

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

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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.

<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>
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.

<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					
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

<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			Report	26	
Oil and Grease			Report	29	
Suspended Solids			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-foot 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, Connelville, 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, Shippensburg, 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, Shippensburg, 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		

EQUIPMENT/ SUPPLIES	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
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	153,573	11,481	694	91,478	10,673	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		11,725	562,474	5,360,484	568,738	74,189,379	1,829,522			6,457,802
Reserved for debt service of Philadelphia									11,952,176	2,603,641	82,522,323
Reserved for subsequent PICA administration							1,708,556				32,383,398
Designated for future swap/option activity	17,716,642										1,708,556
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	\$ 568,738	\$ 80,514,667	\$ 1,829,522	\$ 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	
Swaps 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	323,705,506	
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										1,166,640	
Total expenditures	3,907,534	230,487,728	9,445,219	1,234,283	63,226,800	10,489,822	-	55,967	279,713	319,975,790	
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	3,399,184	80,795,682	(9,295,281)	(1,233,589)	(62,116,905)	(10,364,181)	64,451	222,551	(218,313)	(412,867)	
OTHER FINANCING SOURCES (USES)											
Net operating transfers in (out)	4,247,452	(80,795,682)	8,516,742	1,796,065	62,150,148	10,452,969	(6,367,692)	-	-	(0)	
SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	7,646,636	0	(778,539)	562,474	33,243	88,788	(3,478,727)	222,551	(218,313)	3,729,717	
FUND BALANCES, JULY 1, 2005	16,527,809	-	790,244	-	5,327,240	479,850	1,765,072	11,729,625	2,821,954	18,240,448	
FUND BALANCES, JUNE 30, 2006	24,174,444	0	11,725	562,474	5,360,484	568,738	1,829,522	11,923,176	2,603,641	140,788,721	

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 Pizzigrilli;
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 Pizzigrilli;
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,

<u>Assets:</u>	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:	<u>Expenses</u>	<u>Program Revenues</u>		<u>Net Revenue/ (Expense) and Change in Net Assets- Governmental Activities</u>	<u>Net Revenue/ (Expense) and Change in New Assets- Governmental Activities</u>
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>		
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.]