applied Web Systems RTO shall be monitored and recorded during testing. This condition supersedes Section C, Condition No. 010 of Plan Approval 19-00026C.

9. Within 120 days of the initial startup of printing press HCM-019, the permittee shall perform stack testing upon the inlet and outlet of the Tann RTO while the Tann RTO is being used to control emissions from printing presses HCM-015 through HCM-019 to determine the amount of VOCs and HAPs present and the VOC/HAP destruction efficiency of the Tann RTO. If the stack testing demonstrates compliance with the destruction efficiency and VOC emissions limitation for the Tann RTO, then the permittee shall perform additional stack testing within 2.5 years. The stack testing shall be conducted while printing presses HCM-015 through HCM-019 are simultaneously operating at representative operating conditions. Additionally, the test shall verify compliance with a VOC/HAP destruction efficiency of 98% for the Tann RTO. During the stack testing, the temperature of the combustion chamber of the Tann RTO shall not go below 1,450° F or above 1,550° F. Additionally, the pressure drop of the bed media of the Tann RTO shall be monitored and recorded during testing.

10. The stack testing required by this plan approval shall be performed using reference method test procedures acceptable to the Department. At least 60 days prior to the performance of the stack testing required by

this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations. The Department shall be given at least 14 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval. Within 60 days of the completion of the stack testing required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

11. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Tann RTO shall be equipped with instrumentation to monitor and record the temperature of the combustion chamber of the Tann RTO on a continuous basis. The Tann RTO shall be equipped with instrumentation to monitor the pressure drop across the bed media of the Tann RTO on a continuous basis.

12. The permittee shall keep up-to-date records of Certified Product Data Sheets that identify the VOC content and HAP content of each VOC and/or HAP containing material used at the facility. This condition supersedes Section C, Condition No. 012 of Plan Approval 19-00026C.

13. The permittee shall keep records of the supporting calculations for VOC emissions from printing presses HCM-015 through HCM-019 located at the facility, from the exhaust of the Applied Web Systems RTO associated with printing presses HCM-015 through HCM-019, from the exhaust of the Tann RTO associated with printing presses HCM-015 through HCM-019, and from all sources at the facility on a monthly basis and shall verify compliance with the VOC emission limitations in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. This condition supersedes Section C, Condition No 008, Section (b) of Plan Approval 19-00026A; Section D, Source ID P116, Condition No. 014, Sections (b) and (c) of Plan Approval 19-00026A; Section C, Condition No. 013, Sections (a) and (b) of Plan Approval 19-00026C; and Section D, Source ID P118, Condition No. 010, Sections (b) and (c) of Plan Approval 19-00026C.

14. The permittee shall keep records of the temperature of the combustion chamber of the Tann RTO at all times the Tann RTO is in operation. The permittee shall keep records of the pressure drop of the bed media of the Tann RTO at least once per day when the Tann RTO is in operation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

15. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations used to verify compliance with the VOC emission limitations for printing presses HCM-015 through HCM-019 located at the facility, the exhaust of the Applied Web Systems RTO associated with printing presses HCM-015 through HCM-019, the exhaust of the Tann RTO associated with printing presses HCM-015 through HCM-019, and all sources at the facility in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the

previous year through June 30 of the current year). This condition supersedes Section C, Condition No. 010, Section (b) of Plan Approval 19-00026A; Section D, Source ID P116, Condition No. 016, Sections (b) and (c) of Plan Approval 19-00026A; Section C, Condition No. 015, Sections (a) and (b) of Plan Approval 19-00026C; and Section D, Source ID P118, Condition No. 011, Sections (b) and (c) of Plan Approval 19-00026C.

16. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, printing presses HCM-015 through HCM-019 may be operated only with the simultaneous operation of both the Applied Web Systems RTO and the Tann RTO. Only four of the five presses among printing presses HCM-015 through HCM-019 may be operated with the simultaneous operation of the Applied Web Systems RTO. Only three of the five printing presses except HCM-019 may be operated with the simultaneous operation of the Tann RTO. Only one of the five printing presses with HCM-019 may be operated with the simultaneous operation of the Tann RTO. For the Applied Web Systems RTO and/or the Tann RTO 2 to be considered in operation, the combustion chamber of the respective control device shall achieve and maintain a temperature of at least 1,500° F. This condition supersedes Section D, Source ID P116, Condition No. 023 of Plan Approval 19-00026A and Section D, Source ID P118, Condition No. 017 of Plan Approval 19-00026C.

17. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of VOCs from binding line 7 shall not exceed 6.0 tons in any 12-consecutive month period.

18. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of total combined HAPs from binding line 7 shall not exceed 0.2 ton in any 12-consecutive month period. Additionally, the glue materials used in binding line 7 shall not contain HAPs in any quantity, except for 1,4-dioxane, acetaldehyde, acrylamide, benzene, cumene, ethyl benzene, ethylene dichloride, ethylene glycol, ethylene oxide, formaldehyde, glycol ethers, hexane, hydrogen fluoride, hydroquinone, methanol, methyl ethyl ketone, methyl isobutyl ketone, methylene chloride, naphthalene, propylene oxide, toluene, vinyl acetate and xylenes. Additional HAPs may be used in binding line 7 as long as the permittee requests, in writing, and the Department approves, in writing, the new HAP prior to its use.

19. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the hot melt adhesive used in binding line 7 shall not contain more than 3.5% VOCs (by weight), as applied.

20. The permittee shall keep records of the identity and amount of hot melt adhesive used each month in binding line 7. The permittee shall keep records of the supporting calculations for VOC emissions from binding line 7 and HAPs emissions from binding line 7 on a monthly basis and shall verify compliance with the total combined VOC and HAPs emission limitations in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

21. The permittee shall submit reports to the Department on a semi-annual basis that include the records of the identity and amount of hot melt adhesive used each month in binding line 7. Additionally, the permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations used to verify compliance with the total combined VOC and HAPs

emission limitations for binding line 7 in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

22. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of total combined HAPs from printing press HCM-019 shall not exceed 0.20 ton in any 12-consecutive month period. Additionally, the materials used in printing press HCM-019 shall not contain HAPs in any quantity, except for 1,4-dioxane, acetaldehyde, acrylamide, benzene, cumene, ethyl benzene, ethylene dichloride, ethylene glycol, ethylene oxide, formaldehyde, glycol ethers, hexane, hydrogen fluoride, hydroquinone, methanol, methyl isobutyl ketone, methylene chloride, naphthalene, propylene oxide, toluene, vinyl acetate and xylenes. Additional HAPs may be used in printing press HCM-019 as long as the permittee requests, in writing, and the Department approves, in writing, the new HAP prior to its use.

23. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the inks used in printing press HCM-019 shall not contain more than 37% VOCs (by weight), as applied, on a weighted average basis, calculated monthly.

24. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fountain solutions used in printing press HCM-019 shall not contain more than 1.0% VOCs (by weight), as applied.

25. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas or propane as fuel for each press dryer of printing press HCM-019.

26. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from ink oil used in printing press HCM-019 that are not retained in the substrate shall be captured with an efficiency of 100% and exhausted to the Applied Web Systems RTO and/or the Tann RTO. The VOC emissions from fountain solution used in printing press HCM-019 shall be captured with an efficiency of 70% and exhausted to the Applied Web Systems RTO and/or the Tann RTO.

27. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, printing press HCM-019 shall be equipped with a pressure measuring device to monitor the differential pressure of each press dryer of printing press HCM-019 with respect to the ambient pressure of the pressroom at all times printing press HCM-019 is in operation.

28. The permittee shall keep records of the identity and amount of each VOC-containing and/or HAP-containing material used each month in printing press HCM-019. Additionally, the permittee shall keep records of the supporting calculations for VOC and HAPs emissions from printing press HCM-019 and shall verify compliance with total combined VOC and total combined HAPs emission limitations in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

29. The permittee shall submit reports to the Department on a semi-annual basis that include the records of the identity and amount of each VOC-containing material used each month in printing press HCM-019. Additionally, the permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations used to verify compliance with the total

combined VOC emission limitation for printing press HCM-019 and the total combined HAPs emission limitation for printing press HCM-019 in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

30. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC-containing materials used for cleanup purposes in printing press HCM-019 shall not have a vapor pressure greater than 6.1 millimeters of mercury at 68° F. A material with a higher vapor pressure may be used in printing press HCM-019 as long as the permittee requests, in writing, and the Department approves, in writing, the new material prior to its use.

31. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, printing press HCM-019 shall not be operated without the simultaneous operation of the Applied Web Systems RTO and/or the Tann RTO.

32. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, each press dryer of printing press HCM-019 shall be operated at a negative differential pressure with respect to the ambient pressure of the pressroom at all times the printing press is in operation. Each press dryer of printing press HCM-019 shall be equipped with an interlocking device that prevents the printing press from operating if the differential pressure with respect to the ambient pressure of the pressroom is not negative.

33. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep all containers of cleanup solvent associated with printing press HCM-019 closed when not in actual use and store all solvent-wet rags, and the like, in closed containers when not in actual use. Under no circumstances shall the permittee dispose of waste solvent associated with printing press HCM-019 by means of evaporation or treat or pretreat solvent-wet rags, and the like, prior to disposal or reuse by subjecting them to air drying or any other means of solvent removal that would unnecessarily cause solvent to be evaporated into the air.

34. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not add VOC-containing material to the fountain solution used in printing press HCM-019.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

41-399-027A: Smurfit-Stone Container Enterprises, Inc. (2940 Reach Road, Williamsport, PA 17701) for the modification of a paperboard/plastic film gluing operation located at 64 River Road in Porter Township, **Lycoming County**.

The facility in which the paperboard/plastic film gluing operation is located is not a major (Title V) facility for any air contaminant.

The proposed modifications are an increase in the amount of glue used in the paperboard/plastic film gluing operation, the use of a glue with a higher volatile HAP content and an increase in the amount of cleanup solvent used. The resultant VOC emissions will increase from a maximum of 11.27 tons per year to a maximum of 15.95 tons per year and the volatile hazardous air pollutant emissions will increase from a maximum .82 ton per year to a maximum of 2.46 tons per year.

The Department of Environmental Protection's (Department) review of the information submitted by Smurfit-Stone Container Enterprises, Inc. indicates that the proposed paperboard/plastic film gluing operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the modification of the paperboard/plastic film gluing operation.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. No more than 7,200 gallons of adhesives/glues shall be used in the paperboard/plastic film gluing operation in any 12-consecutive month period.

2. No more than a combined total of 100 gallons of any VOC-containing or volatile HAP-containing material, other than adhesives/glues, shall be used in, or in association with, the paperboard/plastic film gluing operation in any 12-consecutive month period. This includes cleanup solvents.

3. The adhesives/glues used in the paperboard/plastic film gluing operation shall not contain VOCs in excess of 4.34 pounds of VOCs per gallon of adhesive/glue nor shall they contain volatile hazardous air pollutants in excess of .63 pound of volatile HAPs per gallon of adhesive/glue.

4. Adhesives/glues are to be used as they are received from the vendor. No thinner, reducer or other additive is to be mixed with any adhesive/glue onsite.

5. The volatile HAP content of any volatile HAP-containing material, other than adhesives/glues, used in, or in association with, the paperboard/plastic film gluing operation shall not exceed 3.76 pounds of volatile HAPs per gallon of material. This includes cleanup solvents.

6. The concentration of PM in the exhaust of the paperboard/plastic film gluing operation shall not exceed .01 grain per dry standard cubic foot of effluent gas volume. Additionally, there shall be no visible emissions from the exhaust other than water vapor or steam.

7. The total combined VOC emissions from the paperboard/plastic film gluing operation shall not exceed 15.95 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed 2.46 tons in any 12-consecutive month period.

8. Adhesive/glue application occurring at this site shall take place in a spray booth which is exhausted to the atmosphere through spray booth filters. Spare spray booth filters shall be kept onsite.

9. VOC-containing materials, volatile HAP-containing materials and acetone-containing materials used in, or in association with, the paperboard/plastic film gluing operation shall be stored in closed containers when not in actual use. Adhesive/glue spray lines, guns, and the like,

shall be cleaned by either flushing a solid liquid stream of solvent into an appropriate container or by soaking equipment in closed containers of liquid solvent. Cleaning solvents shall not be sprayed or flushed from a spray gun, nozzle or line directly into the air, nor shall they be flushed into a container as an atomized spray. Used cleaning solvent and all solvent-wet rags or cloths shall be stored in closed containers when not in actual use and shall never be treated in any manner which would unnecessarily promote the evaporative loss of cleaning solvent to the atmosphere.

10. Records shall be maintained of the identity, composition and amount of each adhesive/glue, cleanup solvent and any other VOC-containing or volatile HAP-containing material used in the paperboard/plastic film gluing operation each month.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00041: ConocoPhillips Co.—Chelsea Tank Farm (510 Bayway Road, Aston, PA 19014) for renewal of the Title V Operating Permit that was issued on 12-31-2001 in Upper Chichester Township, **Delaware County**. The facility's major emission points include fuel oil storage tanks, which have the potential to emit major levels of HAPs and VOCs. The facility has no sources that are subject to 40 CFR 64, and no new regulations have been promulgated that affect this facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00066: Exelon Generation Co.—Fairless Hill Steam Generating Station (990 Steel Rd. South, Fairless Hills, 19030) for renewal of the Title V Operating Permit in the Falls Township, **Bucks County**. The initial permit was issued on 12-28-2001 and last amended on March 3, 2006. The facility is primarily used for providing steam energy and electricity from three boilers that fire on landfill gas and natural gas for use at the former USX facility. As a result of potential emissions of NO_x, SO_x and PM-10, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

46-00041: Bluegrass Folding Carton Co., LLC (1035 Longford Road, Phoenixville, PA 19460) for renewal of the Title V Operating Permit in Upper Providence Township, **Montgomery County**. The initial permit was issued on November 15, 2001. The facility's major emission points include printing presses containing VOCs, HAPs. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

46-00016: Handy and Harman Tube Co., Inc. (701 West Township Line Road, Norristown) for renewal of the Title V Operating Permit in East Norriton, **Montgomery County**. The initial permit was issued on 8-28-2000. The facility is primarily conducting degreasing operations. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00016: Timken Company (2626 Ligonier Street, Latrobe, PA 15650) a Title V Operating Permit Renewal for their Timken Latrobe Steel Plant in the Borough of Latrobe, **Westmoreland County**.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00177: North Penn Polishing and Plating, Inc. (40 West Park Avenue, Sellersville, PA 18960) for a Non-Title V Facility, State-only, Natural Minor Permit in Sellersville Borough, **Bucks County**. North Penn Polishing and Plating, Inc. performs various electroplating and electro-less plating operations. The main sources of emissions at this facility result from two small boilers, a degreaser, and a decorative chrome tank. The two boilers will emit NO_x, CO, PM, SO_x and VOCs. The degreaser will result in VOCs and HAPs. The decorative chrome tank will result in PM and HAPs. The facility also operates numerous other electroplating and electro-less plating tanks, which will also result in emissions of PM and HAPs. Total emissions from the facility are as follows: 3.96 tons per year (tpy) of NO_x, 2.21 tpy of CO, 8.43 tpy of SO_x, 0.87 tpy of PM, 3.27 tpy of VOCs and 0.09 tpy of HAPs. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within the aforementioned emission rates and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

48-00022: ConAgra Inc.—Martins Creek Flour Mill (P. O. Box 193, Route 611, Martins Creek, PA 18063) for operation of wheat processing, flour mill and a boiler in Lower Mount Bethel Township, **Northampton County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

48-00023: ConAgra Inc.—Martins Creek Grain Elevator (P. O. Box 193, Route 611, Martins Creek, PA 18063) for operation of a wheat processing operation in Lower Mount Bethel Township, **Northampton County**. This action is a renewal of the State-only (Synthetic

Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

48-00024: ConAgra Inc.—Treichlers Flour Mill (321 East Breadfruit Drive, Treichlers, PA 18086) for operation of wheat/grain processing, flour mill and a boiler in Lehigh Township, **Northampton County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03049: Industrial Metal Plating, Inc. (153 Wagner Lane, Reading, PA 19601-1195) for operation of an aluminum anodizing and bright dip coating facility in Bern Township, **Berks County**. The facility wide (State-only) operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

21-03003: Norfolk Southern Railway Co.—Enola Diesel Shop (218 Enola Road, Enola, PA 17025) for a natural minor operating permit renewal for Enola Diesel Shop in East Pennsboro Township, **Cumberland County**. The primary emissions from the sources are NOx and the actual NOx emission is about 5 tons per year. Natural Minor Operating Permit renewal shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

14-00018: HRI, Inc.—Oak Hall (1750 West College Avenue State College, PA 16801) for manufacture of asphalt concrete in College Township, **Centre County**. The facilities sources include an asphalt concrete operation, two asphalt/No. 2 Fuel oil storage tanks, and an asphalt cement heater. This facility has the potential to emit PM10, NOx, SOx, VOCs and CO below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, New Source Review Chief, (814) 332-6940.

37-00027: IA Construction Corp.—West Pittsburgh Plant (167 Sand Bank Road, Wampum, PA 16157) for a reissuance Synthetic Minor Permit to operate a hot mix asphalt plant located in Taylor Township, **Lawrence County**. The significant sources are batch mix asphalt plant and fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

25-00987: Hanes Erie Incorporated (7601 Klier Drive South, South Fairview Business Park, Fairview, PA 16415-2449) for re-issuance of a Synthetic Minor Operating Permit to operate a container coating operation in Fairview Township, **Erie County**. The facility's primary emission sources include eight Paint Spray Booth lines

and miscellaneous natural gas combustion. The requirements of Plan Approval 25-987D have been incorporated into the reissued permit.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E09-904. David R. Anderson, 27 Ring's End Road, Darien, CT 06820, Springfield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain 24 linear feet of twin 29-inch by 45-inch reinforced concrete pipe arch culvert in and along a UNT to Cooks Creek (EV) for the driveway access to a proposed single family residence. This project is located approximately 1,500 feet south of the intersection Adam's Way and SR 212. (Hellertown, PA USGS Quadrangle N: 11.1 inches, W: 2.5 inches).

E46-766. Manufacturers Golf & CC, 511 Dresher-town Road, Fort Washington, PA 19034-0790, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To modify the cross section of the 100-year floodway along Sandy Run TSF by excavating near holes 10 and 17 at the manufacturers golf course as part of an effort to restore a 300-foot segment of stream with natural channel design techniques. This project is located approximately 2,000 feet east of the intersection Twining Road and SR 152 (Ambler, PA USGS Quadrangle N: 2.5 inches; W: 6.4 inches).

E09-903. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Upper Makefield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a replacement for an existing bridge, SR 0032-Section 68S (River Road), over the Delaware Canal TSF) with a prestressed concrete adjacent box beam bridge on the existing alignment. The width of the proposed bridge will be increased so that the clear roadway width over the canal is 32.5 feet. The total clear span of the proposed bridge is 51 feet over the Delaware Canal and a minimum 7.0 feet underclearance. In addition, the new abutment on the towpath will be moved 3 feet. Also, two access driveways to both the Stony Run Aqueduct and the canal towpath and minor approach roadway work will be completed as part of the bridge replacement.

This site is located in the floodplain of the confluence of the Delaware River and Jericho Creek (Lambertville PA-NJ USGS Quadrangle N: 11.6 inches; W: 3.9 inches).

E46-1001. May Street Homeownership, Inc., P. O. Box 1170, Norristown, PA 19401, Pottstown Borough, **Montgomery County**, ACOE Philadelphia District.

To modify and maintain an existing stream enclosure which routes flow beneath the Borough of Pottstown along a UNT to the Schuylkill River. The modification will consist of the removal of approximately 112 linear feet of existing 96-inch CMP pipe arch, and to construct and maintain, in its place, 277 linear feet of twin 66-inch RCP to facilitate the construction of a 28-unit subdivision (AKA May Street Crossing).

The work will enclose the last remaining portion of this stream channel within the watershed upstream of Oak Street. The site is located at the north corner of Oak Street and Washington Street, (Boyertown, PA USGA Quadrangle N: 0.5 inches; W: 7.5 inches).

E51-219. Pacific Atlantic Terminals, LLC, 3400 S. 67th Street, Philadelphia, PA 19153 Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities at the existing Philadelphia South Terminal Port Facility along the western bank of the Schuylkill River (WWF-MF):

1. To modify and maintain a dock. Work will include removing and replacing a loading platform, strengthening piles associated with lateral breasting dolphins by jacketing existing steel piles in concrete, and replacing appurtenances.

2. To dredge approximately 32,000 cubic yards of accumulated sediment deposits from the ship berthing area, measuring approximately 850 feet by 110 feet, by clamshell method.

3. To maintain over 1,500 linear feet of timber bulkhead and to modify and maintain approximately 760 linear feet of that bulkhead by placing new steel pipe pile bents.

This project is located approximately 2,500 feet southwest of the intersection Essington Avenue and 70th Street (Philadelphia, PA USGS Quadrangle N: 6 inches, W: 13.25 inches) and adjacent to the S.T. Services Facility authorized by Permit E51-202 in City and County of Philadelphia.

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

E58-270. Robert Baehler, P. O. Box 212, Harford, PA 18823, in Silver Lake Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To authorize fill that was previously placed in 0.2 acre of wetlands for the purpose of creating buildable area for the construction of a driveway, house and garage. The project is located on the southeastern side of Lake Sophia, just north of the intersection of SR 4002 (Murphy Corners Road) and Sophia Lake Road (Laurel Lake, PA Quadrangle N: 17.4 inches; W: 13.5 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E44-131: Genevieve McCardle, 12007 Ferguson Valley Road, Lewistown, PA 17044 in Granville Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain a 14.0-foot wide single span bridge having a clear span of 30.0-foot and an underclearance of 4.5-feet across Buck Run (TSF). The project is located off Route 22/322 at Burnham/Yeagertown exit, 2.5-miles south on SR 4013 (Ferguson Valley Road) towards Jack Mountain (Lewistown, PA Quadrangle N: 20.06 inches; W: 15.81 inches; Latitude: 40° 36' 376"; Longitude: 77° 36' 50") in Granville Township, Mifflin County.

E38-151: Twin Grove Campground, Inc., 1445 Suedberg Road, Pine Grove, PA 17963, Union Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: 1) a 7.5-foot wide pedestrian bridge with a span of 79.0-feet and an average minimum underclearance of 0.65 foot; 2) a 7.5-foot wide pedestrian bridge with a span of 112.0 feet and an average minimum underclearance of 0.85 foot; 3) a 7.5-foot wide pedestrian bridge with a span of 69.0 feet and an average minimum underclearance of 0.65 foot; 4) a 7.5-foot wide wooden pedestrian bridge with a span of 80.0 feet and an average minimum underclearance of 0.75 foot; 5) a 6.0-inch outfall pipe; 6) a 8.0-inch sanitary sewer line crossing; to maintain a) an existing 18.0-inch stream enclosure with a length of 460.0 feet; b) an existing 12.0-inch outfall pipe; c) four existing 18.0-inch outfall pipes; d) an existing 41.0-foot long, 36.0-inch pipe stream crossing; to rehabilitate, operate and maintain a deck of an existing bridge; to remove an existing 36.0-inch pipe and construct and maintain a 5.75-foot by 8.17-foot pipe arch for the purpose of facilitating the development of Twin Grove Campground. All activities are located in and along unnamed tributaries to Swatara Creek (CWF). The project is located along Route 443 North of Lickdale and west of the Schuylkill County line (Tower City, PA Quadrangle N: 3.1 inches; W: 1.7 inches; Latitude: 40° 30' 54"; Longitude: 76° 30' 47") in Union Township, Lebanon County.

E06-615, Lyons View Estates, The Development Group LLC, 119 West Lancaster Avenue, Shillington, PA 19607, in Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To relocate and maintain 1,630 feet of an ephemeral watercourse within a 30-foot long 15" SLCPP and a 1,600-foot long 30" SLCPP in the Sacony Creek (CWF) watershed for the purpose of constructing the proposed Huntly Drive and to construct and maintain a sanitary sewer and waterline crossing of the UNT. The impacts are associated with a subdivision known as Lyons View Estates located on the North side of Lyons Road approximately 2,000 feet South of Fleetwood Road (Fleetwood, PA Quadrangle; N: 18 inches, W: 0 inches; Latitude: 40° 28' 25", Longitude: 75° 45' 0") in Maxatawny Township, Berks County.

E36-816, Lancaster Country Club, 1466 New Holland Pike, Lancaster, PA 17601, in Manheim and East Lampeter Townships, **Lancaster County**, ACOE Baltimore District.

To remove and replace an existing 3-span multi-girder steel I-beam bridge and two associated piers from the Conestoga River (WWF) with a 150-foot long, 8-foot wide, single-span prefabricated steel truss bridge with a minimum underclearance of 12.0-feet, and approximately 319 linear-feet of grading along the floodway in the same location on the Lancaster Country Club Golf Course approximately 25 feet downstream of the confluence with Stauffer Run (Lancaster, PA Quadrangle; 40° 03' 42.01" N, 76° 16' 0.31" W; 11.2 inches N, 2.34 inches W), and to install and maintain 20 streambank and channel stabilization structures including rock deflectors, rock vanes, and rip-rap placement resulting in 557 linear-feet of stream impacts along a 3,700-foot section of Stauffer Run (WWF) beginning at the confluence with the Conestoga River (Lancaster, PA Quadrangle; 40° 03' 33.31" N, 76° 15' 18.03" W; 10.76 inches N, 0.70 inches W) and ending near Millcross Road (Lancaster, PA Quadrangle; 40° 03' 41.88" N, 76° 15' 59.13" W; 11.19 inches N, 2.30 inches W) in Manheim and East Lampeter Townships, Lancaster County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E12-163, Department of Transportation, P. O. Box 342, Clearfield, PA 16830. SR 0120 Bridge Replacement, in Gibson Township, **Cameron County**, ACOE Baltimore District (Driftwood, PA Quadrangle N: 19.50 inches; W: 0.69 inch).

To remove the existing single-span bridge, and to construct and maintain a 15 foot precast concrete box culvert at an 85° skew to the roadway. The site is located where RT 0120 crosses Johnson Run, 18 miles south of Emporium, in Gibson Township, Cameron County. Johnson Run is designated as a HQ-CWF. This project does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-498, Great Lakes Energy Partners, P. O. Box 235, Yatesboro, PA 16263. Natural gas pipeline stream crossing, in Boggs Township, **Centre County**, ACOE Baltimore District (Snow Shoe, PA Quadrangle N: 0.8 inch; W: 0.2 inch).

To construct and maintain a natural gas line underneath the North Branch of Wallace Run in Boggs Township, Centre County. The crossing is approximately 10 ft.

long and is located from Route 144, turn on to Governors Road, precede 100 ft., turn left onto pipeline right of way and continue to creek. This project is located on State Gamelands Number 103 and proposes no permanent impact to the North Branch of Wallace Run, which is, designated as a HQ, EV, CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-487, Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144) (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1551, Pleasant Hills Municipal Authority, 610 Old Clairton Road, Pittsburgh, PA 15236. To construct a gabion wall in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 9.85 inches; W: 13.9 inches and Latitude: 40° 18' 15"—Longitude: 79° 58' 30"). The applicant proposes to construct and maintain a gabion wall 16.0+ feet in height and 105.0 feet in length in the channel and along the right bank of Lick Run (TSF) for the purpose of preventing erosion and landslides. The project is located approximately 600 feet northwest from the intersection of Wallace Road and Cochran's Mill Road and will impact 105.0 linear feet of stream channel.

E56-342, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct a bridge in the Borough of Meyersdale, **Somerset County**, Pittsburgh ACOE District. (Meyersdale, PA Quadrangle N: 12.0 inches; W: 1.1 inches and Latitude: 39° 49' 56"—Longitude: 79° 00' 30"). The applicant proposes to construct and maintain a 40 ft. wide, 127.8 ft. long, two span bridge with an underclearance of 6.94 ft and 45° skew; to replace the existing SR 2006, 26.3 ft, wide, 76.4 ft, long, two span bridge with an underclearance of 9.68 ft. over Flaugherty Creek (CWF) with a drainage area of 23.89 square miles. The project is located approximately 0.4 miles east of the Borough of Meyersdale.

E63-591, Bradford B. Owen, Jr., 228 Plumsock Road, Amity, PA 15311-1418. To construct a bridge in Morris Township, **Washington County**, Pittsburgh ACOE District. (Amity, PA Quadrangle N: 5.2 inches; W: 15.0 inches and Latitude: 40° 01' 47"—Longitude: 80° 13' 52"). The applicant proposes to remove the existing structure and to construct and maintain a bridge having

a clear span of 50 feet and an underclearance of 7 feet across Tenmile Creek (TSF) on a proposed driveway approximately 200 feet downstream of the existing structure to provide access to the house from SR 2020.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E20-544, Robert E. Thompson, Chairperson, Beaver Township Supervisors, 3298 Parker Road, Springboro, PA 16435. T-338 Maples Road Bridge Replacement, in Beaver Township, **Crawford County**, ACOE Pittsburgh District (Beaver Center, PA Quadrangle N: 5.3 inches; W: 10.0 inches).

The applicant proposes to remove the existing bridge and to construct and maintain a stream crossing on T-338 (Maples Road) consisting of three HDPE plastic culvert pipes having a diameter of 4 feet and a length of thirty feet in the East Branch of Conneaut Creek approximately 1.1 miles N of the intersection of SR 198 and T-338 (Maples Road). Project includes wingwalls consisting of 2 foot by 2 foot by 6 foot concrete blocks and removal of a gravel deposit/channel realignment having a length of approximately 50 feet. The existing structure was severely deteriorated and the proposed crossing has already been constructed under Emergency Permit No. EP2005605. East Branch of Conneaut Creek is a perennial stream classified as a CWF and a MF. The project proposes to directly impact approximately 100 feet of stream.

E33-214, Hart Resource Technologies, Inc., P. O. Box 232, 5035 Route 110, Creekside, PA 15732. Punxsutawney Brine Treatment Facility Outfall to Mahoning Creek, in Punxsutawney Borough, **Jefferson County**, ACOE Pittsburgh District (Punxsutawney, PA Quadrangle N: 11.7 inches; W: 13.4 inches).

To extend the time limit on the Water Obstruction and Encroachment Permit which authorizes Hart Resource Technologies, Inc., to construct and maintain a two 4-inch diameter PVC pipes through the existing flood control dike within a 13-inch diameter steel casing and ending with perforated diffusers at approximately the midpoint of Mahoning Creek from the south (left) bank for an outfall from the proposed Punxsutawney Brine Treatment Plant at 400 Gilpin Street approximately 0.1 mile northeast of Indiana Street. This will extend the permit to December 31, 2008.

E62-403, Echo Warren Associates, LP, 701 Alpha Drive, Pittsburgh, PA 15238. Warren County Retail Center, in Conewango Township, **Warren County**, ACOE Pittsburgh District (Russell, PA Quadrangle N: 1.0 inches; W: 3.5 inches).

The applicant has requested to amend Permit E62-403 which authorized Echo Warren Associates, LP to construct a commercial development consisting of a Wal-Mart (204,000 square feet), a home improvement center (111,000 square feet), 81,000 square feet of additional retail shops and associated parking immediately NW of the intersection of U. S. Route 62 (Market Street Extension) and SR 69 (Jackson Run Road) involving: 1) to fill

0.62 acre of PEM wetland; 2) to restore 1.01 acres of wetland on-site and to enhance 0.56 acre of existing wetland onsite; 3) to construct and maintain two 3.0-foot diameter HDPE stormwater outfalls discharging to Jackson Run; and 4) to construct and maintain a 3.5-foot diameter HDPE stormwater outfall discharging to Conewango Creek.

The applicant proposes to amend Permit E62-403 to include: 1) an additional wetland impact of 0.32 acre of PEM wetlands affected by side slope grading and potential secondary impacts during and after construction of the Warren County Retail Center; 2) the rerouting and rip-rap lining of approximately 150 feet of a UNT to Jackson Run with a drainage area of less than 100 acres during construction of the Warren County Retail Center; 3) proposed additional wetland mitigation consisting of the construction of 0.2 acre of PEM wetland and vegetative enhancement of 0.3 acre of reed canary PEM wetland.

The project proposes to directly affect 0.94 acre of PEM wetlands and to restore 1.21 acres of wetland onsite and to enhance 0.86 acres of existing wetland onsite.

Jackson Run is a perennial stream with a wild trout designation and classified as a CWF. Conewango Creek is a perennial stream classified as a WWF.

ENVIRONMENTAL ASSESSMENTS

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

EA63-005. Department of Transportation, District 12-0, 400 North Street, 7th Floor, Harrisburg, PA 17105-2957. Request for permit waiver in accordance with 25 Pa. Code § 105.12(a)(16) and 401 Water Quality Certification in Canton, Township, **Washington County**, Pittsburgh ACOE District. (Washington West, PA Quadrangle N: 7.8 inches; W: 3.6 inches and Latitude: 40° 10' 07"—Longitude: 80° 16' 33"). The applicant proposes to construct and maintain a barrier cutoff wall, and tar and groundwater collection systems in 0.08 acre of wetlands (PEM) in association with preventing tar migration from under I-70 onto adjacent Molycorp property and into Chartiers Creek (WWF). The project is located along the toe of fill slope of I-70 near Caldwell Avenue.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D15-408. Lincoln Avenue Detention Dam. Downingtown Borough, 4 West Lancaster Avenue, Downingtown, PA 19335. To construct, operate and maintain Lincoln Avenue Detention Basin across a tributary to East Branch Brandywine Creek (WWF), impacting 415 feet of stream, for the purpose of controlling downstream flooding caused by stormwater runoff from surrounding areas. (Downingtown, PA Quadrangle N: 0.95 inch; W: 8.85 inches) Downingtown Borough, **Chester County**.

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit 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 permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0062286 (Minor Sewage)	Diocese of Scranton Church of Saint Benedict 300 Wyoming Avenue Scranton, PA 18503-1279	Newton Township Lackawanna County	UNT to Gardner Creek (04G)	Y
PA0029190	Monsignor McHugh School R. R. 1, Box 1780 Cresco, PA 18326	Paradise Township Monroe County	1E UNT to Paradise Creek HQ-CWF	Y

NOTICES

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Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0024350 (Sewage)	Adelaide Fuhrman Borough Council President Borough of Dauphin P. O. Box 487 Dauphin, PA 17018	Dauphin County Dauphin Borough	Susquehanna River 7-C	Y
PA0038288 (Industrial Waste)	Paul Stokes Rec Oil, Inc. 280 East Street York, PA 17403-1292	York County York City	UNT of Mill Creek 7-H	Y
PA0044628 (Industrial Waste)	Douglas E. Weaver York Haven Power Company P. O. Box 67 York Haven, PA 17370	York County York Haven Borough	Susquehanna River 7-G	Y
PA0081744 (Industrial Waste)	David Vollero York County Solid Waste and Refuse Authority 2700 Blackbridge Road York, PA 17406-7901	York County Hopewell Township	UNT Rambo Run & Ebaughs Creek 7-I	Y
PAR-10-H304R(1)	BPC Partners Nick Reinhart 620 North Reading Road Ephrata, PA 17522	Cumberland County Silver Spring Township	UNT to Hogestown Run CWF	Y
PAR-10-P168-R	Dale Hoover Lebanon Area Evangelical Free Church 600 Sheperd Street Jonestown, PA 17038	Lebanon County Union Township	Swatara Creek WWF	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0033162	Martha's Furnace MHP, LLC Eagle Valley Road Julian, PA 16844	Centre County Huston Township	UNT to Bald Eagle Creek (9C)	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0029971 Sewage	Avella Area School District 1000 Avella Road Avella, PA 15312	Washington County Cross Creek Township	UNT of South Fork Cross Creek	Y
PA0031898 Sewage	Nemacolin Country Club P. O. Box 134 Beallsville, PA 15313-0134	Washington County Centerville Borough	Drainage Swale to North Branch Fishpot Run	Y
PA0047228 Sewage	Borough of Pennsbury Village 1043 Pennsbury Boulevard Pittsburgh, PA 15205	Allegheny County Pennsbury Village Borough	UNT of Campbells Run	Y
PA0096334 Sewage	Clelian Heights School for Exceptional Childern 135 Clelian Heights Lane Greensburg, PA 15601	Westmoreland County Hempfield Township	UNT of Beaver Run	Y
PA0217042 Sewage	Game Commission 4280 Route 711 Bolivar, PA 15923-2420	Westmoreland County Fairfield Township	UNT of Loves Hollow	Y
PA0253383 Sewage	Anna K. Wright 376 North Tower Road Fombell, PA 16123	Beaver County Franklin Township	UNT of Hazen Run	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103861	Zoccoli Mobile Home Park R. R. 1, Box 215 Edinburg, PA 16116-9801	Mahoning Township Lawrence County	UNT to Shenango River 20-A	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0086932, Sewage, **Jay Peifer, Peifer Brothers**, P. O. Box 550, Elizabethtown, PA 17022. This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Transfer of Permit for Yorkana Mobile Home Park.

NPDES Permit No. PA0022250, Amendment 06-1, Sewage, **Janet L. Giliem, Biglerville Borough Council**, 33 Musselman Avenue, Biglerville, PA 17307. This proposed facility is located in Butler Township, **Adams County**.

Description of Proposed Action/Activity: Amendment authorization to reduce sampling frequency with discharge to UNT Conewago Creek in Watershed 7-F

NPDES Permit No. PA0080284, Sewage, **Matthew E. Raynor, New Oxford Mobile Home Community, LLC**, 9073 Nemo Street, West Hollywood, CA 90069. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of South Branch Conewago Creek in Watershed 7-F.

NPDES Permit No. PA0013862, Amendment 06-2, Industrial Waste, **Donald Parman, Corixa Corporation**, One Franklin Plaza, 200 North 16th Street, Philadelphia, PA 19102. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-J.

NPDES Permit No. PA0083939, Amendment 06-1, Industrial Waste, **Bridgette Laukhuff, Conestoga Wood Specialities Corporation**, 243 Reading Road, P. O. Box 158, East Earl, PA 17519-0158. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conestoga River in Watershed 7-J.

NPDES Permit No. PA0248754, CAFO, Cory Gress, 792 Lick Hollow Road, Harrisonville, PA 17228. This proposed facility is located in Licking Creek Township, **Fulton County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for operation of a 606-AEU swine, beef, heifer and horse operation with discharge to Watershed 13-B.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0253219, Sewage, **East Franklin Township**, R. D. 3, Box 211A, Kittanning, PA 16201. This proposed facility is located in East Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for new 0.029 mgd capacity sewage treatment plant to discharge to Glade Run.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0005061, Industrial Waste **Amendment No. 1, Orion Power Midwest, LP**, Orion Power, New Castle Plant, 121 Champion Way, Canonsburg, PA 15317-5817. This proposed facility is located in Taylor Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Beaver Run and McKee Run.

NPDES Permit No. PA0239895, Sewage, **Ronald McCall**, 312 Holyoke Road, Butler, PA 16001. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to the Little Connoquenessing Creek in Watershed 20-C.

NPDES Permit No. PA0239925, Sewage, **Alex J. and Rosa C. McLellan**, 30361 Brown Road, Townville, PA 16360. This proposed facility is located in Richmond Township, **Crawford County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to a UNT to Woodcock Creek in Watershed 16-A.

NPDES Permit No. PA0239917, Sewage, **Susan Tassone**, 10856 Eureka Road, Edinboro, PA 16412. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to a UNT to Cussawago Creek in Watershed 16-D.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 6796404 (T-1), Sewerage, **Jay Peifer, Peifer Brothers**, P. O. Box 550, Elizabethtown, PA 17022. This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Transfer of permit for Yorkana Mobile Home Park.

WQM Permit No. 0100408 (T-1), Sewerage, **Matthew E. Raynor**, New Oxford Mobile Home Community, LLC, 9073 Nemo Street, West Hollywood, CA 90069. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Transfer of permit.

WQM Permit No. 0706403, Sewerage, **John Norbeck, Department of Conservation and Natural Resources, Bureau of State Parks**, P. O. Box 8551, Harrisburg, PA 17105-8551. This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Approval of the construction of sewerage facilities consisting of replacement of the existing rapid sand filter with vertically mounted cloth media disks featuring automatically operated vacuum backwash including a hopper-bottom and solids removal manifold system.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 3206401, Sewerage, **Guardian LTC Management, Inc.**, 680 Lions Health Camp Road, Indiana, PA 15701. This proposed facility is located in Armstrong and White Townships, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a domestic sewage treatment system for a personal care home with 58 beds and kitchen facilities.

WQM Permit No. WQG016132, Sewerage, **Louis Dell'Aquila**, 220 Camp Meeting Road, Sewickley, PA 15143. This proposed facility is located in Sewickley Heights Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 3705403, Sewerage, **Zoccoli Mobile Home Park**, R. R. 1, Box 215, Edinburg, PA 16116-9801. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for necessary repairs to an existing sewage treatment facility.

WQM Permit No. 1006406, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the Callery Road sewer line extension.

WQM Permit No. 2572402, Sewerage, **Amendment No. 1 Washington Township**, David Anthony, 11800 Edinboro Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Interim improvements to existing Angling Road Sewage Treatment Plant.

WQM Permit No. 1006405, Sewerage, **Ronald McCall**, 312 Holyoke Road, Butler, PA 16001. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2506410, Sewerage, **Susan Tassone**, 10856 Eureka Road, Edinboro, PA 16412. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506066	North Coventry Township 845 South Hanover Street Pottstown, PA 19464	Chester	North Coventry Township	UNT Schuylkill River (HQ-TSF)
PAI011504019	Vineyard Community Church 1101 Roberts Drive Norristown, Pa 19401	Chester	Upper Uwchlan Township	Birch Run Creek (EV)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10V0401	Tamiment Development Group, LP 920 Matsonford Rd. West Conshohocken, PA 19428	Pike	Lehman Township	Tributary 05057 to Little Bushkill Creek HQ-CWF Little Bushkill Creek EV

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030506005	New Enterprise Stone & Lime Company, Inc. P. O. Box 77 New Enterprise, PA 16664	Bedford	Bedford Township	Shobers Run HQ-CWF
PAI032106002	Westgate Development Phases 5-8 1104 Fernwood Avenue Camp Hill, PA 17011	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F073-R Minor Revision	Elaine Mothes Village of Nittany Glen Community Ctr. 900 W. Sproul Rd., Suite 301 Springfield, PA 19064	Centre	Benner Township	UNT to Buffalo Run HQ-CWF

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052606004	NWL Company 1001 LaFayette Drive Farmington, PA 15437	Fayette	Wharton Township	UNT to Beaver Creek (HQ-CWF)

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606003	Lookout WindPower, LLC 10 St. Francis Way Suite 180 Cranberry, PA 16066	Somerset	Brothersvalley and Northampton Townships	Blue Lick Creek (CWF) Brush Creek (HQ-CWF) Buffalo Creek (CWF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Britain Township Bucks County	PAG2000906148	Kathleen M. Gilmore 159 King Road Chalfont, PA 18914	North Branch Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000906118	Beres Construction 303 B Airport Boulevard Doylestown, PA 18901	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000906079	Waste Management Disposal Services of PA, Inc. 1121 Bordentown Road Morrisville, PA 19067	UNT Delaware Estuary (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Township Bucks County	PAG2000906087	Commerce Bank, NA 9000 Atrium Way Mount Laurel, NJ 08054	Iron Works Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG2001506060	Gateway Grace Community Church 2 Leo Cowan Road Sadsburyville, PA 19365	Buck Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG2001506046	Paul Thompson 667 Doods Lane Gladwyne, PA 19035	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Britain Township Chester County	PAG2001506066	Caleb Smith 120 Penn Green Road Landenberg, PA 19350	Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Parkesburg Township Chester County	PAG2001506054	Keystone Community Alliance 550 East Union Street West Chester, PA 19382	Valley Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG2001506051	DHL Development 1195 McDermott Drive West Chester, PA 19380	UNT East Branch Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG2001506067	West Bradford Township 1385 Campus Drive Downingtown, PA 19335	UNT West Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001506045	Tredyffrin Township 1100 DuPortail Road Berwyn, PA 19312	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Marlborough Township Chester County	PAG2001506039	Willowdale Chapel 675 Unionville Road Kennett Square, PA 19348	UNT Red Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001506055	West Sadsbury Associates, LP 120 West Germantown Pike Plymouth Meeting, PA 19462	Valley Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004606018	Tone 2000 101 East Main Street Norristown, Pa 19401	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004606096	Cheltenham Twp School District 1000 Ashborne Road Elkins Park, PA 19027	Tacony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marlborough Township Montgomery County	PAG20046052071	John Yanan P. O. Box 720, 6302 Fourth Street Green Lane, PA 18054	UNT Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004606114	Perry and Kelly Corda 10 Featherbed Lane Audubon, PA 19403	Minor Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004606108	Griffiths Construction 851 Chester Springs Road Chester Springs, PA 19425	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605232	Gambone Development Company 1030 West Germantown Pike Fairview Village, PA 19409	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004606159	MJT Properties 2331 Topaz Drive Hatfield, PA 19440	UNT West Branch Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004606153	Skippack Fire House P. O. Box 1, 1240 Bridge Road Skippack, PA 19474	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004605183	Orleans at Upper Providence, LP 3333 Street Road, Suite 101 Bensalem, PA 19020	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004606102	Rosemont School of the Holy Child 1344 Montgomery Avenue Rosemont, PA 19010	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605061	Frederick Chowns P. O. Box 1393, 2053 Cressman Road Skippack, PA 19474	Sanatoga Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Limerick Township Montgomery County	PAG2004606051	Country Estates Developers, Inc. P. O. Box 559 Kimberton, PA 19442	Hartenstine Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004604092	Hollenbach Construction 1810 Swamp Pike Gilbertsville, PA 19152	Minister Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004605075-1	Upper Providence Township 1286 Black Rock Road, P. O. Box 406 Oaks, PA 19456	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605066	Gambone Development Company 1030 West Germantown Pike Fairview Village, PA 19409	UNT Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004606143	Moser Construction Company 300 Brookside Court Chalfont, PA 18914	Mocaby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Moreland Township Montgomery County	PAG2004606039	Arcadia At Fieldcrest, LP 100 West Lancaster Avenue, Suite 102 Wayne, PA 19087	Southampton Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004606001	Matt Vegari 400 Mill Creek Road Gladwyne, PA 19035	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG20046052004	Lower Merion School District 301 East Montgomery Avenue Ardmore, PA 19003	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106040	TJ Grace Enterprises, Inc. 108 Almat Place Philadelphia, PA 19115	Tributary Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Washington Township Wyoming County	PAG200660603	Arthur Sherwood 131 Sherwood Dr. Tunkhannock, PA 18657	Tributary to Susquehanna River CWF	Wyoming Co. Cons. Dist. (570) 836-2589
East Stroudsburg Borough Monroe County	PAG2004506005	Samuel M. D'Alessandro 112 North Courtland St. East Stroudsburg, PA 18301	Brodhead Creek TSF	Monroe Co. Cons. Dist. (570) 629-3060
West Penn Township Schuylkill County	PAG2005406021	GSP Management Co. Attn: Frank Perano P. O. Box 677 Morgantown, PA 19543	Lizzard Creek TSF	Schuylkill Co. Cons. Dist. (570) 622-3742
Bethlehem Township Northampton County	PAG2004806020	St. Luke's Hospital & Health Network Attn: Evan Jones 801 Ostrum St. Bethlehem, PA 18015	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Allen, Hampden and East Pennsboro Townships; Camp Hill and Lemoyne Borough Cumberland County	PAG2002106016	Department of Transportation SR 15/581 Improvement Project 2140 Herr Street Harrisburg PA 17103	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812
Southampton Township Cumberland County	PAG2002105027	Bethel Glen Joe McClelland Covenant Business Group 3050 Wiles Road Chambersburg, PA 17201	Gum Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Middlesex Township Cumberland County	PAG2002106035	Pine Hill Industrial Park David Lutz Dave and June Lutz Irrevocable Trust 1109 Kuhn Road Boiling Springs, PA 17007	Letort Spring Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Hopewell Township, Cumberland County	PAG2002106042	Doublin Gap Motorcross Access Drive Rod Yentzer 243 York Road Carlisle, PA 17013	Newburg Run WWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Hampden Township, Cumberland County	PAG2002106039	Cumberland Tech. Park-Fredricksen Medical Office Bldg. 2 Pinnacle Health Systems Bill Wilkison P. O. Box 8700 Harrisburg, PA 17105	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Middlesex Township Cumberland County	PAG2002105045	Stover Industrial Park Lot 5 Joe Dorbian 103 Salt Road Enola, PA 17025	Letort Spring Run/ CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002106027	Hamlet Square Don Haubert 185 Woods Partners P. O. Box 118 Curwensville, PA 16833	Trindle Spring Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
East Hanover Township Dauphin County	PAG2002206062	Kenneth E. Boltz USPFO for PA, Fort Indiantown Gap Bldg 11-12 Service Rd Annville, PA 17003	Manada Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Lower Paxton Township Dauphin County	PAG2002206039	Mark Cummins Cornerstone Development Group, Inc. 1 Market Way East York, PA 17401	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Swatara Township Dauphin County	PAG2002205073	GCW Properties, Inc. 3065 Brookfield Dr. York, PA 17404	Laurel Run WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Washington Township Dauphin County	PAG2002206068	DONLO Family Partnership 230 York St. Hanover, PA 17331	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Lawrence Township	PAG2001706017	Susan and Richard Williams 725 Old Town Road Clearfield, PA 16830	UNT to Moose Creek CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Cambria County Loretto Borough	PAG2001106013	St. Francis University 117 Evergreen Drive P. O. Box 600 Loretto, PA 15940	Clearfield Creek (CWF)	Cambria County CD (814) 472-2120
Cambria County Ebensburg Borough	PAG2001106016	Ralph J. Albarano & Sons, Inc. 1837 Old Route 22 Duncansville, PA 16635	UNT Little Conemaugh (CWF)	Cambria County CD (814) 472-2120
Fayette County South Union Twp.	PAG2002606020	Clyde Tewell 9 Helen Drive Uniontown, PA 15401	Coal Lick Run (WWF)	Fayette County CD (724) 438-4497
Fayette County South Union Twp.	PAG2002606021	O. C. Cluss Lumber Company P. O. Box 696 Uniontown, PA 15401	Lick Run (WWF)	Fayette County CD (724) 438-4497
Fayette County North Union Twp.	PAG2002606022	James Nickman Wesclare Development Group 3 Nickman Plaza Lemont Furnace, PA 15456	Cove Run (WWF)	Fayette County CD (724) 438-4497
Indiana County East Wheatfield Twp.	PAG2003206012	William Young Hemlock Dev. Group 1597 Pyer Road Vintondale, PA 15961	Mardis Run (CWF)	Indiana County CD (724) 463-8547
Indiana County White Twp.	PAG2003206014	Lou Ann Bowser Diamond Drugs 645 Kolter Drive Indiana, PA 15701	McCarthy's Run & Stoney Creek (CWF)	Indiana County CD (724) 463-8547
Westmoreland County North Huntingdon Township	PAG2006506025	W. D. North Huntingdon Investors 8869 Brecksville Road Brecksville, OH 44141	UNT to Brush Creek (CWF)	Westmoreland County CD (724) 837-5271
Westmoreland County East Huntingdon and Hempfield Townships	PAG2006506032	Jay Bandieramonte WCIDC 601 Courthouse Square 2 North Main Street Greensburg, PA 15601	UNT to Belson Run and UNT to Wilson Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Penn Borough, Penn Township and Jeanette City	PAG2006506045	Department of Transportation 825 North Gallatin Ave. Ext. Uniontown, PA 15401	Brush Creek (TSF)	Westmoreland County CD (724) 837-5271
Butler County Adams Township	PAR10E168-R	Brennan Builders 120 Brennan Lane Evans City PA 16033	Breakneck Creek WWF	Butler Conservation District (724) 284-5270
Mercer County City of Hermitage	PAG2004306005(1)	Penn Northwest Development Corporation, 151 North Diamond St. Mercer, PA 16137	UNT of the Shenango River WWF	Mercer Conservation District (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams County Menallen Township	PAR213504 (Transfer)	Premier Chemicals, LLC 1305 Center Mills Road Aspers, PA 17304	Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
West Mifflin Borough Allegheny County	PAR236103	Liberty PolyGlas, Inc. 1575 Lebanon School Road West Mifflin, PA 15122	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Hanover Township Washington County	PAR236131	LANXESS Corporation 8 Morgan Road Burgettstown, PA 15021	UNT of Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of New Castle Lawrence County	PAR208361	Blair Strip Steel Company Blair Strip Steel Butler Avenue P. O. Box 7159 New Castle, PA	UNT to Big Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR208316	Lincoln Foundry, Inc. 1600 Industrial Drive P. O. Box 8156 Erie, PA 16505-0156	Millcreek Township Storm Sewers to Scott Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Beaver Township Jefferson County	PAR118324	Miller Welding and Machine Co. P. O. Box G Brookville, PA 15825	Beaver Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Warren Warren County	PAR808312	Crossett Inc. 201 S. Carver Street P. O. Box 946 Warren, PA 16365	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dauphin County West Hanover Township	PAG043551 (Transfer)	Graham T. Snyder 1144 Piketown Road Harrisburg, PA 17112		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Somerset County Jenner Township	PAG046231	Brian P. Borosky 2914 Penn Avenue Boswell, PA 15531	UNT to Pine Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene Township, Erie County	PAG048793	Joshua C. Paris 2074 East Road Erie, PA 16509	UNT to Walnut Creek, 15-WC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Neshannock Township Lawrence County	PAG048791	Carrol D. Mooney 119 Mooney Drive New Castle, PA 16105	UNT to Neshannock Creek, 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048396	Robert G. Horn 12863 Wetsell Ridge Road Edinboro, PA 16412	UNT to Cussewago Creek, 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Cumberland County Hopewell Township	PAG083598	Newburg-Hopewell Joint Authority P. O. Box 128 Newburg, PA 17240	Wayne Hensel Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Vanport Township Beaver County	PAG106104	Interstate Chemical Company, Inc. 2797 Freedland Road Hermitage, PA 16148	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company Hamilton Township Monroe County
Responsible Official	John Yamona Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701
Type of Facility	PWS
Consulting Engineer	Mark Cross, P. E. Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701
Permit Issue Date	10/13/2006

Description of Action Change from caustic soda to soda ash for pH adjustment and replacing existing corrosion inhibitor feed pump with a model capable of flow pacing at PAWC's Stony Garden WTP.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 2088506-T1-MA1, Public Water Supply
Applicant **Timbercrest Property, LLC**
Township or Borough Vernon Township
County **Crawford County**
Type of Facility Public Water Supply
Permit to Construct Issued 11/14/2006

Permit No. 2506501, Public Water Supply
Applicant **Woodhaven Mobile Home Park**
Township or Borough Greene Township
County **Erie County**
Type of Facility Public Water Supply
Permit to Construct Issued 11/14/2006

Transfer of Operations Permit issued to **H & H Property Investment, LLC**, PWS ID 5100043, Lancaster Township, **Butler County**. Permit Number 1088505-T3, issued November 14, 2006, for the operation of Wells Nos. 1–3, including Finished Water Storage, Disinfection and Distribution Facility for Perry Lake Estates as permitted under the construction permit issued October 12, 1993.

Operations Permit issued to **Elmer Sutton Mobile Home Park**, PWS ID 5100140, Clay Township, **Butler County**. Permit Number 1004502, issued November 14, 2006, for the operation of modifications including Iron and Manganese Treatment, General Corrosion Control and Disinfection, as permitted under the construction permit issued January 4, 2005.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1–750.20a)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Paxton Township	425 Prince Street Harrisburg, PA 17109	Dauphin

Plan Description: Approval of a revision to the Official Sewage Plan of Lower Paxton Township, Dauphin County. The proposed Wilshire Subdivision consists of 134 new residential and 12 existing residential lots to be served by municipal sanitary sewer. The 12 existing lots and 6 of the new lots will be connected to a new pump station and foremain tributary to the Swatara Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethel Township	3015 South Pine Grove Street Fredricksburg, PA 17026	Lebanon

Plan Description: Approval of a revision to the Official Sewage Plan of Bethel Township, Lebanon County. The proposed Frederick Soliday development consists of a Small Flow Treatment Facility serving an existing lot with a 400 gpd treated discharge to Bear Hole Run. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cornwall Borough	P. O. Box 667 Cornwall, PA 17016	Lebanon

Plan Description: Approval of a revision to the Official Sewage Plan of Cornwall Borough, Lebanon County. The proposed Lancaster YMCA Camp Shand development consists of a new Sewage Treatment Plant serving the existing camp and an expansion to accommodate 40 additional campers and associated staff with a 4,000 gpd treated discharge to Shearers Creek, a high quality stream. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1–750.20a)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Manheim Township	31 Fairview Drive Hanover, PA 17331	York

Plan Description: Joshua Hill/Lippy Farm, A3-67964-176-3: The plan consists of a 143-lot single-family residential subdivision on 239 acres to be located on the north-eastern corner of the Baltimore Pike (SR 0094) and Musselman Road in West Manheim Township, York County. The development will result in total estimated sewage flows of 61,600 gpd tributary to a proposed private, onsite wastewater treatment plant, which will be designed for 65,000 gpd in order to allow for additional future development near the property. It is anticipated that the private collection system will be dedicated to the Township in the future when public sewer is extended to areas near the project site. The plan revision was disapproved because the submission failed to include an executed operation and maintenance agreement for the homeowner's association that addresses municipal involvement or oversight of the proposed sewage facilities. Additionally, the agreement should have a clause that indicates the proposed private plant is interim and at such time as public facilities are made available to this site, the private plant must be abandoned.

Prompt Interim Response

Punxsutawney Groundwater Contamination Site, Punxsutawney Borough, Jefferson County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has conducted a response action for the Punxsutawney Groundwater Contamination Site (site). The site, as it is currently understood, is located in a light industrial/residential area in Punxsutawney Borough, Jefferson County, PA. The approximate site boundaries are Walnut Street to the west, Sutton Street to the south, Chestnut Street to the east and Cherry Street to the north. The site is an approximately two city blocks including several small industrial buildings adjacent to residential housing lots.

This response is intended to help mitigate the threats to human health and the environment at the site that are posed by a suspected underground storage tank (UST) and soil and groundwater contamination located near the junction of North and Orange Alleys. This is the same general area where the United States Environmental Protection Agency conducted a soil removal action in the late 1980s. Hazardous substances are present in the suspected UST fill pipe and have leaked into the surrounding soil. These hazardous substances have migrated from the immediate area of the UST (thought to exist in the southeastern corner of the former Berlin Metal Polishers facility) to the surrounding soils and shallow groundwater.

For this prompt interim response, the Department considered two alternatives for the site: 1) no action; and 2) characterization followed by a "phased" approach remedial response to address three different Areas of Concern (AOCs). The three AOCs identified at the site include: AOC-1, the verification and removal/offsite disposal of a suspected underground storage tank and its contents; AOC-2, the excavation and treatment/disposal of contaminated soils in nearby alleyways; and, AOC-3, the elimination of direct contact and inhalation threats in nearby residences.

Each alternative was evaluated with respect to four comparison criteria: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses Applicable or Relevant and Appropriate Requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis, the Department chose to implement Alternative 2 as the prompt interim response for the site. This alternative was proposed because it would, in a more cost-effective manner, protect the public and environmental receptors from direct contact with site-related hazardous substances and eliminate the ongoing release and threat of release of hazardous substances into the environment.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review

and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8 a.m. to 4 p.m. Call (814) 332-6648 for an appointment. A duplicate administrative record will be maintained at the Punxsutawney Borough Office (Mahoning East Civic Center), 301 East Mahoning Street, Punxsutawney, PA 15767.

The administrative record will be open for comment from December 2, 2006, until March 2, 2007. Persons may submit written comments into the record during this time only, by sending them to Harold Nye, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

The public will have an opportunity to present oral comments regarding the Department's response at a public hearing. The public hearing has been scheduled for January 23, 2007, at 6:30 p.m. at the Punxsutawney Borough Council Chambers, 301 East Mahoning Street, Punxsutawney, PA. Persons wishing to present formal oral comments at that hearing are encouraged to register on or before January 9, 2007, by calling the Department's Community Relations Coordinator, Freda Tarbell at (814) 332-6945. A general question and answer period will follow the formal oral comment period of the public hearing. The public may also submit written comments regarding the Department's response action during the period for public comment, which runs from the date of this notice through March 2, 2007. Written comments should be addressed to Nye at the previously noted Department office address.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Freda Tarbell at (814) 332-6945 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and 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 plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup

plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Claude M. Stauffer Estate, North Union Township, **Schuylkill County**. Jason Spanier, Liberty Environmental, Inc., 10 N. 5th Street, Suite 800, Reading, PA 19601, has submitted a Final Report (on behalf of his client, James T. O'Brien, The First National Bank of Minersville Trust & Financial Services, 260 Sunbury Street, Reading, PA 19601) concerning the remediation of soils found contaminated with gasoline as the result of historical gasoline dispensing operations at the former auto dealership. The applicant proposes to meet the residential Statewide Health Standard for soils.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Dominion Transmission-Greenlick Compressor Station, Stewardson Township, **Potter County**. Dominion Resources Services, Inc., 445 West Main St., Clarksburg, WV 26301 has submitted a Remedial Investigation Report Addendum concerning remediation of soil and groundwater contaminated with BTEX constituents and PCBS. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Sunbury Textile Mills, Site 1, 2, 3., City of Sunbury, **Northumberland County**. GeoSyntec Consultants, 130 research Lane, Suite 2, Guelph, Ontario N1G 5G3, Canada on behalf of Sunbury Textile Mills, 1200 Miller St., Sunbury, PA 17801 has submitted a Risk Assessment concerning remediation of site soil and groundwater contaminated with chlorinated solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

PPL-Shinglehouse Check (S-17), Sharon Township, **Potter County**. PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Mavis Humphrey Residence, Windham Township, **Bradford County**. Teeter Environmental Services, Inc., R. R. 1, Box 124B, Sayre, PA 18840 on behalf of Mavis Humphrey, R. R. 2, Box 310, Rome, PA 18837 has submitted a Final Report concerning remediation of site soil

contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

PPL-Sharon Station (S-9), Sharon Township, **Potter County**. PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Brookville Chevrolet, Brookville, PA **Jefferson County**. Environmental Remediation & Recover Inc., 5719 Rt. 6 North, Edinboro, PA 16412 on behalf of LT Land Partnership, 1 East Main Street Brookville, PA 15825 has submitted a Final Report concerning an automobile dealership that was contaminated in the past by underground storage tanks, which grossly impacted the surrounding soils with leaded gasoline constituents. The Final Report is intended to document remediation of the site to meet the Statewide Health Standards for a non-use aquifer.

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 Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration 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 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 act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of 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. 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 remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with

selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before 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. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Country Crest Mobile Home Park, Lehman Township, **Luzerne County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033 has submitted a Final Report (on behalf of its client, Ray Granger, Vice President, Community Banks, P. O. Box 350, Millersburg, PA 17061) concerning the remediation of soils found to be contaminated with No. 2 heating oil due to an accidental release. The site was determined to qualify for the Department's low-risk sites program, and the findings of the Final Report were based upon the judgment of Stephen B. Fulton, P. G., who is the Pennsylvania licensed professional under whose seal the report was submitted. The report was submitted to document attainment of the residential Statewide Health Standard and was approved on November 14, 2006.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

FCI USA, Inc.—Emigsville, Manchester Township, **York County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319-9392, submitted a Risk Assessment Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with VOCs and nickel. The application is seeking to demonstrate attainment of a combination of the Statewide Health, Background and Site-Specific Standards. The Risk Assessment Report and Cleanup Plan were approved November 13, 2006.

ASF—Keystone Railway Equipment, Inc., Lower Allen Township, **Cumberland County**. Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ, 08066, on behalf of ASF—Keystone, Inc., 3420 Simpson Ferry Road, Camp Hill, PA, 17001-0456, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with hexavalent chromium. The Final Report demonstrated attainment of the Site-Specific Standard, and the Remedial Investigation and Final Report were approved by the Department on November 14, 2006.

Boeshore Property, Union Township, **Lebanon County**. SECOR International Inc., 102 Pickering Way, Suite 200, Exton, PA 19341, on behalf of Eugene Boeshore, 3095 SR 72, Jonestown, PA 17038, and Atlantic Richfield Company, One West Pennsylvania Avenue, Suite 440, Towson, MD 21204, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline and kerosene. The Final Report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on November 17, 2006.

RESIDUAL WASTE GENERAL PERMITS

Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

General Permit Application No. WMGR109-NWR01. American Biodiesel Energy Inc., 4680 Iroquois Avenue, Erie, PA 16511, Harborcreek Township, **Erie County**. The general permit registration was for used restaurant oil, yellow grease, grease trap waste, oils and animal fat from food processing or rendering plants, waste from ethanol production, soybean soap stock, float grease (from wastewater treatment plants) and off-specification vegetable oils for use as biofuel and biodiesel. The permit was issued by the Northwest Regional Office on November 7, 2006.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a General Permit to operate municipal waste processing facilities and the beneficial use of municipal waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM015D003. Superior Mulch, LLC., 1015 Blackstone Road, Conellsville, PA 15425.

General Permit No. WMGM015D003 is for processing and beneficial use of wood and timber waste (that is, tree stumps, limbs, clean wood, untreated and unpainted wood and pallets) to create mulch for commercial purposes and the leaf and yard waste compost operation to compliment the mulch production generated at the Wayne Township Landfill, located in **Clinton County**. The general permit was issued by Central Office on November 20, 2006.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

GP14-36-03038: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) on November 16, 2006, for Human or Animal Crematories under GP14 in Upper Leacock Township, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

GP14-26-00560: Ferguson Funeral Home, Inc. (700 Broad Avenue, Belle Vernon, PA 15012) on November 15, 2006, to operate a B & L Cremation System in Belle Vernon Borough, **Fayette County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; George Monasky, New Source Review Chief, (814) 332-6940.

GP-10-239: Mine Safety Appliances Co. (1000 Cranberry Woods Drive, Cranberry Township, PA 16066-5207 for two natural gas fired boilers in Cranberry Township, **Butler County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

46-0005AC: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) on November 14, 2006, to operate an emergency electric generator in Upper Gwynedd Township, **Montgomery County**.

09-0050D: Hanson Aggregates BMC, Inc. (852 Swamp Road, Penns Park, PA 18943) on November 14, 2006, to operate an increase the sulfur dioxide limits in Wrightstown Township, **Bucks County**.

09-0031A: Eureka Stone Quarry Inc.—Rush Valley 1 (911 Swamp Road, Rushland, PA 18956) on November 15, 2006, to operate a dust suppression system in Wrightstown Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

05-05022B: Bedford Reinforced Plastics, Inc. (264 Reynoldsdale Road, Bedford, PA 15522-7401) on November 9, 2006, to install two new fiberglass reinforced plastic pultrusion production lines in East Saint Clair Township, **Bedford County**.

36-05001E: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) on November 9, 2006, to increase ceiling tile production capacity by adding mixing

tanks, by better moisture removal and by increased paint drying capacity in East Donegal Township, **Lancaster County**.

67-05069G: Oldcastle Retail, Inc. (550 S. Biesecker Road, Thomasville, PA 17364) on November 9, 2006, to construct a new building that will house new dump hoppers at their Thomasville facility in Jackson Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

49-00007D: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) on October 27, 2006, to modify VOC emission limits for the wastewater treatment plant and sludge dryer at their Cherokee Plant in Riverside Borough, **Northumberland County**.

19-00019A: Dillon Floral Corp. (933 Columbia Boulevard, Bloomsburg, PA 17815-8844) on October 25, 2006, to construct and operate a wood-fired boiler (Source ID 033) with a multi-cone collector (ID C033) to control the PM/PM10 emissions from the boiler and a wood screening operation at their Bloomsburg facility located in Bloomsburg, **Columbia County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; George Monasky, New Source Review Chief, (814) 332-6940.

25-025J: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Erie, PA 16531) on November 3, 2006, to construct two natural gas-fired package boilers rated at 88.5 mmBtu/hr and approving of ERCs for the shutdown of Boiler No. 1 in Lawrence Park Township, **Erie County**.

24-161A: Greentree Landfill Gas Co., LLC (Tower Road, Brockway, PA 15824) on November 13, 2006, to construct two natural gas compressors for boosting natural gas production into the custody transfer point in Horton Township, **Elk County**. This is a State-only Facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0014F: Kimberly-Clark PA, LLC (Front Street and Avenue of the States, Chester, PA 19103) on November 14, 2006, to operate a ventilation system in City Of Chester, **Delaware County**.

09-0152: Gelest, Inc. (11 East Steel Road, Morrisville, PA 19067) on November 14, 2006, to operate equipment for speciality chemicals in Falls Township, **Bucks County**.

09-0157A: Barrett Asphalt, Inc. (7503 Weymouth Road, Hammonton, NJ 08037) on November 15, 2006, to operate a No. 2 fuel oil fireburner in Falls Township, **Bucks County**.

23-0003G: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) on November 15, 2006, to operate a platformer heaters revamp in Trainer Borough, **Delaware County**.

23-0003H: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) on November 15, 2006, to operate an isocraker expansion/sour water drum in Trainer Borough, **Delaware County**.

09-0027E: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on November 13, 2006, to operate a thermal oxidizer in West Rockhill Township, **Bucks County**.

09-0027F: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on November 17, 2006, to operate three printing stations and laminator in West Rockhill Township, **Bucks County**.

23-0003F: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) on November 15, 2006, to operate an internal scrubber platformer unit in Trainer Borough, **Delaware County**.

46-0108A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on November 14, 2006, to operate a cyclone and baghouse—**asphalt** in Marlborough Township, **Montgomery County**.

46-0005Z: Merck and Co., Inc. (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on November 13, 2006, to operate a stream injection on boiler No. 10 in Upper Gwynedd Township, **Montgomery County**.

46-0024D: McNeil Consumer and Specialty Pharmaceuticals (7050 Camp Hill Road, Fort Washington, PA 19034) on November 16, 2006, to operate a 25 mmBtu/hr boiler in Whitemarsh Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

28-05040A: Industrial Power Generating Co., LLC (2250 Dabney Road, Richmond, VA 23230-3323) on November 13, 2006, to increase use of landfill gas for up to 96% of heat input at their existing electric generating facility in Peters Township, **Franklin County**. This plan approval was amended due to a change of ownership.

67-05001B: LWB Refractories (320 Baker Road, P. O. Box 1189, York, PA 17405-1189) on November 30, 2006, to install a regenerative thermal oxidizer on Tunnel Kilns TK5 and TK6 in West Manchester Township, **York County**. This plan approval was extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; George Monasky, New Source Review Chief, (814) 332-6940.

16-132C: Clarion Boards, Inc. (143 Fiberboard Road, Shippenville, PA 16254) on November 30, 2006, to install dryers, venturi and cyclonic separator in Paint Township, **Clarion County**.

16-132E: Clarion Boards, Inc. (143 Fiberboard Road, Shippenville, PA 16254) on November 30, 2006, to install a finishing line in Paint Township, **Clarion County**.

24-083I: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on November 30, 2006, to modify emission limits (SOx) from plan approval 24-083E in St. Marys City, **Elk County**. This is a Title V facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00043: Sunoco Partners Marketing and Terminals, LP—Hog Island Wharf (No. 4 Hog Island Road, Philadelphia, PA 19153) on November 14, 2006, to renew the Title V Operating Permit in Tincum Township, **Delaware County**. The initial permit was issued on April 12, 2000, and was amended on November 5, 2002 for a change of ownership. The facility is a marine cargo-handling terminal. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

08-00003: CraftMaster Manufacturing, Inc. (Shiner Road, P. O. Box 311, Towanda, PA 18848) on November 9, 2006, for the wood products manufacturing in Wysox Township, **Bradford County**. In accordance with 25 Pa. Code § 127.450, the revision of this permit is to incorporate the conditions of plan approvals 08-00003A and 08-00003B into the Title V operating permit. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

35-00023: United Gilsonite Laboratories (P. O. Box 70, Scranton, PA 18501) on August 7, 2006, to operate their paint/coating operations at their facility in Dunmore Borough, **Lackawanna County**.

54-00032: Lehigh Asphalt Paving and Construction Co., Inc. (P. O. Box 549, Tamaqua, PA 18252) on August 8, 2006, to operate their hot mix batch asphalt plant in West Penn Township, **Schuylkill County**.

39-00046: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on October 5, 2006, to operate two batch asphalt plants and associated air cleaning devices their Wescosville facility in Lower Macungie Township, **Lehigh County**.

39-00052: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on October 4, 2006, to operate a batch asphalt plant and crushing operation and associated air cleaning devices at their Ormrod facility in North Whitehall Township, **Lehigh County**.

48-00051: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on October 4, 2006, to operate a batch asphalt plant and associated air cleaning device their Bath facility in East Allen Township, **Northampton County**.

48-00052: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on October 4, 2006, to operate a batch asphalt plant and associated air cleaning device their facility in the City of Bethlehem, **Northampton County**.

58-00005: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on October 5, 2006, to operate a batch asphalt plant and crushing operation and

associated air cleaning devices their Clifford Quarry in Clifford Township, **Susquehanna County**.

45-00017: Hanson Aggregates Pennsylvania, Inc. (1900 Sullivan Trail, Easton, PA 18040) on October 5, 2006, to operate a crushing operation and associated air cleaning devices at their Stroudsburg Quarry in Hamilton Township, **Monroe County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

01-03025: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) on November 15, 2006, to operate a crushed and broken stone facility in Hamiltonban Township, **Adams County**. This is a renewal of the State-only operating permit.

06-05073: Dyer Quarry, Inc. (P. O. Box 188, Rock Hollow Road, Birdsboro, PA 19508) on November 13, 2006, to operate their quarry and stone crushing facility in Robeson Township, **Berks County**. This is a renewal of their State-only operating permit.

06-05088: EJB Paving & Materials Co. (1119 Snyder Road, West Lawn, PA 19609) on November 15, 2006, to operate a bituminous asphalt concrete plant in Ontelaunee Township, **Berks County**. This is a renewal of the State-only operating permit.

22-03025: John R. Shultz Funeral Home (406 Market Street, Lykens, PA 17048-1345) on November 14, 2006, to operate a human crematorium in Lykens Borough, **Dauphin County**. This is a renewal of the State-only operating permit.

67-05075: York Memorial Hospital (P. O. Box 15118, 325 Belmont Street, York, PA 17405) on November 16, 2006, to operate their hospital in Spring Garden Township, **York County**. This is a renewal of the State-only operating permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

04-00519: Columbia Gas (1700 MacCorkle Avenue, S. E., Charleston, WV 25314) on November 13, 2006, to operate one compressor engine, one generator and one dehydrator at their Blackhawk Compressor Station in South Beaver Township in **Beaver County**. This is a State-only Operating Permit.

30-00087: Emerald Coal Resources, LP (P. O. Box 1020, Waynesburg, PA 15370) on November 17, 2006 for a State-only operating permit to operate the Emerald Mine Coal Preparation Plant in Waynesburg Borough, **Greene County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

22-05003: Stroehmann Bakeries, LC (3996 Paxton Street, Harrisburg, PA 17111-1423) on November 16, 2006, to operate the Capitol Bakery in Swatara Township, **Dauphin County**. This operating permit was administratively amended to incorporate Plan Approval 22-05003A. This is revision No. 1.

28-05034: Grove US, LLC (1565 Buchanan TRL E, Shady Grove, PA 17256) on November 15, 2006, to operate a chrome plating system controlled by mist eliminators and mesh pads in Quincy Township, **Franklin County**. This operating permit was administratively amended to incorporate Plan Approval 28-05034A. This is revision No. 1.

28-05040: Industrial Power Generating Co., LLC (2250 Dabney Road, Richmond, VA 23230-3323) on November 13, 2006, for their electric generating facility in Peters Township, **Franklin County**. This Title V operating permit was administratively amended due to a change of ownership. This is revision No. 1.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E46-995. Wissahickon Valley Watershed Associates, 12 Morris Road, Ambler, PA 19002-5499, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new pedestrian bridge across Wissahickon Creek (TSF). The proposed bridge, measuring 100 feet long by 8 feet wide, is part of the trail system through open space located above the 100-year flood plain. The site is located about 250 feet southeast of the intersection of Butler Pike and Morris Road (Ambler, PA, USGS Quadrangle N: 4.47 inches; W: 14.26 inches).

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

E39-449. Department of Transportation Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. Slatington Borough, **Lehigh County**, Army Corps of Engineers Baltimore District.

To remove the existing Slatington Bridge structure and to construct and maintain a prestressed concrete spread box beam bridge having two, 87-foot spans with one pier and an approximate underclearance of 19 feet across Trout Creek (CWF), and to construct and maintain a temporary pedestrian bridge having three, 100-foot spans across Trout Creek (CWF). The project is located on Main Street, SR 0873 approximately 0.4 mile west of the Lehigh-Northampton County line (Palmertown, PA Quadrangle N: 0.5 inch; W: 15.3 inches). (Subbasin: 02C)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E28-334. Charles R. Smetzer, Jr., 758 Spruce Street, Hagerstown, MD 21740, in Washington Township, **Franklin County**, ACOE Baltimore District.

To replace an existing mobile home and to construct and maintain a single family residential house, with approximately 180 cubic yards of fill to be placed within the 100-year floodway of a UNT to West Branch Antietam Creek (CWF). The project is located near the intersection of Marsh Road and Cold Spring Road (Waynesboro, PA Quadrangle N: 0.40 inch; W: 14.48 inches; Latitude: 39° 45' 08"; Longitude: 77° 36' 11") in Washington Township, Franklin County.

E01-260. Hillandale Gettysburg, LP, 370 Spicer Road, Gettysburg, PA 17325 in Tyrone Township, **Adams County**, ACOE Baltimore District.

To realign approximately 760 linear feet of a UNT of Plum Run, to construct and maintain a stormwater treatment wetland adjacent to the realigned stream for the purpose of treating stormwater runoff, to construct and maintain a minor road crossing of the realigned channel with a 30' long by 2' diameter culvert, and to fill an existing onsite stormwater detention pond at Hillandale's Site 3 Farm (Hampton, PA Quadrangle; Latitude: 39° 56' 23", Longitude: 77° 06' 20"; N: 12 inches; W: 14.75 inches).

E05-332. East Saint Clair Township, 1445 Quaker Valley Road, New Paris, PA 15554 in East Saint Clair Township, **Bedford County**, ACOE Baltimore District.

To remove a 29.0-foot wide bridge having a clear span of 18.0 feet, and a height of 6.0 feet over a UNT to Adams Run (WWF) to construct and maintain a box culvert

having a length of 60.0 feet, a width of 22.0 feet, a height of 6.0 feet, and a one foot depression to be relocated approximately 16.0 feet further away from the intersection of Crissman Road (T-541) and SR 0056 (Bedford, PA Quadrangle N: 21.7 inches; W: 10.8 inches, Latitude: 40° 07' 10"; Longitude: 78° 34' 37"), for the purpose of providing intersection safety improvements associated with the widening of SR 0056 in East Saint Clair Township, Bedford County. The project will involve the relocation of approximately 96 lineal feet of a UNT to Adams Run; permanent impacts to 0.09 acre of Palustrine Emergent Wetland, and temporary impacts to another 0.02 acre of Palustrine Emergent Wetland. Stream and wetland impacts are being mitigated by the Department of Transportation under Water Obstruction and Encroachment Permit Nos. E05-340 and E05-341.

E21-374. Upper Allen Township, 100 Gettysburg Pike, Mechanicsburg, PA 17055 in Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To remove an existing 27-foot long by 36-inch CMP and to construct and maintain the following:

1. 98 linear feet of 66-inch by 51-inch CMP with baffles depressed one foot below the existing streambed elevation in the channel of a UNT to Yellow Breeches Creek resulting in the elimination of 90 linear feet of stream channel at a point 700 feet south of the intersection of Bumble Bee Hollow Road and Old Hollow Road (Lemoyne, PA Quadrangle N: 8.25 inches, W: 5.7 inches; Latitude: 40° 10' 12", Longitude: 76° 59' 12");

2. Eight 15-inch RCP storm sewer outfalls to the channel or left or right floodways of a UNT to Yellow Breeches Creek (CWF) beginning at a point 295 feet north of the intersection of Bumble Bee Hollow Road and SR 2004 (Lemoyne, PA Quadrangle N: 7.3 inches, W: 15.2 inches; Latitude: 40° 09' 56", Longitude: 76° 59' 02") and continuing upstream to a point 190 feet south of the intersection of Bumble Bee Hollow Road and Old Hollow Road (Lemoyne, PA Quadrangle N: 8.4 inches, W: 15.75 inches; Latitude: 40° 10' 18", Longitude: 76° 59' 14");

3. 70 linear feet of channel and stream bank grading immediately downstream of the proposed culvert involving the removal of an existing dam and 105 linear feet of channel and stream bank grading immediately upstream of the proposed culvert (Lemoyne, PA Quadrangle N: 8.25 inches, W: 5.7 inches; Latitude: 40° 10' 12", Longitude: 76° 59' 12"); and

4. 50 linear feet of R-7 riprap bank protection on the left bank of a UNT to Yellow Breeches Creek immediately upstream of the proposed culvert (Lemoyne, PA Quadrangle N: 8.25 inches, W: 5.7 inches; Latitude: 40° 10' 12", Longitude: 76° 59' 12").

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E12-162. Daniel R. Brehm, 518 Meadow Road, Emporium, PA 15834. Brehm dwelling addition in Portage Branch-Sinnemahoning Creek floodway, in Shippen Township, **Cameron County**, Baltimore ACOE District, (Emporium, PA Quadrangle N: 3.3 inches; W: 12.25 inches).

To modify and maintain an existing single-family dwelling and lot in the 100-year floodway of Portage Branch-Sinnemahoning Creek. The single-family dwelling shall be modified by constructing two 12-foot by 39-foot attached porches, a 12-foot by 15-foot attached carport, and the placement of an unattached 12-foot by 30-foot pre-

fabricated outbuilding, all in the 100-year floodway. The Brehm project is located at the western right-of-way of SR 0155, approximately 3,660 feet north of SR 0120 and SR 0155 intersection.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E42-324, Chevron Environmental Management Company, 6001 Bollinger Canyon Road, K2094, San Ramon, CA 94583-2324. Rixford Pumping Station Restoration Project, in Otto Township, McKean County, ACOE Pittsburgh District (Eldred, PA Quadrangle N: 41° 55' 51"; W: 78° 29' 06").

To excavate and remove waste materials, soil and other restoration activities that will temporarily impact a total of 0.29 acre of wetland (PSS) with restoration and reestablishment of the impacted wetland upon completion on property located along the north side of SR 246 just east of the village of Rixford.

[Pa.B. Doc. No. 06-2356. Filed for public inspection December 1, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance:

DEP ID: 562-4000-102 Title: Increased Operation and Maintenance Costs of Replacement Water Supplies (on All Coal and Surface Noncoal Sites) Description: This guidance document describes the process the Department will use to determine the bond amount needed to assure permanent payment of increased operation and maintenance costs for replacement water supplies. The guidance also describes alternative settlement/release provisions that may be followed by mine operators who opt to permanently pay the increased operation and maintenance costs for replacement water supplies through

settlements with the affected water supply owners. The guidance is issued under the authority of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21) and the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326). The draft version of this technical guidance document was advertised for public comment at 36 Pa.B. 3166 (June 24, 2006). During the 30-day public comment period, comments were received, which were addressed by the Department in a separate Comment and Response document, which is available on the Department's website. Contact: William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, 5th Floor, Harrisburg, PA 17105-8461, (717) 787-5103, wallen@state.pa.us. Effective Date: December 2, 2006.

DEP ID: 274-0300-001 Title: Continuous Source Monitoring Manual, Revision No. 8 Description: This Manual, referenced in 25 Pa. Code § 139.102 (relating to references), contains design specifications, performance specifications, performance test procedures, data storage and reporting requirements, quality assurance criteria and administrative procedures for requesting Department approval of continuous source monitoring systems required under the Department's rules and regulations. The Manual was revised in 2005 to harmonize requirements to meet the needs of State, Federal and Regional Programs. The major changes include the addition of a recertification guidance attachment and new PA EDR VERSION 2.0 Record Type Formats and Reporting Instructions. The draft version of this technical guidance document was advertised for public comment at 35 Pa.B. 5052 (September 10, 2005). During the 45-day public comment period, comments were received, which were addressed by the Department in a separate Comment and Response document, which is available on the Department's website. Technical guidance document number 274-0300-005: Applicability Determination for Continuous Source Monitoring Manual Revision No. 8 complements this manual by including the procedures and schedule owners of continuous source monitoring systems should use to comply with manual. Contact: Charles J. Zadakis, Chief, Continuous Emission Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468; (717) 772-3944, czadakis@state.pa.us. Effective Date: December 2, 2006.

DEP ID: 274-0300-005 Title: Applicability Determination for Continuous Source Monitoring Manual Revision No. 8. Description: This Manual outlines the procedures and schedule to be utilized by monitored source owners and operators to comply with the requirements of 25 Pa. Code § 139.102(3) (relating to references), which are identified and described in the Department's Continuous Source Monitoring Manual—Revision No. 8 (Manual) (DEP ID #274-0300-001). The manual contains requirements relative to monitoring system design and performance, testing, recordkeeping, reporting and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters. The draft version of this technical guidance document was advertised for public comment at 35 Pa.B. 5431 (October 1, 2005). During the 30-day public comment period, comments were received, which were addressed by the Department in a separate Comment and Response document, which is available on the Department's website. Contact: Charles J. Zadakis,

Chief, Continuous Emission Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468; (717) 772-3944, czadakis@state.pa.us. Effective Date: December 2, 2006.

DEP ID: 362-0300-002 Title: Small Flow Treatment Facilities Manual. Description: This Manual amends and clarifies the formerly established guidance (see 33 Pa.B. 5783 (November 22, 2003)) regarding the design, permitting, installation, operation and maintenance of domestic wastewater treatment facilities with flows no greater than 2,000 gallons per day. The draft version of the document, which included specific amendments concerning the grade of a building sewer, filter design loading rates, sand and underdrain piping specifications, accessible sand filter design and septic tank design, and the submission date of the Annual Maintenance Report was advertised for public comment at 36 Pa.B. 880 (February 18, 2006). During the 30-day public comment period, comments were received, which were addressed by the Department in a separate Comment and Response document, which is available on the Department's website. The guidance is issued under the authority of the Pennsylvania Sewage Facilities Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and 25 Pa. Code Chapter 91 (relating to general provisions). Contact: Tom Franklin, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, (717) 783-1820, thfranklin@state.pa.us. Effective Date: December 2, 2006.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2357. Filed for public inspection December 1, 2006, 9:00 a.m.]

Chesapeake Bay Advisory Committee Meeting Cancellation

The Chesapeake Bay Advisory Committee meeting scheduled for December 7, 2006, has been cancelled. The next meeting is scheduled to occur at 9 a.m. on March 1, 2007, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the December 7, 2006, meeting or the March 1, 2007, meeting should be directed to Dave Reed, Bureau of Watershed Management, (717) 772-5649, davreed@state.pa.us. The agenda and materials for the March 1, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5668 or through AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2358. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charges or records either: a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Worker's Compensation Act (77 P. S. § 1 et seq.) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to financial responsibility) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2005, through October 31, 2006, the consumer price index was 1.3%.

Accordingly, the Secretary provides notice that, effective January 1, 2007, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20	\$ 1.25
Amount charged per page for pages 21—60	\$.93
Amount charged per page for pages 61—end	\$.31
Amount charged per page for microfilm copies	\$ 1.83
Flat fee for production of records to support any claim under Social Security	\$23.49
Flat fee for supplying records requested by a district attorney	\$18.54

* Search and retrieval of records

*NOTE: Federal regulations enacted under the Health Insurance Portability and Accountability Act (HIPAA) at

45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, www.hhs.gov/ocr/hipaa.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department of Health is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Room 825 Health and Welfare Building, Harrisburg, PA 17120 or for speech and/or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) or V/TT (717) 783-6514

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2359. Filed for public inspection December 1, 2006, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 13, 2006, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Lewis Wolkoff, Bureau of Health Planning at (717) 772-5298, lwolkoff@state.pa.us or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2360. Filed for public inspection December 1, 2006, 9:00 a.m.]

Required Ground and Air Ambulance Equipment and Supplies

Under 28 Pa. Code §§ 1005.10(c) and 1007.7(c) (relating to licensure and general operating standards; and licensure and general operating requirements), the following equipment and supplies shall be carried and readily available in working order for use on basic life support (BLS) and advanced life support (ALS) ambulances, which also includes air (rotorcraft) ambulances.

A. Ground Ambulance Requirements

Ground Ambulances: Basic Life Support/ALS Mobile Care Unit /ALS Squad Unit

The ambulance must:

1. Meet the requirements of Federal Specifications KKK 1822 in effect at the time of the vehicles manufacture regarding design type, floor plan, general configuration and exterior markings. (Does not apply to an ALS squad unit.)

2. Meet the Pennsylvania Vehicle Code requirements, especially 67 Pa. Code Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles), which includes:

a. Red flashing or revolving exterior emergency lighting visible 360° around the vehicle.

b. No more than one flashing or revolving white or clear light or a light bar assembly that may contain no more than two flashing or revolving white or clear lights.

c. No more than two amber lights other than the turn signal indicators.

3. The following emblems and markings must be affixed to the vehicle exterior:

a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the curved surface of the hood or can be placed on a flat plastic type bug screen.

b. The word "AMBULANCE" shall be in letters of not less than 6" on each side and rear of the vehicle.

c. "Star of Life" shall be in the following sizes and numbers:

- Two 3" sizes located on each side of the word "AMBULANCE" on the hood of the vehicle or on a plastic bug screen.

- Two 16" sizes on the right and left side panels.

- Two 12" sizes on the rear of the vehicle.

- One 32" size on the vehicle rooftop.

Note: An ALS squad unit is required to have only 3" size "Stars of Life" and no other markings or emblems, but it must have the required number, that is 6. These are 2 on the front, 1 on each side and 2 on the rear.

4. The name of the ambulance service or its registered fictitious name in letters at least 3" in size on both the right and left exterior sides of the vehicle. Service name must be the dominant lettering.

5. Be equipped with an electronically operated audible warning device with a 110-watt speaker.

6. Overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls (Does not apply to an ALS squad unit.)

7. A dual battery system. (Does not apply to an ALS squad unit.)

8. One fully charged fire extinguisher rated at least 2 A: 10 B: C easily accessible by personnel and mounted securely in an exterior compartment or mounted and easily accessible in the cab of the vehicle. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months and have the appropriate and completed inspection tag attached.

9. A power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and on-board equipment shall be able to run at least five minutes without placing a demand on the engine.

10. A floor that is flat, reasonably unencumbered, free of equipment in the walk through areas, nonskid and well maintained. (Does not apply to an ALS squad unit.)

11. A minimum interior dimensions of 60" from floor to ceiling. (Does not apply to an ALS squad unit.)

12. An installed patient partition to separate the patient area from the driver area. (Does not apply to an ALS squad unit.)

13. Storage cabinets with sliding doors or with latches or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to an ALS squad unit.) Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on an ALS squad unit must be in cabinets or otherwise secured at all times.

14. Two IV hangers mounted flush with the ceiling. (Does not apply to an ALS squad unit.)

15. A litter for transporting a patient and at least three patient restraint straps in good operating condition which is secured to the litter. (Does not apply to an ALS squad unit.)

16. Doors that function properly with door seals that are in good condition; that is, not cracked, broken or missing pieces.

17. A "No Smoking" signs in both the driver and the patient compartment. On an ALS squad unit only one sign in the driver's compartment is required.

18. Operational heating, cooling and ventilation equipment.

19. A current vehicle inspection validation issued by the state where the vehicle is registered.

20. Operational radio equipment for communication with a public safety answering point (PSAP) (where 9-11 calls are answered) and hospitals in the ambulance services emergency service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

21. An installed, on-board oxygen system with the following (Does not apply to an ALS squad unit.):

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The securing brackets must be mounted to the vehicle frame. Services may use a liquid oxygen system that provides the same volume.

b. The cylinder must have more than 500 psi (500 liters of oxygen) of pressure at all times and be secured with at least 3 metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0-25 lpm delivery.

e. The unit must be equipped with a nonbreakable humidifier.

22. An installed, on-board suctioning system with the following components and/or capabilities (Does not apply to an ALS squad unit.):

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

e. The tubing must be able to reach airways of patients regardless of the patient's position in the ambulance and must be able to reach the head and foot of the litter.

23. Proof of current motor vehicle insurance.

B. Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft.

2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.

3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner), and 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 65-85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A pilot partition to prevent patient interference with flight controls.

9. A barrier or an FAA approved mechanism for securing a patient's chest, pelvis, legs, wrist and ankles.

10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least three headsets to allow for voice communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B: C, securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed, on-board suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. An on-board oxygen system with the following:

a. Cylinder(s) with a capacity of 1,200 liters.

b. The cylinder(s) must have at least 1,650 psi at the time of inspection.

c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.

d. A flow meter with a range of 0-25 lpm delivery.

Required Equipment and Supplies

Approved equipment and supplies shall be carried and readily available in working order for use on both ground and air ambulances. Some patients and crewmembers of an ambulance service may have allergies to latex. Latex free supplies are recommended, where possible. The following equipment and supplies must be carried on each ground and air ambulance, as indicated.

EQUIPMENT/ SUPPLIES	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
1. Rechargeable Portable Electric Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X
2. Suction catheters, pharyngeal: Rigid (2) Flexible: 6 and 8 (1 ea) 10 or 12 (2) 14 or 16 (2) Total of 6 (Must be sterile) Size is FR for each	X	X	X	X
3. Airways: Nasopharyngeal (5 different sizes) Oropharyngeal (6 different sizes)	X	X	X	X
4. Sphygmomanometer: Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X
5. Stethoscope (1)	X	X	X	X
6. Stethoscope Doppler (1)				X
7. Penlight (1)	X	X	X	X
8. Portable Oxygen Unit (1): Cylinder capacity of at least 300 Liters, D size, with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi. Nonsparking wrench/tank opening device. Gauge/flow meter not gravity dependent and can deliver 0-25 liter per minute Full spare cylinder with a 300 liter capacity Cylinders must be secured in the vehicle at all times.	X	X	X	X
9. Folding Litter/Collapsible Device (1)	X	X		

<i>EQUIPMENT/ SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
10. Oxygen Delivery Devices: Nasal Cannulae—adult/pediatric 1 ea. High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each. Pocket mask with one way valve and oxygen port (1) Humidifier bottle	X	X	X	X
11. Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic.	X	X	X	X
12. Dressings: Multi Trauma (10" by 30") (4) Occlusive (3" by 4") (4) Sterile Gauze Pads (3" by 3") (25) Soft self-adhering (6 rolls)	X	X	X	X
13. Bandage Shears (1)	X	X	X	X
14. Immobilization Devices: Lateral cervical spine device (1) Long spine board (1) Short spine board (1) Rigid/Semirigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)	X	X	X	X (Short board not required)
15. Bag-Valve-Mask Devices: Hand operated adult (1) Hand operated infant/pediatric (450-700cc) (1) Must be capable of high concentration oxygen delivery with adult and pediatric masks	X	X	X	X
16. Pediatric Equipment Sizing Tape/Chart	X			
17. Pediatric length-based Drug Dosing/ Equipment Sizing Tape		X	X	X
18. Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)	X	X	X	X
19. Splinting Devices: Lower extremity mechanical traction splint adult and pediatric (1 each or combination) Padded board splints 4.5'/3'/15" (2 ea)	X	X		
20. Sterile Water/Normal Saline (2 liters)	X	X	X	X
21. Sterile Burn Sheet (4' by 4') (2)	X	X	X	
22. Cold Packs, Chemical (4)	X	X	X	X
23. Heat Packs, Chemical (4)	X	X	X	X
24. Triangular Bandages (8)	X	X	X	
25. Sterile OB Kits (2)	X	X	X	X (Only 1 required)
26. Separate Bulb Syringe (1) Sterile	X	X	X	X
27. Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns	X	X	X	X

<i>EQUIPMENT/ SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
28. Blankets (2)—cloth	X	X	X	X
29. Sheets (4)	X	X		X
30. Pillowcases (2)	X	X		
31. Pillow (1)	X	X		
32. Towels (4)	X	X		
32. Disposable Tissues (1 box)	X	X		
34. Emesis Container (1)	X	X		
35. Urinal (1)	X	X		
36. Bed Pan (1)	X	X		
37. Disposable Paper Drinking Cups (3 oz) (4)	X	X		
38. State Approved Triage Tags (20)	X	X	X	
39. Hand-lights (6 volts) (2)	X	X	X	X
40. Hazard Warning Device (3)	X	X	X	
41. Emergency Jump Kit (1)	X	X	X	X
42. Survival Bag (1)				X
43. Emergency Response Guidebook (1) (current edition)	X	X	X	
44. Thermometer—electronic, digital, non- tympanic	X	X	X	X
45. Sharps Receptacle—Secured	X	X	X	X
46. Instant Glucose (40% dextrose-d- glucose gel) 45 grams	X	X	X	
47. Activated Charcoal—50 grams	X	X	X	
48. Access Equipment: Large Screwdriver, Phillips and slotted (1 each) Pliers (1 ea) (slip joint, lineman's needle nose, arc joint and locking) Hand-held Sledgehammer (3 lbs) (1) Impact metal Cutting Tool (1) Short pry-bar (1)—12" Cold Chisel (7" by 3/4") (1) Hacksaw w/2 extra blades (1) Adjustable Wrench—10" (1) Center Punch (1) Gloves (leather) (2 pairs) Hard-Hat and goggles (2)	X	X	X	
49. Flight Helmet (1 per crewmember)				X
50. Personal Infection Control Kit: Eye protection, clear, disposable (1 per crew member) Face Mask, disposable (1 per crew member) Gown/coat (1 per crew member) Surgical Caps/Foot Coverings disposable (1 set per crew member) Double Barrier gloves (1 set per crew member) Container (1 per vehicle) or disposable red bags (3 per vehicle)	X	X	X	X
51. Sponges, Alcohol, Prep (10)		X	X	X

EQUIPMENT/ SUPPLIES	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
52. Endotracheal Tubes Sizes/Quantities: 2.5 mm or 3.0 mm (2 uncuffed) 3.5 mm or 4.0 mm (2 uncuffed) 4.5 mm or 5.0 mm (2) 5.5 mm or 6.0 mm (2) 6.5 mm or 7.0 mm (2) 7.5 mm or 8.0 mm (2) 8.5 mm or 9.0 mm (2) Must be sterile and individually wrapped		X	X	X
53. Nonsurgical Alternative/Rescue Airways. Either 2 Combitubes, TM small and adult, or 3 King, ^{LT} 3, 4 and 5. Note: required by 7/1/2007		X	X	X
54. Endotracheal Tube Placement Validation Device (1ea) Ad/Ped. to verify correct placement (per regional protocol)		X	X	X
55. Wave-Form Electronic Capnograph Note: required by 7/1/2008		X	X	X
56. Laryngoscope handle with batteries and spare batteries and bulbs and the following blades: Straight Curved #1 (S) #3 #2 (M) #4 #3 (L) (1 each of the blades)		X	X	X
57. Meconium Aspirator (1)		X	X	X
58. Lubrication (2cc or larger tubes) sterile water soluble (2)	X	X	X	X
59. Forceps, Magill (adult/pediatric 1 each)		X	X	X
60. Medication and Supplies: Emergency Drugs—(per regional protocols and within state rules and regulations and within exp. date) Nebulizer System (1) Hypodermic needles: 16-18 gauge (4), 20-22 gauge (4) 23-25 gauge (4) Total of 12 and each Must be individually wrapped and sterile.		X	X	X
61. Defibrillator/Monitor: (FDA approved) (battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), ECG cables with 3 lead capability and pediatric and adult paddles with pacing capabilities or separate stand-alone pacer.		X	X	X
62. Defibrillator/Monitor Supplies: Paddle pads (4) or electric gel (2 tubes), electrodes, (ECG, adult and pediatric sizes 6 each)		X	X	X
63. Automated External Defibrillator (for authorized BLS services)	X			
64. Stylette, Malleable—pediatric (2)/adult (1). Must be sterile.		X	X	X

EQUIPMENT/ SUPPLIES	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
65. Cricothyrotomy Set (Surgical or Needle) Must be sterile.				X
66. Phlebotomy Equipment (per regional protocols)		X	X	
67. Flutter valve (1) Must be sterile.				X
68. Epinephrine Auto-Injector (For authorized BLS Services) 0.3 mg/0.3 ml of 1:1000 solution for adult use (2) 0.15 mg/0.3 ml of 1:2000 solution for pediatric use (2) (Not required for licensure)	X			
69. Pulse Oximetry (for services with medical director) (Not required for licensure)	X	X	X	X
70. Electronic Glucose Meter Note: required by 7/1/2007		X	X	X

All equipment that may be used in direct contact with patients must be reasonably clean and easily cleaned of blood and body fluids and no drug and/or medication may be carried beyond an expiration date assigned to it.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, braille) should contact Robert H. Gaumer, Department of Health, Bureau of Emergency Medical Services, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Persons with a speech or hearing impairment may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2361. Filed for public inspection December 1, 2006, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee Public Meeting

The Tobacco Use Prevention and Cessation Advisory Committee of the Department of Health will hold a public meeting on December 18, 2006, from 10:30 a.m. to 3:30 p.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information contact Judy Ochs, Director, Division of Tobacco Prevention and Control, or Brenda Reichert, Administrative Assistant, Division of Tobacco Prevention and Control, 1006 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 783-6600.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Judy Ochs or Brenda Reichert at (717) 783-6600, 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.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2362. Filed for public inspection December 1, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2006

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2006.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as that indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for one additional year. Any violation of

the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department will receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 2006, is the close of business on February 1, 2007. Applications shall be filed with the Department of Transportation, Bureau of Aviation, P. O. Box 3457, Harrisburg, PA 17101-3457.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Karen Hnatuck at khnatuck@state.pa.us or (717) 705-1205.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-2363. Filed for public inspection December 1, 2006, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on December 12, 2006, at 9:45 a.m. in Room 125C, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Allegheny Plateau

1. *John Armor Bingham House*, 124 South Diamond Street, Mercer, Mercer County, #007484
2. *Lynn Hall*, West side of SR 6, 1.5 miles west of Port Allegheny, Liberty Township, McKean County, #140515
3. *Foxburg Country Club and Golf Course*, 369 Harvey Road, Foxburg and Richland Township, Clarion County, #079057

Southwestern Pennsylvania

4. First National Bank of Charleroi, 210 5th Street, Charleroi, Washington County, #122201

Great Valley and Piedmont Region

5. LR 1 Sycamore Allee, along one or both sides of SR 147 approximately 1 mile north and south of Halifax, Halifax and Reed Townships, Dauphin County, #124138
6. Rohm and Haas Corporate Headquarters, 100 Independence Mall West, Philadelphia, #141923
7. Jacob Funk House and Barn, 3609 SR 212, Springfield Township, Bucks County, #128913

Anthracite Region and Poconos

No nominations

Ridge and Valley

No nominations

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 06-2364. Filed for public inspection December 1, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 16, 2006, and announced the following:

Regulations Approved

Environmental Quality Board #7-405: Standards for Contaminants; Mercury (amends 25 Pa. Code Chapter 123)

Department of General Services #8-11: Distribution of Federally Donated Foods to Needy Households (deletes 4 Pa. Code Chapters 51, 53 and 55)

Department of Revenue #15-439: School District Personal Income Tax (adds 61 Pa. Code Chapters 141—148)

Department of Revenue #15-440: Organ and Bone Marrow Donor Tax Credit (amends 61 Pa. Code Chapter 11)

Insurance Department #11-236: Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities (amends 31 Pa. Code Chapter 84d)

Pennsylvania Commission on Crime and Delinquency, Office of Victims' Service #35-29: Crime Victims Compensation (deletes 37 Pa. Code Chapter 191 and replaces it with new Chapter 411)

State Board of Education #6-301: Prekindergarten (amends 22 Pa. Code Chapters 4, 11 and 12)

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson, dissenting; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., dissenting

Environmental Quality Board—Standards for Contaminants; Mercury; Regulation No. 7-405 (#2547)

On June 16, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 123. The proposed regulation was published in the June 24, 2006 *Pennsylvania Bulletin* with a 60-day public comment

period. The final-form regulation was submitted to the Commission on October 17, 2006.

The regulation sets forth the procedures, requirements and standards for reducing mercury emissions from coal-fired electric plants.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 4005(a)(1) and (8)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq.

Department of General Services—Distribution of Federally Donated Foods to Needy Households; Regulation No. 8-11 (#2574)

On October 5, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of General Services. This rulemaking deletes Chapters 51, 53 and 55 from Title 4 Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking deletes three chapters of the Department's regulations that are obsolete because the responsibility for the Distribution of Federally Donated Foods to Needy Households program was transferred to the Department of Agriculture.

We have determined this regulation is consistent with the statutory authority of the Department of General Services (71 P. S. §§ 186 and 631.1(20)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq.

Department of Revenue—School District Personal Income Tax; Regulation No. 15-439 (#2575)

On October 11, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue. This rulemaking adds 61 Pa. Code Chapters 141 through 148. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation establishes rules for the implementation of a school district personal income tax as required by the Taxpayer Relief Act of 2006.

We have determined this regulation is consistent with the statutory authority of the Department of Revenue (Section 5004.1 of the Taxpayer Relief Act and 72 P. S. § 7354) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq.

Department of Revenue—Organ and Bone Marrow Donor Tax Credit; Regulation No. 15-440 (#2579)

On October 18, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapter 11. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation implements a portion of Act 65 of 2006, which provides a tax credit for multi-state businesses when an employee misses time from work to donate an organ or bone marrow.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 186) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq.

Insurance Department—Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities; Regulation No. 11-236 (#2578)

On October 13, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 84d. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation amends existing provisions dealing with mortality tables used as the valuation standard for life insurance policies.

We have determined this regulation is consistent with the statutory authority of the Department (40 P. S.

§ 71(c)(1) and 31 Pa. Code §§ 84c.5(a) and (b) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq.

Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services—Crime Victims Compensation; Regulation No. 35-29 (#2428); Regulation No. 35-29 (#2428)

On August 26, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services. This rulemaking deletes 37 Pa. Code Chapter 191 and replaces it with new Chapter 411. The proposed regulation was published in the September 11, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 4, 2006.

This regulation implements several recent amendments to the Crime Victims Act and replaces the existing regulation with procedures for claim processing, claim determination and appeal procedures.

We have determined this regulation is consistent with the statutory authority of the Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services (18 P. S. § 11.312(3)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 16, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; David M. Barasch, Esq.; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq.

State Board of Education—Prekindergarten; Regulation No. 6-301 (#2543)

On June 2, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapters 4, 11 and 12. The proposed regulation was published in the June 17, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 17, 2006.

This final-form rulemaking amends existing regulations to establish standards and criteria for prekindergarten programs operated by school districts or community agencies under contract with school districts.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. § 26-2603-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2365. Filed for public inspection December 1, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at www.irrc.state.pa.us for updates.

Final Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-407	Department of Transportation Prequalification of bidders	11/13/06	To be announced on our website after standing committees are designated

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2366. Filed for public inspection December 1, 2006, 9:00 a.m.]

2007 Meeting Schedule

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2007 as follows:

January 18, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
February 1, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
February 15, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
March 1, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street

March 15, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
April 5, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
April 19, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
May 3, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
May 17, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
June 7, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
June 21, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
July 5, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
July 19, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
August 2, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
August 16, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
September 6, 2007	10:00 a.m.	14th Floor Conference Room 333 Market Street
September 20, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
October 4, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
October 18, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
November 1, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
November 15, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
December 6, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street
December 20, 2007	10:30 a.m.	14th Floor Conference Room 333 Market Street

Individuals planning on attending or speaking at a public meeting should notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to the website at www.irrc.state.pa.us. If an executive session is deemed

necessary, it shall be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg. Individuals in need of special accommodations as provided for in the Americans With Disabilities Act of 1990, should contact Kristine Shomper at (717) 783-5419.

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2367. Filed for public inspection December 1, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

John W. Allen; Hearing

**Appeal of John W. Allen under 40 P. S.
§§ 991.2101—991.2193; HealthAssurance;
Doc. No. HC06-10-007**

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on December 20, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 15, 2006.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 6, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before December 13, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2368. Filed for public inspection December 1, 2006, 9:00 a.m.]

Application for Approval to Acquire Control

Mutual Management Company, LLC has filed an application to acquire control of Philanthropic Mutual Fire Insurance Company, a Pennsylvania domiciled mutual property insurance company. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to

Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2369. Filed for public inspection December 1, 2006, 9:00 a.m.]

Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 5, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2371. Filed for public inspection December 1, 2006, 9:00 a.m.]

Application for Approval of a Proposed Merger

Optimum Choice, Inc. of Pennsylvania, a for-profit health maintenance organization organized under the laws of the Commonwealth, has filed an application for approval to merge with AmeriChoice of Pennsylvania, Inc., a Pennsylvania domiciled for-profit health maintenance organization, with Optimum Choice, Inc. of Pennsylvania surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2370. Filed for public inspection December 1, 2006, 9:00 a.m.]

Judith E. Carvell; Prehearing

Appeal of Judith E. Carvell; License Denial; Doc. No. AG06-10-017

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for December 19, 2006. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 15, 2006. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 5, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 12, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2372. Filed for public inspection December 1, 2006, 9:00 a.m.]

Cardiology Consultants of Philadelphia, P. C.; Prehearing

Appeal of Cardiology Consultants of Philadelphia, P. C. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-10-029

On or before November 21, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 3, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 12, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 8, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 28, 2006, with the Hearings Administrator, Administrative Hearings Office,

Craig S. Cooper; Hearing

Appeal of Craig S. Cooper under 40 P. S. §§ 991.2101—991.2193; Aetna Healthcare, Inc.; Doc. No. HC06-10-010

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on December 14, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 12, 2006.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before November 30, 2006, with the

Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before December 7, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2373. Filed for public inspection December 1, 2006, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Automobile Rate and Rule Revisions; Rate Filing

On October 30, 2006, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.2% decrease amounting to -\$10.081 million annually, to be effective April 1, 2007.

Unless formal administrative action is taken prior to December 29, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2374. Filed for public inspection December 1, 2006, 9:00 a.m.]

Albert C. Lee, M. D.; Prehearing

Appeal of Albert C. Lee, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-10-015

On or before November 21, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 17, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 12, 2006. Each party shall provide a telephone number to be used for the telephone conference to the

Hearings Administrator on or before December 8, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 28, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 5, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2375. Filed for public inspection December 1, 2006, 9:00 a.m.]

The Phoenix Insurance Company, The Travelers Indemnity Company and Farmington Casualty Company Homeowners Rate and Rule Revision; Rate Filing

On November 8, 2006, the Insurance Department (Department) received from The Phoenix Insurance Company, The Travelers Indemnity Company and Farmington Casualty Company a filing for a rate level and rule revision for homeowners insurance.

The Phoenix Insurance Company requests an overall 2.5% decrease amounting to \$108,000 annually, to be effective December 8, 2006, for new business and February 13, 2007, for renewal business.

The Travelers Indemnity Company requests an overall 2.5% decrease amounting to \$102,000 annually, to be effective December 8, 2006, for new business and February 13, 2007, for renewal business.

Farmington Casualty Company requests an overall 2.5% decrease amounting to \$89,000 annually, to be effective December 8, 2006, for new business and February 13, 2007, for renewal business.

Unless formal administrative action is taken prior to January 7, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2376. Filed for public inspection December 1, 2006, 9:00 a.m.]

Qualified Unlicensed Reinsurers List

Under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1), the Insurance Commissioner (Commissioner) hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from such listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 26 Pa.B. 5665 (November 16, 1996); 27 Pa.B. 2593 (May 24, 1997); 27 Pa.B. 6019 (November 15, 1997); 28 Pa.B. 5733 (November 14, 1998); 28 Pa.B. 5922 (December 5, 1998); 29 Pa.B. 5965 (November 20, 1999); 30 Pa.B. 5033 (November 18, 2000); 31 Pa.B. 205 (January 13, 2001); 31 Pa.B. 6251 (November 10, 2001); 31 Pa.B. 7083 (December 29, 2001); 33 Pa.B. 92 (January 4, 2003); 33 Pa.B. 6474 (December 27, 2003) and 34 Pa.B. 6617 (December 11, 2004) and 35 Pa.B. 7073 (December 31, 2005).

Qualified Unlicensed Reinsurers List

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|-----------|---|-----------|--|
| 1. 10651 | AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey | 11. 36552 | AXA Corporate Solutions Reinsurance Company, Wilmington, Delaware |
| 2. 30511 | Allstate Floridian Insurance Company, Northbrook, Illinois | 12. 36951 | Century Surety Company, Columbus, Ohio |
| 3. 10852 | Allstate New Jersey Insurance Company, Northbrook, Illinois | 13. 39993 | Colony Insurance Company, Richmond, Virginia |
| 4. 37990 | American Empire Insurance Company, Cincinnati, Ohio | 14. 40371 | Columbia Mutual Insurance Company, Columbia, Missouri |
| 5. 26883 | American International Specialty Lines Insurance Company, Anchorage, Alaska | 15. 27955 | Commercial Risk Re-Insurance Company, South Burlington, Vermont |
| 6. 10316 | Appalachian Insurance Company, Johnston, Rhode Island | 16. 40509 | EMC Reinsurance Company, Des Moines, Iowa |
| 7. 11680 | Aspen Insurance UK Limited, London, England | 17. 39020 | Essex Insurance Company, Wilmington, Delaware |
| 8. 27189 | Associated International Insurance Company, Woodland Hills, California | 18. 35378 | Evanston Insurance Company, Evanston, Illinois |
| 9. 50687 | Attorneys' Title Insurance Fund, Inc., Orlando, Florida | 19. 97071 | Generali USA Life Reassurance Company, Lansing, Michigan |
| 10. 19925 | Audubon Indemnity Company, Ridgeland, Mississippi | 20. 37532 | Great American E & S Insurance Company, Wilmington, Delaware |
| | | 21. 41858 | Great American Fidelity Insurance Company, Wilmington, Delaware |
| | | 22. 88340 | Hannover Life Reassurance Company of America, Orlando, Florida |
| | | 23. 10241 | Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany |
| | | 24. 93505 | Hartford International Life Reassurance Corporation, Hartford, Connecticut |
| | | 25. 78972 | Healthy Alliance Life Insurance Company, St. Louis, Missouri |
| | | 26. 42374 | Houston Casualty Company, Houston, Texas |
| | | 27. 27960 | Illinois Union Insurance Company, Chicago, Illinois |
| | | 28. 22829 | Interstate Fire & Casualty Company, Chicago, Illinois |
| | | 29. 35637 | Landmark Insurance Company, Los Angeles, California |
| | | 30. 19437 | Lexington Insurance Company, Wilmington, Delaware |
| | | 31. 41939 | Liberty Northwest Insurance Corporation, Portland, Oregon |
| | | 32. | Lloyd's Underwriters, London, England |
| | | 33. 12324 | Mapfre Re, Compania de Reaseguros, S.A., Madrid, Spain |
| | | 34. 10744 | Markel International Insurance Company Limited, London, England |
| | | 35. 32089 | Medmarc Mutual Insurance Company, Montpelier, Vermont |
| | | 36. 14591 | Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin |
| | | 37. 33189 | Monticello Insurance Company, Wilmington, Delaware |
| | | 38. 20079 | National Fire & Marine Insurance Company, Omaha, Nebraska |
| | | 39. 41629 | New England Reinsurance Corporation, Hartford, Connecticut |

40. 17400 Noetic Specialty Insurance Company, Chicago, Illinois
41. 31143 Old Republic Union Insurance Company, Chicago, Illinois
42. 88099 Optimum Re Insurance Company, Dallas, Texas
43. 38636 Partner Reinsurance Company of the U. S., New York, New York
44. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama
45. 29807 PXRE Reinsurance Company, Hartford, Connecticut
46. 92673 Revios Reinsurance Canada, Limited, Los Angeles, California
47. 87017 Revios Reinsurance U.S. Inc., Los Angeles, California
48. RiverStone Insurance (UK) Limited, London, England
49. 28053 Rockhill Insurance Company, Kansas City, MO
50. 10679 St. Paul Reinsurance Company, Limited, London, England
51. 21911 San Francisco Reinsurance Company, Novato, California
52. 90670 Scottish Re Life Corporation, Jefferson City, Missouri
53. 41297 Scottsdale Insurance Company, Columbus, Ohio
54. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
55. 26557 Shelter Reinsurance Company, Columbia, Missouri
56. 10932 Starr Excess Liability Insurance Company, Ltd., Wilmington, Delaware
57. 39187 Suecia Insurance Company, Nanuet, New York
58. 19887 Trinity Universal Insurance Company, Dallas, Texas
59. 37982 Tudor Insurance Company, Keene, New Hampshire
60. 10292 Unionamerica Insurance Company Limited, London, England
61. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York
62. 13021 United Fire & Casualty Company, Cedar Rapids, Iowa
63. 10172 Westchester Surplus Lines Insurance Company, Atlanta, Georgia
64. 13196 Western World Insurance Company, Keene, New Hampshire
65. 10242 Zurich Specialties London Limited, London, England

2006 Changes to the Qualified Unlicensed Reinsurers List

The following companies have been added since the list was published at 35 Pa.B. 7073:

Allstate Floridian Insurance Company
Allstate New Jersey Insurance Company

The following company has changed its name since the list was published at 35 Pa.B. 7073:

Rockhill Insurance Company (formerly United Coastal Insurance Company)

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2377. Filed for public inspection December 1, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68, 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). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Geico Direct; file no. 06-130-21671; Hope Sevinsky; doc. no. P06-11-007; January 3, 2007, 10 a.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 Insurance Commissioner (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 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 an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2378. Filed for public inspection December 1, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 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). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Catherine Jennings; file no. 06-171-24336; Travelers Insurance Co.; doc. no. P06-10-006; January 11, 2007, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Mitchell and Claudia Weinberg; file no. 06-266-25574; Erie Insurance Co; doc. no. PH06-11-006; February 22, 2007, 1 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Sean Cavanaugh; file no. 06-308-24954; Safeco Insurance Co.; doc. no. PI06-10-019; December 8, 2006, 11 a.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 Insurance Commissioner (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 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 an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2379. Filed for public inspection December 1, 2006, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Louis M. Yanni, file no. 06-171-247665, Encompass Insurance Co., doc. no. P06-10-005; December 19, 2006, 1 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant 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 Insurance Commissioner (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 (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 an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2380. Filed for public inspection December 1, 2006, 9:00 a.m.]

Waynesboro Hospital; Prehearing

Appeal of Waynesboro Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-10-030

On or before November 29, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 20, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 15, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 6, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 13, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2381. Filed for public inspection December 1, 2006, 9:00 a.m.]

Waynesboro Hospital; Prehearing

Appeal of Waynesboro Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-10-031

On or before November 29, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's determi-

nation. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 20, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 15, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before December 6, 2006 with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 13, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2382. Filed for public inspection December 1, 2006, 9:00 a.m.]

OFFICE OF THE BUDGET

Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P. L. 324, No. 51), and as amended and reenacted by the Act of November 16, 2006 (P. L. 350, No. 72), mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by Section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 16 2006, that the salaries covered by that law shall be increased by 2.0% effective January 1, 2007. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

COLA ADJUSTMENT FOR ELECTED AND APPOINTED OFFICIALS RECEIVING SALARIES CONTAINED IN ACT 1995-51

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING OCTOBER 2006

<i>Position</i>	<i>Salary Prior to 1/1/2007</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2007</i>
Governor	\$161,173	2.0%	\$164,396
Lieutenant Governor	\$135,383	2.0%	\$138,091
State Treasurer	\$134,096	2.0%	\$136,778

<i>Position</i>	<i>Salary Prior to 1/1/2007</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2007</i>
Auditor General	\$134,096	2.0%	\$136,778
Attorney General	\$134,096	2.0%	\$136,778
Large Agency Head	\$128,938	2.0%	\$131,517
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$122,490	2.0%	\$124,940
Secretary of Aging			
Secretary of Community & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$116,045	2.0%	\$118,366
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairman	\$65,500	2.0%	\$66,810
Member	\$62,920	2.0%	\$64,178
Civil Service Commission****			
Chairman	\$73,703	2.0%	\$75,177
Member	\$70,868	2.0%	\$72,285
State Tax Equalization Board			
Chairman	\$22,565	2.0%	\$23,016
Member	\$20,952	2.0%	\$21,371
Milk Marketing Board			
Chairman	\$20,952	2.0%	\$21,371
Member	\$20,146	2.0%	\$20,549
Securities Commission***			
Chairman	\$35,253	2.0%	\$35,958
Member	\$32,163	2.0%	\$32,806
Athletic Commission			
Chairman	\$16,926	2.0%	\$17,265
Member	\$16,117	2.0%	\$16,439
Board of Pardons			
Member	\$14,827	2.0%	\$15,124
Public Utility Commission			
Chairman	\$124,990	**	\$127,440
Member	\$122,490	2.0%	\$124,940
Environmental Hearing Board*			
Chairman	\$124,990	*	\$127,440
Member	\$122,490	*	\$124,940
Board of Claims*****			
Chairman	\$119,040	2.0%	\$121,421
Member	\$112,774	2.0%	\$115,029

*: The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

** : Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

*** : Per Act 1998-51.

**** : Per Act 2002-140 effective November 27, 2002.

***** : Per Act 2002-118, effective October 2, 2002.

MICHAEL J. MASCH,
Secretary

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, December 12, 2006, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 06-2384. Filed for public inspection December 1, 2006, 9:00 a.m.]

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

Financial Statement

Under the provisions of section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (act of June 5, 1991, P. L. 9, No. 6) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2006, which includes an audit for the period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority's website, www.picapa.org or at 1429 Walnut Street, 14th floor, Philadelphia, PA 19102, (215) 561-9160.

ROB DUBOW,
Executive Director

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY
STATEMENT OF NET ASSETS
JUNE 30, 2006**

ASSETS

	Governmental Activities
CURRENT ASSETS:	
Cash, cash equivalents and short-term investments	\$ 156,060,827
PICA taxes receivable	9,491,001
Accrued interest receivable	448,708
Total current assets	166,000,536
OTHER ASSETS—Prepaid rent, security deposit and bond issuance costs	2,973,832
TOTAL	\$ 168,974,368

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES:	
Accounts payable	\$ 200,597
Accrued payroll and taxes	59,323
Due to the City of Philadelphia	10,821,083
Deferred revenue	27,066,842
Bonds payable—current portion	51,770,000
Total current liabilities	89,917,845
BONDS PAYABLE—Long-term portion	622,535,000
Total liabilities	712,452,845
NET ASSETS (DEFICIT):	
Restricted for debt service	82,522,323
Restricted for benefit of the City of Philadelphia	32,383,398
Restricted for subsequent PICA administration	1,708,556
Unrestricted deficit	(660,092,753)
Total net assets (deficit)	(543,478,477)
TOTAL	\$ 168,974,368

The accompanying notes are an integral part of this statement

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY
STATEMENT OF ACTIVITIES
YEAR ENDED JUNE 30, 2006**

	<u>Governmental Activities</u>
EXPENSES:	
Grants to the City of Philadelphia	\$ 231,672,132
General management and support—	
General operations	1,166,640
Interest expense on long term debt	<u>36,879,486</u>
 Total program expenses	 <u>269,718,258</u>
 PROGRAM REVENUES—	
Premium amortization	1,220,413
Interest	<u>6,587,096</u>
 Program revenues	 <u>7,807,509</u>
 Net program expenses	 <u>261,910,749</u>
 GENERAL REVENUES:	
PICA Taxes	311,035,953
Interest	<u>247,457</u>
 Total general revenues	 <u>311,283,410</u>
 DECREASE IN NET DEFICIT	 49,372,661
 NET ASSETS (DEFICIT)—Beginning of year	 <u>(592,851,138)</u>
 NET ASSETS (DEFICIT)—End of year	 <u>\$ (543,478,477)</u>

The accompanying notes are an integral part of this statement

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY
BALANCE SHEET-GOVERNMENTAL FUNDS
JUNE 30, 2006

ASSETS	General	PICA Tax Revenue		Debt Service Funds		2003	Debt Service Reserve Fund	Rebate Fund	Expendable Trust Funds		Total Governmental Funds
		1996	2006	1999	2003				1992	1993	
CURRENT ASSETS:											
Cash, cash equivalents and short-term investments	\$ 39,361,609	\$ -	\$ 244	\$ 561,781	\$ 558,065	\$ 76,019,702	\$ 1,822,972	\$ 11,909,380	\$ 2,594,319	\$ 17,763,751	\$ 156,060,828
PICA Taxes receivable	9,491,001										9,491,001
Accrued interest receivable	13,350			694	91,478	44,964	6,551	42,795	9,322	63,830	448,711
Interfund receivable	1,316,732					4,450,000					5,766,732
Total current assets	39,715,182	10,821,083	11,725	562,474	5,360,484	80,514,666	1,829,522	11,952,176	2,603,641	17,827,581	171,767,272
OTHER ASSETS—Prepaid rent and security deposit	19,181										19,181
TOTAL	\$ 39,734,363	\$ 10,821,083	\$ 11,725	\$ 562,474	\$ 5,360,484	\$ 80,514,666	\$ 1,829,522	\$ 11,952,176	\$ 2,603,641	\$ 17,827,581	\$ 171,786,454
LIABILITIES AND FUND EQUITY											
CURRENT LIABILITIES:											
Accounts payable	200,596										200,596
Accrued payroll and taxes	59,323										59,323
Due to the City of Philadelphia	9,700,000	10,821,083				4,450,000					10,821,083
Deferred revenue	5,600,000					166,732					14,150,000
Interfund payable											5,766,732
Total current liabilities	15,559,919	10,821,083				4,616,732					30,997,734
FUND EQUITY:											
Fund balances:											
Unreserved	6,457,802										6,457,802
Reserved for debt service			11,725	562,474	5,360,484	568,738	74,189,379	1,829,522			82,522,323
Reserved for benefit of the City of Philadelphia									11,952,176	2,603,641	32,383,398
Reserved for subsequent PICA administration											1,708,556
Designated for future swap/option activity	17,716,642										17,716,642
Total fund equity	24,174,444		11,725	562,474	5,360,484	568,738	75,897,935	1,829,522	2,603,641	17,827,581	140,788,720
TOTAL	\$ 39,734,363	\$ 10,821,083	\$ 11,725	\$ 562,474	\$ 5,360,484	\$ 80,514,667	\$ 1,829,522	\$ 11,952,176	\$ 2,603,641	\$ 17,827,581	\$ 171,786,454

Amounts reported for governmental activities in the statement of net assets are different due to:

Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds	(674,305,000)
Swap premium is deferred and amortized over the life of the new debt in the statement of net assets	(14,823,983)
Forward delivery agreement premium is amortized over the life of the agreement in the statement of net assets	1,907,137
Bond issuance costs are accrued and amortized in the statement of net assets	2,954,651
Net assets of governmental activities	\$ (543,478,477)

The accompanying notes are an integral part of this statement

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2006

	General	1999A	Debt Service Fund				Debt Service Reserve Fund	Rebate Fund	Expendable Trust Funds		Total Governmental Funds
			1996	2006	1999	2003			Capital Projects Fund	1994	
REVENUES:											
PICA Taxes	\$ 311,035,953	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 311,035,953	
Swap/option Premium	5,835,000	-	-	-	-	-	-	-	-	5,835,000	
Interest earned on investments	1,471,718	247,457	149,938	694	1,109,895	125,641	64,451	278,517	61,400	6,834,553	
Total revenues	7,306,718	311,283,410	149,938	694	1,109,895	125,641	64,451	278,517	61,400	435,857	
EXPENDITURES:											
Grants to the City of Philadelphia		230,487,728						55,967	279,713	848,725	
Debt service:											
Principal	2,740,894	-	4,210,000	39,075,000	5,995,000	4,494,822	-	-	-	49,280,000	
Interest	1,166,640	-	5,235,219	1,234,283	24,151,800	4,494,822	-	-	-	37,857,018	
Administration:											
Operations	3,907,534	-	9,445,219	1,234,283	63,226,800	10,489,822	-	55,967	279,713	848,725	
Total expenditures	3,399,184	80,795,682	(9,295,261)	(1,233,589)	(62,116,905)	(10,364,181)	64,451	222,551	(218,313)	(412,867)	
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	4,247,452	(80,795,682)	8,516,742	1,796,065	62,150,148	10,452,969	(6,367,692)	-	-	(0)	
OTHER FINANCING SOURCES (USES):											
Net operating transfers in (out)	7,646,636	0	(778,519)	562,474	33,243	88,788	(3,478,727)	222,551	(218,313)	3,729,717	
SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	16,527,809	-	790,244	-	5,327,240	479,850	79,376,662	1,729,625	2,821,954	137,059,004	
FUND BALANCES, JULY 1, 2005	24,174,444	0	11,725	562,474	5,360,484	568,738	1,829,522	1,925,176	2,603,641	140,788,721	
FUND BALANCES, JUNE 30, 2006											

Reconciliation of change in fund balance to change in net assets:
Change in fund balance 3,729,717
Repayment of bond principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets on the statement of net assets 49,280,000
Swap and forward delivery agreement premiums are deferred and amortized over the life of the new debt on the statement of net assets 1,220,413
Bond issuance costs paid and capitalized on statement of assets 1,093,833
Bond issuance costs are accrued and amortized on the statement of net assets (116,301)
Change in net assets \$ 55,207,661

The accompanying notes are an integral part of this statement

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Orders

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Able Co., Inc. (2006.0116.00);
C-20066097, A-120025*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Able Co., Inc. (the Respondent), a gas utility certificated at A-120025. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on May 8, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.
2. Able Co., Inc. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Barkeyville Gas Co. (2006.0116.00);
C-20066099, A-120010*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Barkeyville Gas Co. (the Respondent), a gas utility certificated at A-120010. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 13, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.
2. Barkeyville Gas Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.
3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Beaver Lake Sewer Co.
(2006.0116.00); C-20066101, A-230064*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Beaver Lake Sewer Co. (the Respondent), a wastewater utility certificated at A-230064. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 11, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Beaver Lake Sewer Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Conneaut Lake Park, Inc.
(2006.0116.00); C-20066157, A-210096*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Conneaut Lake Park, Inc. (the Respondent), a water utility certificated at A-210096. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 15, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Conneaut Lake Park, Inc. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Factoryville Bunker Hill Water Co.
(2006.0116.00); C-20066155, A-210113*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Factoryville Bunker Hill Water Co. (the Respondent), a water utility certificated at A-210113. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 14, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Factoryville Bunker Hill Water Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Herman Oil & Gas Co., Inc.
(2006.0116.00); C-20066153, A-121180*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Herman Oil & Gas Co., Inc. (the Respondent), a gas utility certificated at A-121180. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 15, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Herman Oil & Gas Co., Inc. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Ken-Man Water Company
(2006.0116.00); C-20066151, A-211430*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ken-Man Water Company (the Respondent), a water utility certificated at A-211430. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 13, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Ken-Man Water Company is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Lakeside Water Systems, Inc.
(2006.0116.00); C-20066148, A-210069*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Lakeside Water Systems, Inc. (the Respondent), a water utility certificated at A-210069. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 20, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Lakeside Water Systems, Inc. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Ligonier Mountain Land Co.
(2006.0116.00); C-20066147, A-210108*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ligonier Mountain Land Co. (the Respondent), a water utility certificated at A-210108. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 13, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.
2. Ligonier Mountain Land Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.
3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Shady Lane Water Co.
(2006.0116.00); C-20066136, A-212710*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Shady Lane Water Co. (the Respondent), a water utility certificated at A-212710. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 12, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.
2. Shady Lane Water Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.
3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2386. Filed for public inspection December 1, 2006, 9:00 a.m.]

Default Orders

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. @Access, LLC (2006.0116.00);
C-20066102, A-311193*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against @Access, LLC (the Respondent), a non-facilities based reseller of toll service certificated at A-311193. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 26, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of @Access, LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. @Access, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by @Access, LLC at A-311193 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Axius, Inc. (2006.0116.00);
C-20066111, A-311263*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Axius, Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-311263. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 14, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Axius, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and

also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Axius, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Axius, Inc. at A-311263 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Bentleyville Communications Co.
(2006.0116.00); C-20066113, A-310250*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Bentleyville Communications Co. (the Respondent), a facilities based competitive local exchange carrier and switched access carrier certificated at A-310250F0003. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 12, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Bentleyville Communications Co.'s certificate of public convenience is in the public interest. Furthermore, the

Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Bentleyville Communications Co. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Bentleyville Communications Co. at A-310250F0003 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Blue Ribbon Rentals II, Inc.
(2006.0116.00); C-20066117, A-310442*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Blue Ribbon Rentals II, Inc. (the Respondent), a non-facilities based competitive local exchange carrier certificated at A-310442. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 12, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been

filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Blue Ribbon Rentals II, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Blue Ribbon Rentals II, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Blue Ribbon Rentals II, Inc. at A-310442 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Capsule Communications, Inc.
(2006.0116.00); C-20066125, A-310915*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Capsule Communications, Inc. (the Respondent), a facilities based competitive local exchange carrier and facilities based toll carrier

certificated at A-310915F0002 & A-310915F0004. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 12, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Capsule Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Capsule Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Capsule Communications, Inc. at A-310915F0002 & A-310915F0004 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Cornerstone Telephone Co., LLC
(2006.0116.00); C-20066133, A-311316*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Cornerstone Telephone Co., LLC (the Respondent), a facilities based competitive local exchange carrier and switched access carrier certificated at A-311316F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 12, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Cornerstone Telephone Co., LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Cornerstone Telephone Co., LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of

public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Cornerstone Telephone Co., LLC at A-311316F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Covista, Inc. (2006.0116.00);
C-20066112, A-310640*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Covista, Inc. (the Respondent), a non-facilities based competitive local exchange carrier certificated at A-310640F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 12, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Covista, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Covista, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Covista, Inc. at A-310640F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Curry Communications, Inc.
(2006.0116.00); C-20066115, A-310416*

Default Order*By the Commission:*

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Curry Communications, Inc. (the Respondent), a facilities based competitive local exchange carrier and non-facilities based reseller of toll service certificated at A-310416. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 14, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Curry Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Curry Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Curry Communications, Inc. at A-310416 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Discount Network Services, Inc.
(2006.0116.00); C-20066120, A-310496*

Default Order*By the Commission:*

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Discount Network Services, Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-310496. In the

Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 17, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Discount Network Services, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Discount Network Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Discount Network Services, Inc. at A-310496 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Enhanced Communications Group,
LLC (2006.0116.00); C-20066129, A-310912*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Enhanced Communications Group, LLC (the Respondent), a non-facilities based reseller of toll service certificated at A-310912. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 20, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Enhanced Communications Group, LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Enhanced Communications Group, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of

public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Enhanced Communications Group, LLC at A-310912 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Mercury Long Distance, Inc. (2006.0116.00); C-20066164, A-311048

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Mercury Long Distance, Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-311048. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 13, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Mercury Long Distance, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Mercury Long Distance, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Mercury Long Distance, Inc. at A-311048 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Millenianet Corp. (2006.0116.00); C-20066184, A-311190

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Millenianet Corp. (the Respondent), a non-facilities based competitive local exchange carrier and reseller of toll service certificated at A-311190 and A-311190F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 14, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Millenianet Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Millenianet Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificates of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificates of public convenience held by Millenianet Corp. at A-311190 and A-311190F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Network Telecom Exchange Corp.
(2006.0116.00); C-20066176, A-310642*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Network Telecom Exchange Corp. (the Respondent), a facilities based competitive local exchange carrier, switched access carrier and facilities based toll carrier certificated at A-310642 and

A-310642F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 14, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Network Telecom Exchange Corp.'s certificates of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Network Telecom Exchange Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificates of public convenience held by Network Telecom Exchange Corp. at A-310642 and A-310642F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. TDI Communications, Inc.
(2006.0116.00); C-20066142, A-311131*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against TDI Communications, Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-311131. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 18, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of TDI Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. TDI Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by TDI Communications, Inc. at A-311131 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Vox Poluli Telecomm., Inc.
(2006.0116.00); C-20066095, A-311151*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Vox Poluli Telecomm., Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-311151. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on April 21, 2006. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that revocation of Vox Poluli Telecomm., Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Vox Poluli Telecomm., Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Vox Poluli Telecomm., Inc. at A-311151 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2387. Filed for public inspection December 1, 2006, 9:00 a.m.]

Default Orders

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Amerivision Communications, Inc.
(2006.0116.00); C-20066109, A-310349*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Amerivision Communications, Inc. (the Respondent), a facilities based competitive local exchange carrier and switched access carrier certificated at A-310349F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the address was unknown. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Amerivision Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Amerivision Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Amerivision Communications, Inc. at A-310349F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Cleartel Telecommunications, Inc.
(2006.0116.00); C-20066128, A-311222*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Cleartel Telecommunications, Inc. (the Respondent), a facilities based competi-

tive local exchange carrier, non-facilities based reseller of toll service and switched access carrier certificated at A-311222 and A-311222F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Cleartel Telecommunications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Cleartel Telecommunications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificates of public convenience held by Cleartel Telecommunications, Inc. at A-311222 and A-311222F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Dark Air Corporation (2006.0116.00); C-20066116, A-311157

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Dark Air Corporation (the Respondent), a facilities based competitive local exchange carrier, switched access carrier and competitive access provider or other certificated at A-311157 and A-311157F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Dark Air Corporation's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Dark Air Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public

convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificates of public convenience held by Dark Air Corporation at A-311157 and A-311157F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. ECI Comm., Inc. (2006.0116.00);
C-20066123, A-311162*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against ECI Comm., Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-311162. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the company moved. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of ECI Comm., Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. ECI Comm., Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by ECI Comm., Inc. at A-311162 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzigrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Fox Communications Corp.
(2006.0116.00); C-20066131, A-311247*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Fox Communications Corp. (the Respondent), a non-facilities based reseller of toll service certificated at A-311247. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the green card was marked other. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Fox Communications Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Fox Communications Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Fox Communications Corp. at A-311247 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Netel, Inc. (2006.0116.00);
C-20066178, A-310271*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Netel, Inc. (the Respondent), a non-facilities based reseller of toll service certificated at A-310271. In the Complaint, Prosecutory Staff

alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was presumably not served because the Post Office did not return the green card. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Netel, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Netel, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Netel, Inc. at A-310271 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Prime Telecommunications Net-
works (2006.0116.00); C-20066169, A-311044*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Prime Telecommunications Networks (the Respondent), a non-facilities based reseller of toll service certificated at A-311044. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the address was unknown. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2004 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Prime Telecommunications Networks's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Prime Telecommunications Networks immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of

public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Prime Telecommunications Networks at A-311044 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2388. Filed for public inspection December 1, 2006, 9:00 a.m.]

Default Orders

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Hopkins & Reedy Water Co.
(2006.0116.00); C-20066152, A-211425*

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Hopkins & Reedy Water Co. (the Respondent), a water utility certificated at A-211425. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was not served because it was not deliverable as addressed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Hopkins & Reedy Water Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the Pennsylvania Bulletin with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Ligonier Mountain Land Co. (2006.0116.00); C-20066146, A-230088

Default Order

By the Commission:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ligonier Mountain Land Co. (the Respondent), a wastewater utility certificated at A-230088. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Ligonier Mountain Land Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and

also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2389. Filed for public inspection December 1, 2006, 9:00 a.m.]

Insuring Consistent Application of 52 Pa. Code § 56.12(7) Equal Monthly Billing; Doc. No. M-00051925

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

Order

Before the Commission for consideration and disposition are Petitions for Reconsideration of the Commission's Final Interpretive Order (Petition) filed by PPL Electric Utilities Corporation (PPL) on June 19, 2006, National Fuel Gas Distribution Corporation (NFG) on July 3, 2006, and Columbia Gas of Pennsylvania, Inc. (Columbia) on July 28, 2006, relative to the above-captioned proceeding. In that proceeding, the Commission entered an order setting forth a proposed interpretive rule regarding 52 Pa. Code § 56.12(7) pertaining to the establishment and availability of equal monthly billing or budget billing for utility customers.

History of Proceeding

By order entered December 8, 2005, the Commission entered an order regarding a proposed interpretive rule to insure consistent application of equal monthly billing contained in the Consumer Standards and Billing Practices for Residential Service, which is generically referred to as Chapter 56, 52 Pa. Code Chapter 56. The Commission solicited comments, pursuant to Section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), from all interested parties in response to the proposed interpretive rule regarding 52 Pa. Code § 56.12(7) set forth in this order. The Commission requested feedback on whether the interpretative rule in that order was clear or whether this action would be better undertaken by a policy statement.

In the December 8 order, the Commission set forth several elements which it stated needed to be included in an acceptable budget billing program. The order was published in the Pa. Bulletin on December 24, 2005 at 39 Pa. B. 6970. The comment period ended January 3, 2006. Comments were filed by PPL Electric Utilities Corporation, PPL Gas Utilities Corporation, Columbia Gas of Pennsylvania, Inc., the Office of Consumer Advocate, the Office of Trial Staff and the Energy Association of Pennsylvania.

Based upon the comments, the Commission entered a Final Interpretive Order on June 2, 2006. That order stated that the following elements are essential to an acceptable budget billing program:

- Budget billing must be available, on a rolling enrollment basis, to all utility customers with residential end use irrespective of the rate the account is billed.¹

¹ See 52 Pa. Code § 56.1 (relating to definition of *residential service*).

- Based on well-established case history, budget billing must be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility.²
- Budget accounts are to be routinely monitored and adjusted at least three times per year, consistent with the Commission's regulations to prevent over or under collections to the extent possible.
- Natural gas utilities should adjust budget bills at least four times per year, in conjunction with their Purchased Gas Cost (PGC) rate adjustments.
- The budget billing payment period must be a minimum of 12 months, with no annual true-ups occurring during the winter heating season.
- If the true-up amount is less than 100% of the budget amount, customers should be given 3-6 months to pay off that amount.
- If the true-up amount is 100% or more of the budget amount, customers should be given 12 months to pay off that amount.
- Any tariff provision that is inconsistent with the Commission's interpretation of its regulation is deemed null and void.³

In the June 2 order, the Commission allowed affected natural gas, electric and steam heating companies six months from the entry date of that order to make the necessary programming modifications, test their system, and finally, implement a design which complies with this order. The Commission also stated in that order that it would incorporate this Final Interpretive Order in the next Chapter 56 rulemaking.

The above-mentioned Petitions for Reconsideration were filed in response to the June 2, 2006 order. Since all of the petitions request reconsideration of the same order, we will dispose of them jointly in this order.

Discussion

The Public Utility Code (Code) establishes a party's right to seek relief following the issuance of our final decisions pursuant to subsections 703(f) and (g) of the Code, 66 Pa.C.S. § 703(f) and (g), relating to rehearings, rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572(b) of our regulations, 52 Pa. Code § 5.572(b), relating to petitions for relief following the issuance of a final decision. The standards for a petition for relief following the issuance of a final decision were addressed in *Duick v. PG&W*, 56 Pa. PUC 553 (1982) (*Duick*).

Duick held that a petition for rehearing under Subsection 703(f) of the Code must allege newly-discovered evidence not discoverable through the exercise of due diligence prior to the close of the record. *Duick* at 558. A petition for reconsideration under Subsection 703(g), however, may properly raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior order, in whole or in part. Furthermore, such petitions are likely to succeed only when they raise "new and novel arguments" not previously heard or considerations which appear to have been overlooked or not addressed by us. *Duick* at 559.

We note that, pursuant to 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572, our power to modify or rescind final orders is limited to certain circumstances. A petition to

modify or rescind a final Commission order may only be granted judiciously and under appropriate circumstances, because such an order will result in the disturbance of final orders. *City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980); *City of Philadelphia v. Pa. PUC*, 720 A.2d 845 (Pa. Cmwlth. 1998); and *West Penn Power Company v. Pa. PUC*, 659 A.2d 1055 (Pa. Cmwlth. 1995).

Moreover, we note that any issue, which we do not specifically address herein, has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

PPL Electric Utilities Corporation

In its Petition, PPL states that it generally has no objections to the Commission's June 2 order. PPL's one area of concern is the prohibition against budget billing true-ups during the winter heating season. First, PPL states that the prohibition is overly broad. PPL notes that the Commission's concern in this area is the potential effect of a winter true-up on the bills of heating customers. However, the prohibition is not limited to heating customers, but instead applies to all customers.

Second, PPL states that even if the prohibition is limited to heating customers, "the prohibition is inappropriate because it is based upon a mistaken premise of how winter heating bills are affected by budget billing, particularly bills for customers with electric heat." PPL states that during the winter heating season, budget billing customers who have electric heat already pay substantially less than their actual bill. According to PPL, whether customers pay their budget billing balances starting in the winter, spring or summer is not particularly relevant, because PPL Electric reviews and adjusts budget amounts, as necessary, on a quarterly basis. As a result, budget amounts remain fairly constant year-round for most customers. PPL states that its budget billing program does not increase winter electric bills; rather, it levelizes bills over 12 months. In addition, PPL states that the requirement in the June 2 order to have budget billing balances greater than 100 percent of the monthly budget paid over a 12 month period further mitigates any adverse impact of true-ups on most customers.

In addition, PPL argues that a prohibition against true-ups in winter could have a detrimental effect on customers, since the number of customers who currently have winter true-ups is sizable; the company would most likely not want to start collecting budget billing balances in April from all of them because of the increased call volume. PPL states that changes in budget billing generally and in budget amounts specifically, result in increased telephone calls to PPL's customer call center. PPL argues that shifting winter true-ups to spring and summer will increase customer confusion with their bills, and ultimately, its call volume.⁴

Fourth, PPL argues that there does not appear to be customer demand for the winter true-up prohibition. Historically, PPL receives few Commission complaints regarding budget billing. PPL is concerned that the prohibition coupled with the complexity of the lengthened repayment periods, will result in additional informal complaints with the Commission.

² *Mary Frayne v. PECO Energy Company*, C-20029005 (Order entered September 10, 2003).

³ See 52 Pa. Code § 56.223 (relating to inconsistent tariff provisions).

⁴ Companies are reminded that they have a duty to investigate a consumer complaint. If a company recognizes an error, the company should notify the customer of the reason for the make-up bill and inform the customer of his or her rights.

Fifth, PPL states that it believes the Commission may not have fully recognized the impact on utilities of not allowing winter true-ups of budget billing accounts and giving some budget billing customers up to 16 months to pay off their balances. PPL alleges that extending the repayment period for budget billing increases deferred balances and write-offs, decreases cash flow and raises carrying charges for PPL.

Lastly, PPL asserts that the prohibition may be inconsistent with the desire of some customers to pay off budget billing balances quickly. Some of PPL's customers, who have the ability to pay, prefer to pay off their budget billing balance in a shorter period of time, even if the balance owed exceeds their monthly budget amount. PPL's past practice has been to accommodate these requests from budget billing customers. PPL would like to be flexible to continue this practice under the Commission's budget billing order.

PPL requests that the Commission reconsider its June 2 Final Interpretive Order and either delete or rescind the winter true-up portion of that order.

National Fuel Gas Distribution Corporation

In its petition, NFG states that it seeks reconsideration of the Commission's June 2, order because the Final Interpretive Order: (a) represents a change to the regulations as opposed to being a mere interpretation of the regulations, (b) conflicts with the rules regarding payment agreements established by Chapter 14, (c) creates a benefit for budget billing customers that is not available to customers choosing to pay their current bill, (d) will have an adverse impact on NFG's cash flow and receivables, and (e) will result in customer confusion regarding budget billing.

In particular, NFG argues that the Commission's Final Interpretive Order will have the effect of modifying 52 Pa. Code § 56.12(7) by establishing a minimum budget billing payment period of 12 months although the regulation expressly allows budget billing periods of 10 or 11 months. Furthermore, NFG asserts that the Commission's interpretation that "it is acceptable for an initial budget period to exceed 10, 11 or 12 months" is inappropriate since the language of the regulation does not allow for a budget billing period greater than 12 months. NFG states that to the extent utilities are required to defer collecting budget true-up amounts until a later date, customers are in effect being granted a budget billing period greater than 12 months, which it adds is not permitted under the existing regulation.

NFG also asserts that the Final Interpretive Order conflicts with the rules regarding payment agreements established by Chapter 14. Specifically, NFG states that 66 Pa.C.S. § 1405 grants the Commission permission to create payment agreements between customers and utilities based on the schedule set forth in subparagraph (b). However, the General Assembly limited the number of payment agreements that the Commission can establish in subparagraph (d) as follows:

(d) Number of payment agreements.-Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment agreement if a customer has defaulted on a previous payment agreement. A public utility may, at its discretion, enter into a second or subsequent payment agreement with a customer.

NFG argues that the Commission's interpretation, if implemented will have the effect of granting second or subsequent payment agreements to many customers who

defaulted on payments, in violation of § 1405(d). Furthermore, NFG states that ordering utilities to defer payment of budget billing true-up payments for a 3-6 month or 12 month period, the commission is creating payment agreements under chapter 14. NFG also argues that the Commission's directive that customers be given 12 months to pay true-up amounts where true-up amounts exceed 100% or more of the budget amount would also conflict with 66 Pa.C.S. § 1405(b)(4) which provides that the maximum period of time that the commission can allow a customer with gross monthly household income exceeding 300% of the Federal poverty level is 6 months.

Columbia Gas of Pennsylvania, Inc.

Columbia filed its comments in support of comments filed by NFG. Columbia believes that the Commission's Final Interpretive Order conflicts with Section 1405(d) of Chapter 14, by granting customers with prior defaulted payment agreements a second or subsequent payment agreement contrary to Section 1405(d). Columbia states that reconsideration of the Final Interpretive Order is necessary to: (1) observe the limit on the number of payment agreements permitted by Section 1405(d), (2) protect the utility's paying customers from uncollectibles, and (3) protect cash flow which will be negatively impacted by additional payment agreements.

Disposition

As stated in the Commission's Final Interpretive Order entered June 2, 2006, that order is an interpretive rule which does not establish a binding standard of conduct, and need not be promulgated in accordance with the Commonwealth Documents Law. *Lowing v. Public School Employees' Retirement Board*, 776 A.2d 306, 309(2001). "For an interpretive rule to be viable, however, it must genuinely track the meaning of the underlying statute, rather than establish an extrinsic substantive standard." *Id.* Based on our review of the practices and issues raised with respect to the budget billing comments, we issued the Final Interpretive Rule in order to provide beneficial and necessary guidance to utilities and ratepayers alike.

PPL argues that the prohibition against winter true-ups is overly broad since it includes all customers, not just heating customers. We agree. In the discussion section of the Final Interpretive Order, we stated that two commentators found winter true-ups for heating customers undesirable during the winter. However, when we enumerated the list of essential elements for an acceptable budget billing program, we did not limit that element to heating customers. Moreover, as explained by PPL, if the budget billing amount is reviewed and adjusted periodically, the true-up amount should not be substantial. Under these circumstances, we shall delete the prohibition on winter true-ups from the interpretive rule. Nevertheless, we reiterate what was stated in our Final Interpretive Order. We expect utilities to exercise good judgment in dealing with these situations, and to manage their budget billing programs in a manner designed to avoid large winter true-ups for heating customers.

We also agree with the commentators that there appears to be a conflict between Section 56.12(7) and the enumerated element that the budget billing period "must be a minimum period of 12 months . . ." In addition, NFG stated that some of its customers are satisfied with a 10 month budget billing program that allows customers to experience 2 months of lower current bills during the summer months. As stated in our Final Interpretive Order, the purpose of that order was to provide guidance.

Since our intent was not to change or modify the current regulation, we will modify the fifth bullet on page 19 of our Final Interpretive Order to more closely track the existing regulation. Accordingly, we do not intend to prohibit 10 or 11 month budget billing programs that suit the needs of some customers and utilities.

Finally, we agree with NFG and Columbia that bullet numbers 6 and 7, pertaining to how long customers should be given to pay off true-up amounts, raise interpretational issues with Chapter 14 payment arrangement limitations. The purpose of our Final Interpretive Order was to provide guidance as to how budget billing programs are managed, not to resolve interpretational issues that will be the subject of the rulemaking required at Section 6 of Act 201 to amend Chapter 56. Accordingly, we will delete bullet numbers 6 and 7 from these guidelines. However, we emphasize that we expect utilities to exercise good judgment in dealing with true-up amounts in their budget billing programs. The remaining elements enumerated are guidelines on how to set up budget billing programs and what common elements we expect to see in budget billing programs. These guidelines should have no effect on customer assistance programs and existing payment agreements. Moreover, the use of "should" for bullet numbers 4-7 is intended to communicate what the Commission would like to see practiced by utilities. Nevertheless, the elements listed as acceptable budget billing components are guidelines, not a mandate. As stated in our Final Interpretive Order the goal of budget billing is to allow new customers, and existing customers not previously enrolled in a budget billing program, to obtain the maximum benefits from the program, while benefiting utilities by reducing their exposure to uncollectible expenses. A properly designed and managed budget billing program will achieve these goals and benefit both the customer and the utility.

Based on our review of the arguments put forth in the Petitions for Reconsideration, the Petitioners have alleged considerations which appear to have been overlooked by the Commission, as required by *Duick, supra*. Accordingly, the Petitions for Reconsideration are hereby granted in part consistent with this order; *Therefore,*

It Is Ordered That :

1. The Petitions for Reconsideration filed by PPL Electric Utilities Corporation, National Fuel Gas Distribution Corporation and Columbia Gas of Pennsylvania, Inc. to the Commission's June 2, 2006 Final Interpretive Order are granted in part consistent with this order.

2. The June 2, 2006 Final Interpretive Order regarding § 56.12(7) which sets forth elements that are essential to an acceptable budget billing program is hereby modified as follows:

- Budget billing must be available, on a rolling enrollment basis, to all utility customers with residential end use irrespective of the rate the account is billed.⁵
- Based on well-established case history, budget billing should be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility.⁶
- Budget accounts are to be routinely monitored and adjusted at least three times per year, consistent with the Commission's regulations to prevent over or under collections to the extent possible.

⁵ See 52 Pa. Code § 56.1 (relating to definition of *residential service*).

⁶ *Mary Frayne v. PECO Energy Company*, C-20029005 (Order entered September 10, 2003).

- Natural gas utilities should adjust budget bills as often as necessary, but not less than three times per year. Rate changes such as increases in the Purchased Gas Cost (PGC) are examples of indicators that budgets may need adjustment.
- The budget billing payment period should average service costs over a 10, 11 or 12 month period.
- Any tariff provision that is inconsistent with the Commission's interpretation of its regulation is deemed null and void.⁷

3. In all other respects the Final Interpretive Order remains unchanged.

4. A copy of this Final Interpretive Order be published in the *Pennsylvania Bulletin*.

5. A copy of this Final Interpretive Order be served on all jurisdictional electric, gas, water, and steam heating companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Energy Association of Pennsylvania and the Public Utility Law Project.

6. Companies with computer systems unable to comply with this order are given six months from the entry date of this Final Interpretive Order to comply.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2390. Filed for public inspection December 1, 2006, 9:00 a.m.]

Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund; Doc. No. I-00040105

Public Meeting held
November 9, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzingrilli; Terrance J. Fitzpatrick

2006 Annual Price Stability Index/Service Price Index Filing of Denver & Ephrata Telephone and Telegraph Company; Doc. No. P-00981430F1000, R-00061377

2006 Annual Price Stability Index/Service Price Index Filing of Buffalo Valley Telephone Company; Doc. No. P-00981428F1000, R-00061375

2006 Annual Price Stability Index/Service Price Index Filing of Conestoga Telephone & Telegraph Company; Doc. No. P-00981429F1000, R-00061376

Order

By the Commission:

Presently before this Commission for consideration is the Joint Motion of The Rural Telephone Company Coalition¹ (RTCC), Office of Consumer Advocate (OCA), Office

⁷ See 52 Pa. Code § 56.223 (relating to inconsistent tariff provisions).

¹ The RTCC consists of the following rural incumbent local exchange carriers: Windstream Pennsylvania, Inc. f/k/a ALLTEL Pennsylvania, Inc., Armstrong Telephone Company—PA, Armstrong Telephone Company—North, Bentleyville Communications Corporation, d/b/a The Bentleyville Telephone Company, Buffalo Valley Telephone Company, Citizens Telephone Company of Kecksburg, Commonwealth Telephone Company, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company d/b/a D & E Telephone Company, Deposit Telephone Company, Frontier Communications of Breezewood, Inc., Frontier Communications of

of Trial Staff (OTS), and The United Telephone Company of Pennsylvania d/b/a Embarq Pennsylvania ("Embarq Pennsylvania") (f/d/b/a Sprint), (collectively "Joint Movants"). The Joint Motion concerns the RTCC/OCA/OTS/Embarq Pennsylvania's request that the Commission grant a further stay of the above-captioned investigation at I-00040105. Verizon Pennsylvania, Inc., Verizon North, Inc. and MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services (collectively "Verizon"), Qwest Communications, and Sprint Nextel Corporation filed status reports and answers to the Joint Motion requesting the Commission resume the investigation. The Joint Movants filed a status report in support of continuing the stay. T-Mobile Northeast LLC, f/k/a Omnipoint Holdings, Inc. d/b/a T-Mobile, Voicestream Pittsburgh LP d/b/a T-Mobile, and Celco Partnership d/b/a Verizon Wireless (collectively, the "Wireless Carriers") submitted a joint status report stating that because the FCC's *Unified Intercarrier Compensation* proceeding at CC Docket No. 01-92, and pending federal legislation may substantially alter the law governing intrastate universal service programs, these continuing federal administrative and legislative activities present a "moving target" of uncertain result with respect to the parameters and outcomes of any further investigation undertaken in this docket at this time. Therefore, the Wireless Carriers believe there is no value in continuing an active investigation on the questions posed by the Commission in its December 16, 2004 order initiating the investigation. The Commission's and interested parties' resources would be better spent elsewhere to address intrastate intercarrier compensation issues, according to the Wireless Carriers. The Office of Small Business Advocate filed an Answer agreeing with the Joint Movants that the FCC's *Unified Intercarrier Compensation* proceeding and pending Congressional legislation could significantly impact the issues raised in the instant proceeding.

Procedural History

The *Global Order*² of September 30, 1999 reduced access charges of all local incumbent exchange carriers operating in Pennsylvania. That order directed a Pennsylvania Universal Service Fund (PaUSF) be established to enable the rural incumbent local exchange carriers (ILECs) and Sprint/United to reduce access charges and intraLATA toll rates while at the same time ensuring that residential basic local service rates do not exceed the designated price cap of \$16.00 per month. The *Global Order* also called for an investigation to be initiated in January 2001 to further refine a solution to the question of how the carrier charge (CC) pool can be reduced and to consider the appropriateness of a toll line charge to recover any resulting reductions.

On July 15, 2003 at Docket Nos. M-00021596, P-00991648, P-00991649, M-00031694, M-00031694C0001, and P-00930715, this Commission entered an order granting a Joint Procedural Stipulation filed on June 5, 2003, by the RTCC, Sprint/United, OTS, OCA, OSBA, AT&T Communications of Pennsylvania, Inc., Verizon and MCI WorldCom Network Services, Inc. The Order further

reduced intrastate access charges for the rural telephone companies operating within the Commonwealth, and increased the cap on basic local service rates from \$16.00 to \$18.00 per month. The size of the Pennsylvania Universal Service Fund ("PaUSF" or "Fund") was not changed. No regulations were promulgated to alter the regulations³ governing the PaUSF or to terminate the Fund. The Fund continues until a further rulemaking is completed.

On December 20, 2004, the Commission entered an order in the above-captioned case instituting an investigation into whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers. This investigation was instituted as a result of the Commission's prior order of July 15, 2003, which discussed implementing continuing access charge reform in Pennsylvania. The July 15, 2003 order also provided that a rulemaking proceeding would be initiated no later than December 31, 2004, to address possible modifications to the PaUSF regulations and the simultaneous institution of a proceeding to address all resulting rate issues should disbursements from the PaUSF be reduced in the future.

The December 20, 2004 Order directed the Office of Administrative Law Judge conduct the appropriate proceedings including, but not limited to, a fully developed analysis and recommendation on the following questions:

(a) Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs' territories.

(b) What rates are influenced by contributors to and/or disbursements from the PaUSF?

(c) Should disbursements from the PaUSF be reduced and/or eliminated as a matter of policy and/or law?

(d) Assuming the PaUSF expires on or about December 31, 2006, what action should the Commission take to advance the policies of this Commonwealth?

(e) If the PaUSF continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based upon? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?

(f) What regulatory changes are necessary to 52 Pa. Code §§ 63.161—63.171 given the complex issues involved as well as recent legislative developments?

Following the institution of this investigation, the Federal Communications Commission (FCC) on March 3, 2005, entered its order instituting an intercarrier compensation proceeding at CC Docket No. 01-92 (FNPRM). The FCC is examining the intercarrier compensation system including interstate and intrastate access, reciprocal compensation and universal service. The FCC stated that one of the main reasons reform is needed is because the current intercarrier compensation system is based on jurisdictional and regulatory distinctions that are no longer linked to technological or economic differences. FNPRM at par. 15. The FCC also established goals for intercarrier compensation reform including the preservation of universal service and the promotion of economic efficiency (FNPRM at par. 33).

Canton, Inc., Frontier Communications of Lakewood, In., Frontier Communications of Oswayo River, Inc., Frontier Communications of Pennsylvania, Inc., The Hancock Telephone Company, Hickory Telephone Company, Ironton Telephone Company, Mahanoy & Mahantango Telephone Company, Marianna & Scenery Hill Telephone Company, The North-Eastern Pennsylvania Telephone Company, North Penn Telephone Company, North Pittsburgh Telephone Company, Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, Sugar Valley Telephone Company, Venus Telephone Corporation, West Side Telephone Company and Yukon-Waltz Telephone Company.

² *Re Nextlink Pennsylvania, Inc.*, Docket No. P-00991648; P-00991649, 93 PaPUC 172 (September 30, 1999) (*Global Order*); 196 P.U.R. 4th 172, aff'd sub nom. *Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania Public Utility Commission*, 763 A.2d 440 (Pa.Cmwlth. 2000), alloc. granted.

³ The regulations governing the PaUSF are found at 52 Pa. Code §§ 63.161—63.171. There is no sunset provision.

By order entered August 30, 2005, this Commission stayed the instant investigation for a period not to exceed twelve months unless extended by Commission order, or until the FCC issues its ruling in its *Unified Intercarrier Compensation* proceeding. We further ordered parties to submit status reports pertaining to related matters in the instant investigation and the FCC's *Unified Intercarrier Compensation* proceeding and the need for any coordination of these matters that may arise after the instant investigation is reinstated. We also stated that we shall entertain future requests for further stays of this investigation for good cause shown and for the purpose of coordinating this Commission's action with the FCC's ruling in its *Unified Intercarrier Compensation* proceeding.

We further ordered that upon the expiration of the twelve-month stay of the investigation or the issuance of a FCC ruling in the *Unified Intercarrier Compensation* proceeding, whichever occurs earlier, the parties to the proceeding shall submit status reports to the Commission pertaining to common or related matters in the instant investigation and the FCC's *Unified Intercarrier Compensation* proceeding and the need for any coordination of those matters or any new matters that may arise once the instant investigation is reinstated.

Upon receipt of the status reports, Commission Staff was directed to prepare a recommendation regarding the reinstatement of this investigation and taking of any other appropriate action.

On July 18, 2006, the so-called Missoula Plan was submitted to the FCC. The Missoula Plan was the product of a NARUC task force that included numerous working groups and stakeholders. Generally, the Missoula Plan seeks to unify intercarrier charges for all traffic over a four-year time period, reduce intercarrier compensation rates, provide an ability to recover those reduced rates through explicit means, move rates for all traffic closer together, and establish uniform default interconnection rules. By notice issued July 25, 2006, the FCC requested parties submit comments on the Missoula Plan by September 25, 2006, and reply comments by November 9, 2006. Further, on August 17, 2006, this Commission adopted a motion of Vice Chairman Cawley convening a workshop and facilitated discussion of interested participants, to facilitate the development of comments to the FCC. The workshop was conducted and comments were submitted to the FCC on October 25, 2006, regarding this Commission's opinion of the Missoula Plan. This FCC proceeding continues to have significant potential to directly impact if not render moot the issues in the instant proceeding.

On or about August 30, 2006, status reports were submitted to the Commission by the RTCC, OTS, OCA, Embarq,⁴ Verizon, Sprint/Nextel Corp.,⁵ the Wireless Carriers, and Qwest Communications. Additionally, the RTCC, OTS, OCA and Embarq filed a Joint Motion for further stay of investigation to which the other parties which filed status reports in objection. This Motion is ripe for a decision.

Background of *Global Order*

We established the PaUSF through our *Global Order* wherein we stated:

⁴ The RTCC, OTS, OCA and Embarq filed a joint status report.
⁵ Sprint Nextel Corp. filed on behalf of Sprint Communications Company L.P., its interexchange and competitive local exchange carrier entity and its wireless entities operating in the state, Sprint Spectrum, L.P. d/b/a Sprint PCS and Nextel Communications, Inc., and NPCR, Inc. d/b/a Nextel Partners.

The USF is a means to reduce access and toll rates for the ultimate benefit of the end-user and to encourage greater toll competition, while enabling carriers to continue to preserve the affordability of local service rates. Although it is referred to as a fund, it is actually a pass-through mechanism to facilitate the transition from a monopoly environment to a competitive environment—an exchange of revenue between telephone companies which attempts to equalize the revenue deficits occasioned by mandated decreases in their toll and access charges.

Global Order, page 142.

The establishment of the PaUSF was carried out on a revenue-neutral basis and included the rebalancing of intrastate access charges, toll rates, and local rates by the rural local exchange carriers. The PaUSF was a modified version of a settlement plan submitted by the RTCC and Bell Atlantic-Pennsylvania, Inc. (Bell is now Verizon-Pa.).

The components of the PaUSF, from the standpoint of the RTCC members, are briefly summarized below:

1. All small incumbent local exchange carriers, which included all ILECs other than Bell and GTE North (GTE North is now Verizon-North), were directed to be recipients of the PaUSF. The PaUSF was established for the purpose of the rate rebalancing needs of the rural local exchange carriers including reductions in their intrastate access and toll rates. All Pennsylvania telecommunications service providers (excluding wireless carriers) were directed to contribute to the PaUSF based upon their intrastate end-user revenues.

2. The RTCC members were permitted to restructure, modify and reduce their access, toll and local rates, as follows:

a) Intrastate traffic sensitive switched access rates and structure (including local transport restructure) were converted to mirror interstate switched access rates and structure in effect on July 1, 1998.

b) The Common Carrier Line Charge ("CCLC") was restructured as a flat-rate Carrier Charge ("CC") and reduced to an intrastate rate not exceeding \$7.00 per line and allocated to intrastate toll providers based on their relative minutes of use.

c) The RTCC members were given the opportunity to reduce their intrastate toll rates to an average rate not lower than \$.09 per minute.

d) The RTCC members with low local exchange rates were permitted to increase their residential one-party basic, local rates to an average monthly charge of at least \$10.83, to the extent necessary to offset the reduced toll rates.

e) Those RTCC members with an average monthly R-1 rate above \$16.00 (inclusive of touch-tone) were directed to provide their customers with a Universal Service credit to effectively reduce the rate to \$16.00 with the difference coming out of the PaUSF.

See *Global Order* at pp. 151-152. Sprint was not an original participant in the RTCC plan in the *Global Order* proceeding, but after pleading its inclusion in the USF at the *Global Order* hearings, the Commission ordered that it be included as a recipient carrier and in exchange for access charge reductions, it be allowed to draw \$9,000,000 from the PaUSF annually.

We also stated in our Global Order:

[W]e shall initiate an investigation on or about January 2, 2001, to further refine a solution to the question of how the Carrier Charge (CC) pool can be reduced. At its conclusion, but no later than December 31, 2001, the pool will be reduced. In addition, we shall consider the appropriateness of a Toll Line Charge (TLC)[or an intrastate Subscriber Line Charge] to recover any resulting reductions.

Global Order at 60.

Further Intrastate Rate Rebalancing History

In addition to the Commission's competitive undertakings on the intrastate side, the FCC instituted numerous proceedings aimed at further addressing an orderly transition from monopoly to a more competitive environment.

Pursuant to TA-96, the FCC undertook reform of both interstate access charges and federal universal service support mechanisms. Beginning in 1997, the FCC adopted several measures to move interstate access charges for price cap carriers toward lower, cost-based levels by revising the recovery of loop and other non-traffic sensitive costs from per-minute charges to flat rate per line charges thereby aligning rates more closely with the way the costs are incurred. For example, in order to phase out Carrier Common Line ("CCL") charges, the per-minute charges assessed on interexchange ("IXC") carriers through which ILECs recover their residual interstate loop costs that are not recovered through their capped federal SLCs, the FCC created the presubscribed interexchange carrier charge ("PICC"), a flat, per line monthly charge imposed on IXCs. The FCC also shifted the non-traffic sensitive costs of the line ports from per-minute local switching charges to the common line category and established a mechanism to phase out the per-minute transport interconnection charge (TIC). The FCC held that more rate structure modifications would be required to create a system that accurately reflects the true cost of service in all respects. The FCC believes the market-based approach, in which competitive forces primarily drive access charges down to cost-based levels, would serve the public interest better than regulatory-prescribed rates.

In the *Interstate Access Support Order*⁶ the FCC continued the process of access charge and universal service reform for price cap carriers. This order prescribed a more straightforward, and purportedly economical rational, common line rate structure by increasing the caps on the federal SLC, a flat monthly charge assessed directly on end-users to recover interstate loop costs, and phasing out the PICC, which the FCC viewed as economically inefficient due to the indirect flow of loop costs to end-users through IXCs. The FCC also revisited the controversial "X-factor," changing its function from a productivity offset to a tool for reducing per-minute access charges to target levels proposed by the CALLS members.

The FCC also established a new interstate access support mechanism, capped at \$650 million annually, to replace what the FCC deemed implicit support included in the interstate access charges of price cap carriers, finding \$650 million to be a reasonable amount that would provide sufficient, but not excessive, support. In this regard, the FCC observed that a range of funding levels might be deemed "sufficient" for purposes of TA-96,

and that "identifying an amount of implicit support in our interstate access charge system to make explicit is an imprecise exercise."⁷

In recognition of the need for a more comprehensive review of the issues of access charge and universal service reform for the remaining 1,300 or so rural carriers serving less than 2% of the nation's access lines, the FCC placed such reforms for the non-price cap carriers on a separate track. As documented in a series of white papers prepared by the Rural Task Force, which was constituted by the FCC to study the differences between the provision of telecommunications services in rural and non-rural areas, rural carriers generally have higher operating and facilities costs due to lower subscriber density, smaller exchanges and limited economies of scale.⁸ Significantly, rural carriers rely more heavily on revenues from access charges and universal service support in order to provide ubiquitous and affordable local service. On May 23, 2001, the FCC released its *Fourteenth Report and Order and Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Report and Order, 16 FCC RCD 11244 (released May 23, 2001) ("Rural Task Force Order").

The *Rural Task Force Order* changed the manner in which rural interstate universal service support is currently calculated and applied. Among other things, the *Rural Task Force Order* endorsed use of a modified embedded cost mechanism for rural carriers, as opposed to a forward-looking cost mechanism required for price cap carriers, to determine rural carrier support, and included implementation of a rural growth factor (the sum of annual line growth and a general inflation factor) and a safety net additive and safety valve to provide support for new investment and growth above stated thresholds. While created as an interim plan, the FCC also made clear its intention to develop "a long-term plan that better targets support to carriers serving high-cost areas, while at the same time recognizing the significant differences among rural carriers, and between rural and non-rural carriers."⁹

Having taken major steps in beginning to reform interstate high-cost support, interstate access charges and universal service support systems for non-rural carriers through a series of reports and orders in the matter of *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 and the *Interstate Access Support Order*, and the interstate high-cost support for rural carriers through the *Rural Task Force Order*, the FCC began to address the matter of interstate access charge and universal service support reforms for the rural carriers. On November 8, 2001, the FCC issued its *Second Report and Order* at CC Docket Nos. 01-304, 00-256 (MAG Plan), 96-45 (USF), 98-77 (Access Charge Reform) and 98-166 (Authorized ROR), in what is referred to as the MAG Order. In the *MAG Order*, the FCC stated its intent to align the interstate access rate structure with a lower, more cost-based level, remove what the FCC deemed to be implicit support for universal service and replaced it with explicit, portable and competitively neutral support. Specifically, the *MAG Order* lowered interstate access charges from approximately \$0.046 per minute to possibly as low as \$0.022 per minute; increased the interstate SLC

⁶ *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charges*, CC Docket Nos. 96-262, 94-1, 91-213, 95-72, First Report and Order, 12 FCC Rcd 15982, May 31, 2000, (*Access Charge Reform Order*) at 15998 Par. 35.

⁷ *Interstate Access Support Order* at 13046 par. 201.

⁸ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9164-65 (1977) (*Universal Service First Report and Order*) at 8917 par. 253 (subsequent history omitted); *Rural Task Force Order*.

⁹ *Id.* at 11249 par. 8.

over a period of time; and phased out the CCL by July 1, 2003, and replaced it with a portable Interstate Common Line Support ("ICLS") universal service mechanism. In addition, SLC caps were increased effective January 1, 2002, raising monthly per line rates from \$3.50 to \$5.00 for residence and single line business, and from \$6.00 and \$6.50, respectively. These interstate changes have resulted in significant increases to most Pennsylvania consumers which are in addition to the intrastate increases in local service rates under Chapter 30 rate rebalancings.

Discussion

In the instant proceeding, the Joint Movants request that the Commission issue an order staying the above-captioned investigation pending the outcome of the FCC unified intercarrier compensation proceeding at CC Docket No. 01-92 for at least one year after the Commission enters an order acting on this motion, or until the FCC rules on its *Unified Intercarrier Compensation* proceeding, whichever is earlier. For the reasons that follow, we shall continue the stay of the investigation for another year or upon completion of the FCC's *Unified Intercarrier Compensation* proceeding, whichever occurs first.

Although, the Joint Proposal does not expressly state that it advocates a continuation of the current PaUSF under the existing regulations codified at 52 Pa. Code §§ 63.161—63.171, we may infer that it is the position of the Joint Movants that the status quo be maintained until there is a resolution after an investigation and until a future rulemaking determines otherwise.

We acknowledge that the Missoula Plan as well as other plan proposals before the FCC could have a significant impact on rural access reform as many of these proposals propose interstate and intrastate access charge reform as well as federal and state universal service funds. Most of the proposed plans propose that rural carriers should continue to receive funding of their networks to foster universal service and in many cases create supplemental rural universal service funding or access charge replacement funding to compensate rural carriers for additional required access reform. The Missoula Plan contains provisions that, if adopted, would affect our jurisdiction over setting intrastate access charges. The Missoula Plan eliminates differences between intrastate access, interstate access and reciprocal compensation.

In Pennsylvania, we have taken steps to gradually reduce intrastate access charges through revenue-neutral methods, in an effort to increase competition in rural areas, while assuring affordable and reliable residential service in those areas by establishing our own Pennsylvania Universal Service Fund. We have a closed system, whereby certificated carriers offering service in Pennsylvania help support the intrastate access charge reform by contributing to the Pennsylvania Universal Service Fund. Intrastate revenues are re-distributed within the Commonwealth. This fund supports rural ILECs that are undergoing network modernization to offer residential rates at reasonable costs while still promoting competition in the rural more high-cost areas of the state. Most states do not have a similar fund.

The Missoula Plan apparently advocates that the FCC should exercise its authority to preempt state regulation of intrastate access and local interconnection and establish alternative cost recovery mechanisms within the intrastate jurisdiction. If adopted, it is unclear what this would cost Pennsylvania carriers and their ratepayers. If

a federal USF were to replace individual state USFs in access charge reform, it is possible that Pennsylvania would be a net-contributor to the federal Fund regarding access charge reform because we have already undertaken reform within our state, and our intrastate access charges are lower than many other states. Thus, other states would have a greater need to draw from a Federal USF to support a revenue-neutral intrastate access charge reduction. Probably, the states with higher revenues then would be contributing more to the Fund. This national re-distribution of wealth, from urban to rural states is a political policy, but not one which Pennsylvania advocates, because, although we have rural areas within our state, we are not a rural state when compared to Arkansas, Alaska, and Wyoming for example. Pennsylvania is generally a net-contributor to the Federal Universal Service Fund currently. Although we receive some monies for our Lifeline/Link-Up programs, Rural Health Care, Schools and Libraries, and High-Cost Support, our ratepayers pay far more into the Federal USF, than is given back by those four programs. All carriers operating in the nation would be contributing on a pro-rata share possibly based upon their revenues, and possibly, Pennsylvanians would pay a large portion of the cost.

The Missoula Plan proposes an "Early Adopter Fund" of \$200 million to support states that have already reduced intrastate access charges to closer mirror interstate access charges. However, since our PaUSF's inception in April, 2000, our 35 rural ILECs have received over \$200 million from the PaUSF in aggregate. Therefore, Pennsylvania would possibly not be able to fully recover under the "Early Adopter Fund" as proposed. The Missoula Plan also brings into question whether this Commission should act quickly to order further intrastate access charge reductions which possibly then would hurt our chances in the future of receiving federal subsidy monies for these reductions. Given all of these potential changes at the federal level that can affect universal service, we agree that the Joint Motion should be granted.

Moreover, we are persuaded to stay the investigation because there is pending United States Congressional legislation designed to change existing federal USF funding and potentially related issues and Congress is now back in session. A bill called the Universal Service Reform Act of 2006 (HR 5072) was introduced by House Representatives Rick Boucher and Lee Terry this year. A comprehensive legislative telecommunications reform initiative sponsored by Senator Stevens (HR 5252) also contains stabilization provisions for federal universal service funding purposes. Further stay of the procedural schedule at Docket No. I-00040105 remains both judicious and warranted until changes arising from the federal legislative landscape have settled and are known.

Verizon opposes the Joint Motion because three of the Joint Movants (Denver & Ephrata Telephone and Telegraph Company, Buffalo Valley Telephone Company and Conestoga Telephone and Telegraph Company) have unilaterally raised their intrastate access charges, actions inconsistent with their request for a stay. This Commission's recent rulings reviewing the PSI filings of the three movants allowed the three carriers to increase access rates as part of their 2006 Annual Price Stability Index/Service Price Index filings on the express condition that these rates would be subject to further investigation in the instant investigation.¹⁰ While we criticized the move

¹⁰ *Denver & Ephrata Telephone & Telegraph Company Supplement No. 251 to Tariff PaPUC No. 15 and Supplement No. 10 to Tariff PaPUC No. 16*, Order, R-00061377, June 23, 2006. *2006 Annual Price Stability Index/Service Price Index Filing of D & E Telephone and Telegraph Company*, Order, P-00981430F1000, June 23, 2006, *Buffalo*

to raise access rates noting that it appeared to contradict long-standing access service reform in Pennsylvania, we also ruled that if the companies did not bank the proposed increases or allocate them to basic local exchange services, the instant investigation would be expanded to include an examination of whether the three companies' access rate increases are consistent with the regulations and policies governing the PaUSF, the request for a stay of investigation, the previously approved Amended Chapter 30 Plans set forth in Docket No. P-0098143F1000, and the continuing statutory obligations set forth in Sections 3011(1)-(13), 3019(h) and Chapter 13 of the Public Utility Code.

As noted, Denver and Ephrata Telephone & Telegraph Company, Buffalo Valley Telephone Company and Conestoga Telephone and Telegraph Company (D&E Companies) filed a joint response to Verizon's opposition to further stay. First, the D&E companies argue Verizon failed to object to the 2006 Chapter 30 filings even though it was served with timely notice. Second, the companies argue they are faced with intermodal competition which precludes further increases in their basic exchange rates and the minor increases to their intrastate access charges were the only realistic means to achieve additional revenues to carry-out their accelerated Chapter 30 broadband deployment commitments. Finally, the companies argue Verizon is disingenuous and conflicting in its position because its own position regarding further reductions of Verizon's intrastate access charges at Docket No. C-20027195 is the same as the Joint Movants. In that proceeding, Verizon recognizes that the FCC's *Unified Intercarrier Compensation* proceeding will comprehensively address all types of intrastate compensation, including intrastate access rates. Verizon further stated that any rush by the Commission to get ahead of the FCC is ill-advised.

We agree with Verizon that to date, the D&E companies have neither banked their proposed increase, nor allocated it to basic local exchange services. Instead, they raised intrastate access charges. This policy seems contrary to our policy of the Global Order, wherein we emphasized a need for reducing intrastate access charges in the rural ILEC territories to gradually mirror interstate access charges in order to bring about greater competition in those areas. The Pennsylvania Universal Service Fund was established in April, 2000, in order to reimburse the rural ILECs for revenue losses attributable to reductions in intrastate access charges and intraLATA toll rates during this period of transition from a monopolistic industry to a competitive one, while at the same time ensuring basic local service rates for residential customers would stay under a reasonable cap. We are concerned as to how increases in intrastate access charges proposed by those same companies that participate in the Pennsylvania Universal Service Fund will ultimately affect the fund.

It is important to note that since the *Global Order* of September 30, 1999, this Commission has been lowering intrastate access charges in an effort to transition from a monopolistic to a competitive environment in rural areas within the Commonwealth. Generally, since *Global*, we have only discussed the reduction of access charges. The fact that we never expressly stated that increases to

access charges were precluded until the next investigation was held, does not mean the Commission intended to carve out an exception to our general public policy rule of lowering intrastate access charges and allow for intermittent increases to intrastate access charges with rural ILEC PSI filings. Such a policy would cause problems in the administration of the Pennsylvania Universal Service Fund which depends upon annual recalculations regarding what is owed recipient carriers versus what contributors owe on an annual basis. To allow carriers to increase their intrastate access charges mid-year would cause problems in calculating support owed the recipient carriers, and calculating mid-year reductions in the overall size of the fund.

Therefore, pursuant to express statutory authority at 66 Pa.C.S. § 703(g), we are hereby reconsidering our orders of June 23, 2006, which allowed Denver & Ephrata Telephone & Telegraph Company, Conestoga Telephone Company and Buffalo Valley Telephone Company to raise intrastate access charges. In light of our concerns, we shall hold further hearings under Section 703(g) so as to afford the parties due process, and to enable us to reconsider our earlier order in this matter and to determine, based on the record, whether any rescission or amendment would be warranted by the evidence, consistent with our access charge reform and universal service policies, and lawful under the companies' Chapter 30 plans. Moreover, revenues from increases in access charges collected from the date of this order may be subject to refund depending upon the outcome of these further hearings. The bifurcation of these hearings from the instant matter should adequately address Verizon's concerns regarding the instant motion. Further, given our action to reconsider the access charge increases previously approved for Denver & Ephrata Telephone & Telegraph Company, Conestoga Telephone Company and Buffalo Valley Telephone Company, other rural ILECs contemplating the submission of PSI filings should be prepared to fully support the justness and reasonableness of any proposed increase to intrastate access charges during the stay of this proceeding both in regard to Chapter 30 and the policies that underlie the Pennsylvania Universal Service Fund.

Sprint Nextel urges this Commission to deny the Joint Motion on the grounds that intrastate access reform, particularly for the rural carriers, is urgently needed. Sprint Nextel claims it pays an average intrastate access rate in Pennsylvania that is much higher than the national average intrastate access rate and significantly higher than interstate access rates paid to Pennsylvania ILECs, yet it offers no specifics regarding this claim. Further delay in the reduction of implicit subsidies in intrastate access rates is not warranted according to Sprint Nextel. If the FCC acts while the investigation is ongoing, that action should be factored into the proceeding and any necessary adjustments could be addressed at that time. However, Sprint Nextel argues that it is unlikely the FCC will act before mid-2007. Further, Sprint Nextel argues that it is uncertain whether preemptive action by the FCC against the states would be upheld by the courts. Sprint Nextel admits the FCC's resolution of the proceeding will have an impact on Pennsylvania's local exchange carriers, but it denies any evidentiary record compiled by moving forward with the investigation would be moot or stale if the FCC acts. Finally, although Sprint Nextel admits there is legislative activity underway at the federal level addressing universal service, there is no time frame set for deliberations

Valley Telephone Company Supplement No. 54 to Tariff Pa.PUC No. 7 and Supplement No. 8 to Tariff Pa.PUC No. 8, Order, R-00061375, 2006 Annual Price Stability Index/Service Price Index Filing of Buffalo Valley Telephone Company, Order, P-00981428F1000, Conestoga Telephone & Telegraph Company Supplement No. 206 to Tariff Pa.PUC No. 10, Supplement No. 7 to Tariff Pa.PUC No. 11, Order, R-00061376, June 23, 2006, 2006 Annual Price Stability Index/Service Price Index Filing of Conestoga Telephone & Telegraph Company, P-00981429F1000, Order, June 23, 2006.

and any definitive legislation action may not take place for several congressional sessions.

We are not persuaded by Sprint Nextel's argument to resume the investigation at this time. The looming decision of the FCC regarding the Missoula Plan and of pending federal legislation warrant a further one year stay of the investigation. Sprint Nextel's assertions that it pays more in Pennsylvania for intrastate access charges are made without specifics. There is no direct comparison between rural ILECs operating in our state with similar companies in other states. Neither is there a direct comparison between a national average intrastate access charge for rural companies with our companies or a comparison between interstate access charges and the intrastate access charges for rural carriers in our state.

Accordingly, for these above-stated reasons, the Joint Movants' request that the Commission stay this matter pending the outcome of the FCC *Unified Intercarrier Compensation* proceeding at Docket No. 01-92, for at least a period of twelve months or until the FCC acts on its Unified Intercarrier Compensation proceeding, whichever is earlier, will be granted.

Finally, we note that our contract with the third-party administrator of the Pennsylvania Universal Service Fund, Solix, Inc., is due to expire on December 31, 2006. Since, there has been no resolution to access charge reform, the status quo stays in place, and the Pennsylvania Universal Service Fund shall continue under the existing regulations codified at 52 Pa. Code §§ 63.161—63.171 until such time as regulations are promulgated eliminating or modifying the Fund. Law Bureau as Issuing Office is coordinating the selection of an Administrator of the Pennsylvania Universal Service Fund through a competitive bidding process for a contractual period of January 1, 2007 through December 31, 2010 with a possible one-year extension through December 31, 2011. The request for proposals has been posted on our website, www.puc.state.pa.us since October 25, 2006, and questions and answers pertaining to same are being placed upon the Commission's website as they are received and answered. Proposals are due by 1:30 p.m. on November 27, 2006. Ultimately, a provision shall be made in the final contract that the contract may need to be amended later if the Pennsylvania legislature authorizes or mandates changes or if the Commission orders the termination or the modification of the fund. Thus, if the fund is eliminated through the regulatory process prior to the expiration of the contract, the contract will terminate earlier than 2010; *Therefore*,

It Is Ordered That:

1. The Joint Motion of the Rural Telephone Company Coalition, Office of Consumer Advocate, Office of Trial Staff, and the United Telephone Company of Pennsylvania d/b/a Embarq Pennsylvania is granted in its entirety and this Investigation shall be further stayed pending the outcome of the FCC's *Unified Intercarrier Compensation* proceeding at CC Docket No. 01-92 or for one year from the date of entry of this Order, whichever is earlier.

2. The Commission Staff from the Office of Special Assistants and the Law Bureau is hereby directed to monitor the Federal Communications Commission's *Unified Intercarrier Compensation* proceeding.

3. The Commission shall entertain future requests for further stays of this investigation for good cause shown and for the purpose of coordinating this Commission's actions with the Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding.

4. Upon the expiration of the twelve-month stay of the instant investigation or the issuance of a Federal Communications Commission ruling in the *Unified Intercarrier Compensation* proceeding, whichever occurs earlier, the parties to this proceeding shall submit status reports to the Commission pertaining to common or related matters in the instant investigation and the Federal Communications Commission's Unified Intercarrier Compensation proceeding and the need for any coordination of those matters or any new matters that may arise once the instant investigation is reinstated. Status reports are due thirty days prior to the expiration of the on-year stay or thirty days after the FCC decision is made regarding the *Unified Intercarrier Compensation* proceeding, whichever occurs earlier.

5. Upon receipt of the status reports directed in Ordering paragraph 4, above, the Office of Special Assistants and Law Bureau shall prepare a Staff recommendation for the Commission's timely consideration at a Public Meeting on reinstating this investigation and taking any other appropriate action.

6. The Office of Administrative Law Judge will conduct expedited hearings pursuant to 66 Pa.C.S. § 703(g) reconsidering our orders of June 23, 2006, which had allowed Denver & Ephrata Telephone & Telegraph Company, Conestoga Telephone Company and Buffalo Valley Telephone Company to raise intrastate access charges. A recommended decision shall be made on or before February 28, 2007.

7. Upon the resumption of this investigation, the participating parties shall be afforded due process opportunities to supplement the evidentiary record.

8. Upon resumption of this investigation, the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: (a) the Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; (b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa.C.S. §§ 3015 and 3017; (c) the Pennsylvania Universal Service Fund; and (d) the potential effects on rates for the basic local exchange services of the rural ILECs.

9. The Pennsylvania Universal Service Fund shall continue under the existing regulations codified at 52 Pa. Code §§ 63.161—63.171 until such time as regulations are promulgated eliminating or modifying the Fund.

10. Revenues from increased intrastate access charges collected by Denver & Ephrata Telephone & Telegraph Company, Conestoga Telephone Company and Buffalo Valley Telephone Company may be subject to refund.

11. Law Bureau is directed as Issuing Office to coordinate the selection of an Administrator of the Pennsylvania Universal Service Fund through a competitive bidding process for a contractual period from January 1, 2007 through December 31, 2010 with a possible one-year extension through December 31, 2011. A provision should be made in the contract that the contract may need to be amended later if the Pennsylvania legislature authorizes or mandates changes or if the Commission orders the termination or the modification of the fund. Thus, if the fund is eliminated through the regulatory process prior to the expiration of the contract, the contract will terminate earlier than 2010.

12. A copy of this order be delivered to all telecommunications carriers operating in Pennsylvania and Solix, Inc. f/k/a NECA Services, Inc., the current Administrator of the Pennsylvania Universal Service Fund.

13. A copy of this order be delivered for publication to the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2391. Filed for public inspection December 1, 2006, 9:00 a.m.]

Request for Proposals to Conduct a Stratified Management and Operations Audit; Doc. No. D-06MGT029

The Pennsylvania Public Utility Commission (Commission) will soon be seeking a consulting firm to conduct the Stratified Management and Operations Audit (Management Audit) of Pennsylvania-American Water Company. Management Audits are periodically required of certain utility companies under 66 Pa.C.S. § 516(a) (relating to audits of certain utilities) and come under the Commission's general administrative power and authority to supervise and regulate all public utilities in this Commonwealth at 66 Pa.C.S. § 501(b) (relating to general powers). A Request for Proposal (RFP) will be prepared and issued by the Commission in the very near future and will be posted on the Commission's website at www.puc.state.pa.us (found under the Announcement section on the left menu bar of the home page). It is anticipated that the Management Audit will begin in June 2007 and that the consultant's final report will be completed by June 2008. A bidders' conference will be held to answer specific questions about the project and may be scheduled as early as mid-December 2006. The exact date of the bidders' conference will be announced in the RFP cover letter to be posted on the Commission's website. Questions related to the release of the RFP should be directed to John Clista at (717) 772-0317, fax (717) 783-9866, jclista@state.pa.us (e-mail).

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2392. Filed for public inspection December 1, 2006, 9:00 a.m.]

Tariff Supplement

P-00062241. Pennsylvania-American Water Company. Petition of Pennsylvania-American Water Company for approval to implement a tariff supplement to Tariff Water-PA PUC Number 4, revising the distribution system improvement charge.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 18, 2006. The documents filed in support of the application are available for

inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: John J. Gallagher, Esquire, Edward G. Lanza, Esquire, Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2393. Filed for public inspection December 1, 2006, 9:00 a.m.]

Telecommunications Services

A-310782F0002AMA. IDT America Corporation. Application of IDT America Corporation for approval to offer, render, furnish or supply telecommunications services as a facilities-based competitive local exchange carrier to the public in the service territory of Windstream Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 18, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: IDT America Corporation

Through and By Counsel: Michael A. Gruin, Esquire, Stevens and Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2394. Filed for public inspection December 1, 2006, 9:00 a.m.]

Telecommunications Service

A-311426F0002AMA. Ygnition Networks, Inc. Application of Ygnition Networks, Inc., for approval to offer, render, furnish or supply telecommunications services as a facilities-based competitive local exchange carrier to the public in the service territory of The United Telephone Company of Pennsylvania t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 18, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Ygnition Networks, Inc.

Through and By Counsel: Lance J. M. Steinhart, Esquire, Lance J. M. Steinhart, PC, 1720 Windward Concourse, Suite 250, Alpharetta, GA 30005

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2395. Filed for public inspection December 1, 2006, 9:00 a.m.]

Water Service

A-220950F2001. Borough of Emmaus. Application of the Borough of Emmaus for approval of the transfer of certain assets and customers of the Borough of Emmaus located outside of the borough limits to the Lehigh County Authority and for the Borough of Emmaus to abandon providing water service to the public outside of the borough limits.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 11, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Borough of Emmaus

Through and By Counsel: Scott J. Rubin, Esquire, 3 Lost Creek Drive, Selinsgrove, PA 17870

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2396. Filed for public inspection December 1, 2006, 9:00 a.m.]

Water Service

A-210126. Southern Berks Water Company. Application of Southern Berks Water Company for a certificate of public convenience authorizing it to commence public water service to the public in portions of Robeson Township, Caernarvon Township and New Morgan Borough, Berks County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 18, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Southern Berks Water Company

Through and By Counsel: Louise A. Knight, Esquire, David P. Zambito, Esquire, Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2397. Filed for public inspection December 1, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Requests for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #06-175.P, Asphalt Requirements, until 2 p.m. on Tuesday, December 19, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available December 5, 2006. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-2398. Filed for public inspection December 1, 2006, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditors' Report

Board of Directors
Port of Pittsburgh Commission
Pittsburgh, Pennsylvania

We have audited, in accordance with auditing standards generally accepted in the United States, the basic financial statements of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of and for the years ended June 30, 2006 and 2005 (not presented herein); and in our report dated September 15, 2006, we expressed an unqualified opinion on those financial statements.

As described below, the accompanying summary financial information of the Commission as of and for the year ended June 30, 2006 is not a presentation in conformity with accounting principles generally accepted in the United States. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the financial statements from which it has been derived.

Terry & Stephenson, P. C.
429 Forbes Avenue, Suite 1600
Pittsburgh, PA 15219

SEPTEMBER 15, 2006
PITTSBURGH, PENNSYLVANIA

**PORT OF PITTSBURGH COMMISSION
CONDENSED STATEMENTS OF NET ASSETS**

JUNE 30,

Assets:	2006	2005
Cash and investments	\$2,095,533	\$2,011,144
Capital assets, net of accumulated depreciation	1,542,077	1,600,998
Other assets	364,525	210,245
Total Assets	\$4,002,135	\$3,822,387
Liabilities and Net Assets		
Liabilities	2,104,865	2,163,522
Net Assets:		
Restricted for economic development	2,355,193	2,057,867
Invested in capital assets, net of related debt	(457,923)	(399,002)
Total Liabilities and Net Assets	\$4,002,135	\$3,822,387

**PORT OF PITTSBURGH COMMISSION
CONDENSED STATEMENT OF ACTIVITIES**

FOR THE YEAR ENDED JUNE 30,

	2006			2005	
Functions:	Expenses	Program Revenues		Net Revenue/ (Expense) and Change in Net Assets- Governmental Activities	Net Revenue/ (Expense) and Change in New Assets- Governmental Activities
		Charges for Services	Operating Grants and Contributions		
Governmental Activities:					
Port development	\$1,173,092	\$72,774	\$1,201,719	\$101,401	\$(226,424)
		General Revenues		137,004	103,205
		Change in Net Assets		238,405	(123,219)
		Net assets, beginning of year		1,658,865	1,782,084
		Net Assets, End of Year		1,897,270	1,658,865

The summary financial information shown above differs from accounting principles generally accepted in the United States. Differences include amounts grouped; captions summarized; management's discussion and analysis, governmental fund financial statements, and budgetary comparison schedules are not presented; footnote disclosures are omitted.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 06-2399. Filed for public inspection December 1, 2006, 9:00 a.m.]

STATE ATHLETIC COMMISSION

Public Meetings for 2007

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2007 under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 26, 2007

April 30, 2007

June 25, 2007

August 20, 2007

October 29, 2007

December 17, 2007

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 06-2400. Filed for public inspection December 1, 2006, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Huan The Nguyen t/d/b/a Magic Nails; Doc. No. 0193-45-2006

On September 27, 2006, Huan The Nguyen t/d/b/a Magic Nails, license no. CL-017370-L, of Philadelphia, Philadelphia County, was indefinitely suspended until such time as the remaining \$250 of a \$500 assessed civil penalty is paid.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 06-2401. Filed for public inspection December 1, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The 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.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services		③ Contract Information
Location:	Harrisburg, Pa.	④	Department
Duration:	12/1/93-12/30/93	⑤	Location
Contact:	Procurement Division 787-0000	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

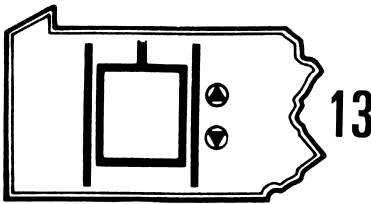
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

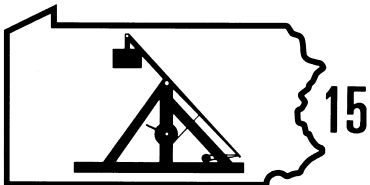
SERVICES



Elevator Maintenance

CN00023864. Contractor to provide elevator weight testing and hydraulic pressure testing at Warren State Hospital. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 02/01/2007-06/30/2007
Contact: John Sample, PA 1, 814-726-4448



Environmental Maintenance Service

BOGM 06-10. Cleaning Out and Plugging Five (5) Abandoned Oil and Gas Wells (Mr. and Mrs. David Rearick, Mrs. Frances Walker, Ms. Genevieve Morgan, Mr. and Mrs. Robert Lipnican and Mr. William Slagle Properties). The principal items of work include cleaning out and plugging five (5) abandoned oil and gas wells, estimated to be between 1,600-2,300 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on December 1, 2006 and bids will be opened on January 4, 2007 at 2:00 p.m. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Bruin and Parker Townships, Butler County
Duration: 60 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-8. Cleaning Out and Plugging Six (6) Abandoned Oil Wells (Mr. and Mrs. Robert Belleau, Mr. Richard Mancuso, Ms. Beth English, Mrs. Roger Cogswell, Mr. Stephen J. Rieder, Mr. Frank Krupa, Mr. Chester E. Munksgard and Mrs. Howard Dobson Properties). The principal items of work include cleaning out and plugging six (6) abandoned oil wells, estimated to be 1,000 feet each in depth to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on December 1, 2006 and bids will be opened on January 4, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Warren City, Warren County
Duration: 35 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-12R. Cleaning Out and Plugging Fourteen (14) Abandoned Oil Wells (Mr. and Mrs. Robert D. Roulo, Mr. Calvin D. Smith, Mr. and Mrs. Rick M. Bennett, Mr. Mark Pessia and Mr. and Mrs. Terry Commino Properties). The principal items of work include cleaning out and plugging fourteen (14) abandoned oil wells, estimated to be between 1,200-1,400 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on December 1, 2006 and bids will be opened on January 4, 2007. Bid documents cost \$10.00 per set and will not be mailed until payment has been sent. A pre-bid conference is scheduled for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

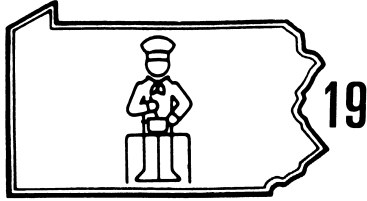
Department: Environmental Protection
Location: Eldred and Otto Townships, McKean County
Duration: 90 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-11. Cleaning Out and Plugging Thirty-Eight (38) Abandoned and Orphan Gas Wells (Various Property Owners). The principal items of work include cleaning out and plugging thirty-eight (38) abandoned and orphan gas wells, estimated to be between 1,400-2,000 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on December 1, 2006 and bids will be opened on January 4, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Chapman Township, Clinton County
Duration: 300 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-5. Cleaning Out and Plugging Two (2) Abandoned Oil Wells (Allegheny National Forest Property). The principal items of work include cleaning out and plugging two (2) abandoned oil wells, estimated to be 1,516 and 1,556 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on December 1, 2006 and bids will be opened on January 4, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Mead Township, Warren County
Duration: 15 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820



Food

CN00023800. Frozen Miscellaneous Food Contract for January, February and March 2007. If you are interested in placing a bid, please fax your request to 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID Number and PA State Vendor number. If you do not have a PA State Vendor number, one can be obtained by calling the Central Vendor Master Unit at : 877-775-2868 or by registering online at: <http://www.vendorregistration.state.pa.us/> Bid packages cannot be faxed.

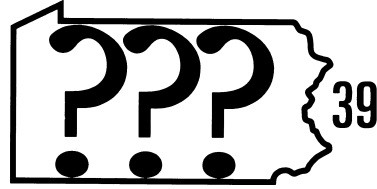
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1-March 31, 2007
Contact: Stanley Rygelski, PA, (570) 587-7291

CN00023801. Frozen Meat Contract for January, February and March 2007. To request a bid package, please fax your company letterhead to: 570-587-7108 that includes your name, address, telephone and fax numbers, federal ID number and PA State Vendor Number. If you do not have a PA State Vendor Number, one can be obtained by calling: 877-775-2868 and by registering online at: <http://www.vendorregistration.state.pa.us/> Bid Packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 451 Hillside Drive, Clarks Summit, PA 18411
Duration: January 1—March 31, 2007
Contact: Stanley Rygelski, PA, 570-587-7291

CN00023802. Frozen Poultry Contract for January, February and March 2007. To request a bid package please fax your company letterhead to: 570-587-7108 that includes your name, address, telephone and fax numbers, federal ID number and PA State Vendor Number. If you do not have a PA State Vendor Number, one can be obtained by calling the Central Vendor Master Unit at: 866-775-2868 and by registering online at: <http://www.vendorregistration.state.pa.us/> Bid Packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 451 Hillside Drive, Clarks Summit, PA 18411
Duration: January 1—March 31, 2007
Contact: Stanley Rygelski, 570-587-7291



Miscellaneous

06-146-3477. Request for Proposals by the Pennsylvania Turnpike Commission for a long-term, unsubordinated ground lease of 9± acres in Plymouth Township, Montgomery County, Pennsylvania, at Plymouth Road and Germantown Pike. The site is the current location of the Commission's Plymouth Meeting Maintenance Facility. A mandatory pre-proposal conference will be held Tuesday, December 5, 2006 at 11:00 A.M. at the Commission's Eastern Regional Office, 251 Flint Hill Road, King of Prussia, PA. Please review the RFP on our website at www.paturndpike.com and click on Doing Business with the PTC. Refer to RFP #06-146-3477. Questions should be directed to Property Management at 717-986-9674.

Department: Turnpike Commission
Location: Plymouth Township
Duration: Lease not to exceed 50 years.
Contact: Jayne Garver, 717-986-9674

RFP 30-06. The Department of Public Welfare Office of Children, Youth and Families, seeks proposals for Child Abuse Prevention and Education Program. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Proposals must be received no later than January 16, 2007 at 2:00 p.m. Please check back often to this site. Updates will be posted as they occur.

Department: Public Welfare
Location: Throughout the Commonwealth
Duration: Anticipated July 1, 2007 start date until June 30, 2010 with two 1-year renewal options.
Contact: Ed Collins, 717-705-3878

[Pa.B. Doc. No. 06-2402. Filed for public inspection December 1, 2006, 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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JAMES P. CREEDON,
Secretary

